

m3 of storage using the canals freeboard. This arrangement would keep the canal topped up and avoid the need for dedicated attenuation areas within the site and their associated maintenance cost.

- 12.32 As presently drafted the whole approach is very short-term, with a maximum ten-year horizon for completion of all local canal works from the commencement of development. If the completion of the bulk excavation by Bloor Homes (out of the canal contribution) took place the concerns that the works would not be completed and so damage the image of the site would be completely overcome. It should be borne in mind that the Canal Trust is a volunteer organisation which operates with a longer timescale than a commercial business and the expectations for the completion of work on the canal should be couched in that context.
- 12.33 The canal corridor runs within the redline boundary but also extends to the North and South of this. The Canal Trust will need to raise money and considers that there should be a contribution towards the maintenance of the canal since the residents would benefit from it. The link to the south of the site and the Viaduct will need to be designed.

13. Written Representations

Written Representations in Response to the Inquiry

- 13.1 A total of 16 representations were received from parties who did not appear at or were not represented at the inquiry. In addition representations were made by the Rt Honourable Bill Wiggins MP and the Malvern Hills AONB Unit.
- 13.2 *Rt Honourable Bill Wiggins* drew attention to his constituents concerns in relation to the proposal, including traffic issues.
- 13.3 *AONB Unit* The higher numbers of vehicles using the quiet roads of the AONB will have a detrimental effect on the area. Even small-scale changes can have an eroding effect on the features and special qualities that characterise the area and that people value so highly. Tranquillity is listed in the Malvern Hills AONB Management Plan as a special quality of the area.
- 13.4 Modelling and mapping work for the AONB suggests that the area in the south west of the AONB, adjacent to the town of Ledbury and along the Bromyard Road is already classed, at best, as having only moderate tranquillity. This is likely to be a result of the area's association with the urban edge, including its man-made structures such as lights and roads. Further development in this area is likely to compound this effect and runs the risk of further reducing tranquillity. A growth in car traffic is one of the main threats to the tranquillity of the Malvern Hills AONB.
- 13.5 *Other Parties* raised the following issues:
- There is no requirement for additional housing in Ledbury. Any housing should be accompanied by significant investment in infrastructure;
 - Traffic issues in relation to the absence of a second access under the Viaduct;

- An architect should be appointed to avoid a mass of characterless housing;
- The proposal should include communal facilities such as green spaces and water;
- There is a need for affordable housing in Ledbury;
- Rainwater run-off onto Bromyard Road causes localised flooding;
- The proposal will give rise to rat-running of local lanes towards Wellington Heath;
- There will be an increase in carbon footprint due to the location of the access;
- The proposed Toucan crossing facilities will impact adversely on motorists;
- The lack of a second access under the Viaduct is contrary to Core Strategy Policies SS4, LB2, and MT1;
- The canal will not follow the original alignment and will become a static ditch;
- The provision of disabled access to the station will increase the burden on motorists using the Station Junction;
- The proposal would significantly increase the size of the population within Ledbury;
- There needs to be good pedestrian links from the appeal site to the primary school;
- A condition requiring the implementation of the footway and cycle way links to the Town Trail and the works the highway works to the junction should be imposed;
- The increase in traffic will be a danger to vulnerable road users such as walkers, horse-riders and cyclists;
- There is a conflict with the Council's highway design guidelines; and
- In a poll of local people the majority were against the proposal.

Written Representations at the time of the application²⁰⁰

13.6 Written representations raised the following additional issues:

- Environmental damage;
- Affordability of affordable homes;
- Not an appropriate site as it will not integrate with the town;
- Question money spent on canal;
- Site should deliver a new primary school;

²⁰⁰ CD 9.0

- Incompatibility of housing and employment uses;
- Will preclude the extension of the Ledbury bypass to North and East;
- Canal money should be spent on health, education;
- A lake would be better than a canal;
- Should be more soft landscaping for wildlife;
- Houses closest to River Leadon in danger of flooding;
- Loss of arable land and impact on food production;
- Loss of and development on 'best and most versatile' agricultural land;
- Employment land is not needed;
- Impact on the Grade II listed Viaduct;
- Impact on Wellington Heath;
- Ledbury has an under provision of sports facilities and the proposal does not help deliver or address this;

13.7 The following points were made in support of the proposal:

- Proposal would deliver affordable homes;
- Local people who can't get a home will be able to;
- Redevelopment of the canal;
- No objection to the number of houses;
- Proposal will create positive impacts on local economy and services;
- The site is the agreed housing strategy for Ledbury;
- The proposal for cycle-way / footpath from the south of the site, under the old canal bridge connecting directly to the Town Trail is a good option.

13.8 Further comments made include:

- adjoining businesses should be allowed to expand into the employment land;
- Allowing expansion of existing adjoining businesses will reduce traffic through the estate;

14. Conditions

14.1 A list of suggested conditions was included in a separate SoCG agreed between the Council and the appellant.²⁰¹

14.2 The conditions are divided into site wide conditions, housing development related conditions, employment related conditions and canal related

²⁰¹ CD4.7

conditions. As a consequence, there is duplication of some conditions that appear in both the housing related conditions, the employment related conditions and the canal related conditions. The parties submitted a further SoCG dated 10 July 2020 in relation to conditions.²⁰² This explained that the structure of conditions allows the applicant to dispose of or develop the site in a flexible manner, allows any party to easily and accessibly follow what has or needs to be discharged, and creates flexibility and assists the delivery and development of the site in the face of uncertain times with Covid-19 and Brexit.

- 14.3 These conditions were the subject of a roundtable session towards the end of the inquiry. The conditions were discussed on a without prejudice basis and were considered in light of the tests set out at paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. Following the close of the inquiry a post-inquiry Statement of Common Ground – Conditions document was submitted.²⁰³ This supplements the previous SoCG.
- 14.4 The parties are in agreement that the format of conditions meets the tests within the framework and Planning Practice Guidance. I have considered the comments made by the parties. Although I am not convinced that the conditions as set out would necessarily allow the site to be developed in a more flexible manner, they would provide clarity for potential developers, and the requirements imposed by them are not more onerous than would be the case should the conditions be combined. I am therefore satisfied that the approach to the conditions, namely providing separate conditions for the housing development, the employment development and the canal development is acceptable.
- 14.5 Section 100ZA(5) of the T&CP Act 1990 requires the written agreement of the applicant to any pre-commencement conditions. The submitted SoCG confirms the Applicant's written agreement to the terms of the pre-commencement conditions.
- 14.6 I have amended some conditions for clarity, precision, elimination of duplication and having taken account of advice in the Planning Practice Guidance. I have also re-ordered the conditions and the numbers in brackets now refer to the conditions as re-ordered in the schedule to this decision. Unless otherwise stated the conditions referred to below were agreed and are not controversial. A list of recommended conditions is attached at Appendix D.

