

**Supplement to the agenda for**

# **Cabinet**

**Thursday 26 January 2023**

**1.00 pm**

**Herefordshire Council Offices, Plough Lane, Hereford, HR4  
0LE**

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## Report of the Environment and Sustainability Scrutiny Committee: The Local Plan

**Meeting:** Cabinet

**Meeting date:** 26<sup>th</sup> January 2023

**Report by:** The Statutory Scrutiny Officer

### Classification

Open

### Decision type

Non-key

### Wards affected

(All Wards);

### Purpose:

The purpose of this report is to notify the Cabinet of the report and recommendations from the Environment and Sustainability Scrutiny Committee on the Local Plan; a review of the development of a new Local Plan for Herefordshire, made at its meeting on 19th January 2023 and to request an Executive Response.

### Recommendations

- a) That the report on the Local Plan; a review of the development of a new Local Plan for Herefordshire made by the Environment and Sustainability Scrutiny Committee at its meeting on 19th January 2023 be noted.
- b) That an Executive Response to the scrutiny findings be prepared for consideration by the Cabinet within two months.

### Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

## **Key considerations**

1. Scrutiny committees have statutory powers to make recommendations to the Executive, and the Executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, as the main Executive decision making body of the council (or, where appropriate, an external agency).
3. Cabinet is being asked to note the scrutiny report / recommendations and that an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.
4. The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.
5. The scrutiny committee will be notified of the Executive Response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

## The Herefordshire Local Plan

6. The Herefordshire Local Plan will set out the Council's land-use policies and proposals for the period up to 2041 and will replace the existing Herefordshire Core Strategy, which was adopted in October 2015. The Local Plan will set out a strategy for the scale and distribution of growth across the County and will cover issues such as housing provision, the economy, retail and town centres, infrastructure provision and environment protection. It will set out the policies by which planning applications will be determined.

## Scrutiny Review of the Local Plan

7. On 21st September 2022 the Environment and Sustainability Scrutiny Committee considered the development of the new Herefordshire Local Plan, including the consultation and options for the development of the Plan. As part of its review the committee considered the initial results which were emerging from the Local Plan Options consultations undertaken during 2022 and details of the scope and methods used during the consultation process.
8. At the end of this meeting, the committee drew together some key points that it would like the Cabinet and the planning directorate to take into consideration in the ongoing development of the Local Plan proposals. These are set out here in the attached scrutiny report of the committee, which was agreed by the committee at its meeting on 19<sup>th</sup> January 2023.

## Witnesses to the Inquiry

9. The scrutiny committee has questioned the following Cabinet Members and planning officers during its inquiry;
  - Councillor David Hitchiner - Leader of the Council.
  - Councillor John Harrington - Cabinet Member Infrastructure and Transport.
  - Councillor Ellie Chowns - Cabinet Member for Economy and Environment.
  - Samantha Banks - Neighbourhood Planning Service Manager.

10. The minutes of the meeting are available [here](#)<sup>1</sup>.
11. The conclusions of the scrutiny inquiry are contained in the scrutiny report, attached at Appendix 1.

#### Procedure for Recommendations from Scrutiny Committees

12. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
13. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.
14. Where scrutiny committees have powers under their terms of reference to make reports or recommendations to external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
15. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

#### **Community Impact**

16. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents. There has been a drive to improve the scrutiny function at Herefordshire, further to the Rethinking Governance review undertaken in 2021-2022.

#### **Environmental Impact**

17. There are no direct environmental impacts connected with this report or the outcomes it seeks to deliver. Initiatives and programmes to promote a healthy weight will likely have a positive impact on the environment e.g. food sustainability, reduced carbon admissions, increased active travel. This was considered in the consideration of this issue by the scrutiny committee.

#### **Equality Duty**

18. There are no specific equalities impacts.
19. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

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<sup>1</sup> <https://councillors.herefordshire.gov.uk/documents/g8828/Public%20minutes%20Wednesday%2021-Sep-2022%2010.30%20Environment%20and%20Sustainability%20Scrutiny%20Committee.pdf?T=11>

20. A public authority must, in the exercise of its functions, have due regard to the need to –
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
21. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

### **Resource Implications**

22. This report provides notification to Cabinet on the scrutiny report and recommendations, which have been referred to the Executive (Cabinet) for an Executive Response.
23. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of resource implications should be undertaken.

### **Legal Implications**

24. Section 9F (2) (b) of the Local Government Act 2000 provides that a scrutiny committee can make reports and recommendation to the Executive with respect to the discharge of any functions which are the responsibility of the Executive.
25. Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the Executive on matters which affect the authority's area or the inhabitants of that area.
26. The scrutiny report provides the scrutiny recommendations of the committee to be made to the Executive (Cabinet).
27. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of legal implications should be undertaken.

### **Risk management**

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

28. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.

29. The Executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

### **Consultees**

The Cabinet Member Finance, Corporate Services and Planning.

The Cabinet Member Infrastructure and Transport.

The Chairperson of the Environment and Sustainability Scrutiny Committee.

### **Appendices**

Appendix 1:- The Herefordshire Local Plan scrutiny report; a review of the development of a new Local Plan for Herefordshire report of the Environment and Sustainability Scrutiny Committee 19th January 2023.

### **Background papers**

The minutes of the Environment and Sustainability Scrutiny 21st September 2022.

<https://councillors.herefordshire.gov.uk/documents/g8828/Public%20minutes%20Wednesday%2021-Sep-2022%2010.30%20Environment%20and%20Sustainability%20Scrutiny%20Committee.pdf?T=11>





Herefordshire Council

Environment and Sustainability  
Scrutiny Committee

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# **The Herefordshire Local Plan**

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*A review of the development of a new Local Plan for  
Herefordshire.*

*Report*

Published on 19th January 2023  
by Herefordshire Council

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## Executive Summary

On 21<sup>st</sup> September 2022 the Environment and Sustainability Scrutiny Committee considered the development of the new Herefordshire Local Plan. As part of this review, the committee considered the extent to which the preparation of the Herefordshire Local Plan aimed to deliver the objectives for Environment and Sustainability, as outlined in the County Plan 2020-2024, Herefordshire Climate Change Emergency resolutions and Executive Response, and other relevant Council strategies and policies, including the Success Measures provided in the Council's County Plan 2020-2024.

In addition, the committee considered the initial results which were emerging from the Local Plan Options consultations undertaken during 2022 and details of the scope and methods used during the consultation process.

At the end of this meeting, the committee drew together some key points that it would like the Cabinet and the planning directorate to take into consideration in the ongoing development of the Local Plan proposals. These are set out here in this report of the committee.

### Witnesses and Scope of Inquiry

The scrutiny committee has questioned Cabinet Members and planning officers during its inquiry, as follows:-

- Councillor David Hitchiner - Leader of the Council.
- Councillor John Harrington - Cabinet Member Infrastructure and Transport.
- Councillor Ellie Chowns - Cabinet Member for Economy and Environment.
- Samantha Banks - Neighbourhood Planning Service Manager.

