Independents for Herefordshire

Political Group Consultation Response

Response to the Political Group Consultation on the Herefordshire Travel Plans Framework

Item	Detail
Consultation held	20 October 2026, online from 09:56, approximately 45 minutes
Cabinet decision scheduled	Thursday 22 October 2026
Decision type	Key decision | Wards affected: All Wards
Report author	Transport Planning Services Manager
Group response date	20 October 2026

Documents consulted

- Cabinet report: Herefordshire Travel Plan Strategy Framework
- Appendix 1: Travel Plans – A Guide for Developers in Herefordshire
- Appendix 2: Travel Plans for Development – Developer Guide, Version 1.0 (Draft)
- Supplement to report: Political Group Consultation Comments, published 20 October 2026
- Political Group Consultation slide deck and recording (20 October 2026)

1 · Summary of the Group's position

Independents for Herefordshire does not oppose the principle of a countywide Travel Plans Framework. A consistent, enforceable, council-wide approach to securing, monitoring and reviewing travel plans for

new development is a genuine improvement on the current arrangements, and we recognise the quality of elements of the drafting.

We are unable to support the adoption of this Framework on 22 October, on three grounds.

Process
The political group consultation was held two days before the decision, against the 10 days before publication of the agenda required by the constitution as amended in May 2026. It ran for approximately 45 minutes, and members engaged substantively — but it was held after the cabinet agenda had been published, and the clarifying officer answers given in it are at odds with the cabinet documentation and are not provided in any published supplement. The Council has nevertheless recorded in writing that the points raised 'should be considered ahead of Cabinet' — a commitment that cannot be honoured if the report is unchanged on Thursday.

Legal and financial assurance
The mechanism by which the Council proposes to charge developers is, as drafted, exposed to challenge under regulation 122 of the Community Infrastructure Levy Regulations 2010. Legal Implications in the report consist of one sentence pointing at the constitution.

Credibility, established by the Council's own recent record
In Ledbury and at Roman Road in Hereford, this Council has permitted major residential development without the transport infrastructure and sustainable transport connections on which those permissions depended. This Framework asks members to believe that the same Council, with the same functions, will now secure, monitor and enforce living travel plans. Nothing in the report explains why that would now happen.

We ask Cabinet to defer adoption, to commission the technical and legal work at section 6, and to bring the Framework back with the consultation record and an account of how each point below has been addressed.

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2 · Failure to meet the Council's own consultation requirements

The Council amended Part 2, Article 2 of its constitution in May 2026, introducing section 2.2.27, 'Political Group Consultation'. The amended provisions set requirements that this consultation fails.

A consultation was scheduled, then cancelled
A political group consultation on the Travel Plans Framework was scheduled for 13 October 2026 at 13:00. It was cancelled at 09:28 that morning by the lead officer for the strategy. The cancellation was issued by email and was automatically linked to members' corporate diaries, so the cancellation was visible to members; the cancelled entry remains in the corporate calendar and group leaders hold the cancellation email. The notification offered an apology for the late cancellation but gave no explanation

and named no alternative date. The consultation was subsequently re-arranged for 20 October — a week later, two days before the decision, and six days after the Cabinet agenda was published at 19:15 on 14 October.

Three features of the cancellation matter.
First, members were given no reason and no context. The cancellation offered an apology but not an explanation, and neither the original invitation nor the cancellation identified the item as one due for decision at Cabinet on 22 October.

The chronology of the decision is recorded on the Council's own decision web pages, and it is as follows:

Date	Event
25 April 2026	Notice of the decision first published on the forward plan — six months before the consultation
13 October 2026, 09:28	Political group consultation scheduled for 13:00 cancelled, without explanation and without the decision date being given to members
14 October 2026, 19:15	Cabinet agenda published, containing the decision report
16 October 2026	The Council's chronology page for this decision records the forward plan being published to show the decision date of 22 October
20 October 2026, 09:56	Political group consultation held, running approximately 45 minutes — two days before the decision, and six days after the agenda was published
22 October 2026	Decision scheduled to be taken by Cabinet

Two matters arise from that chronology.
First, the decision date reached the forward plan after the agenda had been published. The Council's chronology page records 16 October as the date the forward plan was published to show the decision date of 22 October. The Cabinet agenda containing the decision report was published at 19:15 on 14 October — two days earlier. On the Council's own record, therefore, the forward plan disclosed the date

of a decision whose report had already been published and circulated. We do not assert why the entry was amended when it was; we put the sequence on the record and ask Cabinet to explain it.

Second, and more fundamentally, the Council publishes no change history for decision information. The forward plan web pages carry no version record, so it is not possible for a member — or for the public — to see when a decision date was added or altered, when it went firm, or whether it changed at all. Neither PGC calendar appointment, and neither the invitation nor the cancellation, carried any link between the consultation and the decision date.

