

Meeting:	Cabinet
Meeting date:	15 October 2015
Title of report:	Adoption of the Herefordshire local plan - core strategy 2011-2031
Report by:	Assistant director – economic, environment & cultural services

Classification

Open

Key Decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards Affected

Countywide

Purpose

To recommend to Council that the Herefordshire local plan core strategy 2011-2031 (“the core strategy”) be adopted.

Recommendation(s)

THAT:

- (a) the local plan inspector’s report (at appendix1) be noted;**
- (b) the Herefordshire local plan core strategy 2011-2031 (at <https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy>), incorporating the recommended main modifications (at appendix 2) and the schedules of minor modifications (at appendix 3) be recommended to Council for adoption; and**

- (c) it be recommended to Council that delegated authority be given to the programme director growth to make any further minor modifications, (e.g. typographical) to ensure consistency with other development plan documentation

Alternative options

- 1 There is an alternative option not to recommend to council to adopt the core strategy. However there would be little if any merit in doing so given that the inspector has concluded that it is sound and that there have been no relevant changes in the county. Not adopting the core strategy would result in the council having to rely on the current policies in the Unitary Development Plan (2007) (UDP), and the National Planning Policy Framework (NPPF) in deciding planning applications. In this case, the general policy of the NPPF, that planning permission should be granted if relevant policies are out-of-date, would apply. In addition, there would also be little, if any, improvement in the council's five year land supply and, without the core strategy in place, the council would be unable to provide certainty for investors, co-ordinate the delivery of infrastructure, and would be hampered in efforts to seek funding to support infrastructure and growth. This would harm the council's ability to deliver on its strategic objectives by delaying the delivery of new homes, holding back economic growth, and stalling regeneration.
- 2 In addition, given the requirements for consultation and examination which would need to be met to progress any amended core strategy, there would be considerable delay before the risks outlined in paragraph 1 above could be mitigated.
- 3 Cabinet could decide to defer this decision or recommend to council that the decision be deferred but this is not recommended for the reasons set out above.
- 4 There is not an option to adopt the core strategy with only some of the proposed main modifications that came out of the examination process. By definition the core strategy is now considered to be sound on the basis of its full content. If the main modifications were not included the core strategy would not be sound and it could not be recommended for adoption.
- 5 The schedule of minor modifications does not affect the basis of the core strategy and as such an alternative could be to recommend adoption without the schedule of minor modifications. However as this schedule aids the clarity of the document and ensures the plan is up to date this option is not recommended.
- 6 Authority for making further minor modifications could be delegated to the relevant cabinet member or to cabinet; as the modifications covered by this delegation do not affect the basis of the core strategy, and in exercising such delegated authority the officer is required to consult with the relevant cabinet member. The proposed delegation provides the most efficient way of maintaining a clear and consistent set of development plan documentation.

Reasons for recommendations

- 7 The existing adopted unitary development plan (2007) ("UDP") is now significantly out of date and has only limited weight within the context of the National Planning Policy Framework 2012 (NPPF).

- 8 The preparation of the core strategy has been a long and exhaustive process and the inspector has concluded that it meets the test of soundness.

Key considerations

- 9 The core strategy (<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy>) has been in preparation since 2008. It has been developed in accordance with national planning policy guidance, including undergoing seven stages of consultation. Following approval by Council in July 2013, it was submitted for examination in September 2014 and detailed hearings were held on specific aspects of it in February 2015.
- 10 The core strategy covers the period from 2011–2031. It proposes a comprehensive series of proposals and allocations within the county. In doing so it balances environmental issues with economic and social needs and ensures that development will be sustainable. Whilst the examination process has refined the core strategy, its key strategic proposals set out below remain unaffected:
- Provision of a minimum of 16,500 new dwellings in the county;
 - For Hereford an overall target of 6,500 new dwellings including the proposed urban extensions at Holmer, Lower Bullingham and Three Elms;
 - Provision of a relief road to the west of Hereford;
 - Development of 148 hectares of employment land across the county including employment hubs focussed in Hereford and the market towns;
 - The development of 4,700 new homes across the county's market towns incorporating the provision of key items of infrastructure;
 - Accommodation of 5,300 new dwellings in rural areas throughout the plan period as supported by neighbourhood plans.
- 10 The inspector's report is attached at appendix 1. It was received on 29 September 2015 and published on the council's website as required. It concludes that, with the inclusion of the series of proposed main modifications (at appendix 2), the core Strategy meets the test of soundness. The inspector's main modifications include changes to some key aspects of the core strategy including:
- Removal of waste and minerals policies and the future preparation of a waste and minerals plan;
 - Introduction of a replacement policy addressing the relationship between infrastructure, delivery and monitoring;
 - Changes to wind power developments and housing standards policies to reflect recent changes in national policy;
 - Changes to reflect retail and affordable housing thresholds;
 - Changes to clarify the roles of neighbourhood plans and other development plan documents.
- 11 In addition to the main modifications there is also a series of minor modifications (at appendix 3) proposed which clarify aspects of the plan but do not change the approach of the plan's policies. Minor modifications are a matter for the council, rather than the inspector, to propose, and this is reflected in the inspector's report (paragraphs 4 and 100). Most of the minor modifications were published alongside the main modifications in March 2015. In addition, other minor modifications arose in response to comments made during the consultation upon the main modifications.