The scrutiny inquiry considered the Herefordshire Local Plan and its overall timeline, the key Council priorities for Environment and Sustainability, and the Success Measures provided in the Council's County Plan 2020-2024:

- i). Increase flood resilience and reduce levels of phosphate pollution in the county's river*
- ii). Reduce the council's carbon emissions*
- iii). Work in partnership with others to reduce county carbon emissions*
- iv). Improve the air quality within Herefordshire*
- v). Improve residents' access to green space in Herefordshire*
- vi). Improve energy efficiency of homes and build standards for new housing.*

The committee considered the extent to which the development of the Local Plan appeared to deliver these, in conjunction with the process for development and consultation on the options for the plan. The committee also considered the consultation on the Local Plan and the summary results from the analysis of the consultation on the Local Plan, which are relevant to Environment and Sustainability, may help to inform the development of the new Local Plan, the rationale for the consultation, the main mechanism and methods for the consultation and how representative there are, the wider consultation stages and timelines and how the results of the consultation are being used to inform policy and service development.

The minutes of the meeting is available [here](https://councillors.herefordshire.gov.uk/documents/g8828/Public%20minutes%20Wednesday%2021-Sep-2022%2010.30%20Environment%20and%20Sustainability%20Scrutiny%20Committee.pdf?T=11):

<https://councillors.herefordshire.gov.uk/documents/g8828/Public%20minutes%20Wednesday%2021-Sep-2022%2010.30%20Environment%20and%20Sustainability%20Scrutiny%20Committee.pdf?T=11>

The main evidence considered by the committee is summarised in this report, along with commentary on the committee's own findings, suggestions and contribution to the development of the new Local Plan, the consultation and wider community objectives for planning and delivering sustainable development and wellbeing of Herefordshire.

## Main Findings of the Scrutiny Inquiry

In addition, here also, in summary, are the main findings of the scrutiny inquiry, for consideration.

1. There was a lack of supporting evidence to confirm that the five Strategic Spatial Options and the four additional supporting Rural Options initially chosen for the Local Plan consultation, had been thoroughly reviewed against the County Plan and in particular, the success measures under-pinning the key Council priorities for the Environment. In evidence, the committee was given re-assurances on this, but without any evidence that other options had been considered and dismissed, remains sceptical that these initial options were framed against the Environment success measures.
2. During the consultation there were other options offered, particularly around concentrating development along existing rail infrastructure, or around a completely new settlement, which might have had more resonance with the Environment success measures, but again, they seemed to have been dismissed.
3. Consequently, the committee felt that the emerging place setting option was unlikely to meet the Environment success measures due to the limited and unimaginative initial Spatial Options put before consultees.
4. Generally, the committee are concerned about the lack of a joined-up approach with other initiatives (such as on public bus transport), the topic based policies for the Local Plan itself and the key evidence base studies that would be produced to support all of this at the examination stage.
5. In particular, while it might seem obvious to concentrate development around Hereford and the market towns, witnesses were unable to give a guarantee that this approach would lead to less car usage, nor in the medium term help with the aspiration for net zero being attained across the County.
6. As for the rural options, without parallel development of access to local services such as shops, employment, transport and schools, these would simply add to the worsening of the problem over car use.
7. Much has been done around making Hereford more sustainable in terms of active travel measures, but without sustainable travel strategies for the market towns and rural settlements, superimposing development on them would not seem sustainable.
8. Concomitant with this, the committee would like work to be done to see how the options chosen fitted with the existing suite of Neighbourhood Development Plans (NDPs) across the County as well as the movement studies that had been carried out for the Market Towns.
9. Whilst the committee understood that, going forward, the reasoning (ongoing white paper reform on planning) behind detaching the topic based policies for the Local Plan from the strategic spatial options, there was a danger that the drive to minimise carbon emissions would be weakened in shaping the latter in isolation.
10. Regarding the success measures on air and river water quality, we believe that more modelling work needs to be done on the place setting option currently on the table to test whether it will cause further deterioration rather than lead to improvements in those areas.
11. On the consultation process itself, the committee are concerned that this was taking place before the key evidence based studies had been completed and therefore would lead to the emerging

place setting option not being fully evidenced (justified). When these reports became available, the place setting option on the table at that time should be fully examined and tested against that portfolio of evidence.

12. The committee noted that responses fell away sharply from the initial spatial options consultation (1,200) to the later policy options consultation (250). Further that, of the 3,700 visitors to the Commonplace website during the place based consultation, only around one third (1,100) submitted a response. Maximising the response rate and hence resident participation in an exercise as important and long-lasting (to 2041) is paramount. The committee is concerned that the evidence from the consultation is less useful as a result of the low response rate.
13. Whilst the committee did not fully examine the capacity for Herefordshire to absorb the number of houses targeted for the period to 2041, it would ask that, in parallel with the work on place setting options, urgent work is done on the ability of the existing infrastructure and services, particularly in Market Towns, to cope with the proposed additional housing.

# 1 Introduction

- 1.1. The Local Plan sets out the local authority's policies and proposals for land use in its area; it sets out the planning framework for the county, including for housing provision, the economy, retail and town centres, infrastructure provision and the environment. It also sets out policies by which planning applications will be determined, in addition to allocation land for housing, employment and other uses.
- 1.2. As such, the plan guides and shapes day-to-day decisions as to whether or not planning permission should be granted, under the system known of planning and development control. Planning decisions must be considered against local development plans and although development plans do not have to be rigidly adhered to, they provide a firm basis for rational and consistent planning decisions<sup>1</sup>.
- 1.3. All councils that are local planning authorities are required to review their Core Strategy and associated Local Plan every five years and Herefordshire Council is now in the process of updating the Herefordshire Core Strategy and Local Plan, which was adopted in October 2015. The Herefordshire Local Plan will set out the Council's land-use policies and proposals for the period up to 2041 and will replace the existing Herefordshire Core Strategy, which was adopted in October 2015.
- 1.4. Local Plans are adopted by the local authority after public consultation and having proper regard for other material factors. It is anticipated that an additional target consultation will take place in the autumn of 2022 on the rural strategy.
- 1.5. The draft part 1 Local Plan is expected to be prepared for February 2023 with the intention of a public consultation under Regulation 18 in June or July 2023. The Local Plan will set out a strategy for the scale and distribution of growth across the County and the policies by which future planning applications will be determined.
- 1.6. When a draft plan has been approved by the Council and formally published, it will be subject to an independent Examination in Public. The draft Local Plan will have to demonstrate that it is:

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 (replacing Section 25 of Town and Country Planning (Scotland) Act 1997 and Section 54A of the Town and Country Planning Act 1990) requires that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

- *Positively prepared* – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - *Justified* – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - *Effective* – deliverable over the plan period, and based on joint working on cross-boundary strategic matters as evidenced by statements of common ground; and
  - *Consistent with national policy* – enabling the delivery of sustainable development in accordance with the National Planning Policy Framework 2021 and other statements of national planning policy.
- 1.7. The Local Plan must also be made subject to a Sustainability Appraisal and a Habitat Regulations Assessment; and include policies designed to ensure that development and use of land in the area contribute to mitigation and adaptation to climate change.
- 1.8. The Local Plan should:
- i). be prepared with the objective of contributing to the achievement of sustainable development;
  - ii). be prepared positively, in a way that is aspirational but deliverable;
  - iii). be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
  - iv). contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
  - v). be accessible through the use of digital tools to assist public involvement and policy presentation; and
  - vi). serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area<sup>2</sup>.