The information existed on the Council's own systems, but it was not joined up, and it is not capable of being reconstructed after the event.

That is the governance point, and it applies to every key decision this Council takes, not only to this one. A member cannot establish when a decision date became firm, and therefore cannot judge whether a PGC consultation on a key decision has been scheduled in time. The consequence in this case is that the urgency of the item was not visible to members at the moment the presentation was cancelled. Group leaders had no way of knowing, at 09:28 on 13 October, that a key decision was days away and that the consultation window had already closed.

Second, it establishes that a date had been set for the consultation before the decision. A session had been arranged and was then removed from the diary. The Council cannot maintain that a late consultation was unavoidable; the timetable was, at least for a period, one that included a consultation before the decision.

Third, no compliant alternative was arranged. The Cabinet agenda was published at 19:15 on 14 October. Ten days before publication means a consultation was needed no later than 4 October. By the time the cancellation was issued, the window had already closed: a consultation held on 13 October would itself have fallen short. The breach therefore predates the cancellation; cancelling the session did not create the constitutional failure, and reinstating it would not have cured it. What should have followed was either a compliant date, or an acknowledgement that no compliant date remained available and an adjustment to the decision timetable. Neither happened.

We ask Cabinet, and the Monitoring Officer, to state on the record: why the session scheduled for 13 October was cancelled and on whose instruction; why the cancellation offered no explanation and identified no alternative; why councillors were not automatically notified of the decision date when a consultation on that decision was already in the diary; and why, once the agenda was published at 19:15 on 14 October, the decision was not rescheduled to allow a consultation compliant with section 2.2.30.

The lead time

Section 2.2.29 of the Council’s constitution defines a PGC as providing 'a political viewpoint to inform officers' preparation of key decision reports' and as demonstrating 'the Council's commitment to encourage cross party engagement in decisions before they are taken.'

Section 2.2.30 provides that 'All key decisions require a PGC to be undertaken prior to the decision.' The accompanying table fixes the timing: a PGC 'should be at least 10 days prior to publication of any agenda for a key decision.'

Each political group is also given 'the opportunity to put any political points forward to the relevant officer within 5 days of the briefing through the group leader.'

This is a key decision on the face of the report. The Cabinet meeting is 22 October 2026. The consultation was held on 20 October 2026 — two days before the decision, and not 10 days before publication of the agenda, which had already been issued. Even the 5-day window for groups to submit written points through their group leader extends beyond the date of the decision itself.

This is not a breach of a convention. It is a departure from an express provision of the constitution adopted by this Council four months before this decision.

No exception applies
Section 2.2.30 sets out five, and only five, circumstances in which a PGC is not required for a key decision. We take each in turn:

- Key officer decisions deemed non-key because they are delegated from a member key decision — this is a member key decision, so the exclusion does not apply;
- Group Leaders agree not to conduct a PGC at the request of officers — no such agreement was sought, and none was given (see below);
- The decision maker has no discretion, for example accepting a grant — Cabinet has full discretion to adopt, amend or defer this Framework;
- The matter is confidential or exempt under Schedule 12A of the Local Government Act 1972 — this report is expressly classified Open and the item is a public key decision;
- The decision is taken under the General Exception, Special Urgency or restricted call-in provisions for urgent implementation — none has been invoked, and none could be, since the amendment was made four months ago and the strategy has been in preparation throughout.

We therefore put it to Cabinet, and to the Monitoring Officer, that no exclusion under 2.2.30 applies, and that the constitutional requirement for a PGC at least 10 days before publication of the agenda has not been met.

In response to the specific exception at 2.2.30(ii), and as Group Leader of this Council, I record for the avoidance of doubt that no approach was made by officers ahead of the Political Group Consultation held on 20 October 2026 seeking agreement that a PGC should not be conducted for this decision. No such agreement was sought, and none was given. Exception (ii) is therefore not available on the facts, and we invite the Monitoring Officer to confirm the Council's position.

The reporting provision, and what it concedes

The amended provisions anticipate the situation that has arisen. Where a PGC has been performed at least 10 days before the meeting, officers summarise the group views in the report or as an accompanying appendix. Where it has not, officers either summarise the views if time permits before the agenda is published, or 'shall publish any political group representations as an addendum to the report/agenda item.'

The constitution thus provides a fallback for late consultation — an addendum. But a fallback for the timing is not a waiver of the timing. Cabinet members will be asked on 22 October to adopt a framework of roughly 1,000 pages of appendices without having seen, in published form, the group responses it generated; and any addendum will follow the decision rather than inform it.**Cabinet members will be asked on 22 October to adopt a framework of roughly 1,000 pages of appendices without having seen, in published form, the group responses it generated**; and any addendum will follow the decision rather than inform it. That is the opposite of what section 2.2.29 describes a PGC as existing to achieve.

