
Report to Herefordshire Council

by **Christine Thorby MRTPI IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date **29 September 2015**

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION OF THE

THE HEREFORDSHIRE LOCAL PLAN

CORE STRATEGY 2011 - 2031

Document submitted for examination on 23 September 2014

Examination hearings held between 10 February and 25 February 2015

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Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Submission Core Strategy May 2014
DCLG	Department of Communities and Local Government
DPD	Development Plan Document
DtC	Duty to Co-operate
HC	Herefordshire Council
HRR	Hereford Relief Road
HMA	Housing Market Area
LDS	Local Development Scheme
MM	Main Modification
NMP	Nutrient Management Plan
NP	Neighbourhood Plan
NPPF	National Planning Policy framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
UEA	Urban Expansion Area
SUE	Sustainable Urban Extension
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Herefordshire Local Plan Core Strategy 2011- 2031 Plan provides an appropriate basis for the planning of the District, providing a number of modifications are made to the plan. Herefordshire Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Removal of waste and minerals policies and associated explanatory text and add information about the preparation of a waste and minerals plan;
- Replacement policy and new appendices addressing the relationship between critical infrastructure, delivery and monitoring;
- Revised housing trajectory to provide more detail and up-to-date figures to assist with monitoring;
- Modifications to numerous policies to ensure that they are not restrictive/prescriptive or to provide clarity/flexibility;
- Changes to wind power development and housing standards policies to reflect recent written ministerial statements from the Secretary of State for Communities and Local Government;
- Changes to retail and affordable housing thresholds;
- Modifications to clarify the roles of neighbourhood plans and other development plan documents;
- Changes to numerous policies to update the wording to be consistent with national policy contained in the National Planning Policy Framework.

Introduction

1. This report contains my assessment of the Herefordshire Local Plan Core Strategy 2011- 2031 (CS) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted, Herefordshire Local Plan Core Strategy 2011 – 2031, pre-submission publication May 2014 which is the same as the document published for consultation in May 2014.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal where necessary and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made amendments and some additions to the detailed wording of the main modifications. None of these amendments significantly alters the content of the modifications as published for consultation such that they undermine the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report. Other modifications arising after the consultation on the Main Modifications are minor and are a matter for the Council.

Assessment of Soundness

5. The following is a list of background documents which accompanied the CS that are relevant to the plan as a whole.
6. The Statement of Community Involvement (SCI) [A6] was adopted by the Council in March 2007. It sets out a framework which identifies how and when the Council will consult in the preparation of future planning documents including the CS. The preparation of the CS has followed the consultation principles established in the SCI. In addition, the Statement of Consultation [A11] brings together and summarises the consultation process undertaken by the Council on the CS from 2007 up to the publication of the final publication document in September 2014.
7. Some representors expressed concern about consultation; however, the preparation of the CS has followed the consultation principles established in the SCI. There were also concerns about the submission of statements of common ground and other documents received during the hearing sessions. However, these related to matters already under consideration and the statements of common ground were very helpful as part of the on-going consideration of soundness of the plan. I am satisfied that the preparation of the CS has followed the consultation principles established in the SCI.
8. The CS has been subject to Sustainability Assessment (SA)[A4] throughout its preparation up to the time of the Hearing. In addition the Main Modifications were subject to a further Addendum SA. The Council's evidence base demonstrates that different options and alternatives have been addressed at all of the relevant stages. The SA identifies the process, including the final submission SA (and the subsequent addendum April 2015 relating to the main modifications). At each stage of its development the emerging CS policies were assessed against SA objectives, and consideration was given as to whether and how the policies would further the objectives. The SA was subject to consultation in the same way as the CS. There is nothing to suggest that the SA was undertaken other than in accordance with the Regulations. The conclusion of the SA, up to and including the Main Modifications, is that the CS is robust in terms of its sustainability. Its policies provide certainty and clarity. Taking all of the above matters together, the CS has been subject to an adequate Sustainability Appraisal.
9. Similar conclusions apply in respect of the work carried out on the Council's behalf in relation to the Habitats Regulations Assessment/Appropriate Assessment (HRA/AA) [A5] and Addendum for the Main Modifications, given that necessary amendments were made to draft stages of the plan, prior to the submission version. Taking into account the advice from relevant consultees, notably Natural England and the Environment Agency, I consider that the plan has been subject to a legally compliant and adequate HRA.
10. On 1 December 2014 an assistant Inspector, Elizabeth Ord LLB(Hons), LLM, MA, DipTUS, was appointed to examine the CS waste and minerals (MW) policies. The assistant Inspector wrote to the Council on 25 January 2015 advising them of her concerns about the MW policies and associated text. These related to a lack of evidence that strategic issues such as cross boundary movements, meeting needs and shared sites had been co-ordinated

with surrounding Councils; a lack of strategic information about targets, standards, capacity and overall scale of development in the CS; an aging evidence base which did not take account of current national policy; the lack of a clear vision, objective and spatial strategy for MW, and finally, that the strategy for the supply of minerals and the provision of waste management facilities was inadequate.

11. To remedy the numerous weaknesses of the MW section would require significant amendments to the evidence base, the MW policies and related text, and result in very different document to that which has been submitted with a considerable time delay. In order for the submission plan to be sound **MMO1** is proposed, deleting the waste and minerals policies, the supporting text and any reference to the policies throughout the plan. Herefordshire Council set out updates to the LDS [IN7] which includes a timescale for the delivery of a separate Minerals and Waste Local Plan to be submitted for examination in 2016.

Assessment of Duty to Co-operate

12. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
13. The Council has prepared a 'Duty to Co-operate Statement' [A12] which summarises how the Council has co-operated with other Local Planning Authorities (LPAs) and with the additional bodies prescribed in Regulation 4 of the 2012 Regulations.
14. The sections on minerals and waste are brief, with limited evidence of cross boundary co-operation and I have addressed this in paragraphs 10 and 11 of my report. For the remaining policies, the Council has worked well with all the neighbouring authorities during the preparation of the CS. The level of involvement with the different authorities has varied according to the issues raised. Details of a range of meetings, discussions and other means of communication are set out in detail in DtC document [A12]. As an outcome, it is clear that there are no strategic cross boundary issues that need to be resolved. It is clear that there has been positive and constructive engagement with surrounding authorities.
15. In relation to the relevant Regulation 4 bodies, all relevant bodies have been engaged - some in more detail than others, dependant on the extent of their involvement in the Plan's infrastructure proposals. Again, details of the means of engagement are set out in document A12. The Council has engaged constructively, actively and on an on-going basis. Taking the plan as a whole, I conclude that the CS complies with the legal DtC in the Act.

Main Issues

16. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified eleven main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the overall spatial strategy is soundly based and does it present a clear spatial vision for the county, appropriate to the needs of the area, consistent with national policies?