### ***The Scrutiny Inquiry***

- 1.9. On 21<sup>st</sup> September 2022, the Environment and Sustainability Scrutiny Committee considered the development of the Herefordshire Local Plan and the progress of the Local Plan consultation, with questions to David Hitchiner – the Leader of the Council, Councillor John Harrington - Cabinet Member Infrastructure and Transport and Councillor Ellie Chowns - Cabinet Member for Economy and Environment.
- 1.10. The committee reviewed the progress in the development of the Local Plan and the extent to which the plan was delivering the Council’s objectives for Environment and Sustainability, including the environmental Success Measures provided in the Council’s County Plan 2020-2024:
- i). Increase flood resilience and reduce levels of phosphate pollution in the county’s river
  - ii). Reduce the Council’s carbon emissions
  - iii). Work in partnership with others to reduce county carbon emissions
  - iv). Improve the air quality within Herefordshire
  - v). Improve residents’ access to green space in Herefordshire
  - vi). Improve energy efficiency of homes and build standards for new housing.

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<sup>2</sup> The National Planning Policy Framework, paragraph 11.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

- 1.11. The committee also reviewed progress and effectiveness of the Local Plan consultation, including its methodology and approach in consulting with stakeholders on the development of the new Local Plan and synthesising the results of the consultation in to the development of the new Local Plan policies and strategies for Herefordshire.

## 2 Environmental Priorities

- 2.1. The County Plan 2020-2024 provides a commitment to updating the Core Strategy (Local Plan) to make sure sustainable development is delivered which meets the needs of local people while respecting the County's heritage and our natural environment.
- 2.2. The committee heard that the Herefordshire Local Plan update will set out the spatial vision and objectives for the county and to establish a planning policy framework necessary to deliver the spatial vision. The new Local Plan will aim to ensure that there are sufficient homes provided for all members of the community, provide employment opportunities, sufficient retail provision and improved infrastructure while, at the same time, providing protection for the wider environment and helping to tackle climate change.
- 2.3. The committee considered how the development of the Local Plan would help to deliver the Council's environmental priorities and aligned to the according success measures in the County Plan.

### ***Flood Risk Management***

- 2.4. This includes the County Plan environment Success Measure to ***increase flood resilience and reduce levels of phosphate pollution in the county's rivers***. The committee heard that National Planning Policy Guidance had recently been strengthened and that any new Local Plan policies need to comply with the Guidance and employ a particular required order and approach in its development.
- 2.5. In accordance with the Guidance, a countywide Level 1 Strategic Flood Risk Assessment (SFRA) was undertaken in 2020, this is likely to require an update prior to the Local Plan being submitted for Environmental Impact Assessment<sup>3</sup>. Some development sites are likely to require a more detailed Level 2 SFRA to help determine the suitability of the site and whether mitigation development is required to enable development on the site.

### ***Water Quality***

- 2.6. There is an acknowledged concern that the phosphates levels in the counties main rivers, the River Wye and Lugg are too high and this has raised concerns about the impact this may have on the natural environment and public health. This is something that the committee has also considered this year.
- 2.7. In addition to these concerns, the committee heard in evidence that the need to reduce levels of phosphate pollution in the county's rivers has the potential to limit the ability of the Council to meet its development requirements and that there was a need to develop robust policies to ensure new development is phosphate nutrient neutral.

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<sup>3</sup> The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 Regulations'). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

- 2.8. To this end, a Cabinet Commission has been established to undertake a more strategic and systems led review of river quality and in particular to consider how the Council can use all the powers and influence available to it to progress the restoration of the Wye and Lugg. There is also in operation the Nutrient Management Board, which is a Technical Advisory Group to the Cabinet, made up of practitioner staff from partner agencies, which has been undertaking work to review the situation and coalition of regional partners to investigate incremental improvements and approaches within current governance and institutional systems.
- 2.9. The committee has already made recommendations to Cabinet on this and without duplicating the work of the Commission, the committee has agreed to keep this matter under review with oversight of the Commissions work and findings arising from this.

## **Carbon Emissions**

- 2.10. The committee considered the County Plan environment Success Measures to **reduce the council's carbon emissions** and to **work in partnership with others to reduce county carbon emissions** and heard that the Local Plan policies and strategy are seeking to locate development in sustainable locations and reduce the need to travel by focusing the majority of growth in Hereford and the market towns. The rural spatial strategy options are also proposing to provide for a reduced spread of particular identified villages in rural areas, including 215 identified within the current Core Strategy.
- 2.11. The committee also heard that the policy options included increasing cycling and walking opportunities, seeking to identify potential local distance greenway routes, green infrastructure and reviewing the potential for a "Fifteen Minute Neighbourhoods" concept to be used when planning strategic sites. [www.smarttransport.org.uk/insight-and-policy/latest-insight-and-policy/what-is-a-15-minute-neighbourhood](http://www.smarttransport.org.uk/insight-and-policy/latest-insight-and-policy/what-is-a-15-minute-neighbourhood)
- 2.12. The committee has concerns that the current plans to allow substantial development in Hereford and the market towns, without the required increased capacity and infrastructure in public transport and local amenities envisaged in the fifteen minute neighbours model will inevitably result in increased car usage and thereby increased carbon emissions.
- 2.13. In questioning, the committee pressed the Cabinet Member for Infrastructure and Transport on whether he could guarantee that the emerging place setting option from the third consultative stage would lead to reduced car usage. If not, it appears that a central plank of the Environmental section of the County Plan would not be met.
- 2.14. There remains a question about how the Local Plan will deliver a guaranteed reduction in car emissions, consistent with the County Plan objectives to reduce carbon emission and car usage, and at the same time permit the envisaged housing development in areas which have insufficient public transport infrastructure. It may be useful to consider modelling in greater detail of the estimated car usage with the anticipated developments and scale of growth with currently known public transport capacity.

## **Air Quality**

- 2.15. The County Plan includes a Success Measure to **improve the air quality within Herefordshire**. The committee heard that specific Local Plan option proposals are seeking to address air quality issues where there are current air quality issues identified such as at Bargates in Leominster.
- 2.16. It may be useful to undertake further scrutiny and feasibility studies on the specific Local Plan option proposals to address air quality issues in Leominster against the impact of projected future population growth and development envisaged.



- 2.17. Notwithstanding the specific Local Plan option proposals being considered, there remains a question about how the Local Plan will deliver the improvement in air quality as well as the envisaged population growth and development without a significant improvement in the County strategic public transport infrastructure. It may be useful to consider modelling in greater detail of the estimated car usage and impact on air quality with the anticipated developments and scale of growth assuming currently known public transport capacity.

## **Green Spaces**

- 2.18. The County Plan includes a Success Measure to ***improve residents' access to green space in Herefordshire***. The committee heard that policies will be included within the Local Plan to protect and enhance open spaces and continue to protect Local Green Space currently allocated with Neighbourhood Development Plans. Strategic planning of larger allocation sites will also seek to include new and connective green and open spaces as part of larger developments. The committee heard that a consultation was being undertaken on the green infrastructure and open space evidence base. This consultation, involving town and parish councils, is seeking to provide an audit of current open space and potential improvements.
- 2.19. The committee welcomed the commitment to protect and enhance open spaces, but also noted that the envisaged population growth and developments focused around market towns will inevitably impact on green and open spaces and that the strategic planning of larger allocation sites will also seek to include new and connective green and open spaces as part of larger developments. It may be useful to consider modelling in greater detail of the impact on access to green open spaces within the anticipated developments and scale of growth.

## **Energy Efficiency Standards**

- 2.20. The County Plan includes a Success Measure to ***improve energy efficiency of homes and build standards for new housing*** and the committee heard that the Environmental Building Standards Supplementary Planning Document (SPD) was being developed and would provide important evidence for development of policy framework.
- 2.21. The SPD contains supplementary planning guidance to existing policy, which will be a material consideration for planning applications. It was developed within the context of national and local Net Zero Carbon targets and provides detail on what is required to deliver high quality construction that is ready to meet those goals. It will also address other environmental issues which construction has a big impact on, such as biodiversity and resilience to climate change.

