

Public questions to Council – 16 October 2015

Question from Mr S Wegg-Prosser, Breinton

Question 1

Document trail re the main modifications and authorship

Could the cabinet member responsible for the core strategy please describe the process whereby the main modifications were written, passed to the inspector, commented on by members of the public, and responded to by the assistant director economic, environmental and cultural services? In particular, who wrote the first draft of the main modifications and did the inspector send comments to the assistant director economic, environmental and cultural services after she had received his responses?

Answer from Councillor P Price cabinet member infrastructure

As those who were present will recall, at the close of the hearing sessions the inspector requested that a schedule of modifications be prepared to reflect discussions at the hearings. This work was undertaken in the weeks following the close of the hearings. It was then reviewed and amended by the inspector before being published for consultation.

Further modifications were prepared following specific requests from the inspector, largely as a result of changes to national planning policy, and these in turn were also subject to consultation.

The inspector also asked the council to prepare a brief summary of and response to the comments received to the main modification consultations. The inspector did not make any further comment. This correspondence is available on the council's website

<https://www.herefordshire.gov.uk/answer-to-question-1>

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/examination-of-the-herefordshire-local-plan-core-strategy/post-hearing-and-further-consultations/summary-of-modifications/main-modifications/summary-responses>

Question from Mrs V Wegg-Prosser, Breinton

Question 2

The nutrient management plan (NMP) and the core strategy

Elements within the housing growth strategy are dependent on the NMP action plan (November 2014). This has the aspiration of ensuring that the SAC River Wye achieves favourable condition by 2027. However, as was acknowledged at the hearings in to the core strategy in February 2015, not all sections of the Wye and its tributaries such as the Lugg are currently in favourable condition. For consistency and assurance as to the council's obligations under the current Habitats and Water Framework directives, could the cabinet member responsible for the core strategy please confirm that MM031 (Leominster) also applies to MM017, MM018 and MM019, regarding the three strategic urban extensions in Hereford. The MM031 wording is as follows:

"Sections of the River Wye SAC where the water quality targets are already exceeded will be subject to measures to reduce nutrients in line with the targets. All new development proposals must not compromise the ability of the Nutrient Management Plan to deliver the necessary overall reductions along these stretches.

Answer from Councillor P Price cabinet member infrastructure

Public questions to Council – 16 October 2015

The modification is clear that it would apply to all new development proposals irrespective of the location. However, water quality targets are exceeded on the River Lugg section of the special area of conservation (SAC). The urban extensions at Hereford are considered unlikely to affect the River Lugg section of the SAC.

Supplementary Question

As Councillor Price has confirmed that the policy modification MM031 refers to any area scheduled for possible development affecting any stretch of the River Wye SAC where nutrient levels are failing to show favourable condition, and as the urban extensions in Hereford will show such failures before 2027 once development starts, could Councillor Price please ensure the overarching nature of MM031 is added to MM017, MM 018 and MM019.

Answer from Councillor Price

The nutrient management plan will address this matter.

Question from Mr R Stow, Rowlestone

Question 3

River Wye special area of conservation (SAC)

The inspectors report (paragraph 52) confirms that one "significant area of risk" to the delivery of the local plan is the effect on the River Wye Special Area of Conservation (SAC).

The Wye and Usk Foundation has considerable expertise in environmental matters and the ecology of the River Wye. In their response dated 21st May 2015 to the main modifications consultation, the Foundation raised a number of major concerns including:

- the implications of the "no deterioration" provisions in the Habitats and Water Framework Directives
- the cumulative impact of the continuing development of intensive poultry units, due to the high volumes and nutrient intensity of poultry manure
- the adequacy of a Nutrient Management Plan with no funding available
- the risk of the European Commission bringing infraction proceedings

Will the council please write to the Wye and Usk Foundation and provide a detailed response to all the serious issues raised in their letter of 21st May 2015, place the council response in the public domain, and issue a news statement to confirm that they have done so?

Answer from Councillor P Price cabinet member infrastructure

The letter from the Wye and Usk Foundation of 21 May 2015 was addressed to the inspector (and not Herefordshire Council) as part of the consultation upon the main modifications. The summary statements and response to the consultation comments prepared for the inspector are already in the public domain on the council's website.

The matters set out in the Wye and Usk Foundation letter were considered by the inspector in reaching her conclusions.