17. The spatial vision (chapter 3) seeks sustainable development based on fostering a high quality of life for those who live and work in Herefordshire whilst protecting the distinct areas of character within the county. The strategy seeks to achieve this by ensuring an appropriate balance between improving the quality of life, gaining economic prosperity for all and the protection of the county's environmental assets. At the highest level, this is a clear and appropriate vision.
18. A series of vision statements and twelve objectives support the spatial vision. They are focussed around the role of sustainable development as set out in the National Planning Policy Framework (NPPF). They put forward social, economic and environmental aims, identifying the relevant CS policies under each strand aimed to deliver a sustainable outcome for the plan. **MMO4** is proposed adding a new objective relating to the importance of land based industries and agriculture to the economic prosperity of the county. This is important as it clarifies and supports the objectives of policies SS5, RA6 and E1. Policy SS1 sets out the presumption in favour of sustainable development.
19. The spatial strategy builds upon the existing settlement pattern with most new housing and employment directed towards the city of Hereford, the largest settlement in the county where many of the major services and facilities are located. Leominster, the county's second main market town, will also be the focus of large scale strategic housing development in recognition of its economic importance and good public transport links. Development in the smaller, most sustainable, market towns, reflects their roles, needs, opportunities and development constraints and will assist in meeting the aims of the plan. Herefordshire is a mainly rural county and in recognition of the dispersed settlement pattern almost a third of the all housing is directed through small scale development towards villages in rural areas. The Council's studies [C30, C31, C32] indicates that this is a reasonable approach, as it will help to sustain and develop rural services and communities, and meet identified local need. The infrastructure required to support growth throughout the county has been considered in the Infrastructure Delivery Plan [C29] and this is addressed in more detail later in this report.
20. One of the key strategic provisions of the CS is to locate new housing for Hereford and the market towns on large green field UEAs (Urban Expansion Area) and strategic sites recognising that the SHLAA and other studies [B20g, C25a and C30] show there is insufficient capacity on brownfield land to meet needs. Although large strategic sites can take some time to deliver the quantity of housing sought, this is a long term approach for the plan period, which has been carefully considered throughout preparation of the Plan, looking at the SHLAA, other options and all reasonable alternatives, and following appropriate consultation. The large scale sites offer long term co-ordinated growth, where social and transport infrastructure meeting the needs of the new residents can be delivered in a comprehensive manner. The same conclusions would not apply to a more dispersed pattern of new housing growth incorporating smaller schemes across the county. The Council has demonstrated through the SHLAA, SA and consideration of other sites put

forward following consultation of the Draft CS/preferred options stages of the plan, that the location of the strategic sites has been carefully considered over a long period of time, in line with national policy and guidance. Other sites put forward were less sustainable, were of greater landscape sensitivity, had greater infrastructure demands or were not preferred by locals, and those in the plan are, therefore, the best options for the county.

21. The impacts and the benefits of the approach have been addressed in the evidence and I am satisfied that the CS represents a reasonable and pragmatic spatial strategy for Herefordshire over the next 20 years in order to achieve the sustainable growth objectives of the plan.

Is there sufficient information in the plan to guide development and does the plan leave critical decisions to other documents?

22. Larger, strategic sites - UEAs and sustainable urban extensions (SUEs) - are identified by broad locations in the plan with no site boundary and they are not precise allocations. Whilst I was initially concerned that there was insufficient detail to identify and bring forward sites, it became clear during the examination that there was considerable owner/developer interest in the strategic sites and the Housing Land Supply position statement (March 2014) showed that many had progressed to a pre-application stage. In addition, each of the sites has a specific policy related to it, identifying the approximate quantum of the various uses, with more details to be provided, if necessary, by a masterplan. The CS policies retain a degree of flexibility whilst giving sufficient detail at this strategic stage to assist in bringing forward the key sites. As the anticipated development will come forward throughout the plan period including the middle/late period, I am satisfied that the plan gives sufficient certainty and clarity at this stage to facilitate development.
23. While the strategic sites are identified, the location of the remaining smaller scale sites for houses and employment for the market towns and rural villages will mostly be established through neighbourhood plans (NP). In this respect the Council have made good progress, and the Neighbourhood Planning Update [PS47] showed that four of the five market towns and between 65 – 75% of the rural villages identified for growth in the process of producing their own plans at the time of the hearing. The trajectory shows that some of these plans could be at the submission stage by April 2016. The CS identifies where Development Plan Documents (DPDs) will be prepared by the Council for areas not covered by NPs. **MM02** adds a necessary commitment and monitoring timescale to bring forward sites in the rural area in a Rural Area Site Allocation Development Plan Document where there is no NP forthcoming.
24. MM02 also sets out that all of the policies in the Plan are strategic in that they contribute to the strategic aims of the CS. While representors were concerned that this would reduce flexibility for NPs, I agree that each of the policies in the Plan delivers one of the strategic priorities in the NPPF. There is no evidence to demonstrate that any of the policies are unrelated to these, or that NPs would be unduly restricted in their remit. MM02 is necessary in the interests of clarity and to assist in the NP process, consistent with the aim of NPPF paragraph 16 that NPs should support the strategic development needs of the plan.

25. Overall, the spatial strategy is consistent with national policy and guidance and is based on a sound and thorough analysis of the current situation in the county, as demonstrated in the comprehensive and detailed evidence base.

Issue 2 – Whether the approach to the provision of housing is positively prepared, is appropriate to the needs of the area is soundly based and consistent, with national policy?

Objectively assessed needs for housing and the housing target

26. Herefordshire is a relatively self-contained county and there is a consensus that the county boundary broadly represents a single strategic market housing area. There is no evidence of unmet need from other local authorities and I am satisfied that evidence set out in the West Midlands Strategic Housing Market Area 2009 (SHMA), the Herefordshire Local Housing Market Assessment 2013 (HLMA) [C26] demonstrates this. Although the SHMA dates from 2009, the evidence has been reviewed in both the HLMA and the Council's Local Housing Requirements Study (LHRS) 2014 [J3].
27. Policy SS2 seeks the delivery of a minimum of 16,500 homes in Herefordshire in the plan period which equates to 825 dwellings per annum (dpa). The Council's evidence base for housing provision is set out in the LHMA. The update uses the standard methodology for determining housing need set out in Planning Practice Guidance (PPG).
28. The 2014 study arrives at an Objectively Assessed Need (OAN) for Herefordshire of between 15,400 and 16,200 (770 – 810 dpa) homes over the plan period. The lower end of 15,400 is based on the Office of National Statistics (ONS) 2012-based Sub-National Population Projections. The official 2008-based projections indicate household growth of 714 homes per annum; whilst the 2011-based interim projections indicate a need for 801 homes per annum. Looking at projected growth and household formation rate trends, the 2014 LHRS concludes that a part return to the 2008 projection would be appropriate, leading to a figure of around 735 households per year.
29. The LHRS takes into account long term migration trends, market signals, household formation rates, rate of development and demand, commuting rates and includes an allowance for vacant and second homes (informed by the 2011 census). Some small upward adjustments are made to the figures in the light of these factors, but generally, they have a limited impact on the range set out in the DCLG projected figures.
30. The LHRS looks at a range of economic growth projections including studies showing some 7,500 to around 9,000 new jobs are forecast using Experion and Oxford economics trend data (sensitivity tested with the higher spring 2014 figures) and this indicates that a higher level of housing might be necessary to support growth in employment [J3, section 3]. A range of scenarios have been modelled with a prediction of some 721 – 775 dpa to be necessary to meet housing need associated with economic growth. The economic policies of the plan have been considered with a focus on improving and promoting employment and an uplift to 16,200 homes which is higher than the modelled figures would appear sufficient to meet housing associated with economic growth. Representors suggest a cautious approach to the

figure in the light of the Marches Local Enterprise Plan's higher predicted growth.