Regulatory Conditions

- 14.7 Conditions (1) to (3) set out requirements in relation to the commencement of development. Condition (1) concerns the time period for the submission of reserved matters. The parties have agreed a period of 8 years for the submission the final reserved matter. This is considered to be acceptable in the light of the scale and nature of the development proposed. Condition (4) requires the development to be carried out in accordance with the site location plan and the site access roundabout plan.

²⁰² CD4.7a

²⁰³ ID39

Site Wide Pre-Commencement Conditions

- 14.8 Condition (5) relates to the phasing of the development and is necessary to ensure the satisfactory delivery of the development, the timely provision of infrastructure and that there is no adverse effect on the operation of the highway network. Condition (6) requires details of the housing mix of individual phases to be submitted and is necessary to ensure that the development meets the present and future housing needs of Ledbury. Condition (7) requires a Noise Masterplan and Acoustic Design Statement, whilst Condition (13) relates to details of noise attenuation measures for each phase of residential development. These conditions are necessary in order to provide acceptable living conditions for future occupants, due to the proximity of the railway line. Condition (8) requires contamination encountered during the course of development to be remedied and is necessary in the interest of human health. Condition (9) requires a working method for ecological works, as well as a habitat protection and enhancement scheme and is necessary to ensure that the proposed development provides a biodiversity net gain. Condition (10) requires a programme of archaeological survey and recording, whilst Condition (11) requires access for an archaeologist. These are both necessary in order to avoid irreparable harm to any identified heritage asset and allow the potential archaeological interest of the site to be investigated and recorded. Condition (12) requires an Arboricultural Method Statement and is necessary in order to safeguard any trees and hedgerows on the appeal site.

Site Wide Pre-Occupation Conditions

- 14.9 Condition (14) requires details of the control of the Emergency Access at Bromyard Road and is necessary in the interests of highway safety. Condition (15) seeks details of the landscape implementation and management of non-private garden areas and is necessary in order to enhance the character and appearance of the location and safeguard the setting of the Malvern Hills AONB.
- 14.10 Condition (16) requires details of finished floor levels and is necessary to ensure that the site is safe from flooding. Condition (17) precludes the locations of any new buildings and other structures within 8 metres of the River Leadon for the same reason, as well as to and to maintain access to the watercourse for maintenance. Condition (18) prohibits work during the bird nesting season to safeguard birds on the site. Condition (19) limits the number of dwellings on the appeal site and is necessary conforms with the environmental assessment within the ES and Policy LB2.

Housing Related Conditions

- 14.11 Condition (20) requires a Construction, Materials and Site Waste Management Plan to safeguard the environment. Condition (21) requires the submission of a Construction Management Plan, including measures requested by Network Rail in the interests of highway and railway safety. Condition (22) requires the submission of a drainage and flood risk strategy, including SuDs management and maintenance details and is necessary to ensure that the drainage proposals are satisfactory and to reduce or avoid exacerbating the flood risk.

- 14.12 Condition (23) requires the submission of a Travel Plan, whilst Condition (25) requires the provision of cycle accommodation. Both conditions are necessary in order to promote sustainable travel. Condition (24) requires any remediation scheme in relation to contamination (Condition (8)) to be implemented before the dwellings are occupied and is necessary in the interests of human health. Condition (26) requires the provision of turning and parking areas and is necessary in the interests of highway safety. Condition (27) deals with external lighting and is necessary in order to safeguard amenity and to maintain the Dark Skies within the AONB. Condition (28) requires the implementation of water efficiency measures in accordance with Core Strategy Policies SD3 and SD4. Condition (29) requires facilities to charge plug-in and other ultra-low emission vehicles in the interests of climate change.

Employment Related Conditions

- 14.13 Condition (30) requires a Construction, Materials and Site Waste Management Plan to safeguard the environment. Condition (31) requires the submission of a Construction Management Plan, including measures requested by Network Rail in the interests of highway and railway safety. Condition (32) requires the submission of a drainage and flood risk strategy, including SUDs management and maintenance details and is necessary to ensure that the drainage proposals are satisfactory and to reduce or avoid exacerbating the flood risk. Condition (33) requires details of external lighting and is necessary in order to safeguard amenity and in to maintain the Dark Skies within the AONB. Condition (34) requires the submission of a Travel Plan whilst Condition (35) requires the provision of covered cycle storage facilities. Both conditions are necessary in order to promote sustainable travel. Condition (36) requires facilities to charge plug-in and other ultra-low emission vehicles in the interests of climate change. Condition (37) requires the provision of turning and parking areas and is necessary in the interests of highway safety.
- 14.14 Condition (38) restricts the use of the Employment land to Use Class B1. The reasoning given for this is to safeguard amenity, deliver the economic objectives of the development plan and for reasons of highway safety.

Canal Related Conditions

- 14.15 Condition (39) requires a Construction, Materials and Site Waste Management Plan to safeguard the environment. Condition (40) require the submission of a Construction Management Plan, including measures requested by Network Rail in the interests of highway and railway safety. Condition (41) requires the submission of a surface water drainage and flood risk strategy and is necessary to ensure that the drainage proposals are satisfactory and to reduce or avoid exacerbating the flood risk. Condition (42) requires details of external lighting and is necessary in order to safeguard amenity and in to maintain the Dark Skies within the AONB.
- 14.16 Suggested Condition (14) requires details of the phasing in respect of the Station Junction works and other off-site works to be submitted for approval and subject to a Road Safety Audit. The phasing of the off-site highway works is required by Condition (5) and the scheme has already been subject to a Stage 1 Road Safety Road Audit. I therefore consider Condition (14) to be unnecessary. Suggested Condition (29) requires arrangements to facilitate

broadband. This is not considered to be necessary since it is a service that would inevitably be provided in any event. Suggested Condition (39) duplicates suggested Condition (38) and therefore is not necessary.

- 14.17 Ms Tinkler on behalf of LTC suggested an additional condition requiring an Environment Colour Assessment to ensure that the colour palettes to be used in the development do not harm the setting of the AONB.²⁰⁴ I consider the suggested condition to be unnecessary, since the proposed development would be largely separated from the AONB by the existing employment uses and the reserved matters would provide sufficient control in relation to this matter.