## **Transport**

- 2.22. The County Plan includes a Success Measure to ***increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport***. The committee heard that a review of the local scope of transport infrastructure, modes of transport and updated modelling will review the measures needed to facilitate modal shift<sup>4</sup>, to be incorporated into the strategic proposals.
- 2.23. The committee has concerns that the current and planned transport infrastructure may be insufficient to facilitate true modal shift on a scale that will meet the Council's targets to

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<sup>4</sup> Modal Shift means an increase in the proportion of persons travelling to and from the Site using more sustainable modes of transport

Modal Shift means a change (shift) in transportation system (mode) through utilization of railway freight transport and domestic shipping, which is the mass transit systems with a small environmental burden, for freight transport.

increase the number of number of short distance trips being done by sustainable modes of travel, to reduce carbon emissions to net zero and to improve air quality.

- 2.24. Given the concerns expressed by the committee about the feasibility of the anticipated population growth and development without the sufficient transport capacity and infrastructure, the location of new development in areas where there is likely to be a choice of transport modes other than the private car will be particularly important.
- 2.25. Policy options have been included to increase cycling and walking opportunities, seeking potential local distance greenway routes, green infrastructure and reviewing the potential for the [Fifteen Minute Neighbourhoods](#) concept to be used when planning strategic sites.
- 2.26. The strategy is seeking to locate development in sustainable locations and reduce the need to travel by focusing the majority of growth in Hereford and the market towns. The rural spatial strategy options are also suggesting reduced spread of identified villages in rural areas for the 215 identified within the current Core Strategy.
- 2.27. The committee expressed some concern at the prospect of development being focussed around market towns in the County, given that three of the towns have no railway stations. Should development take place in market town site with a lack of alternative transport infrastructure and opportunities, the expectation would be further car use and pressure on existing road infrastructure, thereby increasing pollution, in contravention of the Council's stated carbon reduction and air quality priorities and ambitions set out in the County Plan.
- 2.28. The Cabinet Member for Infrastructure and Transport told the committee in evidence that the objectives of the County Plan had been fully considered as part of the formulation of options and that whilst it was acknowledged that rail infrastructure in the County was limited, the market towns were deemed to benefit from other forms of transport infrastructure to a greater extent than the rural settlements in the County, which made them better equipped to accommodate growth.
- 2.29. Some members of the Committee submitted that when the full Council had previously debated and decided against a bypass for Hereford, there was an undertaking made by the administration that money would be invested on transport improvements in rural areas, but it was suggested that this had in fact not materialised, whilst at the same time budget pressures were leading to cuts in rural bus services which were already in short supply. This again raised the concern that developments in rural areas would lead to increased car usage as residents did not have access to reliable alternatives. This may appear to run counter to the Council's environment objectives set out in the County Plan and it raised the question as to what extent the Council's environment objectives had in fact been properly considered and taken into account in the development of the Local Plan consultation options.
- 2.30. The committee questioned the Cabinet Member on the options for development focussed around the existing railway line at Pontrilas and asked if these had now been abandoned. The Cabinet Member for Infrastructure and Transport told the committee that the option had not been completely removed from consideration, but that as the Local Plan needed to demonstrate its deliverability up to 2041, there were currently too many uncertainties around the deliverability of such a project to make it viable for inclusion as a leading option.
- 2.31. The Neighbourhood Planning Service Manager advised in evidence that around 120 villages were earmarked for being taken out from the current Core Strategy when the new Local Plan emerged, as it was recognised that many were unsustainable from a transport perspective.
- 2.32. In the further consideration of the prioritisation of possible development sites around the market plan options model, the committee suggests that it is important to prioritise those

existing settlements with the most developed capacity and potential for improved access to local services and facilities, particularly schools, shops and transport. Although this would not in itself answer the question of whether there would be sufficient capacity local amenities and transport capacity for the anticipated growth development to be considered sustainable against the net zero carbon emissions and environmental objectives, but it would appear to be an essential prerequisite to meeting those objectives.

### 3 Local Plan Consultation

- 3.1. As part of the consultation on the Local Plan, the Council has consulted residents for their views on local parks, playgrounds, sports pitches and other open spaces including wilder natural areas, as well as their views on what is important to them in the open spaces near where they live or where they visit. The survey closed on Friday 9 September 2022.
- 3.2. The committee heard that there had been three early consultations on the Local Plan, which have set out a number of different options.

Between 17 January and 28 February 2022 a consultation was undertaken on the overall spatial strategy and growth levels, high level spatial options for rural areas as well as consulting on a draft vision and objectives of the Local Plan.

Between 4 April 2022 until 16 May 2022 a consultation was undertaken to consider possible options for the content of topic based policies across a wide range of subject areas.

Between 13 June and 29 July 2022 a place based options consultation took place and set out possible options and potential strategic development areas for Hereford, each of the County's market towns together with a range of alternative settlement hierarchies for rural parts of Herefordshire.

- 3.3. Key evidence base studies had also been commissioned, which were due to be reported in later in the year. The assessment of the alternative options, together with the development of a comprehensive evidence base, is to be used as evidence that the "justified" test of soundness has been achieved.
- 3.4. The committee heard that the Local Plan will also be subjected to a viability assessment to help demonstrate that its policies and proposals are deliverable and, when submitted, will also be accompanied by an Infrastructure Delivery Plan, which will set out details and costings on funding of infrastructure in order to progress towards a future Infrastructure Levy. The committee heard that the consultations undertaken to date are part of the first stage in a series of consultations that will continue up to and through the Examination in Public. By 2023 it is intended to consult upon a draft plan which will enable representations to be made upon the detail of policies and proposals.
- 3.5. The committee had some concerns that the consultation on the Local Plan was being conducted before a number of the commissioned evidence based reports had been received and it was queried whether the evidence reports should have been commissioned at an earlier stage.
- 3.6. The Neighbourhood Planning Service Manager confirmed to the committee that a number of evidence based reports were in production, which would help to frame the strategy, but that it was a requirement to consult upon options and alternatives in tandem with the commissioning of reports.

- 3.7. The committee was informed that it was important that the reports were as up to date as possible at the time the Local Plan went to examination and it was therefore deemed that commissioning reports too early carried an element of risk, whereby, if the process becomes delayed for any reason, then they may need to be recommissioned and further updated before examination could take place.
- 3.8. The committee was informed that there would be further rounds of consultation to follow, including a further engagement on preferred options and ranking settlements to be undertaken with parish councils and the local community in the autumn of 2022, which would incorporate previously omitted scoring for roads, public transport and flooding, thus taking much greater account of sustainability issues.