31. The Marches Local Enterprise Partnership's Strategic Economic Plan (LHRS)[J3] identifies a higher number of potential jobs in the LEP area, pointing to areas such as the service sector, tourism and leisure where there are opportunities for growth. However, it covers three LPAs and the Plan does not make clear how the jobs could be split within the Local Authorities covered by the Marches LEP, including how many are thought to be needed in Herefordshire. Whilst I am satisfied that the Council's estimate is reasonable and justified, the final housing figure of 16,500 (825 dpa) has included an upward adjustment to cope with potentially greater employment growth should this arise.

Affordable housing

32. The LHMA considers the levels of need and supply of affordable housing. This takes account of information on housing costs and earnings, as well as the numbers of households and flows onto the housing register. A total affordable housing need for 3,457 homes is identified across Herefordshire over the 2012-17 period. This is equivalent to 691 dpa. The LHRS realistically indicates that having regard to the demographic and employment led projections, previous rates for the provision of affordable housing and the viability of new development in Herefordshire, building affordable homes at rate of 691dpa is highly unlikely to be achieved.
33. If the current need is distributed over the plan period to 2031, the annual housing need would fall to 369 homes per annum (2012-2031). Although it increases the time over which the affordable housing need would be met it is a more realistic assumption of what could be achieved. The study makes further adjustments to take into account concealed households and household formation rates (to see if they recover in the longer term). An adjustment is made to improve affordability (responding to market signals), and the LHRS reasonably concludes that the top end of 16,200 (810dpa) would help to meet the affordable housing need over the plan period.
34. However, a further upward adjustment is proposed to take into account the possibility of a greater economic uplift than forecast and this would help to increase the supply of affordable housing. The LHRS demonstrates that an overall figure of 16,500 (an uplift of between 2 – 7%) would boost the supply of housing and is a robust figure for the housing target.
35. During the course of the examination DCLG released the 2012-based household projections (published in February 2015). The projections indicate a more modest growth in households; the projections equating to household need of 14,200 homes (710 dpa) over the 2011-31 plan period. As the figures post-date the 2014 LHRS, the Council re-assessed the 2012 projections against all previous assumptions. They concluded that the latest household projections were not so dissimilar as to warrant a change to the OAN or net final housing figure. I am satisfied that retaining the housing target of 16,500 would be appropriate, and the target figure would be realistic and sufficient to provide for housing needs in Herefordshire.

36. In addition, to assist with the provision of affordable housing and boost the supply of housing for Hereford, the market towns and the rural areas within the CS are subject to MMs expressing them as a minimum. Settlement boundaries are to be defined in the NPs and DPDs for Hereford and Bromyard and the CS takes a positive approach to encourage housing development.
37. Policy H1 sets thresholds and targets for affordable housing for new development. The policy identifies a range of 25-40% of affordable housing varying between different areas in the county taking into account the housing needs of the different market areas and the viability of development. This is justified by the LHMA, the Rural Area Issues Paper and the whole plan viability assessment. The percentages sought for the strategic sites reflect the levels set out in policy H1.
38. A new national threshold for affordable housing was introduced in a written ministerial statement (WMS) in November 2014. **MM042** modified the submission plan policy H1 threshold to that of the WMS setting a new threshold of sites of more than 10 dwellings which have a maximum floor space of more than 1000 square metres. However, following a judgment in the High Court on 31 July 2015 (*West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin)*) the High Court issued a Declaration Order on 4 August 2015 confirming that for various reasons the policies in the WMS must not be treated as a material consideration.
39. While the WMS thresholds no longer carry weight, the examination of the CS was based on the modified policy. The modified threshold formed the basis of supplementary evidence considering viability (Herefordshire viability testing supplementary report Feb 2015) the effect on the provision of affordable housing throughout the county and was consulted upon. The policy, as modified would be effective and bring forward affordable housing, although less so in the rural areas than the submission policy. However, as the submission policy was not tested during the examination I find **MM042** necessary to ensure that the Plan has a viable and sound affordable housing policy. If the Council wish to return to the submission policy they have the option of carrying out an early Plan review for policy H1.
40. There has been low housing growth in Herefordshire since at least 2008 as set out in the LHRS [J3] and the percentage of affordable housing identified in policy H1 is the result of balancing affordable housing against other strategic aims of the plan, including the development of large sites and associated social and transport infrastructure. In the circumstances, the approach to affordable housing is the reasonable and realistic and will bring forward much needed affordable housing.

Mix and range of houses (other than affordable housing)

41. Policy H3 would bring forward the type and range of housing to meet local needs, providing a flexible and responsive approach. This is supported by a number of documents. **MM044** adds necessary details to the policy explaining how it would be applied to make it effective. The NPs and Development Plan Documents for Hereford, Bromyard and the Rural Areas would also have appropriate policies to address the issues of type and mix of new homes for

specific areas. **MMO6** adds a reference to the explanatory text for policy SS2 explaining how individual or group self-build projects would be supported to comply with national guidance. **MMO3** adds clarity on Community Right to Build.

Traveller sites

42. At the time of the examination there were 34 Gypsy and Traveller sites with a total of 114 pitches, four tolerated sites with 21 pitches [PS55a]. The submission CS does not identify five years' worth of sites for travellers against locally set targets. However, alongside the CS the Council is preparing a Traveller's Sites Development Plan Document [PS4b] which they commit to producing quickly. The LDS (2015) [PS5] shows adoption in 2016 to ensure that it would not lag far behind the CS. The issues and options version and SA [PS4c] has been out to consultation and the Council are in the process of identifying land. They provided evidence of cross boundary co-operation on the document [PS40] and an up-to-date and comprehensive draft Traveller and Showperson Accommodation Assessment was completed in February 2015 [PS55a/b], as part of the evidence base for the Traveller Sites DPD. This showed that from 2014 to the end of the plan period some 33 traveller pitches, 8 showperson plots and 3 transit pitches would be needed. This has yet to be examined, but a five year land supply for traveller sites would be identified in the document as well as deliverable sites for the next 15 years.
43. To ensure that the Council can meet the needs of travellers until the DPD is adopted, policy H4 for travellers' sites is modified by **MMO45**. The modification deletes all restrictive or prescriptive wording and introduces a supportive policy. The MM makes clear that planning applications do not have to provide evidence of need. The MM introduces criteria which seek to ensure that sites are appropriate for travellers by enabling mixed uses and promoting sites with good access to facilities. The MM is necessary to make the policy effective and sound. Policies H4 and Policy H2 enable small sites to be used specifically for affordable traveller's accommodation, to be considered as rural exceptions in small rural communities.
44. The Council had made reasonable progress with the DPD at the time of the hearing, and policy H4 is flexible and positively worded. Nevertheless, the Council must make the submission and adoption of a Travellers' Site DPD a key priority in order to plan effectively for the needs of the travelling community and meet the requirements of National Planning Policy for Traveller Sites and comply with the Public Sector Equality Duty. Although the lack of sites within the CS is not ideal, holding up the CS at this stage for completion of the DPD would delay major development coming forward on the strategic sites, and, because the Travellers' Sites DPD is identified to come forward soon the Council's approach would be reasonable.
45. Overall, the approach to the provision of housing is consistent with national policy and guidance, is based on a sound and thorough analysis of the current situation in the county, as demonstrated in the comprehensive and detailed evidence base.