15. Planning Obligations

- 15.1 The appellant submitted a signed Agreement dated 2 October 2020 under S106 of the Act. It includes obligations to make financial contributions towards education, sustainable transport, waste and recycling, sports facilities, medical care, and hospital care. It also covenants to provide 40% of the dwellings as affordable housing. In addition, it covenants to provide a phase wide open space scheme, including management and maintenance.
- 15.2 The Council submitted a 'Statement of Compliance with CIL Regulations' setting out its justification for each of the contributions sought in accordance with the policy tests set out in the Framework and the statutory test in regulations 122 of the Community Infrastructure Levy (CIL) Regulations 2010.²⁰⁵ The Council and the appellant also submitted a joint note that summarises the S106 Agreement.²⁰⁶
- 15.3 The obligation requires the developer to provide 0.57 hectares of open space and 1.15 hectares of children's play area including 0.35 hectares of formal play space. Core Strategy Policies OS1 and OS2 require all new residential development to make provision for open space in accordance with all applicable set standards. The provision of open space is necessary in order to ensure a satisfactory standard of amenity for future resident. I am satisfied that it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
- 15.4 The education contribution provides for a contribution towards the enhancement of the primary and secondary education within Ledbury. The contribution is necessary to mitigate the impact of the proposed development on education facilities within Ledbury and also to comply with Core Strategy policy LB2 which requires the development of the site to provide a 210 place primary school within the development, or the expansion of the existing primary school.
- 15.5 The contributions would be used to enhance and improve facilities at Ledbury Primary School and John Masefield Secondary School. I am satisfied that the education contribution is directly related to the development proposed and is fairly and reasonably calculated in terms of scale and kind.

²⁰⁴ ID35

²⁰⁵ ID29

²⁰⁶ ID40

- 15.6 The sustainable transport contribution would be used to make improvements to the Town Trail. These include widening the footbridge over Orchard Lane, improvements to Bye Street where it is crossed by the Town Trail, refurbishment of the Town Trail between Orchard Lane and Bye Street, as well as south of Bye Street. The proposed measures are necessary in order to maximise the use of sustainable modes of transport and minimise reliance on the use of the car, particularly for local trips. The measures are also necessary to comply with Core Strategy Policies LB2 and MT1.
- 15.7 I am satisfied that the sustainable transport contribution is directly related to the development proposed and is fairly and reasonably calculated in terms of scale and kind.
- 15.8 The recycling contribution provides for a contribution per dwelling for the provision of waste recycling facilities. It would provide for 1 x waste and 1 x recycling bin per dwelling to allow their waste to be collected. I am satisfied that the waste and recycling contribution is directly related to the development proposed and is fairly and reasonably calculated in terms of scale and kind.
- 15.9 Core Strategy Policy OS1 and Policy OS2, require all new residential development to make provision for open space. Where on-site provision is not appropriate off-site contributions may be sought. The obligation requires the developer to provide on-site green infrastructure comprising 0.57 hectares of Public Open Space and 1.15 hectares of children's play area of which 0.35 hectares should be formal play provision.
- 15.10 The Council state that Ledbury requires an additional 3-4.35 hectares of land for football to meet both the current and future demands. Ledbury Swifts FC (the junior club) currently use facilities at Ledbury Rugby Club, which is already under pressure from the rugby club who need additional land to expand. Ledbury Town FC lease their ground from Property Solutions who wish to redevelop the site. The contribution sought would be used to provide a joint facility to meet all of their requirements and would enable the development of a football sports hub for Ledbury in accordance with both Sport England and the Football Foundation recommendations to deliver sustainable facilities for the future.
- 15.11 The principle of providing sports facilities accords with Policies OS1 and OS2. The contribution towards football facilities is primarily directed towards resolving existing issues with football, and to a lesser extent rugby provision for existing teams within Ledbury. Evidence from the Council indicates that new housing would contribute approximately 65% of the total investment required to bring forward the project.
- 15.12 At the inquiry the Council advised that residents of the appeal site would be expected to use the facilities, but, it would only serve a relatively small minority of residents. However, the contribution is calculated using the total outdoor sports investment costs required for Ledbury, which in turn is based on the Outdoor Sports Investment Plan 2019. Therefore, when considered as part of the overall strategy to improve sports provision across Ledbury as a whole, the contribution could be viewed as necessary to make the development acceptable in planning terms and fairly and reasonably calculated in terms of scale and kind. On balance, I consider that this contribution meets the statutory tests.

- 15.13 The Wye Valley NHS Trust seeks a contribution toward Hereford Hospital. It submitted details of the additional interventions required based on the projected population of the proposed development. The contribution sought would assist with providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. This is necessary since the Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years.
- 15.14 I am satisfied that the contribution is necessary to make the development acceptable in planning terms. In the absence of the contribution there would be inadequate healthcare services available to support the population increase arising from the proposed development and it would also adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area. The contribution is directly related to the development and is fair and reasonable in terms of scale and kind.
- 15.15 The Trust also seeks a surgery contribution. It would provide for the provision of additional accommodation for primary medical care facilities in Ledbury. The existing GP practices do not have capacity for the additional growth resulting from the proposal. The practices would need to accommodate an additional 0.87 whole time equivalent GPs together with an increase in nursing and nonclinical staff to provide services to these patients which is not possible within their current premises.
- 15.16 I am satisfied that the contribution sought is necessary to make the development acceptable and is directly related to the development and is fair and reasonable in scale.
- 15.17 The Agreement provides for 40% of the dwellings to be provided as affordable housing in accordance with Policy H1 and Policy LB2 of the Core Strategy. It is directly related to the development and is fair and reasonable in scale.
- 15.18 The appeal site is required under policy LB2 to bring forward land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust.
- 15.19 In addition to the canal corridor, the Canal Trust seeks contributions towards the construction of the canal.²⁰⁷ At the inquiry it stated that the preliminary canal design indicated the need for 4 locks, 2 north of the Viaduct and 2 to the south. Current estimates for lock construction estimate a cost of between £250k and £300k per lock and a financial contribution of £1,000,000 is sought.
- 15.20 In addition to the land and contributions, the Trust suggests that the construction of the new roundabout off the Bromyard Road (providing vehicular access into the site) and slight realignment of the Bromyard Road should provide a bridge at the point where the canal to be created effectively meets the Bromyard Road. This would be to enable the future extension of the canal to be able to continue northwards without having to carry out works to the Bromyard Road in the future.