Our request

We ask that the Framework's adoption be deferred, that the political group consultation be re-run in compliance with section 2.2.30 — at least 10 days before publication of the agenda for the meeting at which the decision is to be taken — and that the 5-day response period available to groups under the constitution be observed in full.

If Cabinet proceeds on 22 October, it does so in the knowledge that the constitutional requirement for a PGC at least 10 days prior to publication of the agenda has not been satisfied, that no exclusion under 2.2.30 applies, and that the group's representations cannot be before members in published form when they vote.

3 · The consultation discussion, and what was said in it

We should say at the outset that this was a genuine consultation briefing. It ran for approximately 45 minutes, 17 councillors attended across five groups, and members engaged with the substance of the Framework at a level of detail the officer summary does not convey. We record that because it matters: our objection is to the timing and to the absence of a proper record, not to the quality of the discussion or to the officers who led it.

What members raised

The transcript of the recorded meeting shows members testing the Framework on the points that it is weakest on. The following are drawn from it directly.

Councillor Simmons (13:34–14:56)

Councillor Simmons welcomed the principle, then raised three separate matters: how the bonds would be enforced and whether the measures were deliverable, saying she would be asking about it at Cabinet; her preference for the Framework to be a Supplementary Planning Document rather than a Cabinet decision, 'because it really doesn't carry the weight that, you know, for example, at inquiry that it would'; and the absence of external consultation — 'what's been done, for example, with Active Travel

England, what's been done with some of our cycling networks and groups' — noting that members were 'seeing this for the first time… within the cabinet papers published last week.'

This is the point at which a Supplementary Planning Document becomes relevant to the decision in front of Cabinet. An SPD carries weight in the determination of applications and at appeal; guidance adopted by Cabinet does not carry the same weight. Councillor Simmons's concern is that the Framework will not do the work it is being adopted to do. That concern is well founded, and it is a reason to defer, not merely to note.

Councillor Stark (27:14–28:51)
Councillor Stark said he was not against the Framework but doubted its realism, referring to 'the problems we've had just getting the bus route diverted to developments outside Ross' and the Holmes Lacey Road development. He asked for assurance 'there won't be costs leaking on to the council taxpayer here, because S106 is notorious for not delivering enough money for what you might want to do.' He asked that the Cabinet papers cover the cost to the council, and concluded: 'I don't think we're going to get the money from the developer ever to complete a proper active travel plan for any development to cover all the infrastructure costs… I just don't think it's ever happened in the past and I don't think it's going to happen in the future.'

Councillor Stark's Ross and Holmes Lacey Road example is the same failure the Ledbury and Roman Road cases in section 4 illustrate: a requirement for bus service penetration, known to be necessary, that did not translate into a delivered service. It is on the record from a member with direct knowledge of the site.

Councillor Baker (17:36–20:29)
Councillor Baker established that the £200,000 figure the officer used corresponds to 'approximately 500 houses', and then asked the question the papers do not answer: 'the developer has got to pay you 200,000 pounds. He's going to want to get something for that. I just wonder what they get.'

Councillor Fagan and Councillor Bartlett
Councillor Fagan asked at 38:40 that Child Friendly Herefordshire be embedded in the travel planning process, particularly for how children and young people move around their communities, and asked for it to be added to the guidance. Councillor Bartlett asked whether the Council could still require delivery where infrastructure had not been provided.

What the officer disclosed
Four answers given during the consultation are material to the decision and are not reflected in the published papers.

The £10,000 is described as an annual fee, not a one-off deposit

At 9:30 the officer stated: 'your requirement for this development is 200,000 pounds. On top of that, it's going to be a annual monitoring fee on top of that, which is set at 10,000 pounds currently.'

This is not what the appendices say. Appendix A of Appendix 1 describes a 'non-refundable monitoring deposit of £10,000 for a travel plan covering 5 years', presented as a single payment. **If it is an annual fee, the cost of Option Two over a five-year plan is £50,000, not £10,000 — five times the figure on which developers and Cabinet members are being asked to decide.**

The contribution funds the Council's own staffing

At 28:52, in answer to Councillor Stark's question about cost to the council taxpayer, the officer said: 'the money we get from the developers will fund the team. There's no expectation that, or, and I think the Cabinet paper is quite clear that there will be no base budget spent on this.'

This is the regulation 122 point stated in the Council's own words. Developer contributions are to fund the Council's travel planning team. Whether that is a site-specific mitigation or a general levy is precisely the question a developer will put at appeal, and it is the question the report's Legal Implications section does not address.

Travel plan obligations survive private road management

At 26:28 the officer confirmed that where roads are privately managed rather than adopted, the travel plan does not fall away: 'the travel plan wouldn't stop… because it's a management company, it would just remain the same.' That is a helpful clarification and it answers a question the Liberal Democrats also raised in the published supplement. It is not currently in the papers.

Overarching travel plans for large strategic sites are not in policy

At 43:09, in answer to Councillor Stark's question about the Russell Masterplan of 3,500 homes over 20 years, the officer said that 'how we want to do overarching travel plans is currently not something in the policy, but it is something we can consider it if we think that's requirement required.' The largest strategic site in the county is therefore being brought forward without a policy basis for the plan that would govern it.

The commitment given, and not yet met

At 43:25, closing the consultation, the officer stated: 'I will send the video out of the recording out of this and I will update the cabinet paper with some more questions. I've got a couple of points of queries that I know are going to come to cabinet, so I'll start working on those for Councillor Price.' **The recording is available on the Council's intranet in Teams. No email circulating the link to that recording has been sent to all councillors.**

The published supplement, and what it does not carry

The supplement to the Cabinet papers records attendance and collates the comments by members in attendance. It describes its material as member 'initial responses in real time during the presentation',

and officers' covering words are that 'these comments will be considered as officers move forward with this work.' Three things are absent from it.

First, it does not contain the officer answers. The £10,000 annual fee, the confirmation that contributions fund the Council's own team, the position on privately managed roads and the absence of a policy basis for overarching plans are all absent, because they were given in answer and not in presentation.

Second, it compresses distinct and specific questions into single lines. Councillor Simmons's SPD argument — which concerns whether the Framework will carry any weight at appeal — appears as a request for information. Councillor Stark's Ross and Holmes Lacey Road examples do not appear at all.

Third, the Council has recorded in writing that 'the points raised through the consultation should be considered ahead of Cabinet.' We agree, and we will hold the Council to it. **On the transcript, considering those points properly would require amendments to the papers:** a corrected statement of the monitoring fee, a policy basis for overarching travel plans on strategic sites, a stated cost to the Council, and an answer on whether the Framework should have been a Supplementary Planning Document. None of those appears in the supplement published on 20 October.

What we ask on the consultation record

- Circulate the link to the recording to all councillors before the decision, and publish it alongside the agenda papers;
- Publish the slide deck used at the consultation, which has no public URL on the committee management system;
- Confirm whether the £10,000 monitoring charge is a single payment or an annual fee, and correct the appendices accordingly;
- Set out, in the report or an addendum, the officer answers given during the consultation on cost to the Council, privately managed roads, and overarching travel plans for strategic sites;
- State why the Framework is being adopted as Cabinet guidance rather than as a Supplementary Planning Document, given the weight that question carries at appeal.

4 · The developmental record that this Framework does not address

Cabinet is asked to adopt a framework whose central claim — paragraph 6 of the report — is that a Council Managed Travel Plan option will reduce 'the risk of travel plans becoming ineffective following changes in ownership or management arrangements.' That claim must be tested against what has happened in Herefordshire.

4.1 · Ledbury

.**Large residential developments by Vistry, Barratt and Bloor in Ledbury have been permitted and delivered without any requirement that bus services should connect with, let alone enter and stop within, those sites.**

This is not a technical oversight. A development ends up without bus penetration for one of two reasons: either the requirement was never secured in the obligation or condition, or it was secured and then not enforced. Both are failures of the Council, not the developer. A developer will not build a bus route into a site unless required to, and will not fund a service unless required to.

The consequence is fixed in the built environment. A resident of those sites who does not drive is a resident for whom sustainable travel was promised in policy and not delivered in physical terms. Every subsequent application on those sites will look back at the precedent: if Ledbury's major sites were not required to secure bus penetration, why should any other be?

The Framework as drafted does not address this. It sets thresholds, types and delivery options prospectively. It contains no mechanism to identify, assess or remedy existing developments permitted with obligations not met, and no account of why they were not met.

4.2 · Roman Road, Hereford — the Bloor development
The Bloor development on the Roman Road in Hereford was planned to deliver significant Section 106 and Section 278 contributions to park and ride provision and to improved road infrastructure.

Those contributions have not been required to be delivered by the Council. The obligations have not been maintained as living documents and have not been renegotiated when the Council's own policy and plans for road infrastructure have changed.

This is the failure mode that the concept of a living plan exists to prevent, and it occurred on a strategic site in the Council's own county town in the recent past.

First, the passage of time is itself a mechanism of erosion. Where an obligation was negotiated against a road scheme the Council has since abandoned or reprofiled, it does not lapse; it becomes disconnected from the policy it was designed to serve. Neither developer nor Council has any incentive to reopen it. Unless there is a positive duty to review and renegotiate, packages stagnate while policy moves on, and both the money and the scheme quietly disappear.

Second, a bond is only as good as the Council's willingness to draw on it. The enforcement design rests on bonds, monitoring fees and retained remedial-measure funding. That architecture assumes an authority prepared to enforce against a developer it may be negotiating with on the next site. Roman Road is evidence that this Council has not been prepared to do so.

The Framework cannot credibly claim to solve a problem it does not acknowledge.