Issue 3 - Whether the approach towards the supply and delivery of housing land is positively prepared, effective and consistent with national policy?

Housing land supply targets and the five year housing land supply

46. The spatial/development strategy rightly seeks to steer the majority of development to the key settlements and strategic sites which would provide access to jobs, services and public transport. The distribution of new housing and development proposed is appropriate, given the economies of scale/concentration of new infrastructure that is likely to assist delivery, particularly of the strategic sites. In recognition of the longer lead in times for the SUEs/UEAs and larger strategic sites, which could provide around a third of the housing, it is clear that more homes will be delivered in the middle and late stages of the plan. The CS indicative trajectory for expected completions shows a greater proportion of homes being delivered later on in the plan period. To address this, the Council considered various options in the Revised Preferred Option Background Paper [B6b]. The CS proposes a stepped housing target (reflecting the expected delivery rates) of 600 dpa for the first five years of the plan (2011-2016), 850 dpa for years 6-10 (2016-2021), 900 dpa for years 11-15 (2021-2026) and 950 dpa for years 16-20 (2026-2031) as a means of addressing this in relation to delivery targets. I consider that a stepped target would be a likely and not unexpected consequence of this approach.
47. In addition, figures show that the market has been depressed with a shortfall of over 900 dwellings as of April 2014 identified in the Housing Land Supply document of October 2014 [PS1a]. Although there has been significant increase in the land supply position during 2014 – 2015 and increase in housing, delivery would take some time to achieve. The target figures do not seek to constrain development which should come forward as soon as possible, but I accept that the stepped target would be realistic and a sound basis for monitoring and assessing land supply (including the five year housing land supply) throughout the plan period. In accordance with paragraph 47 of the NPPF to boost the supply of housing, a buffer of 20% would be appropriate for Herefordshire as there was a consensus that under delivery had been persistent from at least 2008 set out in the LHRS and housing position papers [PS1a and b]. To make clear the approach to the 5 year housing land supply, I have added wording to this effect to **MMO7**.
48. During the examination the Council updated its position on the five year housing supply with the Update to Herefordshire Local Plan – Core Strategy Five Year Housing Land Supply, March 2015 [PH1]. The five year supply date was taken to be April 2014 (a reasonable date as the hearings took place in February 2015) – 31 March 2019. The stepped targets for these years were added together. The shortfall was added to the stepped target figure. Applying the 20% buffer (to the target plus the shortfall), a five year housing land supply could be demonstrated, albeit it with less than 5.5 years supply (see figure below). In this calculation the shortfall is spread over the five year housing period.

Extract from the Council's Housing Land Supply Position Statement March 2015:

This figure shows that with an indicative trajectory target and the shortfall being addressed over the forthcoming five years there would be a five year supply of housing land in the county:

A Core Strategy 2011 – 2031 16500

B Core Strategy requirement 1800 Using indicative trajectories: 1/4/2011 – 1/4/2014 600 dpa

C Homes Completed (net) 873 Net reduction includes demolitions and conversions 1/4/2011 – 31/3/2014

D Requirement for next five years 4000 using trajectories 15/16 – 600 pa (1yr) 16/17 – 19/20 – 850 pa (4yrs)

E Plus Residual Shortfall 927 (over next five years as per PPG)

F Plus 20% buffer 985 added after shortfall

G Total Requirement 5912

H Annualised requirement 1182

I Total Deliverable dwellings 6201

J Housing Supply 5.24yrs

49. The Council's preferred option is to spread the shortfall over the plan period which would, in addition to a stepped target, add a further delay to the provision of homes and would not be a proactive approach. Therefore, I conclude that for the CS to be positively prepared and for the five year housing land supply to be effective, the shortfall should be spread across the five year period. This approach would be consistent with the advice in the PPG.
50. Details of deliverable sites are contained with the Update to Herefordshire Local Plan – Core Strategy Five Year Housing Land Supply [PH1] March 2015 document. Their assessment complies with advice in the PPG about whether sites are deliverable. The sites include the CS strategic housing sites where they can make a contribution, sites with planning permission or a resolution to grant planning permission, assessment of NP sites (based on the SHLAA, emerging NP allocations and an assessment of deliverability), previously allocated sites where they are considered deliverable, past housing completions and a windfall allowance. The windfall allowance is justified by a figures from past monitoring reports [B21a-f] showing a consistent level of windfalls throughout the county over many years. The HLS provides information about the UEAs and SUEs, including ownership and progress towards submitting a planning application, and there is convincing information that these sites could start to deliver housing within the 5 year period.
51. The five year housing land supply (PH1) is marginal but realistic and to maintain this position the Council will have to closely monitor the sites shown on the indicative trajectory to deliver housing within the five year period, with appropriate action taken if the supply appears at risk. The way this will be undertaken to be effective is addressed in the paragraphs below.

Delivery

52. The reliance on larger sites coming forward later in the plan period is not without risk, particularly of delay in timing and the consequential failure to deliver the number of houses within the plan period. In this respect, one of the main concerns with the submitted Plan was the relationship between the supply and delivery of the strategic sites, critical infrastructure and/or the

impact on the environment. The CS identified three significant areas of risk: the proposed Hereford Relief Road (HRR); water infrastructure and the effect on the River Wye Special Area of Conservation (SAC).

53. *Hereford Relief Road.* The plan identifies a new strategic road, the Hereford Relief Road, to be built to the west of the city to ensure there is capacity and mitigate the effect of transport on the town centre and the A49 trunk road which runs through Hereford, from the three Hereford UEAs (HD3, HD4 and HD5) and the Hereford City centre development (HD1 and HD2). There is support for the approach from Highways England and it is likely that funding towards the HRR would come forward through developer contributions where appropriate, and the HRR may be delivered during the plan period.
54. However, the HRR is not identified in the Council's Local Transport Plan [C46a] as planned infrastructure, the funding is not secure and it is not part of Highways England (HE) Road Investment Strategy for 2015 – 2020 (Statement of Common Ground between the Council and HE). The route has not been modelled or identified in detail and there is a high degree of uncertainty about whether the HRR is viable and can be achieved within the plan period. A key consideration for soundness of the plan is, therefore, whether the substantial growth identified for Hereford is deliverable.
55. *Water Infrastructure.* Dŵr Cymru Welsh Water (DCWW), statutory undertakers providing water and sewerage infrastructure, make clear that the existing infrastructure would not be sufficient to cope with the identified growth across the county. However, over the plan period DCWW indicate that their investment programmes, in combination with improvements funded/undertaken by developers could provide the required infrastructure. The whole plan viability study 2014 satisfactorily addresses the implications for housing development identified in the Plan and the role of the developer; nevertheless, a co-ordinated approach with DCWW is required as set out in the Statement of Common Ground and other studies [C50a, PS57 and PS59] and this could affect the timing and the deliverability of sites.
56. *River Wye SAC.* The River Wye SAC is vulnerable to phosphate loading which could come from an increased flow of sewage into the rivers from a growth in housing in Leominster and the rural areas and from the location and construction of the HRR (place shaping policies LO1, LO2, RA1, RA2, RA6 and HD3). A Nutrient Management Plan November 2014 (NMP) [C51] has been produced by Natural England and the Environment Agency who have worked with the Council during preparation of the CS to manage planned growth and the effect on the SAC. The HRA May 2014 (updated in September 2014) [A5] concluded that an appropriate assessment (AA) was necessary and this was undertaken as part of the 2014 HRA. This concluded that having regard to mitigation measures required by CS place shaping and general policies, delivered in-combination with the measures set out in the NMP that there would not be an adverse effect on the integrity of the SAC from the plan as a whole.
57. The AA[A5] conclusions on the SAC are based on delivery rates set out in the trajectory for the achievement of the total housing target, and the related water cycle study, including water infrastructure improvements. At this stage the evidence shows that there would be no adverse effect; however, the level