²⁰⁷ ID34

- 15.21 The Trust also requested that the residential development, including the affordable housing units, should contribute to the future maintenance of the canal.
- 15.22 The submitted planning obligation undertakes to provide an 18 metre wide corridor of land through the site, as shown on the illustrative masterplan and a financial contribution of £1,000,000 to facilitate the canal restoration. In the event that the land is not used as canal it will be managed and maintained in perpetuity as a public open space. The Obligation also provides for an alternative reduced canal contribution of £280,000 should that be considered to be CIL compliant and it is found that £1,000,000 is not.
- 15.23 The appellant submitted a legal opinion from Martin Kingston QC in relation to the canal contribution.²⁰⁸ The appellant explains that the contribution of £280,000 was based on the cost of undertaking the works to excavate a linear depression along an agreed section of the canal corridor within the site and removing the soil/spoil off site.
- 15.24 Policy LB2 requires the proposal to facilitate the delivery of the canal. Given the considerable cost of delivering the canal, the reduced contribution of £280,000 is unlikely to be sufficient to achieve that aim. The Canal Contribution of £1,000,000 would be unlikely to meet the entire cost but would be likely to allow a sufficient proportion of the canal and associated infrastructure, such as locks and tow paths within the site to be constructed. Having regard to Policy LB2, I consider this to be necessary to make the development acceptable, directly related to the development and fair and reasonably related in scale and kind to the proposed development. I therefore do not consider that the reduced contribution would facilitate the delivery of the canal as required by Policy LB2.
- 15.25 Turning to the Canal Trust's request that the residential development, including the affordable housing units, should contribute to the future maintenance of the canal. I consider that this would place a disproportionate burden on future residents of the site, and that whilst they would derive some benefit from the canal, they would essentially be maintaining an asset that would be enjoyed by the town as a whole. I therefore do not consider it necessary for the Agreement to make such provision.
- 15.26 If the Secretary of State is minded granting planning permission for the development I am satisfied that the financial contributions requested are necessary to render the proposal acceptable in planning terms and they are directly related to the development. Having regard to the costings set out in the justification statement I am also satisfied that they are fairly and reasonably related in scale and kind to the development proposed.
- 15.27 Overall, I conclude that the obligations in the s106 agreement meet the tests in CIL regulation 122 and the same policy tests in the Framework and I would recommend that they be taken into account in assessing the application.

²⁰⁸ Mr Wakefield POE Appendix 3

16. Conclusions

In this section the numbers in [] refer to preceding paragraphs.

Main Considerations

- 16.1 Based on the evidence submitted to the inquiry I consider the main considerations to be:
- Whether the proposed vehicular access arrangements are satisfactory;
 - Whether the proposed mitigation measures at the Station Junction would adequately mitigate the effect of the proposal on the local highway network;
 - Whether the proposal makes adequate provision for pedestrians and cyclists;
 - The effect of the proposal on the AONB, in particular its tranquillity;
 - The effect of the proposal on Ledbury Town Centre Conservation Area and other heritage assets;
 - If the proposed access arrangements are found to be unsatisfactory, whether in principle a second access under the Viaduct would overcome any concerns and whether there would be any other implications arising from a second access;
 - The housing land supply position; and
 - The planning benefits of the proposal and the overall planning balance.
- 16.2 LTC and a considerable number interested parties maintain that the proposed development should be served by a second access under the Viaduct. In their view this would resolve capacity issues at the Station Junction and potential adverse effects on the AONB and Conservation Area associated with the predicted increase in traffic. They consider that it would also provide improved facilities for pedestrians and cyclists.
- 16.3 Whilst noting these views, the proposed development does not include provision for a second access under the Viaduct and I am required to consider this appeal on the basis of the submitted scheme. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 this appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore it is necessary to assess whether the proposed vehicular access is satisfactory, and not whether there may be a preference for an alternative access under the Viaduct. I have considered the appeal accordingly. Although the implications of an access under the Viaduct are discussed later in this report the proposed development does not include any mechanism to allow the delivery of an access under the Viaduct.

Whether the proposed vehicular access arrangements are satisfactory

- 16.4 The relevant development plan policies are Policy LB2, Policy SS4 and Policy MT1 of the Core Strategy.
- 16.5 Policy LB2 sets out the requirements for the development of the appeal site as a sustainable mixed-use urban extension to Ledbury. These include the provision of satisfactory vehicular access arrangements. The accompanying

text states: *'the speed limit along the Bromyard Road and improvements to the Hereford Road/Bromyard Road junction are also likely to be required to improve the design, safety and efficiency of this road and junction.'*

- 16.6 On behalf of LTC, Councillor Harvey outlined the evolution of policy LB2, including the consultation in relation to the adopted Core Strategy.²⁰⁹ She advised that the published draft Core Strategy required the primary vehicular access to be from Hereford Road with the option of a secondary access from the Bromyard Road to the north.
- 16.7 Following the Examination in Public the Plan was adopted with the present wording to accord with the Local Plan Inspector's Main Modifications which sought to ensure that policies were not too restrictive/prescriptive or to provide clarity/flexibility. It is not the purpose of this appeal to revisit the Local Plan examination.
- 16.8 LTC suggest that the proposal fails to comply with Policy SS4 since it fails to minimise the impacts of the proposed development on the transport network.²¹⁰ Policy MT1 sets out requirements in relation to movement and transportation. Mr Bradshaw on behalf of LTC suggested that the proposal would fail to comply with Policy MT1 in that the adverse traffic impacts of the proposed development on the highway network cannot be adequately mitigated.²¹¹ He suggests that the provision of a second access under the Viaduct would address these concerns.
- 16.9 There is agreement between the appellant and the Council, including the Highway Authority that the vehicular access arrangements as proposed are satisfactory. The agreed matters are set out at table 2.1 of the Highways and Transport SoCG.²¹² The SoCG also records that LTC's previous consultants, TPA, concluded that *"the proposals are likely to be acceptable in highways terms, subject to confirmation of a number of matters."* [7.4,7.7]
- 16.10 The appellant submits that improvements to the Station Junction would be required even in the absence of the proposed development due to capacity issues and pedestrian safety issues.²¹³ However, LTC question whether the junction is currently operating above capacity. Evidence with the Transport Assessment²¹⁴ and within the Ledbury Transport Strategy²¹⁵ indicate that there are existing problems at this junction, including in terms of capacity, particularly during the evening peak period. LTC contend that even with the proposed mitigation the Station Junction would operate above capacity resulting in severe congestion and delays. [11.4, 11.7].
- 16.11 Therefore an assessment as to whether the proposed vehicular access from Bromyard Road is satisfactory would depend on whether the capacity issues at the junction could be adequately mitigated and whether there would be any

²⁰⁹ Cllr Harvey POE Paragraph 6.94-6.9.10

²¹⁰ Cllr Harvey POE paragraph 7.2.3

²¹¹ Mr Bradshaw POE paragraphs 2.12.15, 4.1.14

²¹² CD4.2

²¹³ Mr Millington POE paragraphs 9.2.2

²¹⁴ CD 8.26 Paragraph 3.4.3-3.4.5

²¹⁵ CD 1.19 paragraph 2.5.1

highway safety concerns arising from the proposed development, including the mitigation at the Station Junction. The parties do not raise any safety concerns with the Bromyard Road access.