Public questions to Council – 16 October 2015

The Wye and Usk Foundation is acknowledged as being a key member of the Nutrient Management Plan (NMP) board established to implement the NMP actions and I look forward to working with all members of the NMP board on this important issue.

Question from Mr D King, Tillington

Question 4

The inspector's report states in paragraph 53 that "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)."

Analysis of the most recent Census (2011) shows that there were 1.1 cars and vans per household available for private use in the Parish of Hereford, and 1.7 cars and vans per household available for private use in the surrounding Hereford Rural Housing Market Area. The core strategy will increase the numbers of houses in Hereford by a minimum of 26% (6,500), and will increase the numbers of houses in the surrounding Parishes by a minimum of 18% (1,870). Applying the 2011 Census figures for cars and vans per household, Hereford and its dependent hinterland are therefore likely to have, as a minimum, a further 10,000 cars and vans available for private use by 2031, whose owners will presumably be wanting to drive into Hereford to access its shops, jobs, schools, services and railway station. Could the cabinet member responsible for the core strategy please explain how he expects those vehicles to be driven into Hereford without creating the mother of all traffic jams every day, because the Hereford relief road can, at best, only enable the new residents to drive around it, and not into it?

Answer from Councillor P Price cabinet member infrastructure

As policy HD3 makes clear, the Hereford relief road is only one element of a package of measures which the council will look to deliver in Hereford.

The council's evidence base set out on the website demonstrates that the relief road will provide additional highway capacity. This will accommodate the growth in traffic associated with new development, enabling public transport, walking and cycling improvements on the existing network.

Question from Ms M Burns, Hereford

Question 5

The inspector in para 78 states that "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, geodiversity and green infrastructure studies". However, the council's latest annual monitoring report states at para 11.4 that

"The Herefordshire Local Biodiversity Action Plan was updated in 2007. Herefordshire Council's Biodiversity Strategy 2007- 2010 needs to be rolled forward but there is currently no staff resource to do this...The current strategy can be viewed at: http://www.herefordshire.gov.uk/docs/Biodiversity_Strategy_191107.pdf .

Public questions to Council – 16 October 2015

A national biodiversity reporting website is now in place for each County called the Biodiversity Action Reporting System (BARS). This system was updated in 2012. There is currently insufficient staff resource to input to BARS.”

This BAP is no longer available. In addition, the list of local wildlife sites provided in annex 8 of the draft core strategy has not been fully reviewed since selection in 1990, from evidence gathered in 1979, and is now very out of date.

Could the cabinet member please explain how it will provide a comprehensive and up to date evidence base around biodiversity; geodiversity and green infrastructure when there has been no staff resource to do this for a number of years now?

Answer from Councillor P Price cabinet member infrastructure

The Herefordshire biodiversity action plan (BAP) was produced by a partnership which included Herefordshire Council. It is not accurate to say that there has been no staff resource ‘for a number of years now’ as a biodiversity partnership co-ordinator was employed by the council from 2006 – 2013. National funding for the BAP process was withdrawn in 2012 and has necessitated a different approach. The BAP is currently being reviewed and updated by a working group led by Herefordshire Wildlife Trust. Herefordshire Council is inputting to this review. The review will include consideration of how partners might utilise the UK's biodiversity action plan reporting system.

In the event that the local plan is adopted today conservation strategies, including the biodiversity strategy and guidance will be reviewed and updated.

It is recognised that the local wildlife sites require review. To this end, the council and other partners will continue to seek funding opportunities to support this work.

Supplementary Question

The cabinet member acknowledges that the evidence for wildlife sites in and around Herefordshire has not been updated since it was collected in 1979 and that no one has been employed since 2013 to deliver the county's biodiversity action plan. With the planning department regularly drawing in planning application fees significantly over budget in recent times, could the cabinet member please explain why the council is continuing to seek funding opportunities, rather than use the surplus on planning fees as intended and bring up to date the evidence base around biodiversity, geodiversity and green infrastructure?

Answer from Councillor Price

I will discuss with the Director to see if funding can be found from planning fees to update the records of wildlife sites.

Question from Mrs L Lewis, Hereford

Question 6

At para 89 the planning inspector notes that under the SHLAA (C25a) there is capacity within the existing City boundary to accommodate the balance of the housing growth not being delivered on the strategic urban developments. With so many sites now available in Hereford, such as the First Midland Bus depot; the Bath St Offices; the old Whitecross High School; land at Widemarsh common; as well as the “Urban Village” area in the centre of Hereford, would the cabinet member

Public questions to Council – 16 October 2015

please confirm the level of housing that the council believes can be delivered on SHLAA sites within the existing City boundary, including those mentioned above? For clarity and avoidance of any confusion I would appreciate it if he would please list the number of dwellings by each site, clearly differentiating between “Brownfield” and greenfield sites.”

Answer from Councillor P Price cabinet member infrastructure

The strategic housing land availability assessment (SHLAA) element of the evidence base is regularly updated. The latest published SHLAA (which includes schedules of individual sites) can be seen on the council website.

A revised SHLAA for Hereford is expected to be published in the very near future which will provide the information requested.

Question from Mr A Bridges, Hereford

Question 7

Main modification 08 regarding policy SS4 on movement and transportation has been amended by the inspector to make explicit reference that “Herefordshire Council will work with the Highways Agency, Network Rail, bus and train operators”. The private business park at Moreton-on-Lugg has been able to remove over 178,000 HGV movements off Hereford roads by opening up a freight rail head.

What progress is Herefordshire Council making to deliver either a freight or passenger services by rail into its own employment site at Rotherwas to reduce vehicle movements on Hereford roads?

Answer from Councillor P Price cabinet member infrastructure

The council has commissioned technical studies to assess the benefits and costs associated with the re-introduction of passenger and rail freight services into Rotherwas. An initial assessment of this proposal indicated that it would not attract sufficient passengers for a service to operate on a commercial basis and hence would require ongoing subsidy. A further assessment has been commissioned and the outcome of that work is due to be considered later in the year. The Enterprise Zone has agreed to protect land to keep the option of future rail freight access open but it is not aware of any commercial interest in such a scheme.

Question from Mrs E Morawiecka, Breinton

Question 8

The inspector notes that “it is likely that funding towards the HRR (Hereford Relief Road) would come forward through developer contributions where appropriate” (Para 53). For any developer contributions to be available for the delivery of infrastructure the council needs to have a Community Infrastructure Levy (CIL) charging system in place. As CIL cannot be charged on development until a charging system has been adopted when does Herefordshire Council anticipate that it will be in a position to start collecting CIL?

Answer from Councillor P Price cabinet member infrastructure

Public questions to Council – 16 October 2015

At this stage it is anticipated that approval will be sought to consult upon CIL in December 2015. This will include revised and updated CIL levy charges. The outcome of the consultation will inform the council's decision to approve a CIL scheme before it is submitted for independent examination.

Supplementary Question

As the Cabinet member recently informed the Council, in the last 18 months 2,068 dwellings have been approved by Herefordshire Council. At the Examination in Public it was made clear that many more developments are in the process of coming forward for approval before the Levy is in place. How will Herefordshire Council secure funding for the infrastructure identified in the plan, in particular the Western Relief Road, if it is unable to recover Community Infrastructure Levy on the major developments proposed in the Core Strategy, especially as CIL Cannot be backdated?

Answer from Councillor Price

Discussions have taken place with the Highways Agency, Department of Transport and the Local Enterprise Partnership about Road Infrastructure for 2020-2025. Funding for the western bypass is expected to be secured from Government.

Question from Mrs J Morris, Hereford

Question 9

The inspectors report recognises that there is a total affordable housing need across Herefordshire of, 3,457 homes in the period 2012-17 but this is "highly unlikely to be achieved" (para 32). For this reason the core strategy has to build a minimum of 16,500 homes across Herefordshire, well above the recognised objectively assessed need of 15,400 new homes, to try and deliver the affordable housing element.

With Herefordshire Council owning so much land and vacant buildings, including a number of brownfield sites across Hereford, what steps are being taken by the council to provide affordable and social housing on land it owns, in order to deliver much needed affordable homes now, rather than in 10 to 15 years?"

Answer from Councillor P Price cabinet member infrastructure

The inspector recognises that a target of 16,500 homes is an appropriate target that would meet objectively assessed needs, affordability is only one element of determining an appropriate housing target.

The plan sets out a range of policies to deliver affordable housing which will be operated following adoption of the plan. Within this context the council is actively reviewing its portfolio of land to determine which can be brought forward to help meet housing needs.

Supplementary Question

I thought the Core Strategy local plan process over the last five years had been to plan for the future of the County and to identify delivery of new housing, including affordable housing for young families. As Herefordshire Council is a significant landowner, particularly of sites in the City, what steps are being taken by the Council in the next 5 years to address the current need to provide 3,457 affordable homes?

Answer from Councillor Price

Public questions to Council – 16 October 2015

The Council takes delivery of affordable housing seriously and will pursue such development through the Plan. Sites owned by the Council including brownfield sites will be a priority for affordable and other housing.

Question from Mr R Palgrave, How Caple

Question 10

The planning inspector in her report on the core strategy notes that the Hereford relief road

“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... and there is a high degree of uncertainty about whether the HRR is viable and can be achieved within the plan period”, and also that:

“the submission Plan policy HD3 (Hereford Movement Policy) relating to movement failed to emphasise the importance of achieving and promoting sustainable transport to help address demand “.

Will the cabinet member please detail Herefordshire Council's plans for investing in sustainable transport infrastructure to address the demand from their housing growth proposals, giving estimates of funding amounts and timescales.

Answer from Councillor P Price cabinet member infrastructure

The council has made substantial investments in sustainable transport since the introduction of the local transport planning system in 2001. Most recently, it has completed the Hereford Connect 2 Greenway cycle scheme which comprises a new river bridge providing direct access to the Hereford Enterprise Zone.

Our plans for further investment in sustainable transport infrastructure and behavioural change campaigns comprise funding from the local transport plan (LTP) block grant, local revenue contributions towards promotional campaigns, developer contributions and as elements of major schemes which are being delivered as packages. Subject to central government funding streams remaining, over the period of the core strategy it is anticipated some £15m of LTP block grant will be allocated to sustainable transport measures. Additional funds will be secured through S106 contributions, local revenue contributions and specific capital allocations will be identified and delivered as part of major scheme packages.

Supplementary Question

Could the cabinet member explain the plans for sustainable transport infrastructure, scheme costs and their timescale?

Answer from Councillor Price

I will provide a written answer.

Written Answer

The previous answer outlined the overall approach which the council intends to take to the delivery of sustainable transport infrastructure to address the demands arising from the housing proposals contained within the core strategy. The delivery of such infrastructure must be coordinated with

Public questions to Council – 16 October 2015

the delivery of housing proposals to meet future local needs. The council's Local Transport Plan sets out the overall strategy for delivering improvements for pedestrians, cyclists and public transport. However, the details of individual schemes within the vicinity of new housing developments will be subject to confirmation through the planning process and informed by detailed transport assessments which potential developers will be expected to produce in support of their applications for planning permission. It is therefore not possible at this stage to provide specific scheme costs and delivery timescales.

Question from Mrs P Churchward, Breinton

Question 11

“In April 2015 the leader of Herefordshire Council sent to all parish councils a letter written on behalf of the cabinet.

This letter was to the planning inspector as part of the consultation on the main modifications to the core strategy. The letter asked for changes to be made to the way in which a minimum target of 5,300 houses was to be allocated to rural areas. The allocation changes could result in some villages having to accept at least a 60% growth in new homes. Despite the high profile of this letter, the planning inspector has not taken on board the cabinet's request.

The main modifications were apparently written by Herefordshire Council's own planning department, under the control of the cabinet member with responsibility for forward planning at that time.

If the cabinet letter was a genuine attempt to change the rural areas housing allocation formula (and nothing to do with the then impending elections), what are the reasons for the cabinet to recommend this plan to full Council now, when the changes they requested have not yet been implemented? “

Answer from Councillor P Price cabinet member infrastructure

The reasons for recommending the adoption of the core strategy to Council are set out in the report.

I acknowledge that the rural policies resulted in significant debate; the cabinet response to the main modifications consultation addressed concerns expressed at that time.

It is however erroneous to state that the representations made by cabinet during that consultation have not been acted upon; I would refer Mrs Churchward to the schedule of minor modifications, in particular E.201-E215, which incorporate those amendments suggested by cabinet. Such changes are referred to in paragraph 4 of the inspector's report. I would confirm that modifications were drafted at the request of the inspector and were not under my control.

Supplementary Question

How was it decided that amendments were minor rather than major?

Answer from Councillor Price

I have been assured that the Inspector agreed what amendments would be classed as major amendments and what amendments could be classed as minor amendments.