of phosphates could be influenced throughout the plan period by a wide range of factors other than the Planned CS development. Although the NMP is an on-going programme addressing changes, the NPs and local area DPDs would require separate HRA's as would any planning applications for the Hereford Relief Road and development coming forward in Leominster and the rural areas. The financial implications for mitigation have been satisfactorily assessed in the whole plan viability study; nevertheless a co-ordinated approach with DCWW, EA and NE is required and this could affect the timing and the deliverability of sites.

58. The submission Plan policy SS3 sought to deal with the identified risks to the delivery of housing; however, the policy was worded in a negative way which would prevent or delay development if the critical infrastructure/mitigation measures were not in place. In addition, intervention strategies to address any delay were unclear and there was a lack of a site specific indicative trajectory, or targets and dates to monitor the delivery of development. The policy was unsound as it introduced a significant level of uncertainty about when and if the required housing could be delivered.
59. In order to ensure that the approach to supply, delivery and monitoring is sound taking into account the aforementioned factors **MM07** and **MM065** (in part) introduces a combination of measures enabled by a new policy to effectively monitor progress and take action necessary to ensure the delivery of the housing target.
60. Firstly, it introduces an appendix (5) to the Plan with a table identifying the necessary infrastructure, including links to the NMP, for each strategic site, and the date by which it is required. It identifies by number the amount of housing that can go ahead before the infrastructure becomes critical; it sets out a programme and key progressions points for the critical infrastructure so that progress can be monitored and it identifies what action will be taken if the delivery of infrastructure fails to progress as expected. Secondly, MM07 and MM065 introduce a revised, comprehensive trajectory (appendix 4) identifying all of the strategic sites, housing projected to come forward through NPs and local DPDs, and windfalls, against delivery for each year sufficient to meet the housing target of 16,500. Finally, a re-worded policy SS3 makes a commitment to annual monitoring against the revised housing trajectory, including the production of a policy monitoring document. It links a commitment to take action if critical infrastructure does not come forward as expected and it identifies measures to be undertaken if the housing falls below the projected target in any one year including identifying further land.
61. I am satisfied that this is a positive and flexible approach and the MMs are necessary to ensure that development can go ahead where it meets the plan policies, that there is always a forward looking monitoring process to identify problems with the critical infrastructure programme long in advance of any difficulties arising and appropriate action can be taken to ensure targets are met.
62. Overall, the approach to the supply and delivery of housing is consistent with national policy and guidance, is based on a sound and thorough analysis of the current situation in the county, as demonstrated in the comprehensive and detailed evidence base.

Issue 4 - Whether the approach to movement and transport is positively prepared, justified, effective and consistent with national policy?

63. SS4 – movement and Transport, is a positively worded policy reflecting the NPPF aim of promoting sustainable transport and facilitating sustainable development. It sits alongside and supports the wider CS approach to directing most development in the county to Hereford and the market towns to reduce unsustainable travel patterns. The policy identifies major transport infrastructure sought during the life of the plan as identified in a range of transport studies [C43a C47b]. The Edgar Street Grid Link Road is at an advanced stage and will support development of Hereford city centre. The HRR is mentioned, but I have dealt with the uncertainty of its delivery in the previous section of this report. Notwithstanding this, inclusion of the HRR in the policy would not be unsound as it remains a valid aim of the Council to bring this forward when possible as a means of improving the local transport network. Other infrastructure projects including the Leominster Relief road and park and choose/ride schemes would come forward as part of the development criteria of the UEAs/SUEs. **MMO8** clarifies the wording of the policy, identifies the role of NPs, adds that contributions must meet the statutory tests and sets out partner organisations involved in implementation of the policy in order for the policy to be effective.
64. General policy MT1 – traffic management, highway safety and promoting active travel, sets out criteria, based on a range of supporting documents, to ensure that the effect of traffic on the network and highway safety is minimised and mitigated where necessary. **MMO49** adds a reference to the use of travel plans to encourage active travel behaviour and clarifies some of the wording to make the policy effective.
65. Overall, the approach to the transport and movement has been positively prepared and is consistent with national policy and guidance.

Issue 5 - Whether the approach to employment is positively prepared, justified, effective and consistent with national policy?

66. The submitted Core Strategy policy SS5 seeks to provide 148 hectares (ha) of employment over the plan period at an average of 7.4ha per annum with a continuous supply of 37ha over a five year period. This was based on the Employment Land Study (ELS) 2012 [C6a] which updated the earlier Employment Land Provision Background Paper Revised version March 2009 considering options based upon labour demand projections and past trends.
67. There is no direct link between job numbers and employment in the CS. However, the HLRS makes clear that adjustments made to the past trend figures together with the aforementioned employment growth would ensure that the CS target of 148ha would be sufficient to meet employment needs during the plan period.
68. The Annual Land Monitoring Report 2014 [PS6] shows that some 61.5ha is available from recent planning permissions, with new strategic sites within or adjacent to Hereford, Leominster, Ledbury and Ross-on-Wye providing a

further 50ha. The new employment sites have been subject to the Economic Land Viability Assessment and whole plan viability test [C8] and there are no physical constraints that would prevent the sites coming forward. The ELS shows that with continuing investment at Rotherwas, a large business park to the southeast of Hereford (designated as Enterprise Zone), sufficient land would be available to achieve the overall target. The Plan commits to a regular 3 – 5 year review of the ELS and identification of further land through either a Plan review or a further DPD if necessary. **MM010** is necessary to make the policy effective as it links monitoring and review of the employment provision in policy SS5 to a new appendix (6), which provides the details and timescales for delivery.

69. Although there is some uncertainty about employment land coming forward toward the end of the plan period, the ELS shows that there is a good range and quantity of employment land in the county mostly focussed on the existing urban areas, particularly Hereford and there are a number of larger rural employment sites outside of existing settlements where further employment land could be focussed.
70. The type of employment use is not limited in the CS for the strategic sites (unless there is a site specific reason for doing so) nor are densities or plot ratios specified, in order to provide flexibility, choice and a locally responsive approach. Moreover, both the ELS and the HLRS predict that service sector jobs and agricultural diversity will represent the greatest increase and these would not necessarily be on identified employment land. In this regard **MM09** adds a sentence to the explanatory paragraphs for policy SS5 recognising and supporting small business. The SA of the Pre-Submission Publication (May 2014) [A4] indicates that Policy SS5 (Employment Provision) is likely to have a significant positive effect on employment, skills and the sustainable economy by supporting the provision of an appropriate quantum of employment land.
71. Policy SS5 is supported by general policies E1, E2, E3 and E4 which set out the way in which the Council will consider planning applications for new employment provision, criteria for when the loss of employment land may be acceptable, matters to be considered for homeworking and the promotion of tourism. **MM050 and MM051** are necessary to remove figures and information from the explanatory text which are out of date and introduce changes to wording of the policy E2 to clarify the Council's approach. **MM052** removes overly prescriptive text to policy E4 to ensure it is flexible. The MMs are necessary to make the policies effective and consistent with the NPPF.
72. Overall, the approach to the provision of employment is based on a sound and thorough analysis of the situation in the county, as demonstrated in the comprehensive evidence base and it is consistent with national policy and guidance.