### ***Local Plan Options Consultations***

- 3.9. The committee heard that the Spatial Options consultation undertaken in January and February 2022 had set out a draft vision, supplemented by a set of more detailed objectives, which were intended to reflect the County Plan and support the Council's declaration of a Climate and Ecological Emergency.
- 3.10. The consultation on the emerging Local Plan included the adopted Statement of Community Involvement, which set out how the Council will engage with communities on planning matters, including on the preparation of development plan documents.
- 3.11. The committee heard that the *Commonplace* digital citizen consultation platform was used to publish the consultation and gather consultation responses. The Spatial Options paper and associated documents were also available on the Herefordshire Council website and printed copies were made available on request. Posters and flyers were also provided to all town and parish councils for their noticeboards and local parish magazines. Information points, including Talk Community Hubs and Libraries were used to spread information about the consultation. Media releases were prepared and the Council's social media platforms were used publicise the consultation.
- 3.12. Notice of the consultation was sent to the contacts on a consultation database of specified organisations, other stakeholder organisations and individuals who have indicated they have an interest in the Local Plan process. An on-line event for town and parish councils was undertaken, together with workshops held for Herefordshire Council members during the consultation, which was recorded and published on the digital platform.
- 3.13. Early consultation was also undertaken on the Settlement Hierarchy options. In February 2020, all parish councils were sent the 'Settlement Hierarchy Review Questionnaire', which sought to gather information on the current range of services and facilities within each parish. Parish councils were asked to comment on 'Rural Settlement Hierarchy Services and Environmental Survey' in April 2022 to verify the accuracy of the data prior to being used for ranking settlements as part of the Place Shaping Options consultation in June and July 2022.
- 3.14. The committee heard that over 1,200 responses were received to the Spatial Options consultation and that the consultation responses received during the consultation were broadly in support of the draft vision and objectives with more than 60% agreeing with them. Option 3 of the overall strategy, *Focus Growth across market towns and Hereford*, was the most popular of spatial options, Option 4; focussing on a single market town as a growth centre, was least favourite.
- 3.15. The Policy Options consultation undertaken from 4<sup>th</sup> April and 16<sup>th</sup> May 2022 set out a range of alternative policy approaches for key policy areas, many of which would look to address environmental priorities of the County Plan.

## ***Consultation with the Executive***

- 3.16. The committee sought clarity on how the nine spatial options, which set out the five strategic options and four rural options of the Spatial Options consultation from January 2022 were produced, and what meetings had taken place between Cabinet members and officers to inform the options selected for inclusion in the consultation.
- 3.17. The committee was informed that there had had been established a Local Plan Cabinet working group, which had met a number of times to receive briefings, whilst the options were formulated for the spatial options consultation, taking into account the assessed need for the County. The members of the working group were:
- Councillor Ellie Chowns – Cabinet Members for Environment and Economy,
  - Councillor John Harrington – Cabinet Member for Infrastructure and Transport,
  - Councillor Liz Harvey – Cabinet Member for Finance, Corporate Services and Planning and
  - Councillor Ange Tyler – Cabinet Member for Housing, Regulatory Services and Community Safety.
- 3.18. During the first phase of consultation around the new Local Plan, suggestions were put forward for a spatial option focussed on existing rail infrastructure in the County, as well as an option for a new eco-settlement, but the committee noted that the nine proposed spatial options in place at the beginning of the consultation remained materially unchanged and did not include these suggestions.
- 3.19. A query was therefore raised regarding whether these alternative ideas had been dismissed following meetings of the Cabinet Working Group.
- 3.20. The Cabinet Member for Infrastructure and Transport confirmed in evidence that meetings had taken place during which preferred options were discussed, however, options were not excluded from the consultation based on Cabinet Member preferences and the fact that there had been little material change in the options may simply have been reflective of the responses received to date.
- 3.21. The Neighbourhood Planning Service Manager further advised that whilst there were an infinite number of options that could be consulted upon, the Council had to show that it had consulted upon reasonable and different alternatives, and that these were sufficiently scoped to enable the public to understand how they differed.

## ***A New Market Town?***

- 3.22. It was submitted by members of the committee that there had previously been a suggestion for a new market town in Herefordshire, which also appeared to be absent from the emerging proposals.
- 3.23. The Neighbourhood Planning Service Manager advised that this was considered as part of consultation Option 5 and included a 'call for sites'; however, only a small number of potential sites had come forward and these were being assessed for their environmental impact. It was explained that new settlements take on average 15-20 years to come to fruition and this would need to be demonstrated as deliverable within the lifetime of the new Plan.
- 3.24. Notwithstanding the fact that any proposals for a new market town development would go beyond the timeframe of the Local Plan, the committee suggests that such a proposal would be of such strategic significance that, if the Council was minded to proceed with such a proposal in principle, then the consideration and feasibility of such a proposal should at least

feature within the new Local Plan as part of the longer term community planning for Herefordshire. The committee suggests that the Council should come to a view, based on existing evidence, on the feasibility and desirability of a strategic proposal for the development of a new market town in Herefordshire in consideration of the economic, environmental, social evaluation of such a proposal. Such a proposal could at least be considered in terms of whether this may, or may not, be a possible solution to delivering future growth and development in a sustainable way.

- 3.25. Considering this in concept may also provide a view as to whether such a proposal may not be desirable, if this does not appear to deliver probable solutions to longer term development, especially since such a proposal appears to conflict with the current options model to permit development around existing market towns transport and infrastructure nodes, which may be based on the assumption that such pre-existing settlements already have some of the necessary infrastructure in place. Consideration may be made, therefore, as to whether, in principle, building upon existing infrastructure developments might allow for a greater and commensurate expansion in capacity to meet projected population growth, or whether new developments might offer greater opportunities to develop infrastructure capacity more successfully around future population needs through better longer term planning options.

## ***Consultation Responses***

- 3.26. The committee considered the consultation responses and analysis on the Local Plan options to date. The committee heard that only around 250 responses had been received to the policy options consultation, the fewer the response rate to consultations would appear, in principle, to limit the weight that should be afforded to the responses in the overall consideration of the proposals, however, they do provide some feedback.
- 3.27. The committee heard that the responses to the policy options on climate change and environmental policies indicated that 55% of respondents supported an approach that would set out an overarching strategic *climate change policy* and embedding the issue of climate change into other relevant Council policies and strategies. 48% of respondents were in favour of strengthening current policies for *biodiversity*, placing more emphasis on biodiversity improvement and a higher than national improvements in biodiversity. 67% of respondents favoured a new approach with strengthened requirements for Heritage Impact Assessments and understanding of heritage assets to protect and enhance *Herefordshire's historic environment*. 45% of respondents supported separation of policies for *landscape and townscape*, which would link with the emerging approach to design coding nationally. 77% of respondents supported a *new dark skies policy*, which could include policies within the Local Plan to minimise light pollution to protect and enhance both environmental character and benefit wildlife.
- 3.28. There was no clear favoured approach on options *Green Blue Infrastructure*. Green-Blue Infrastructure is a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a wide range of ecosystems<sup>5</sup>.
- 3.29. 60% of respondents supported specific strategic design policies for *Hereford and Market Towns* supported by design codes in rural areas. 69% of respondents supported a separate *nutrient neutrality policy*. 57% of respondents supported policies promoting the provision of *open spaces* and supported the inclusion of more detailed requirements.
- 3.30. Given the results of this consultation and Herefordshire Council's own aspirations as set out in the County Plan, it is clear that there is a need to develop strategic policies to address the

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<sup>5</sup> [https://ec.europa.eu/environment/nature/ecosystems/index\\_en.htm](https://ec.europa.eu/environment/nature/ecosystems/index_en.htm)

response to climate change and environmental protection, covering issues such as water quality.

- 3.31. The Place Based consultation from 13<sup>th</sup> June to 29<sup>th</sup> July 2022, which received around 1,100 responses, included a parish and town council event and a series of “roadshows” in Hereford and each of the market towns and in a number of villages across the County, which provided an opportunity for councillors and residents to meet members of the Strategic Planning and Neighbourhood Planning teams and discuss the options.
- 3.32. *Focus Growth across market towns and Hereford* (Option 3 of the Spatial Options consulted upon) was the most popular of the Spatial Options, indicating potential areas for new housing, employment and mixed use developments in Hereford and the market towns.
- 3.33. The committee noted that there was a steep drop in the number of responses from the initial spatial options consultation (1,200) to the later policy options consultation (250), and queried whether this was an indication that residents were unaware of the staged approach to consultation and considered that having responded to the first exercise there was potentially no purpose to comment further. It was also noted that of the 3,700 visitors to the Commonplace website during the place based consultation, only around one third (1,100) submitted a response.

