

**MINUTES of the meeting of Cabinet held at Council Chamber -
Brockington on Wednesday 27 February 2013 at 9.00 am**

Present: Councillor JG Jarvis (Chairman)

Councillors: RB Hamilton, PM Morgan, RJ Phillips, GJ Powell and PD Price

In attendance: Councillors AM Atkinson, P Rone, RI Matthews, A Seldon, PA Andrews and EPJ Harvey

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: H Bramer, Cabinet Member Major Contracts and AW Johnson, Cabinet Member Financial Management.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LOCAL DEVELOPMENT FRAMEWORK/COMMUNITY INFRASTRUCTURE LEVY

The Cabinet Member Environment, Housing and Planning presented the report of the Assistant Director Economic, Environment and Cultural Services. It was noted that Cabinet received a document which provides updates to the changes proposed to the Cabinet version of the Draft Core Strategy as a result of the preparation of the draft Sustainability Appraisal and draft Habitats Regulations Assessment reports.

The following comments were made by the Cabinet Member:

- Thanked all staff that had been involved in the process of producing the documents before Cabinet for consideration.
- Referred to the recommendations of the report and advised that it was proposed that recommendation (b) be removed.
- The report before Cabinet was to agree the final consultation process prior to the Local Development Framework (LDF) being taken to the July Council meeting for approval.
- Work on the LDF began in 2007 and views were gathered through consultation to help shape and form the strategy.
- In July 2012 a revised timetable was put before and agreed by Cabinet.
- The Cabinet Member urged everyone to look through the consultation document and to make their comments.

The Assistant Director and his team made the following points to Cabinet:

- Referred to the key points summary of the report and that the draft plan was underpinned with an evidence base.

- Stated the plan was envisaged to be visionary and fundamental to the places where people live and set in context for the future vision for the county as a whole.
- The Community Infrastructure Levy (CIL), Neighbourhood Planning, the Local Transport Plan and the LDF are all related and provide an evolving context for development in the County.
- The River Wye is a special area of conservation and the key issue was the level of phosphates in the river. In recent months significant progress has been made on resolving technical issues on water quality as a result of joint work with Welsh Water, the Environment Agency and Natural England.
- A website for the LDF, which had been proposed by the General Overview and Scrutiny Committee (GO&SC), was now live and accessible for the public.
- Concern had previously been raised over the online consultation. Cabinet was advised that new software was in place which would enable an immediate analysis of the comments made and provide a prompt turnaround with the results.
- Cabinet was advised that Appendix C to the report outlines the draft change schedule proposed for consultation.

The following are comments made during the Cabinet debate:

- There was a need to incorporate a greater amount of flexibility, to meet the aspirations of the Herefordshire communities and to take into account Members' views from the seminars on neighbourhood planning.
- It was essential that the LDF was in general conformity with National Planning Policy Framework (NPPF).
- The proposals were key to the future of the economy of the county to ensure that the residents of the county had decent jobs and homes to live in.
- Consultation would be carried out with local businesses. The market towns and the city also needed to have a debate about future development proposals.
- Current work with rural communities on neighbourhood plans and the LDF had ensured they conformed with the NPPF.
- In further reference to the water quality of the River Wye Cabinet was informed that a Statement of Intent had been signed by the Environment Agency.
- In referring to the Enterprise Zone and its importance it was emphasised there would also be enterprise hubs in the market towns. It was important that everyone realised that Hereford City was not the only place driving the economy of the county.
- There were now 24 parish councils that had agreed to develop neighbourhood plans.

- The Chairman of the GO&SC put to Cabinet the recommendations of the Committee, which were:
 - To enable the public to make a considered response to the questionnaire all evidence be made available via the dedicated web site for the LDF/consultation; and
 - The agenda and minutes of the Water Steering Group are also published to the dedicated web site for the LDF/consultation.
- In referring to the consultation time frame outlined on pages 11 and 12 of the report it was noted that the consultation starts on 4 March and concludes on 22 April. The next stage would be to take the results of the consultation to the GO&SC in May. In response to a question on the time frame and consultation process, officers believed the process was robust enough to ensure the presentation to GO&SC in May; as analysis would begin at the outset of the consultation. In addition there was a service level agreement in place to ensure turnaround within the two weeks following the close of the consultation process.

Councillor Harvey, as Deputy Leader of the It's Our County (IOC) Group made the following comments to Cabinet:

- Questioned the validity of the documents, whether the process being followed was in line with the Council's Constitution and whether the decision before Cabinet should be a key decision.