- 12 The existing UDP was adopted in 2007. The provisions in the Localism Act 2011, the NPPF and more recently the release of the Planning Practice Guidance (March 2014) make it important that an up-to-date local plan is in place as soon as possible so that the council has greater control over development. With an up-to-date plan the council will have a clear strategy for future growth within the county. As such it will not be heavily reliant on the NPPF in determining planning applications. A number of other elements of the local plan are also scheduled to be prepared to complement strategic policies of the core strategy including the Hereford area plan, the minerals and waste local plan, the travellers' development plan document and the community infrastructure levy. Following adoption of the core strategy an updated local development scheme outlining the timetable for the preparation of these documents will be produced.
- 13 As with all strategies, once adopted the local plan will be periodically reviewed to ensure it remains compliant with planning policy guidance, national legislative changes and responsive to local need.

Community impact

- 14 The principal aim of the core strategy is to set out the visions and objectives for the county and to establish a policy framework necessary to deliver the vision to 2031. This will ensure that there are sufficient homes provided for all members of the community, provide employment opportunities and growth, sufficient retail provision, improved infrastructure and the wider protection of the environment. The NPPF sets out the challenge that local planning authorities promote sustainable development. In her report it is clear that the Inspector concludes that this ambition has been achieved.

Equality duty

- 15 In order to fulfil the requirements of Section 149 of the Equality Act 2010, an equality impact assessment (at appendix 4) has been completed. The assessment confirms that there is no potential for discrimination and that all appropriate opportunities have been undertaken to advance equality and foster good relations.

Financial implications

- 16 Costs associated with adoption will involve ensuring the necessary notifications are undertaken and making the core strategy and other documents required by the local plan regulations are available for inspection. Funding for these tasks is in place in existing budgets and/or reserves.

Legal implications

- 17 Once adopted the core strategy will form part of the statutory development plan for the area and be used as such for the purpose of determining planning applications in the county. Its preparation has involved ensuring compliance with statutory procedural requirements including: duty to cooperate, sustainability appraisal and habitats regulations assessment being undertaken at key stages during the

preparation of the plan, and consultation statements summarising how the council has engaged with communities and other stakeholders during the process.

- 18 The options open to the council at this stage in the process are set out in the said 2004 Act (notably sections 23 and 27) and the Town and Country Planning (Local) (England) Regulations 2012/767 (as amended). Namely where the inspector recommends that it is adopted, as here, with modifications (“the main modifications”) the council may adopt the document (a) with the main modifications, or (b) with the main modifications and additional modifications (i.e. minor modifications) if they (taken together) do not materially affect the policies as recommended by the Inspector.
- 19 If the council rejects one or more of the inspector’s recommended modifications it cannot then proceed to adopt the core strategy. If the recommendation in this report is approved the core strategy must be formally adopted, by resolution, of full Council, and subsequently, an ‘adoption statement’ would need to be published in the local press advertising the availability of the inspector’s report and the adopted core strategy.
- 20 Adoption of the core strategy by the council will trigger a six week period from its adoption, within which any person aggrieved by the core strategy may make an application to the High Court under section 113 of the said 2004 Act on limited grounds, namely that either: (a) the document is not within the appropriate power; or (b) a procedural requirement has not been complied with. The adoption of the core strategy can only be challenged therefore on the above legal grounds and not simply because of a lack of agreement with the inspector’s recommendations.
- 21 Through the public examination process, the inspector has confirmed that the core strategy has met the legal compliance and soundness requirements.

Risk management

- 22 Any delay in adopting the core strategy will result in developers continuing to submit planning applications outside the context of an up-to-date and overarching strategy. In particular this could undermine the delivery of the strategic urban extensions proposed in the core strategy.
- 23 The adoption of the core strategy will generate the provision of a five year housing land supply. There would be a significant risk to the strategic management of development in the county if a five year supply of housing land were not in place.
- 24 If the core strategy is not agreed momentum may be lost with regards to achievement of the council’s ambitions for growth in the county.
- 25 There are no significant risks associated with adoption of the core strategy.
- 26 Conversely, there are significant risks associated with a decision not to adopt. We would not have a plan to meet our housing need. It would be very unlikely that the council could continue to maintain a five year supply of land for housing (plus buffer), as required by paragraph 47 of the NPPF. This in turn would also increase the risk of speculative applications in less favoured locations which may be difficult to resist. It would undermine the ability of the council to secure inward investment and economic growth. Without the certainty provided by an adopted core strategy we weaken our

competitive advantage to secure the investment needed to maintain the viability of our communities. It would leave those communities wishing to prepare a neighbourhood development plan in a 'strategic policy vacuum', making it much more difficult to proceed because there are no up to date strategic policies within which to set their own vision and policies.

Consultees

27 During the period of preparing the core strategy there have been seven periods of consultation as follows:

- Identifying the issues, May 2007;
- Key issues consultation, September – October 2007;
- Developing options, June – August 2008;
- Place shaping, January – March 2010;
- Preferred options, July – November 2010;
- Revised preferred option, October – November 2011;
- Herefordshire local plan – core strategy (draft), March – April 2013.

28 The nature of the process has involved extensive engagement with countywide local people, interest groups and statutory agencies through the seven rounds of consultation.

29 The pre-submission version of the document was published in May 2014. The publication of the core strategy was advertised and those individuals and organisations that had shown interest during the preparation of the core strategy were invited to comment. In addition, there were specific periods of consultation between March and May and again in July-August 2015 on the proposed main modifications to the core strategy that were generated as a result of the examination hearings and recent changes to national planning policy.

Details of the consultations undertaken are available at https://www.herefordshire.gov.uk/media/7923636/reg_22_statement_complete.pdf.

Appendices

Appendix 1 - Report on the examination of the Herefordshire local plan core strategy 2011-2031, 29 September 2015

Appendix 2 - Herefordshire local plan core strategy main modifications, September 2015

Appendix 3 - Herefordshire local plan core strategy minor modifications, October 2015

Appendix 4 - Equality impact assessment 2015

Background papers

None.