### ***Preferred Development Sites***

- 3.34. The committee heard that 168 sites have been submitted as part of the ‘call for sites’ which occurred alongside the place based options consultation. The committee also heard that, for Hereford, areas in the centre and to the north of the city were preferred within the responses with the least favoured areas being in the south.
- 3.35. Brownfield land in Bromyard and land to the north was preferred to options on the south side of the town. The committee heard that residents in Kington would prefer a mix of smaller sites than one larger development site, whereas in Leominster there was a preference for a larger strategic site.
- 3.36. For Ledbury, brownfield development was preferred, with the site to the north of the town being the least favoured option. For Ross, brownfield redevelopment was preferred with areas to the south of the town being least favoured.
- 3.37. The committee heard that consultation responses had highlighted a wish to see urban development that had access to medical and educational facilities as important and the availability of green open spaces and leisure related facilities nearby with an enhancement in landscape and ecology provided transport. Connections within the existing town and to any new residential or employment areas were also indicated as essential.

## **4 Conclusion**

- 4.1. The Local Plan is an essential policy and strategic framework to set out the medium term planning and development aspirations for Herefordshire. It is an opportunity to reconcile the aspirations of the Council for economic development and projected population growth and associated housing developments and employment potential, along with social infrastructure such as school, hospitals and local community amenities, with the aspiration for an environmentally sustainable future.



- 4.2. This is a challenging yet crucial challenge which is not only being faced locally but also nationally and internationally.

### ***The Climate Emergency***

- 4.3. The 2022 United Nations Climate Change Conference (COP27),<sup>[1]</sup> met this month in Egypt to limit global temperature rises and adapt to impacts associated with climate change.<sup>[3]</sup> following a year of climate-related disasters and record temperatures globally.
- 4.4. Despite commitments made at COP to reduce carbon emissions to meet the emissions of carbon dioxide (CO<sub>2</sub>), (a [greenhouse gas that causes climate change](#)<sup>6</sup>) to the atmosphere, to try to keep temperature rises within 1.5C, which scientists say is required to prevent a "climate catastrophe"<sup>7</sup>, Petteri Taalas, secretary general of the World Meteorological Organisation (WMO), has warned that the 1.5C target is "barely within reach". Current pledges, if met, will only limit global warming to about 2.4C.
- 4.5. The UN's weather and climate body released a report showing that the rate at which sea levels are rising has doubled since 1993 and the UN Secretary General Antonio Guterres has described the report as a "chronicle of climate chaos" and urged governments at COP27 to answer the planet's "distress signal" with "ambitious, credible climate action".
- 4.6. Local communities are at the forefront of meeting the challenges of climate change and of meeting local targets to reduce carbon emissions for a sustainable future. This includes ensuring that future development and growth are planned in a sustainable way and that the community infrastructure is resilient enough to meet some of the anticipated impacts of climate change such flooding and drought.
- 4.7. For Herefordshire, the articulation of these plans for environmental sustainability and resilience are provided both with the Council and communities objectives set out in the County Plan and the policy and strategy provisions set out with legal force in the Local Plan Core Strategy.
- 4.8. Whilst the committee has welcomed the overall strategic objectives set out in the County Plan and the work being done to consider the options for future development in consultation with the local community, it has concluded that the Local Plan options needs to be more clearly grounded in the Council's clear statements for environmental sustainability, towards modal shift and net zero ambitions.

### ***Herefordshire Council's Response***

- 4.9. In response to increasing awareness of the impacts of [climate change](#), Herefordshire Council declared a climate emergency on 8 March 2019, Herefordshire Council resolved to set a target of zero carbon by 2030.
- 4.10. Following this, in September 2019, the Council committed to take a major step to minimise the impact of local carbon emissions on the environment, agreeing to accelerate a reduction of emissions and aspire to become carbon neutral by 2030/31 and work with strategic partners, residents and local organisations to develop a revised countywide carbon dioxide reduction strategy aspiring for carbon neutrality by 2030. The Cabinet's Executive Response to the Climate Emergency commits to an accelerated reduction of the Council's own carbon emissions and the aspiration to become carbon neutral by 2030/31<sup>8</sup>.

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<sup>6</sup> <https://www.bbc.co.uk/news/science-environment-24021772>

<sup>7</sup> <https://www.bbc.co.uk/news/science-environment-56901261#:~:text=It%20was%20agreed,to%20about%202.4C.>

<sup>8</sup> Summary of executive responses to the Climate Emergency and Citizens Assembly resolutions passed by full council. <https://councillors.herefordshire.gov.uk/documents/s50070235/Appendix%201%20for%20Executive%20Response%20to%20the%20Climate%20Emergency.pdf> See also: Pathway to Carbon Neutral, Carbon Management Plan 2020/21-2025/26, Herefordshire



- 4.11. On Monday 25 January 2021, the Council's General Scrutiny Committee made a report General Scrutiny Committee on the Climate and Ecological Emergency following a scrutiny Review on the matter. The scrutiny report can be found here: <https://councillors.herefordshire.gov.uk/documents/s50086309/Appendix%20A%20for%20Climate%20Emergency%20Review.pdf> The Executive Response to the scrutiny report can be found here: <https://councillors.herefordshire.gov.uk/documents/s50088132/Appendix%201%20for%20Executive%20response%20to%20the%20Climate%20and%20Ecological%20Emergency%20Task%20and%20Finish%20Group%20Revi.pdf>
- 4.12. Herefordshire Council aims to accelerate a reduction of emissions across the county by aspiring to be carbon neutral by 2030/31.
- 4.13. The pie chart in *Figure 1* shows a breakdown of emissions in the county, which illustrates the fact that transport and buildings development impact considerably upon the County's carbon emissions; the future development and growth of transport and domestic and commercial developments are key aspects of the Local Plan.
- 4.14. Having received evidence on the progress of the detailed work currently ongoing in the development of the new Local Plan, the committee noted that there was an ongoing risk of changes to planning policy at a national level, and the Neighbourhood Planning Service Manager confirmed that a number of local authorities have currently paused development of their Local Plans due to the continued uncertainty, however the ambition was to continue the process in Herefordshire as it was recognised that a new Plan was both wanted and needed.
- 4.15. It was acknowledged that there was a balance to be negotiated between pursuing the Council's environmental and sustainability objectives, whilst at the same time taking into due consideration the evidence base and assessment and responses to public consultation, however, the committee is of the view that the Council must clearly set out the community leadership for providing clear directions on the overall objectives for the Local Plan on achieving environmental sustainability, carbon zero and modal shift. To the extent that these have not been as clearly stated as they might have been at the options consultation stages, it is suggested that these should be clear within the relevant policy documents and further consultations to follow.