The proposed mitigation measures at the Bromyard Road/Hereford Road/Homend

- 16.12 A number of issues in relation to Highways matters were agreed between the Council and LTC either shortly before or during the inquiry. [8.6]
- 16.13 Station Junction is located approximately 950m south of the proposed vehicular access on Bromyard Road. It is anticipated that 93% and 88% of residential and employment trips respectively would travel through this junction.²¹⁶
- 16.14 Bromyard Road (B4214) is a single carriageway road that borders the north-eastern edge of the appeal site and runs from a priority junction with Hereford Road/ The Homend towards the A4103. To the south of the appeal site it provides access to the Bromyard Road Trading Estate. Many of the employment units within the estate are served by way of individual accesses from Bromyard Road. Hereford Road (A438) follows an east to west alignment for approximately 600m between the Station Junction and a roundabout with Leadon Way. The Homend is a single carriageway road running between the Bromyard Road junction and Ledbury Town Centre. It is the principal road through the commercial centre of the town. The existing network gives priority to Hereford Road and The Homend, with give way markings providing access from Bromyard Road.
- 16.15 Vehicular and pedestrian access to Ledbury Station is via a ramped access located on the south-west corner of the junction with access onto The Homend.
- 16.16 The parties agree that the junction will need mitigation in order to accommodate traffic from the proposed development. The proposals for the junction provide for the signalisation of the Station Junction, the provision of a right-turn lane from Bromyard Road to increase junction capacity and a pedestrian crossing at the junction to link with the Station.[7.5]
- 16.17 The position of LTC is that the proposed mitigation will not resolve the capacity issues, the modelling on which the junction capacity assessment is based is flawed, and other issues and safety concerns. I shall firstly consider the disputed modelling inputs, followed by other concerns raised by LTC, and then consider whether the impact on the junction is severe. [11.10,11.28-11.30]

Traffic modelling

- 16.18 The Transport Assessment modelled the junction and found that for both the AM and PM peak hours, the junction would operate with reserve capacity, with delays on all approaches below one minute.²¹⁷ Both parties used the LinSig computer software to model the operation and capacity of the station junction,

²¹⁶ CD 8.26 Amended Transport Assessment paragraph 3.4.1

²¹⁷ CD 8.46 Amended Transport Assessment paragraph 9.46

however a number of inputs to the model remain in dispute. ID24 sets out the various scenarios in relation to modelling inputs. [9.61,11.30]

Baseline Traffic Data

- 16.19 The parties differ as to whether the Transport Assessment should use the data from the October 2018 survey or that from September 2017. There is a difference of 8.4% in the PM peak. LTC's case on this was initially predicated on the assumption that the 2018 survey had been conducted during half-term. Evidence from the appellant showed that Herefordshire was not on half-term during this period. [9.39,9.40]
- 16.20 It is acknowledged that some children from Ledbury may go to school in Gloucestershire and therefore may have been on half-term at the time of the 2018 survey, but the numbers are unlikely to be so significant as to skew the results of the survey. The 2018 data is more complete since it includes pedestrian counts and queuing. The significant difference between the surveys relates to the PM peak and comes within the typical levels of variation when compared with the 2017 survey. I acknowledge that since the data relates to a single day it is not possible to ascertain how representative it is. Nevertheless, in the absence of any compelling evidence to the contrary, the 2018 date is preferred since it is more complete and more up-to date. [11.12,9.39]

Residential Trip Rates

- 16.21 The main difference between the parties in relation to the residential vehicle trip rate is the AM peak. The trip rates for the employment use are agreed and the PM trip rates are not significantly different. LTC contend that using the trip data from a single site is contrary to the advice in the TRICS Good Practice Guide 2016.²¹⁸ [11.13]
- 16.22 Whilst the appellant used the TRICS data for a single site for modelling purposes, it was taken from a sample of five sites and represented the highest PM peak hour rate and the second highest rate for the AM peak. The appellant's rebuttal evidence considered a further 12 sites and these all indicated lower PM peak flows than used in the modelling, with only one AM peak figure marginally higher than that used.[9.19]
- 16.23 LTC also criticised the characteristics of the site used. Whilst it has a greater number of bus services than the appeal site, the appeal site is situated close to the station with multiple bus routes and within comfortable walking distance of a range of shops and services. On the basis of the submitted evidence I am not persuaded that the site used fails to reflect the characteristics of the appeal site. [11.13]
- 16.24 The trip rate used has not been criticised by the Highway Authority, or LTC's previous consultants. Given that the issue in terms of junction capacity is most severe during the PM peak, and the difference during this period is slight, I am satisfied that the residential vehicle trip rate used is appropriate.[8.17].