Issue 6 - Whether the approach towards Town Centres and retail is justified, effective and consistent with national policy?

73. The CS identifies Hereford as a Sub Regional Shopping Centre, and the five towns in the county as Market Towns. Below this there are Local Shopping Centres and Neighbourhood Shopping Centres. The Town Centres Update Study 2012 [C41] indicates that the hierarchy of centres continues to reflect

their role and function in the county. The study identifies relatively modest need for retail space in the Market Towns which would not warrant strategic locations, and which could be accommodated within existing retail areas.

74. In Hereford the study demonstrates that because of the new shopping centre and regeneration programme in the city centre, additional retail floor space is unlikely to be needed until towards the end of the Plan period. The Hereford Area Plan DPD (HAP) will enable proposals to be advanced and sites to be identified to meet long term retail needs. There would be a need to provide appropriate local convenience facilities to serve the needs of the UEAs and this would be achieved through the place shaping policies for the strategic sites. Although the Plan encourages leisure and other town centre uses there is no identified need for sites to be allocated within the plan period.
75. General policies E5 and E6 provide the framework for determining proposals for town centres for all town centre uses. The CS aim is for Hereford and the Market Towns to be the focus for retail developments. In this respect, studies show that relatively small scale out of town development has affected the market towns [representor 149], and **MM053** reduces the threshold for the requirement for any retail, leisure or office development outside of the town centre (and not in accordance with the Plan) to provide an impact assessment. The modifications are carried through to the place shaping policies and other policies where thresholds are referred to throughout the CS. Although the threshold is significantly below that suggested in the NPPF, it is necessary to better reflect local circumstances, encourage a more sustainable approach in terms of transport and assists overarching aim of policy E6 for development to contribute and enhance the vitality and viability of town centres.
76. The submission Plan contained town centre maps which were unclear in terms of both their evidence base and appearance. In order for the retail policies to be effective **MM015, MM022, MM024, MM027, MM030 and MM035** are necessary for soundness of approach, deleting the town centre maps for Hereford, Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye. The MMs indicate that the town centre boundaries will be established in the HAP, Bromyard DPD and NPs where a robust evidence base will be established. In the meantime the Unitary Development Plan maps (with the exception of Hereford) are clear and reasonable. However, in Hereford there have been significant changes within the town centre with large new shopping centre forming part of a wider regeneration scheme. The HAP is programmed in the Local Development Scheme [A7] to come forward in winter 2016/17 where the new town centre boundary will be established. There is a master-plan for the regeneration area, with clearly defined boundaries and I see no conflict or difficulty with implementation of the employment policies arising from this approach. **MM013** is necessary to make clear that the HAP will define the town centre boundary.
77. Overall, the approach to the provision of retail is consistent with national policy and guidance, is based on a sound and thorough analysis of the current situation in the county, as demonstrated in the comprehensive and detailed evidence base.

Issue 7 - Whether the approach towards the natural and built environment is justified, effective and consistent with national policy?

78. Overarching policy SS6 seeks development to conserve and enhance both the natural and built environment. It lists a wide range of environmental components to be considered in the planning process to achieve the policy aim. This is justified by a comprehensive evidence base, including heritage, townscape, landscape, biodiversity, geo-diversity and green infrastructure studies. **MM011** makes the policy sound by adding additional wording to clarify the components, explain the role of NPs, DPDs (in areas without NPs), and SPDs, in identifying local features, areas and sites defining local distinctiveness. Importantly MM011 removes an inaccurate and misleading sentence relating to mitigation. The modification also introduces additional wording to the supporting paragraph providing necessary information on the role of Natural England's conservation objectives for the SACs, Management Plans for the AONBs and SPDs and is necessary to make the policy sound.
79. General policies LD1, LD2, LD3 and LD4 support policy SS6. These relate to landscape and townscape, biodiversity and geo-diversity, green infrastructure, the historic environment and heritage assets respectively. They set out in more detail how the environmental components in Policy SS6 would be considered in the planning process. Although the overarching aims of the submission Plan policies are sound, their wording incorrectly reflected policy documents that preceded the NPPF. In order to make the policies sound **MM054, MM055, MM056 and MM057** update the wording to ensure that the policy considerations reflect the NPPF rather than superseded documents. **MM05** to overarching housing policy SS2 updates the policy in a similar way ensuring the reference to character and beauty of the countryside reflects national policy.
80. Policy SS7 addresses climate change. The supporting text recognises that this is a complex issue where government legislation may change and the measures identified would constantly be reviewed. The policy does not make reference to standards but sets out broad principles such as seeking development to be focussed in sustainable locations. It seeks pro-active strategies to be put forward to mitigate and adapt to climate change. **MM012** makes the policy sound by changing wording to better reflect the NPPF, including removing unnecessary and over-prescriptive detail.
81. SD1 relates to sustainable design and energy efficiency setting out a range of general principles that developments are required to consider. **MM058** removes unnecessarily prescriptive measures and simplifies text to ensure the policy is consistent with the provisions of the NPPF. The modification also alters explanatory paragraph to reflect the changes and is necessary to make the policy sound.
82. In a written ministerial statement (WMS) on 18 June 2015, the Secretary of State for Communities and Local Government set out new considerations to be applied to proposed wind energy development. The submitted CS policy SD2 was not consistent with the WMS in its promotion of wind energy development. **MM067** imposes a separate paragraph in the policy, replicating

the WMS criteria for consideration of wind energy development. It adds a paragraph to the explanatory text indicating that the Council will consider whether to identify suitable areas for wind energy through future development plan documents. **MM067** is necessary to ensure that the policy is consistent with national guidance in enabling local residents to have a greater say in future development. **MM059** removes prescriptive tests relating to targets for renewable and low carbon energy which is necessary to introduce a flexible, more site specific approach. The modifications would make the policy sound. **MM060** clarifies and defines the sequential test in an extra paragraph to make the policy and its requirements clear.

83. In a WMS on 25th March 2015, the Secretary of State for Communities and Local Government set out new arrangements for the consideration of Housing Standards in the planning system. New additional optional Building Regulations on water and access and on space standards are described which can complement existing, mandatory Building Regulations. **MM066** deletes reference to residential development meeting Code for Sustainable Homes (Code) level 5 for water efficiency (seeking 80 litres per person per day) which was withdrawn by the WMS. However, the Council has worked closely with the Environment Agency, Natural England and Dŵr Cymru Welsh Water who support the approach of water efficiency standards to assist the management of nutrients in the River Wye SAC. Although the national optional standard (110 litres, per person, per day) introduced by the WMS is not as challenging a requirement as Code level 5, there is evidence in the Water Cycle Studies [C50a and PS57] that it would contribute towards the management of nutrients. **MM066** replaces the requirement for Code level 5 with the national technical standard. There would be no significant implication for the NMP. It would have a lower impact on viability and would not affect delivery of new housing sought by the Plan. **MM066** is necessary to ensure consistency with national policy by helping bring forward new homes whilst protecting the environment.
84. Overall, these policies would conserve and enhance the natural and built environment consistent with national policy and guidance. They are based on a sound and thorough analysis of the current situation in the county, as demonstrated in the comprehensive and detailed evidence base.