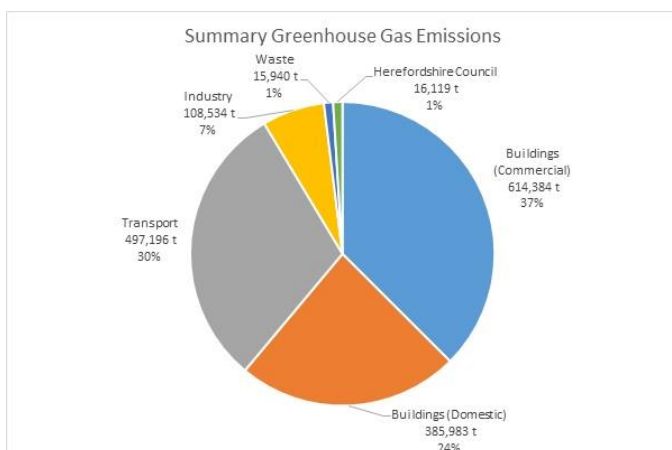


Figure 1 – Percentage contributions Carbon Dioxide emissions in Herefordshire by sector<sup>9</sup>.

## ***A Sustainable Community Strategy***

- 4.16. The committee submits that the Herefordshire Local Plan should deliver the overall Council community economic, social and environmental objectives. As such, these are set out in the County Plan. The Herefordshire Local Plan will set out the Council's land-use policies and

Council 2021. <https://www.herefordshire.gov.uk/downloads/file/20530/carbon-management-plan-2020-21-to-2025-26#:~:text=This%20document%20has%20been%20designed,%25%20reduction%20by%202025%2F26.>

<sup>9</sup> Data from the Department for Business, Energy and Industrial Strategy, excluding land use, land use change and forestry. <https://www.herefordshire.gov.uk/climate-2/climate-change/3> Sourced November 2022.

proposals for the period up to 2041. Yet the County Plan will expire in 2023 and will be renewed with new strategic objectives for the County.

- 4.17. There is, therefore, a need to set out clearly the Council's medium to longer term objectives for Herefordshire, for which there is widespread support from across the Council, community stakeholders and the general public.
- 4.18. Previously, the Council produced a "sustainable community strategy"; a long-term strategy for the economic, social and environmental well-being of the local authority area. However, on 13<sup>th</sup> April 2011, the statutory guidance to local authorities on preparing a community strategy was withdrawn, so removing the duty for local authorities to prepare a community strategy. This was intended to provide local authorities the freedom to decide whether or not a community strategy is needed for their area.
- 4.19. The committee submits that it is desirable for Herefordshire to set out its medium to long term objectives for promoting or improving the economic, social and environmental well-being of Herefordshire to the achieve of sustainable development and that it should work with the voluntary sector and private sector, as well as local people, to agree these objectives. The committee believes that there is widespread consensus to achieve the longer term strategic environmental sustainability objectives set out in the County Plan, which, if set out as longer term objectives could help to provide clarity and leadership direction to inform community planning strategic options.
- 4.20. The role of the County Plan and higher level strategic objectives, such as a sustainable community strategy, is to set out the strategic vision for a place. It provides a vehicle for considering and deciding how to address difficult cross-cutting issues such as the economic future of an area, social exclusion and climate change. Building these issues into the community's vision in an integrated way is at the heart of creating sustainable development at the local level.
- 4.21. The Local Plan Core Strategy, as part of the Local Development Framework should therefore turn the County's stated sustainable community strategy's strategic vision into policy that guides and shapes development over 15 to 20 years after the plan's adoption and act as the spatial vision of the sustainable community strategy and it should aim to cover a wide range of policies and programmes. The Council should align and coordinate the core strategy of the local development framework with its medium to longer term sustainable community strategy. The core strategy should act as the spatial vision of the wider sustainable community strategy of the Council over its wide range of policies and programmes.
- 4.22. The committee submits that there are, therefore, clear advantages of setting out clearly and integrating the Council's medium to longer term sustainable community strategic objectives into the broader local development framework process, with clearer linkages between the Councils overall strategic objectives founded on the principle of sustainability and the ability to collectively deliver sustainable communities. This integration is key to ensuring that delivery is at the heart of the plan making system.
- "The role of the sustainable community strategy is to set out the strategic vision for a place. It provides a vehicle for considering and deciding how to address difficult cross-cutting issues such as the economic future of an area, social exclusion and climate change. Building these issues into the community's vision in an integrated way is at the heart of creating sustainable development at the local level."***<sup>10</sup>

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<sup>10</sup> 'Strong and prosperous communities' published in 2008.

## ***Community Infrastructure Investment***

- 4.23. The committee is of the view that, in order to provide for sustainable development and growth, significant further investment will be necessary to provide transport and local community amenity infrastructure to support net zero, modal shift and biodiversity aspirations. There is a question about how such infrastructure could be funded and whether this would be sufficient. The Council uses planning obligations (known as section 106 agreements) to ensure that any new development does not put a strain on existing services and facilities such as roads, schools, open space or other community facilities and/or services and reduce the impacts of the development. The Herefordshire Core Strategy 2011 - 2031 sets out the role of contributions in providing resources to achieve the objectives of the Local Plan and to meet, as far as possible, the infrastructure costs arising from development.
- 4.24. Many local authorities have a Community Infrastructure Levy, which is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area.
- 4.25. The levy only applies in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website.
- 4.26. Given that the future of Community Infrastructure Levy in its current format is uncertain however, Herefordshire Council has taken the decision to pause progressing the adoption a Community Infrastructure Levy.
- 4.27. Notwithstanding the possible changes in the powers of local authorities under anticipated changes to legislation for local planning and regeneration arrangements, the committee submits that arrangements should be made for instituting a Community Infrastructure Levy, or any future equivalent, to help them deliver the infrastructure needed to support environmental sustainability, modal shift and net zero in Herefordshire.

## **Acknowledgements**

Thank you to all those who have contributed evidence to the Scrutiny Committee Inquiry, namely;- Councillor David Hitchiner - Leader of the Council, Councillor John Harrington - Cabinet Member Infrastructure and Transport, Councillor Ellie Chowns - Cabinet Member for Economy and Environment and the officer, Samantha Banks - Neighbourhood Planning Service Manager.

## **The Environment and Sustainability Scrutiny Committee**

The Environment and Sustainability Scrutiny Committee is appointed by Herefordshire Council to carry out the local authority scrutiny functions relating to its remit.

### **Membership of the Scrutiny Committee**

Councillor Louis Stark - Chairperson  
Councillor Trish Marsh - Vice-chairperson  
Councillor Carole Gandy  
Councillor Jennie Hewitt  
Councillor Elissa Swinglehurst  
Councillor Yolande Watson  
Councillor William Wilding

### **Formal Minutes**

Minutes of proceedings are available to view or download from the Council website at

[www.Herefordshire.gov.uk](http://www.Herefordshire.gov.uk)

<https://councillors.herefordshire.gov.uk/documents/g8828/Public%20minutes%20Wednesday%2021-Sep-2022%2010.30%20Environment%20and%20Sustainability%20Scrutiny%20Committee.pdf?T=11>

### **Published Written Evidence**

Published written evidence is available to view or download from the Council website at

[www.Herefordshire.gov.uk](http://www.Herefordshire.gov.uk) [{WEBLINK}](#)

### **Committee Staff**

The current staff of the committee are:

Michael Carr – Statutory Scrutiny Officer

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Herefordshire Council

January 2023

[www.Herefordshire.gov.uk](http://www.Herefordshire.gov.uk)

# **Findings of the Environment and Sustainability Scrutiny Committee: The Herefordshire Local Flood Risk Management Strategy**

**Meeting:** Cabinet

**Meeting date:** 26<sup>th</sup> January 2023

**Report by:** The Statutory Scrutiny Officer

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose:**

The purpose of this report is to notify the Cabinet of the findings from the Environment and Sustainability Scrutiny Committee on the Herefordshire Local Flood Risk Management Strategy; a review of the development of the Local Flood Risk Management Strategy and Action Plan for Herefordshire, recorded at its meeting on 19th January 2023 and to request an Executive Response.