²¹⁸ CD1.55 paragraph 11.2

Model Design Parameters

- 16.25 *Non-Blocking Storage* The issue relates to the extent to which vehicles waiting to turn right from Bromyard Road onto Hereford Road would block large vehicles travelling southbound from Bromyard Road to The Homend. The mitigation proposals include the provision of a right turn lane in this location. The appellant contends the right turn lane would accommodate 2 Passenger Car Units (PCUs) whilst still allowing a bus to pass, whereas LTC are of the view that it would only accommodate 1.21 PCUs. [9.25,11.16]
- 16.26 I agree with LTC that travelling to the end of the right turn lane as shown on drawing number 03468-A-010-P6 ("Drawing 010") may limit driver visibility and could also be a difficult manoeuvre for some drivers. The appellant submitted an additional plan to show that it would be unnecessary to travel to the end of the right turn lane.²¹⁹ With the vehicles in this position the distance between the bus and waiting vehicles would be tight, although in practice it would be achievable. As was found in the Trentham Appeal, bus drivers are professionals and used to manoeuvring vehicles in tight spaces.²²⁰[11.19]
- 16.27 Notwithstanding this, the appellant's evidence indicates that the number of large vehicles travelling south from Bromyard Road is low, and this is not disputed by LTC.²²¹ In practice, I consider that whilst it may be possible for a bus to pass a queuing vehicle, it is probable that the drivers of some such vehicles would wait, as at present. Whilst this could add to the delay at this junction due to the low number of large vehicles travelling southwards, any delay would be unlikely to have a significant effect on overall delay at this junction.
- 16.28 The appellant's approach to modelling at this junction was confirmed to be correct by JTC, the company responsible for the LinSig model. The design of this lane and the junction overall would be subject to detailed consideration as part of the Section 278 process. On the basis of the evidence submitted to the inquiry I am satisfied that the right turn lane could accommodate 2 PCUs as put forward by the appellant.[9.25]
- 16.29 *Intergreen Times* The intergreen is the period between the end of the green signal giving right of way for one phase, and the beginning of the green signal giving right of way for the next conflicting phase. The Traffic Signs Manual states that it can be thought of as the 'safety margin' to allow traffic to clear the junction safely.²²² It can be extended by external factors, but never shortened. It comprises the 3 second amber for the phase losing the right of way; the 2 second starting red/amber for the phase that gains the right of way; plus a period where both phases are on red, based on local factors. The minimum duration is generally 5 seconds, made up of 3 seconds stopping amber after one green and 2 seconds starting red/amber before the next.

²¹⁹ Drawing A-030-P1 Viewpoint 3

²²⁰ ID12

²²¹ CD7.2 Nigel Millington's Rebuttal to Mr Lee Table 3-1

²²² CD1.33

- 16.30 Intergreens may be extended by adding an additional all-red period if required, to take account of local factors. LTC suggest that the intergreen time may need to be extended by 3 seconds to allow right-turning traffic from Bromyard Road to Hereford Road to clear the junction before the next stage begins. [11.20]
- 16.31 LTC submit that the intergreen time modelled would be insufficient to allow vehicles queuing to turn right from Bromyard Road to clear and if this period is extended post-development there could be a severe impact on the highway network. [11.21]
- 16.32 The intergreen period was calculated by JCT who designed the LinSig software. JTC has reviewed the effect of this change on the operation of the junction and state that it would not be an issue. They also suggest that there would be more efficient means of addressing this issue without causing unnecessary additional delay. I appreciate that JTC did not attend the inquiry, but the correspondence between them and the appellant was submitted, and I have no reason to doubt that this was anything other than their professional opinion. Given that JTC designed the software, I afford this view considerable weight and find the intergreen period used by the appellant to be acceptable. [9.31,9.32]
- 16.33 *Pedestrian Crossing Demand* The proposal includes provision for a pedestrian crossing at Bromyard Road near the junction with Hereford Road/The Homend. The number of pedestrians crossing at this point will increase as a consequence of the proposed development. LTC submit that based on the average group size per crossing during the peak hours the crossing is likely to be called every cycle and this would impact on capacity. [11.22,11.23].
- 16.34 The capacity model assumes that during the peak periods the crossing would be called every other cycle. I consider it to be unrealistic to assume that the group size will remain the same such that the number of crossing events will increase to the extent suggested by LTC. It is probable that pedestrians would be grouped and include family and other groups walking to and from school (perhaps more than one family at a time), and those arriving and departing by particular trains. [9.37]
- 16.35 I agree with the appellant that the increase in the number of times the crossing is called is unlikely to be on a pro-rata basis with the increase in the number of pedestrians. On this basis I consider that the appellant's assumption that the crossing will be called every other cycle to be reasonable for the purposes of the model, although in practice it may be called on consecutive cycles followed by periods when it is not called. This would reflect the existing pedestrian patterns. [9.37]

Cycle time

- 16.36 The Transport Assessment considered a cycle time of 110 seconds. LTC consider that a cycle time longer than 90 seconds would be unsafe for pedestrians. It is accepted that the greater the delay the more likely it is that a pedestrian will risk crossing without a green man signal. The research relied upon by LTC suggesting that 30 seconds is the maximum pedestrians are

prepared to wait at a signalised crossing dates from the 1960's.²²³ There has been a significant change in the level and nature of traffic since then, and therefore I do not consider this to be a reliable guide. In practice I consider that pedestrians will have regard to a number of factors including the volume and speed of traffic, visibility and the complexity of the junction. At a crossing away from a junction with good visibility in both directions, pedestrians may be less inclined to wait for the green man, however, at a more complex junction at busy periods they would be more likely to wait. [9.28, 11.24, 11.25]

16.37 No substantive evidence was submitted to indicate that a cycle time greater than 90 seconds was intrinsically unacceptable. The Department of Transport's Traffic Signs Manual does not support this position but advises that cycle times greater than 120 seconds are not recommended. The appellant submitted details of several junctions where the cycle time was 120 seconds or greater.²²⁴ [9.28]

16.38 The 110 second cycle time was assessed as part of the Transport Assessment and found to be acceptable. Moreover, the use of a MOVA controller could manage the demand and change the cycle time accordingly [9.29].

Whether the modelled outputs represent a severe impact

16.39 The appellant submits that there are existing capacity issues at the Station junction and that an improvement scheme would be required in any event. This is disputed by LTC. Considerable anecdotal evidence alleging congestion at this junction during peak hours was submitted by interested parties. However, the issue for this appeal is whether the proposed development, together with the mitigation measures at Station Junction, would have a severe impact on the operation and capacity of the junction. [9.59, 11.7, 11.9]

16.40 The traffic models show the Practical Reserve Capacity for the junction, however the results vary according to the inputs. Tables 1-8 of ID24 model the various scenarios for the Station Junction. For the reasons given above, I prefer the PJA trip rates and the 2018 data. I also consider that calling the crossing 1 in 2 times to be realistic.

16.41 On this basis even if Mr Lee's model parameters are used, during the AM peak the junction would have a PRC of between 3.8 and -2.7. The negative value only occurs on the 90 second cycle. In the PM peak the PRC varies from 5.1 to -5.4. On the 110 second cycle as proposed by the appellant there would be a PRC of 2.4. The 2017 traffic counts show a similar pattern.