In response the Monitoring Officer informed Cabinet that the guidance under the statutory regulations were to treat any budget and policy framework item, which the LDF was, as a key decision in that a notice of the item is advertised for 28 days prior to the meeting to discuss it. However, it was important to note that the final decision was that of Council, which would be in July of this year. In referring to the documents the Cabinet Member confirmed to the Monitoring Officer that he had not received any additional documents to those before Cabinet today to aid the decision making. The Monitoring Officer confirmed that he was satisfied that background papers to the documents were available for the public, as statutorily required, when the papers were published and were later made available on the website. He added that not all documents referred to in the report were relied upon to produce the final report and that he was satisfied that everything necessary was available for the meeting of Cabinet.

The Deputy Leader of the IOC Group made the following observations to Cabinet and circulated suggested revised recommendations:

- There were five major points of concern regarding the Core Strategy and CIL documents.
 - Continued gaps and issues of unsoundness left unresolved at the point of consultation.
 - Failure to disclose key information required for consultation under DCLG guidance.
 - Lack of time to assure proposed CIL rates.

- Need to inject additional flexibility into Core Strategy.
 - Opportunity to significantly improve success at examination for very slight delay in schedule.
- Confirmation was sought that officers had been using the Planning Advisory Service Soundness Checklist. Despite improvements in the plan it was felt that serious issues relating to soundness remained, such as economic viability, deliverability, the ultimate effect of environmental constraints on development and the dependence of the spatial strategy on the relief road.
 - Cabinet was asked how they had assured themselves that the rates closed the funding gap between what infrastructure was needed and what funding was available, as it was felt that none of the documentation provided stated anything with regards to the funding gap.
 - It was asked if there was market evidence to prove how realistic the benchmark land values were.
 - It was asked if the rates proposed were the right ones for consultation and that they did not inhibit the bringing forward of land for development.
 - It was asked if land prices were generally too high and the introduction of CIL was to help drive prices down. Also what was the transition plan for early years development to ensure affordable housing and local infrastructure projects got delivered?

In response the Cabinet Member referred Cabinet to page 26 of the Agenda and the measures to be taken with regards to housing. He added that there were deliverable and developable sites identified, which could be brought forward and that there were 5300 homes planned for rural areas. The Cabinet Member stated his appreciation of the work undertaken by the Task and Finish Group that Councillor Harvey chaired and confirmed that he was content with the recommendations put forward today.

The Cabinet Member and Assistant Director Economic, Environment and Cultural Services made the following comments to Cabinet in response to Councillor Harvey.

- Checking for soundness had been on-going work since 2007/08.
- Officers had engaged with the Planning Inspectorate leading up to this point and would continue to do so for the remainder of the timetable. The Planning Inspectorate would continue to advise and actively work with the Council on the soundness of the plan and ensure it was consistent with the NPPF.
- The Assistant Director commented that in his view the Plan was effective.. The team had worked with business and had been refining the evidence base, had listened to technical agencies and was keen to ensure it was fit for purpose. Therefore both the Cabinet Member and the Assistant Director were comfortable for the plan to go out for consultation.
- It was noted that in 2009 Herefordshire Council worked jointly with the Highways Agency and studied the no road scenario and in 2010 tested the scheme for no road options. The Council is now satisfied that with the level of testing carried out and that it would cope with the proposed housing.

- In response to the Leader's point that housing for people came first and the road second, it was confirmed that the transport strategy had always followed the lead of economic growth.
- It was confirmed that CIL was a top-up and that key elements of infrastructure would be delivered through public sector funding. It was confirmed that the public and Parish Councils would be supported with any queries they might have on this technical matter.
- It was reiterated that Cabinet's meeting today was to confirm whether to go out for consultation and it was believed it was appropriate to do so.
- In response to a question as to whether local MPs and businesses supported the plan it was pointed out that page 119 of the report clearly stated that businesses were not going to be charged for CIL. In addition MPs could make their comments on the plan the same as any resident.
- In response to a question on whether further consultation would be done on the LDF, Cabinet was referred to page three of the report and it was stated there was no intention to go out for another round of general consultation on the LDF. Paragraph 10.2 referred to two different consultation processes leading up to and then beyond the approval of the Plan by Council.
- In response to a question from the Chairman of the GO&SC seeking reassurance that the plan was flexible and going out for consultation on the best information available at this time, the Assistant Director stated that this plan was more flexible than the old style plan and was in conformity with the NPPF. Residents and organisations were urged to make their comments and respond during the consultation process.

It was proposed and accepted that recommendations a) c) and d) of the report be approved.

RESOLVED

THAT:

- a) the draft Herefordshire Local Plan – Core Strategy 2011-2031 for consultation be approved;**
- b) the preliminary draft Community Infrastructure Levy charging schedule for consultation be approved; and**
- c) the consultation programme be approved.**

The meeting ended at 10.50 am

CHAIRMAN