## **Recommendations**

- a) That the findings on the Herefordshire Local Flood Risk Management Strategy; a review of the development of the Local Flood Risk Management Strategy and Action Plan for Herefordshire, made by the Environment and Sustainability Scrutiny Committee at its meeting on 19th January 2023 be noted.
- b) That an Executive Response to the scrutiny findings be prepared for consideration by the Cabinet within two months.

## **Alternative options**

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

## **Key considerations**

1. Scrutiny committees have statutory powers to make recommendations to the Executive, and the Executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, as the main Executive decision making body of the council (or, where appropriate, an external agency).
3. Cabinet is being asked to note the scrutiny report / recommendations and that an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.
4. The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.
5. The scrutiny committee will be notified of the Executive Response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

## **Local Flood Risk Management Strategy**

6. Herefordshire Council is a Lead Local Flood Authority (LLFA) as set out in the Flood & Water Management Act 2010, as such, it is the Council's responsibility to lead in managing local flood risks (i.e. risks of flooding from surface water, groundwater and ordinary (smaller) watercourses). This includes ensuring cooperation between Risk Management Authorities (RMAs) in the area.
7. The Council as LLFA, has a statutory responsibility to publish a Local Flood Risk Management Strategy (LFRMS). The LFRMS provides a framework to enable the LLFA to lead and co-ordinate flood risk management across Herefordshire and was adopted by Cabinet in September 2017.

## **Scrutiny Review of the Herefordshire Local Flood Risk Management Strategy**

On 18th November 2022 the Environment and Sustainability Scrutiny Committee considered the development of the Local Flood Risk Management Strategy, What the Council and its statutory partners are doing to manage flood risk in the county and a review of progress against the five objectives outlined in the current Herefordshire Council Local Flood Risk Management Strategy.

8. At the end of this meeting, the committee drew together some findings that it would like the Cabinet and the planning directorate to take into consideration in the ongoing development of the Herefordshire Local Flood Risk Management Strategy proposals. These are set out here in the attached document at Appendix 1 of the committee, which was agreed by the committee at its meeting on 19<sup>th</sup> January 2023.



## Witnesses to the Inquiry

9. The scrutiny committee has questioned the following Cabinet Members and planning officers during its inquiry;
  - Councillor Ellie Chowns - Environment and Economy
  - Councillor John Harrington - Infrastructure and Transport
  - Steve Hodges - Directorate Services Team Leader, Economy and Environment
  - Ian Baker – Emergency Planning Manager
  - Jonathon Pryce - Chief Fire Officer, Hereford and Worcester Fire and Rescue Service
  - Ellie Misselbrook - Hereford and Worcester Fire and Rescue Service.
  - Mark Averill – Interim Service Director, Highways and Transport.
  - Joel Hockenhull - Senior Drainage Engineer at Balfour Beatty
  - Ian Baker – Emergency Planning Officer
  - Toby Hanham – Emergency Planning Officer
  - Martin Quine - Assets and Waterways Manager, Environment Agency
  - Dan Trewin – Environment Planning Specialist, Environment Agency.
10. The minutes of the meeting are available [here](#)<sup>1</sup>.
11. The findings of the scrutiny inquiry are contained in the document attached at Appendix 1.

## Procedure for Recommendations from Scrutiny Committees

12. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
13. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.
14. Where scrutiny committees have powers under their terms of reference to make reports or recommendations to external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
15. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

## **Community Impact**

16. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents. There has been a drive to improve the scrutiny function at Herefordshire, further to the Rethinking Governance review undertaken in 2021-2022.

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<sup>1</sup> <https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=1158&MId=8834&Ver=4>

17. The LFRMS supports the strategic objectives that are described in our County Plan (2020-24) and which sets out how the council will ensure we make the best use of resources and deliver services that make a difference to people in Herefordshire. Specifically, the LFRMS contributes towards the 'Protect and enhance our environment and keep Herefordshire a great place to live' ambition. The council appreciates the distress that flooding has had and continues to have upon communities.

### **Environmental Impact**

18. There are no direct environmental impacts connected with this report or the outcomes it seeks to deliver.
19. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of resource implications should be undertaken.
20. Herefordshire is already vulnerable to flooding and given that climate change is projected to increase the frequency and intensity of weather events, further impacts from heavy rainfall and river levels are likely. The LFRMS contributes towards the 'Environment' ambition of our County Plan (2020-24) and increasing flood resilience.

### **Equality Duty**

21. There are no specific equalities impacts.
22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
23. A public authority must, in the exercise of its functions, have due regard to the need to –
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

### **Resource Implications**

25. This report provides notification to Cabinet on the scrutiny report and recommendations, which have been referred to the Executive (Cabinet) for an Executive Response.
26. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of resource implications should be undertaken.

## Legal Implications

27. Section 9F (2) (b) of the Local Government Act 2000 provides that a scrutiny committee can make reports and recommendation to the Executive with respect to the discharge of any functions which are the responsibility of the Executive.
28. Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the Executive on matters which affect the authority's area or the inhabitants of that area.
29. The scrutiny report provides the scrutiny recommendations of the committee to be made to the Executive (Cabinet).
30. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of legal implications should be undertaken.

## Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

31. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.
32. The Executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

## Consultees

The Cabinet Member for Infrastructure and Transport.

The Cabinet Member for Environment and Economy.

The Chairperson of the Environment and Sustainability Scrutiny Committee.

## Appendices

33. Appendix 1: Environment and Sustainability Scrutiny Committee Findings on the Herefordshire Local Flood Risk Management Strategy Action Plan

## Background papers

The minutes of the Environment and Sustainability Scrutiny 18th November 2022.

<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=1158&MId=8834&Ver=4>



**Environment and Sustainability Scrutiny Committee Findings on the Herefordshire Local Flood Risk Management Strategy Action Plan**

1. That the Council's Local Flood Risk Management Strategy Action Plan include flood risk measures and mitigations that are identified as needed even if not resourced.
2. That the Cabinet consider areas where there may be opportunities to “invest to save” (eg investment in drainage and drainage maintenance may save money on road maintenance).
3. That the Council work with parish councils and community groups to engage local communities and neighbourhoods in further initiatives they can do to mitigate and manage flood risk (eg proving local signage, flood risk mapping, local projects etc).
4. That the Cabinet ensure that flood risk modelling information work carried out by the Environment Agency and flood risk mapping information held by the Hereford and Worcestershire Fire and Rescue services is used in the Council's flood risk mapping.
5. That the Cabinet make sure that the Local Plan is integrated and informed by new flood waste management strategy and up to date flood risk mapping data and analysis.
6. That the Council carry out habitat risk assessments for landscape mitigation measures being undertaken to protect wildlife environments and ecosystems.
7. That the Council introduce a forum for people who want to get involved in flood risk management and mitigation and need to know where to go to get involved.
8. That the Cabinet clarify how the Flood Risk Management Strategy will fit in with the new Local Plan.
9. That the Council's Local Flood Risk Management Strategy Action Plan include any relevant actions being taken by our partners in this area.
10. Herefordshire Council reviews the water course consent form and involves the ecology team and looks at the connections and linkages between the flood risk management and the nature strategy and the Habitats Regulation Assessment (HRA).