Issue 8 - Whether general policies SC1, OS1, OS2, SD4 and OS3 are justified, effective and consistent with national policy?

85. Policy SC1 relates to social and community facilities. **MM046** makes the policy sound by removing unnecessarily prescriptive text and adding a sentence relating to developer contributions to ensure that they can only be sought where they meet the relevant policy tests. The modification adds to the explanatory text to clarify the marketing criteria set out in the policy, ensuring that the policy would be effective. OS3 relates to loss of open space setting out principles that will be taken into account in development. This is a clear and positively worded policy which is sound and no modifications are proposed.
86. Policies OS1 and OS2 relate to the requirement for open space, sports and recreation facilities. **MM047** removes prescriptive standards from policy OS1 and makes associated changes to the explanatory text, reducing burdens and

making the policy more flexible and site specific. **MM048** removes out of date policy references from Policy OS2 and adds text to make the policy more flexible. MM047 and MM048 are necessary to ensure consistency with the NPPF aim of a flexible and positively prepared Plan.

87. SD4 relates to wastewater and river water quality and is soundly based on a wide range of aforementioned studies and assessments including the Strategic Flood Risk Assessment addendum (Feb 2015)[PS58] the HRA [A5], Statements of Common Ground between DCWW and the Council and the EA/NE and the Council, and the NMP [C51]. This is a positively worded and clear policy, identifying what information developers should provide and setting out measures that may be appropriate. No modifications are necessary to this policy to make it sound.

Issue 9 - Whether the place shaping policies for Hereford, the market towns of Bromyard, Ledbury, Leominster, Kington and Ross-on-Wye is effective and justified and consistent with national policy?

Hereford place shaping policies

88. Hereford is the main service and economic centre, with the highest population in the county. The majority of new housing proposed for the county (6,500 dwellings) would be accommodated in Hereford during the plan period with some 800 dwellings in the city centre (HD2), and some 2,500 dwellings in three urban expansion areas to the north, west and south of the city (HD4, HD5 and HD6). Around 15 hectares of employment land would be provided at the western and southern UEAs. The location and quantity of development was arrived at following consideration of a range of options and studies, for both Hereford and the county as a whole.
89. The Council is preparing the Hereford Area Plan DPD (HAP) expected in the LDS to be adopted in 2016/17, which together with neighbourhood plans (where necessary) provide for the remaining housing and set out more detailed policies for the city centre. The SHLAA [C25a] shows that there is capacity within the city for the remaining dwellings. The aforementioned **MM014** deleted a reference to neighbourhood plans assisting in this process. However, if there are changes to the Hereford settlement boundary in the HAP (which the Council advises is possible) it may cover some of the NP areas. Therefore, it is sensible to keep the reference to NP as this adds flexibility and I intend to amend the MM accordingly.
90. Within the city centre the Eign Gate and Edgar Street regeneration project is underway with the creation of a large shopping area and urban village. **MM015** adds to policy HD2 that "the majority" of the 800 new dwellings would be within the urban village, adding flexibility for the housing to be provided elsewhere in the city centre where there is capacity. The modification deletes unnecessarily prescriptive text from the policy, provides greater clarity in both the policy and the explanatory text to make the policy sound.
91. The CS recognises that the scale of development proposed in Hereford would place further demand on the city's constrained transport network. However, the submission Plan policy HD3 relating to movement failed to emphasise the importance of achieving and promoting sustainable transport to help address

demand. **MM016** adds text to the Hereford movement section to ensure that the focus of the policy, in line with the NPPF, is to facilitate sustainable transport. The modification deletes over prescriptive wording relating to contributions which could be in conflict with the policy tests for planning obligations and clarifies that funding would be sought by a variety of mechanisms as appropriate. The aforementioned Hereford Relief Road is identified as important infrastructure for Hereford. MM016 deals with the uncertainty of delivery linking the policy to SS3 which deals with the relationship between critical infrastructure and delivery making the policy sound.

92. HD4, HD5 and HD6 identify broad locations for the UEAs, the location and size derived at from information in the SHLAA and following several SAs [A4, B13 – B16c] of other alternatives and options as the plan progressed. The policies for the UEAs are criteria based setting out what development would be expected for each UEA, including access and infrastructure. **MM017, MM018** and **MM019** amend the wording of the policies HD4, HD5 and HD6 respectively to ensure consistent terminology is used, add the word “minimum” to the housing targets, remove duplication, incorporate a link to policy SS3 relating to general infrastructure and monitoring. The MMs are necessary to make the policies effective and sound. No modifications were proposed to HD7 relating to employment provision in Hereford. HD7, together with the aforementioned employment policies, would promote and encourage employment provision in Hereford.
93. The whole plan viability test assessed the policies and their requirements and found them to be viable, and I conclude that the place shaping policies for Hereford are sound.

Leominster place shaping policies

94. Leominster is the main centre in the north of the county with good transport links and the least constraints of the market towns. **MM028** updates the information in policy LO1 (the general policy identifying housing and employment targets for Leominster) and ensures terminology is consistent with the rest of the Plan. The modification makes clear that the Leominster NP will identify the dwellings numbers not sought in the UEA. **MM031** explains the role of the Nutrient Management Plan, in line with policy SS3.
95. A range of options for the location and quantity of housing was considered in the SA and earlier iterations [A4 and B13 – B16c] which justify the identification of a broad location for a large UEA (policy LO2) to the south west of the town to provide around 1,500 homes. The site is suitable and in a sustainable location [A4]. LO2 sets criteria for the development of the UEA and MM028 and **MM029** add the word “minimum” to the housing targets in policies LO1 and LO2, and alters the retail threshold to be consistent with other Plan policies and this makes the policy effective. **MM030** adjusts retail floor space levels to be consistent with other policies in the CS to clarify the policy approach set out in LO2.
96. The whole plan viability test assessed the policies and their requirements and found them to be viable, and I conclude that the place shaping policies for Leominster are sound.

Bromyard, Ledbury and Ross-on-Wye place shaping policies.