5 · Legal and financial exposure in the Framework as drafted

5.1 · Regulation 122 — the risk the deck states and the appendices may not pass
Slide 3 of the consultation deck states the legal limit correctly: 'A planning obligation must be necessary, directly related to the development, and fairly and reasonably related in scale and kind. It cannot be used as a general levy unrelated to the development.'

That is regulation 122(2) of the CIL Regulations 2010. It is the right test to put before members. The difficulty is that the Framework, as drafted, does not evidently satisfy it.

Option One is recommended for most developments and funded by a per-dwelling (£288) or per-square-metre contribution. Paragraph 15(a) of the report confirms the Council takes responsibility 'in return for a financial contribution.' Paragraph 29 extends cost recovery to 'the reasonable costs of staff time, monitoring, administration.'

Appendix 1 describes countywide purchases: online travel surveys, a car club, a 'borrow a bike' scheme, town-wide initiatives. Those are proper measures where they serve a site's occupiers. But the Council Managed service also carries the cost of compliance monitoring of the obligation itself and, on the report's own account, of monitoring across multiple developments.

On its face, therefore, a contribution from development A part-funds the Council's monitoring of development B, and of the service as a whole. That is the characteristic of a general levy, and it is exactly the argument a well-advised developer will run at appeal or in negotiations on the next Section 106.

There may be a lawful route through this — a site-linked obligation where the countywide element is demonstrably an economy of scale in procuring site-specific measures. But that reasoning appears nowhere in the report, and Legal Implications does not address it.

5.2 · The £10,000 non-refundable monitoring fee
Appendix A of Appendix 1 requires, under Option Two only, a non-refundable monitoring deposit of £10,000.

Every other figure in that appendix is derived visibly: per-square-metre rates calculated from Chapter 6 measures over a five-year delivery period, converted using the HCA employment densities table, index-linked to a July 2019 base date. The £10,000 has no such derivation — no cost build-up, no period beyond 'a travel plan covering 5 years', and no explanation of why the developer who manages its own travel plan pays a monitoring fee the Council-managed developer does not separately pay.

There is a compounding problem. Slide 7 of the briefing deck lists 'Funds Council compliance monitoring' under Option One, and describes the Option Two developer as funding 'any agreed bond or financial security.' The appendices place the monitoring charge on Option Two. Depending on which document a developer reads, the same activity is funded by one route, the other, or both.

We note the price consequences, which we invite Cabinet to explain:

Development	Option One	Option Two
1,000 m² Class E(a) food retail	£28,100	£28,100 + £10,000
60 dwellings	£17,280	£17,280 + £10,000

The bond under Option Two 'will follow the same cost as the per square metre costs.' The developer who manages its own travel plan therefore pays the full Option One contribution as a bond, plus a non-refundable £10,000, for undertaking work the Council would otherwise do. Either the Option One contribution is under-priced — in which case paragraph 29's full-cost-recovery claim does not hold — or Option Two is priced to deter. Cabinet should be asked which.

5.3 · The resource claim does not survive contact with the phasing table

Paragraph 29 states: 'The model is therefore not expected to create an additional ongoing revenue pressure for the council.'

That rests on three contingent links, none stress-tested:

- Staffing is funded 'initially' by Local Transport Grant — with no end date, exit condition or figure.
- Cost then transfers 'progressively' to Section 106 contributions, 'as qualifying developments progress.'
- Contributions are trigger-phased: 25% at commencement, 20% at first occupation, 40% at 50% occupation, 15% prior to 100% occupation.

The Council's costs begin at first occupation — appointing the coordinator, registering the site on STARS, issuing resident information, establishing monitoring. At that point it has received 45% of the contribution. The final 15% does not arrive until nearly complete build-out, which on a large phased site may be a decade.

In a downturn, build-out slows, milestones slip, and the Council runs a live countywide service on a fraction of its income with Local Transport Grant receding. There is no sensitivity analysis and no break-even volume.

The Risk Management table does not cover this. It contains no row for a regulation 122 challenge to the contribution or the fee. That is the most probable serious failure mode in the programme and it is absent.

5.4 · Legal Implications and the equality duty

Legal Implications consists of a single sentence directing readers to the constitution. For a key decision creating an enforceable charging regime, that is not adequate. It does not address vires, CIL pooling restrictions, the regulation 122 test the deck itself raises, or whether a non-refundable monitoring fee can lawfully be retained.

Paragraph 25 states that because 'the potential impact of this decision being low, a full Equality Impact Assessment is not required.' A decision restructuring how travel choice is funded across a rural county, determining whether non-car-owning households in new developments can reach employment, education and healthcare, is not obviously low impact. Paragraph 26 identifies people without access to a private vehicle as beneficiaries. We ask for the reasoning behind paragraph 25 to be published.

5.5 · Presentation and internal consistency

- Appendix 2 is marked 'Version 1.0 (Draft).' Recommendation (a) asks Cabinet to adopt 'the new Travel Plans Framework and supporting development guidance' without disclosing that one appendix is a draft.
- The report's document list and the two appendices use different numbering and titles; two separate documents are both styled 'Developer Guide.'
- Appendix 1's cross-references are unreliable: residential requirements point to 'Table 3 above' (the employment action plan); costs are said to be in 'Chapter Six' when the document is numbered 1 to 9; model conditions are said to be in 'Appendix B', which does not exist; thresholds appear as both 'Table 1' and 'Table X'.
- The two appendices state different rules on material points. Appendix 1: Option One 'cannot be mandated by the Council' and is 'not appropriate for developments of between 20 and 50 dwellings.' Appendix 2: Council Managed is 'Recommended for most developments', and its worked example recommends Option One for a 35-dwelling scheme. Appendix 1 requires an 8–10 percentage point reduction in single-occupancy vehicle trip rates; Appendix 2 asks only for 'SMART targets'. The Coordinator appointment deadline is worded differently in each.

Individually these are drafting matters. Cumulatively they mean the pack has not had a technical read, and a Section 106 obligation drafted by reference to a table number that has moved is an avoidable dispute.

6 · The rural threshold problem

The 50-dwelling threshold is transposed urban practice. Herefordshire is among the most rural counties in England. Fifty dwellings on the edge of a village with no bus service, no footway to the village and a school three kilometres away will generate more car trips per dwelling than 150 dwellings in Hereford with a bus every twenty minutes.

The Framework partly recognises this — Appendix 1 allows a plan below threshold where 'sustainable travel opportunities may be limited.' But once a threshold is published it is applied as an entitlement. The likely outcome is a rural county that travel-plans its urban fringe thoroughly and exempts the rural settlement extensions that need it most. New Zealand's transport agency guidance differentiates explicitly by settlement size for this reason.

This point was raised independently at the consultation by Councillor Stark, who asked how multiple developments around a market town would 'hang together as a coherent whole', and by Councillor Fagan, who asked simply 'A whole bunch of houses surely?'. Neither was answered.

7 · What we ask of Cabinet

1. Defer adoption until the consultation required by the May 2026 constitution has been properly run and the technical points at section 5 answered.
2. Publish the Council's recording and slide deck from the consultation, or confirm before the decision that neither will be published.
3. Set out, in the report or an addendum, how each point raised by each political group has been considered ahead of Cabinet, and what has changed as a result.
4. Remove 'Draft' from Appendix 2, or adopt it expressly as a draft and delegate finalisation with a defined process.
5. Obtain and publish a legal opinion on whether the Option One contribution complies with regulation 122(2) of the CIL Regulations 2010, and whether the £10,000 non-refundable monitoring fee can lawfully be retained.
6. Publish the cost build-up for the £10,000 fee, or remove the fee.
7. Reconcile the two appendices on: whether Option One may be mandated; the treatment of 20–49 dwelling schemes; the Coordinator appointment deadline; and the target-setting standard.
8. Publish a cashflow and sensitivity analysis matching contribution trigger points to the Council's cost incidence, including a slow build-out scenario.
9. Commit to publishing annual monitoring data in aggregate, with a countywide mode-shift trajectory reported to scrutiny.
10. Commission and publish a review of existing major permissions — beginning with Ledbury (Vistry, Barratt, Bloor) and Roman Road, Hereford (Bloor) — identifying which obligations were secured, which remain undischarged, and why enforcement or renegotiation has not occurred.

8 · Questions to be put to Cabinet

We ask that these be answered on the record, in writing, in advance of 22 October.

On the consultation

- What lead time does the constitution require between a PGC and publication of the agenda for the meeting at which the decision is taken, and what lead time was given here?
- Was any approach made to Group Leaders under exception 2.2.30(ii) seeking agreement not to conduct a PGC? If none was made, will the Council confirm that the exception was unavailable?
- Will Cabinet take this decision before the group representations it commissioned have been published? If the decision proceeds, on what basis is section 2.2.29 satisfied?
- Will the Council publish its recording of the consultation and the slide deck used, as contemplated by its own provisions? If not, why not?
- How do the timestamps in the meeting chat relate to the recorded meeting length, and were contributions made after the meeting closed included in the supplement?
- The supplement records that the points raised 'should be considered ahead of Cabinet.' What has changed in the report as a result?

On living plans and existing development

- How many travel plans are currently secured by Section 106 obligation or condition in Herefordshire, and for how many has compliance been verified in the last 12 months?
- How many of those are actively managed as living plans — current monitoring data, review against targets, recorded remedial action where targets are missed? Please give the figure, not the intention.
- How many travel plans have completed the five-year post-occupation period, and how many were formally concluded with obligations discharged?
- What mechanism will be applied to existing developments permitted with travel plan obligations that are not managed as living plans? Will the Council reopen them, and under what power?
- In the Ledbury developments by Vistry, Barratt and Bloor, what obligation, condition or Section 278 agreement required bus services to connect with, enter and stop within the sites? If none, when was it dismissed, and by whom?

- How many bus services currently enter and stop within any residential development of 100 dwellings or more permitted in Herefordshire since 2015? Councillor Stark's question about multiple developments around a market town remains unanswered.

On Roman Road, Hereford

- In relation to the Bloor development on Roman Road: what Section 106 and Section 278 contributions to park and ride and to road infrastructure were secured; what sums have been paid; what remains unspent or unpaid; what has been delivered and what has been given up under the variation of conditions, and why?
- Where the Council's policy or its plans for road infrastructure have changed since those obligations were negotiated, was the obligation reopened and the package renegotiated? If not, why not, and what is the Council's legal position on the undelivered components?
- Does the Council accept that an obligation negotiated against a scheme it has since abandoned becomes disconnected from its purpose? If so, what **duty** to review and renegotiate does this proposed Framework create?
- If the Council holds a bond but chooses not to draw on it where targets are missed, what does the Framework require to happen? Who decides, and is that reported to members?

On funding, viability and the points raised by other groups

- Will travel plan contributions reduce funding available through Section 106 for other infrastructure, including education? This point was raised by our group and is unanswered.
- What assessment has been made of the effect of additional developer costs on viability, housing costs and the Council's ability to meet housing targets?
- Given that only 45% of a contribution is received by first occupation while costs begin at that point, will the Council publish the cashflow analysis and a slow build-out sensitivity case?
- Does the Council's legal advice confirm that a pooled contribution satisfies regulation 122(2)? Will that advice be disclosed in summary?
- What is the cost build-up for the £10,000 non-refundable monitoring fee, and on what basis is it retained rather than refundable?
- If renegotiation of an existing Section 106 is required to deliver infrastructure in a changed policy context, who is responsible for initiating it, and what triggers that duty?
- How will the Council report annually to scrutiny on mode shift, bus penetration, compliance rates and undischarged obligations, and will that reporting be public?

- Paragraph 25 states the equality impact is low. Will the Council publish its reasoning, given paragraph 26 identifies people without access to a private vehicle as beneficiaries?

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9 · Areas we recognise as strengths

We do not put this response forward as unqualified opposition. The following elements are well designed and we would support their retention.

- **Enforcement architecture.** Bond, retained remedial-measure funding, defined intervention triggers, automatic traffic counts and a 30% survey response threshold form a materially more enforceable model than the 'best endeavours' travel plans most English authorities accept. Appendix 1's fail-safe list is specific and costable. Many councils never say what happens when targets are missed, which is why travel plan conditions are quietly discharged and forgotten.
- **The Modeshift STARS platform.** A sector-standard, DfT-recognised system, free to developers and schools, producing nationally comparable data. The separation of STARS Business, Community and Education is correctly applied.
- **The school accreditation ladder.** Requiring bronze within one year of opening and silver or higher within five years gives schools something to aim at rather than a document to file. The reasoning for excluding schools from Option One is the clearest policy argument in the pack.
- **Chapter 6 of Appendix 2 (Designing for Sustainable Travel).** 'Travel Plans are most effective when they complement good design rather than compensate for poor design' is the correct principle, correctly sequenced from site selection to occupation.
- **The Child Friendly Herefordshire framing.** Tying school travel plans to a corporate priority, requiring consultation with pupils, parents, staff and governors, and committing to identify barriers to safer journeys is more thoughtful than the sector norm.
- **Slide 3 of the consultation deck.** Putting the regulation 122 limit in front of members before they vote is good practice and rare. Our objection is that the appendices may not pass the test the slide sets — but stating the limit is the right instinct, and it gives Cabinet the hook on which to fix the pricing.

The Framework's architecture is sound. The defects are in its assurance, its pricing, its internal consistency, and its silence about the past.

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10 · Failure modes: the Framework is silent on what has already gone wrong

Category	Established Herefordshire example	Framework's answer
No sustainable access designed in	Ledbury — Vistry, Barratt, Bloor sites without bus penetration	None. Prospective only
Section 106 / 278 not delivered	Roman Road, Hereford — Bloor; park and ride and road infrastructure contributions	None. No duty to reopen
Obligations not reviewed against changed policy	Roman Road, Hereford	None. No review mechanism stated
Consultation held after the agenda was published	PGC 20 October 2026 — approximately 45 minutes, held six days after the agenda published	Points to be 'considered ahead of Cabinet'; officer answers to member questions absent from the papers
Enforcement not exercised	See above	Relies on Council willingness to draw bonds; no reporting obligation
No public outcome data	Across the county	Requires monitoring reports; no commitment to publish

11 · Sources and links relied upon

Hyperlinks are given in full so that they can be verified independently. The consultation slide deck is not published and has no public URL; it is referred to throughout as the consultation deck provided to political groups.

Documents in the Cabinet agenda pack

- Cabinet report — Herefordshire Travel Plan Strategy Framework, Cabinet, 22 October 2026: https://councillors.herefordshire.gov.uk/documents/s50136375/Travel%20Plan%20Strategy%20main%20report.pdf
- Appendix 1 — Travel Plans: A Guide for Developers in Herefordshire: https://councillors.herefordshire.gov.uk/documents/s50136376/Appendix%201%20Travel%20Plan%20Framework.pdf
- Appendix 2 — Travel Plans for Development: Developer Guide, Version 1.0 (Draft): https://councillors.herefordshire.gov.uk/documents/s50136377/Appendix%202%20Travel%20Plan%20briefing%20sheet.pdf
- Supplement to report — Political Group Consultation Comments, published 20 October 2026: https://councillors.herefordshire.gov.uk/documents/s50136486/Travel%20Plan%20Strategy%20-%20PGC%20comments.pdf

Constitutional and governance framework

- Appendix 10 — Political Group Consultations, constitution amendment, May 2026 (Part 2, Article 2, sections 2.2.27 to 2.2.33): https://councillors.herefordshire.gov.uk/documents/s50133770/Appendix%2010%20-%20Political%20Group%20Consultations.pdf
- Herefordshire Council constitution: https://www.herefordshire.gov.uk/constitution
- Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Part 3 Section 9 — publicity in connection with key decisions: https://www.legislation.gov.uk/uksi/2012/2089/contents
- Local Government Act 1972, Schedule 12A — exempt information, referred to at section 2.2.30(iv): https://www.legislation.gov.uk/ukpga/1972/70/schedule/12A

Legal and policy framework

- Community Infrastructure Levy Regulations 2010, regulation 122 (limitation on use of planning obligations) — the test set out on slide 3 of the consultation deck: https://www.legislation.gov.uk/uksi/2010/948/regulation/122
- Town and Country Planning Act 1990, section 106 (planning obligations): https://www.legislation.gov.uk/ukpga/1990/8/section/106
- Town and Country Planning Act 1990, section 278 (agreements with highway authorities): https://www.legislation.gov.uk/ukpga/1990/8/section/278
- National Planning Policy Framework — referred to in Appendix 1 as the primary national policy impetus for Travel Plans: https://www.gov.uk/government/publications/national-planning-policy-framework--2
- Planning Practice Guidance — Travel Plans, Transport Assessments and Statements: https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements
- Herefordshire Local Plan — Policy TR1 (Sustainable Transport Networks) and Policy TR2 (Transport and Development), cited at paragraph 11 of the report: https://www.herefordshire.gov.uk/localplan
- Active Travel England — referred to in the consultation as an external consultee: https://www.active-travel.england.org.uk

Platforms and delivery mechanisms referred to in the Framework

- Modeshift STARS — the national travel plan rating scheme to be used for all Herefordshire travel plans: https://www.modeshiftstars.org
- Travel Plans 365 — travel plan coordinator training, referred to in Appendix 1: https://www.travelplans365.com
- Homes England employment density guide — source of the per-square-metre conversion used for Option One rates: https://www.gov.uk/government/publications/employment-density-guide
- Herefordshire Council travel planning team: travelplans@herefordshire.gov.uk

Comparative practice referenced in our critique

These are cited as practice examples rather than as evidence tested for this response.

- Nottingham Workplace Parking Levy — ring-fenced revenue funding sustainable transport: https://www.nottinghamcity.gov.uk/wpl
- Transport for London — Travel in London reporting and the London Travel Demand Survey: https://tfl.gov.uk/corporate/publications-and-reports/travel-in-london-reports
- Cambridgeshire County Council — Travel for Work employer travel plan partnership: https://www.cambridgeshire.gov.uk
- Welsh Government — Active Travel (Wales) Act 2013 statutory active travel mapping: https://www.gov.wales/active-travel
- Netherlands — employer mobility budgets and Mobility as a Service pilots: https://www.government.nl
- Germany — Deutschlandticket employer subsidy and workplace mobility management: https://www.bundesregierung.de
- Belgium — federal commuting allowance and mobility budget regime: https://www.belgium.be
- Singapore — Electronic Road Pricing and vehicle quota system: https://www.lta.gov.sg
- Sweden — Stockholm congestion charge evaluation: https://www.trafikverket.se
- Australia — TravelSmart individualised travel marketing programme: https://www.transport.wa.gov.au
- Canada — Smart Commute employer TDM programme, Toronto: https://www.smartcommute.ca
- New Zealand — New Zealand Transport Agency travel plan guidance, differentiated by settlement size: https://www.nzta.govt.nz

Independents for Herefordshire · 20 October 2026

Cllr Liz Harvey

For and on behalf of Independents for Herefordshire
20 October 2026