16.42 When the PJA model parameters, which for the reasons given above are preferred, the PRC is between 9.6 and 6.5 in the morning peak. During the PM peak it would vary from 12.1 to 3.7 and would be 9.1 with a 110 second cycle as proposed by the appellant. Therefore the junction would be operating within capacity. It is possible that the use of MOVA would assist with optimising traffic movements and thereby improve capacity further.

16.43 From this modelling it is apparent that the most significant constraint on junction capacity are the cycle time and the frequency at which the pedestrian

²²³ CD1.96

²²⁴ ID2 & ID27

crossing is called. The 110 second cycle time has been found to be acceptable by the Highway Authority and is used at many other junctions. It is also notable that even if the crossing is called 2 in 3 times, with a 110 second cycle that it would operate in capacity on the basis of the PJA model parameters.

Other matters in relation to Station Junction

- 16.44 Although LTC raised concerns regarding the turning radius for The Homend approach this has not been entered in the model. Nonetheless, the parties agreed that it would not make a significant difference. [9.36]
- 16.45 *Pedestrian Visibility* The land to the north of the proposed crossing on Bromyard Road is not under the control of the appellant or Highway Authority and LTC suggest that should visibility be obscured at some point in the future (for example, through the planting of a tree, or if consent was granted to relocate the advertising hoarding), this would impact on pedestrian visibility, and due to the impact of this on sight stopping distances it could have an impact on safety.[11.25]
- 16.46 The Road Safety Audit did not raise the lack of full inter-visibility as a concern. Whilst it noted the effect of the bridge on visibility to the north, it found that when “weighed against the existing situation and the introduction of a signalised facility this would demonstrate a betterment to the existing route to the station”. [9.57]
- 16.47 There is no evidence to indicate that it is probable that a structure would be erected in this location, and the relocation of the advertisement hoarding would need to ensure that there was no adverse effect on highway safety. In the unlikely event that visibility were to be compromised in the future, I consider that the pedestrian crossing in this location would be a significant benefit, and such a change to visibility would be likely to encourage pedestrians to wait for the signal to change. [9.58]
- 16.48 *Rat Running* LTC consider that the delays at the Station Junction are likely to displace some traffic onto rural lanes including those in the AONB, and in particular Beggars Ash. The parties agree that there are no safety issues associated with the displacement of traffic. LTC considers that the number of trips assigned to Beggars Ash within the Transport Assessment is an underestimate and is based on the assumption that the junction is operating within capacity. LTC consider that about 20-40% of the traffic predicted to travel to/from the east via the A449 could re-route through the AONB. [11.31,8.6].
- 16.49 The appellant’s position is that even if LTC is correct about junction capacity a review of the routes suggests that this would not be the case, since although the distance is shorter due to the standard of the roads the journey would take longer. I drove the route concerned and found it to be variable with areas where it was narrow and passing places needed to be relied upon. I consider that this would deter many drivers from choosing this route in preference to the A449 unless it was likely to provide significant time savings. [9.53]
- 16.50 Based on my findings above in relation to junction capacity, I consider that although there may be some increase in the number of drivers using Beggars Ash and other rural roads, the numbers would not be as substantial as

suggested by LTC. I also note that neither the Highway Authority, nor TPA, LTC's previous consultants raised any concerns in this regard.

- 16.51 A number of other highway matters were raised by LTC during the course of the inquiry. These included egress from the industrial units in Bromyard Road, buses manoeuvring into the bus depot, traffic turning right into the Station and Masefield Avenue, the on carriageway bus stops on The Homend, the access to Bradfords Building supplies. [8.42,8.43,8.44,8.45,8.46]
- 16.52 It is possible that some vehicles leaving the industrial units and turning right may encounter a queue of traffic. This is not an unusual situation within an urban area and would not appear to be significantly different from the present situation.
- 16.53 The bus depot is located on the corner of Hereford Road and The Homend, close to the junction. It only accommodates a small number of buses. Drawing 03468 A 019 P1 demonstrated the buses using the depot would be able to leave and enter in forward gear, and therefore be unlikely to adversely impact on the operation of the junction, particularly given the low overall number of buses using the depot.²²⁵
- 16.54 Drawing 10 shows a right turning lane for traffic turning into Masefield Avenue and the industrial area. This would avoid traffic turning right interrupting the traffic flow.²²⁶ Moreover, the number of traffic movements are low, and The Homend would operate within capacity. [8.44]
- 16.55 LTC contends that the bus stops on The Homend will block traffic approaching the signals. The effect of these buses on the junction will be little different from at present and given the low overall number of buses would have a negligible effect on traffic flows. [8.45]
- 16.56 Bradfords Building Supplies is situated about 180m from the junction. LTC consider that HGVs manoeuvring into and out of the site would interrupt the flow of traffic to the junction. No evidence was submitted in relation to the number of overall movements, but they are likely to be low, especially during peak hours and there is no reason to suppose that they would change as a consequence of the proposed development. Having regard to the appellant's evidence in relation to the length of queues I do not consider that the Builders Yard would have any adverse impact on the junction capacity. [8.46]
- 16.57 I find the model inputs and design parameters used by the appellant to be acceptable. In terms of capacity the most significant variants in terms of junction capacity are the number of times the junction is called and the length of the cycle. On the basis of a 110 second cycle and the crossing called 1 in 2 times the junction would operate within capacity and would not give rise to severe delays. That is not to say that there would not be any delays, but they would not be severe or give rise to significant congestion. Moreover the proposed mitigation includes a pedestrian crossing to the Station and whilst this may introduce some delay, particularly when it is called back to back, such delay would quickly dissipate, and must be balanced against the considerable

²²⁵ ID23

²²⁶ Mr Millington POE Appendix A

benefits of providing safe facilities for pedestrians. It is also apparent from the appellant's evidence and that from local residents that there are existing delays at the junction.

- 16.58 I have taken account of all of the other matters raised by LTC in relation to the junction, and do not consider that these matters would give rise to any safety concerns.
- 16.59 The proposals would assist with resolving the existing problem whereby large vehicles turning left from Hereford Road into Bromyard Road generally cross the centre line to a very considerable extent. This has implications both for delay and safety. Overall, in terms of safety, the signalisation of the junction and provision of facilities for pedestrians would be a clear benefit of the proposal.
- 16.60 I therefore conclude that the proposed mitigation measures at the Station Junction would adequately mitigate the effect of the proposal on the local highway network and the impact of the proposal on the capacity of the junction would not be severe. For this reason the findings of The Secretary of State in relation to the Bath Press and Lancaster appeals in relation to what constitutes a severe delay do not apply in this case. The proposal would therefore comply with Core Strategy Policies LB2, MT1 and SS4.
- 16.61 Amongst other matters paragraph 110 of the Framework advises that pedestrian and cycle movements, both within the scheme and with neighbouring areas should be prioritised, and as far as possible proposals should facilitate access to high quality public transport. In addition, proposals should minimise the scope for conflicts between pedestrians, cyclists and vehicles. Therefore should the Secretary of State disagree with my conclusion above, and conclude that notwithstanding the proposed mitigation measures the impacts of the additional traffic would be severe, it would be necessary to balance any delay motorists may experience at Station Junction against the benefits, including safety benefits for pedestrians and cyclists.

Provision for Pedestrian and Cyclists

- 16.62 The proposed development includes three access points for pedestrians and cyclists. [6.4]
- 16.63 It is intended that the primary route would be the link beneath the Viaduct through Ballard Close linking to the Town Trail with 70% of pedestrian demand predicted to use it. It would use the existing tunnels under the Viaduct. LTC suggest that this route would be intimidating and unattractive, and as such would not provide safe and suitable access for pedestrians and cyclists. [9.47,11.35]
- 16.64 LTC previously not only supported this route, but described it as "*essential for the connectivity of the site, creating a safe, pleasant and direct link to the Town Trail and the Town Centre, encouraging both cycling and walking.*" Moreover, LTC's previous Highway Consultants only identified matters of detailed design relating to the proposed pedestrian facilities and no general concerns. [9.47]
- 16.65 Whilst some parts of this route would not be overlooked, other parts would be subject to surveillance from the existing dwellings at Ballards Close. Layout is

a reserved matter and I see no reason why the proposed dwellings could not be arranged to overlook the proposed pedestrian link. Moreover, the detailed alignment of the proposed pedestrian route, together with appropriate lighting could ensure that the route is attractive to pedestrians. The route would provide access to the Station, and together with other measures proposed, would provide a safe traffic free route for pedestrians and cyclists. Since it would be the main link to the town centre there is likely to be pedestrian traffic at most times of day. I am satisfied that it would provide a suitable and logical route from the appeal site to the Town Centre and would be used by future residents travelling to the station, schools and shops.

- 16.66 The Ballards Close route is part of an overall package of measures proposed both on and off-site. The proposal also makes provision for a crossing at the Station Junction. The appellant submitted photographs showing a lorry turning left from Hereford Road towards Bromyard Road passing close to a pedestrian waiting to cross the road.²²⁷ A similar situation arose at the time of my site visit, and I noted that the majority of large vehicles turning into Bromyard Road pass very close to the pavement. The damage to the footway in this location suggests that it is not unusual for vehicles to encroach upon the pavement. In these circumstances a controlled pedestrian crossing and the changes to the junction geometry would be a significant safety benefit of the proposal. [6.5,9.27]
- 16.67 Taken together with the provision of the two routes through the site, the improved connections with Bromyard Road Trading Estate, the proposed crossings and improvements to the Town Trail secured by way of a planning obligation, I conclude that the proposal would provide satisfactory access for pedestrians and cyclists as well as benefits for the town as a whole.
- 16.68 I conclude that the proposal would provide safe and suitable access for pedestrians and cyclists and would comply with Core Strategy policies LB2, and MT1, as well as paragraph 108 of the Framework in so far as it requires proposals to provide safe and suitable access to the site for all users.

The Effect of the Proposal on the AONB

- 16.69 Core Strategy policies SS6 and LD1, as well as the AONB Management Plan policy TRP6 and paragraph 172 of the Framework are relevant to this issue.
- 16.70 The appeal site lies outside of the boundary of the AONB, but within its setting. LTC consider that there is a significant risk of rat running through the AONB due to congestion at the Station Junction.
- 16.71 Paragraph 172 of the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.
- 16.72 Beggars Ash runs through the AONB and meets Bromyard Road to the north of the junction. It continues into the village of Wellington Heath and then onwards to Colwall and eventually continues to Malvern. There are alternative

²²⁷ ID17

routes to Malvern both to the north and the south of the site access, the parties agree that a proportion of traffic is likely to divert through the AONB.

- 16.73 Mr Millington's Proof of Evidence includes a technical note setting out the assignment of trips to different routes.²²⁸ This assignment has been agreed with the Highway Authority and is based on the appellant's traffic modelling and parameters. On this basis the proposed development will give rise to a 20-23% increase in peak hour levels resulting in about one extra vehicle every three minutes on average. With the development the total traffic using Beggars Ash during the AM peak would equate to about 2 cars every minute. [7.6,9.53,9.74]
- 16.74 If LTC's position in respect of capacity at Station Junction is accepted and 20% of Malvern/Worcester traffic diverted during the AM peak there would be a 49% increase compared to 2031 without the Development. Whereas if 40% of traffic diverted there would be a 76% increase compared to the position in 2031 without the Development, equating to a two way traffic flow of about 3 cars every minute.[10.38]
- 16.75 For the reasons given above, I prefer the appellant's junction capacity assessment, and have no reason to doubt the trip assignment rates agreed with the Highway Authority. On this basis I find that the increase in traffic along Beggars Ash would not be significant even during the peak hours. Whilst I agree that tranquillity is an important quality of the AONB a two-way traffic increase of about 19 vehicles during the AM peak would not have an adverse impact on the tranquillity of the AONB.
- 16.76 For the same reason I do not consider that the proposed development would give rise to any significant adverse effects on the quality of peoples' recreational experiences, or damage to/erosion and loss of characteristic and valuable landscape elements and features along narrow lanes, such as hedge-banks, grassed verges and overhanging trees within the AONB.
- 16.77 Councillor David Williams drew attention to the seasonal workers employed at Wellington Heath and their walking route into Ledbury and the aspiration to provide a safe walking route between Ledbury and Wellington Heath. In the light of the low number of additional vehicles that would pass through the AONB as a consequence of the proposed development I do not consider that there would be an adverse effect on the safety of these or other workers.[12.4]
- 16.78 I therefore conclude that the proposal would not be contrary to Core Strategy policies SS6 and LD1, as well as the AONB Management Plan policy TRP6 and paragraph 172 of the Framework.

The Effect of the Proposal on Ledbury Town Conservation Area and other Heritage Assets

- 16.79 Policies LD4, SS6 and paragraph 193 of the Framework are relevant.

²²⁸ Mr Millington's POE Appendix B