97. Bromyard, Ledbury and Ross-on-Wye are market towns of significance in the county. The SA and aforementioned SA options and alternatives show that the quantity of housing and employment would be proportionate, having regard to the size of the towns and their environmental constraints. The Plan identifies a Strategic Urban Extension (SUE) for each market town in a location which has been assessed in SA against all other reasonable options. The whole plan viability test shows that the development requirements for the relevant SUEs (policies BY2, LD2 and RW2) are achievable.
98. **MM020, MM021, MM025, MM026, MM032** and **MM033** update the information in policies BY1 and BY2 for Bromyard, LD1 and LD2 for Ledbury and RW1 and RW2 for Ross-on-Wye (and where necessary the associated text) to be consistent with the NPPF, add the word "minimum" to the housing target, and clarify the criteria for the SUEs to make the policies sound.
99. MM020 makes clear that Bromyard Town Council has decided not to produce a NP and that the Council will produce the Bromyard Development Plan (BPD) to identify sites for the remaining employment and housing sites not set out in the SUE. The LDS update (Feb 2015) [IN7] gives a timescale for Bromyard Development Plan for adoption in Winter 2016. **MM034** clarifies policy RW1 ensuring that the monitoring of employment land in Ross-on-Wye would be linked with policy SS5 making it effective.
100. MM025 and MM032 make clear that Ledbury and Ross-on-Wye will produce a NP to identify sites for housing/employment land, not addressed in the SUE policies. For Ledbury SUE/UEA, the submission plan policy LD2 tied down the primary and secondary vehicular access to two specific roads. This was too prescriptive given the early transport studies for the site. MM025 deletes the primary and secondary references and I am satisfied that this would make the policy sound in that it would be more flexible and effective. Further minor changes to the wording of the policy in terms of access suggested by the Council following responses to the main modifications would not be necessary for soundness and it would be up to the Council to impose them if they wish.
101. The whole plan viability test shows that the development requirements for the relevant SUEs (policies BY2, LD2 and RW2) are achievable and I conclude that the place shaping policies for Bromyard, Ledbury and Ross-on-Wye are sound.

Kington place shaping policies

102. Kington is the smallest of the market towns with significant environmental and locational constraints [A4]. The quantity of housing would be proportionate but given the constraints there may be a need to reassess the SHLAA for Kington to ensure that its target of around 200 homes in the plan period could be achieved. **MM023** clarifies policy KG1 identifying a NP as the means of allocating the land. It updates the information in the policy and adds clarity to the criteria. As Kington is an area where water infrastructure improvements are critical to delivery, MM023 adds information about the monitoring process linking this to policy SS3. The modifications make the place shaping policy for

Kington sound.

103. Overall, the place shaping policies for Hereford, the market towns of Bromyard, Ledbury, Leominster, Kington and Ross-on-Wye are effective and justified and they would achieve sustainable development.

Issue 10 –Whether the approach to the rural areas is positively prepared, is appropriate to the needs of the area, is soundly based and consistent with national policy?

104. A key element of the spatial strategy is the allocation of some 5,300 homes to the rural area. I have already concluded that strategic approach to the rural area relating to the quantity of housing is robust, and the SHLAA and Rural Housing Background Report 2013 [C30] shows that there is capacity within the villages and hamlets to achieve this. The rural area is diverse and the Rural Background Paper and the LHRS and the LHMA, provide robust evidence for the seven different market areas identified in the rural areas across the county and the approximate number of houses required based upon common housing market conditions.

105. However, each rural area has differing needs and requirements, and all sit within a rural landscape which must be recognised and respected. Therefore, a flexible and responsive approach is necessary to bring about the level of development sought by the Plan. I had significant concerns about whether submission Plan policies RA1 which set out the general approach to the housing market areas (HMA) and policy RA2 which set out the approach to how the villages would achieve this. They were very prescriptive, and the approach to quantities for the housing market areas and villages was confusing and seemingly inflexible, and it appeared to restrict development numbers. This left some uncertainty about the role of the NPs, the location of local housing and its overall delivery.

106. To make RA1 (and the associated explanatory text) sound **MM036** makes clear that the proportionate growth sought from within each HMA would be indicative. It adds that the indicative targets relate to the HMAs as a whole leaving flexibility for NPs to identify the most suitable housing sites. It sets out that local evidence and environmental factors would inform the scale of development. It indicates that the overall figure of 5,300 is a minimum target and therefore the indicative figures are not meant to be read as a cap on housing numbers.

107. To make RA2 (and the associated explanatory text sound), **MM037** clarifies the approach to be taken to the quantity and location of development. The submission Plan reasonably identifies the most sustainable villages within the HMAs capable of accommodating new housing based on a range of studies of the rural hierarchy and rural housing markets a [C30, C31 and C32]. Rather than be prescriptive **MM037** replaces text within the policy to ensure that the minimum target growth will be used to inform the level of housing within the settlements and that NPs will allocate sites for housing accordingly. It sets out a number of criteria followed through in the text to make the policy more responsive, having regard to the role and function of the settlement, housing type and landscape setting. The modification indicates that the Council are producing a Rural Areas Site Allocation DPD for parishes where there is no NP.

The LDS Update (February 2015) [IN7] indicates that the timescale for adoption to be Autumn 2017. **MM043** changes wording in rural exception housing policy H3 to be consistent with changes to RA2. The MMs make the approach to the rural settlements much more flexible and give immediate guidance to developers about where new housing may be appropriate making the policy sound.

108. For development within the open countryside **MM038** is necessary to add clarity to policy RA3 setting out where it would apply in order for it to be effective. It deletes over prescriptive text from the explanatory paragraphs to update the CS in line with the wording of the NPPF. The submission Plan Policy RA4 relating to agricultural, forestry and rural enterprise dwellings set restrictive criteria relating to the size of new homes which appeared to have no evidence base. **MM039** deletes the restrictive text and amends the associated explanatory texts removing unnecessary or prescriptive information enabling the policy to be flexible, effective and sound. **MM040** and **MM041** remove restrictive text from policy RA5 for the re-use of rural buildings and policy RA6 for the rural economy to ensure that it reflects changes to other rural policies. For RA5, the policy relates to both residential and economic uses and the MMs ensure that the policies accord with the approach to the rural areas set out in the NPPF.

109. Overall, the approach to the rural areas is positively prepared, is appropriate to the needs of the area, is soundly based and consistent with national policy.

Issue 11 – Whether the Core Strategy would monitor development and necessary infrastructure effectively?

110. The aforementioned modifications to SS3 relate to monitoring and action to be taken in relation to housing in terms of infrastructure delivery and monitoring. **MM061, MM062, MM063 and MM064** add/delete text to ensure that CS policy ID1 and the explanatory paragraphs would support the modifications made to SS3 and assist the delivery of infrastructure for all development identified by the plan. Crucially the MM clarifies that contributions from developers towards infrastructure can only be sought where they comply with the statutory tests and the NPPF. The text is updated to reflect the MMs to SS3 and ID1 and to make the policy sound. The **MM065** update of Appendix 1 relating to saved Unitary Development Plan policies is necessary to provide clarity, and a new appendix 3, the Infrastructure Delivery Plan, would assist with monitoring. I have deleted references to appendices 2, 7 and 8 which are not necessary as main modifications to make the plan sound.

111. Overall the plan would monitor development and necessary infrastructure effectively.

Assessment of Legal Compliance

112. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Herefordshire Local Plan Core Strategy is identified within the approved LDS January 2015 which sets out an expected adoption date of Summer 2016. The Herefordshire Local Plan Core Strategy's content and timing are generally compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (May 2014) sets out that the plan may have some negative impact, and an AA has been undertaken. This found that there would not be an adverse effect on the integrity of protected sites from the plan as a whole.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Herefordshire Local Plan Core Strategy complies with the Act and the Regulations.

Overall Conclusion and Recommendation

113. The Herefordshire Local Plan Core Strategy has a number of deficiencies in relation to soundness and legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

114. The Council has requested that I recommend main modifications to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Herefordshire Local Plan Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Christine Thorby

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications.