
Appendix 2

Local Development Framework

1. On 17 February 2011 Cabinet resolved to require a report on progress with the Local Development Framework, including provision for consultation arrangements. This report proposes a revised preferred option for the Core Strategy and programme in the light of the work done so far, consultation comments received and forthcoming legislative changes.
2. The Unitary Development Plan was adopted in 2007 and guides development in the County. It is part of the Council's Policy Framework as set out in the Council's Constitution. Whilst it has a plan period ending in 2011, its policies have been formally "saved" and these will continue in effect until replaced by the Local Development Framework. The first element of the Local Development Framework is the Core Strategy which was the subject of an intensive programme of consultations throughout 2010. The preparatory work reflected the evidence base for, and the legal requirement to conform to the Regional Strategy which had reached an advanced stage following an Examination in Public and Inspector's Report in 2009. However the coalition government since 2010 has embarked on a substantial reform of the planning system notably in the Localism Bill, which will upon enactment make provision for the revocation of regional strategies and a new range of measures to encourage local communities, typically through parish councils, to take the initiative in development planning for their localities.
3. The last round of consultations on the Local Development Framework took place in the autumn of 2010. Consultation responses anticipated the changes already being promoted by the government and the (yet to be enacted) lack of compulsion to conform to the Regional Strategy, and ranged from individuals questioning the housing growth targets to government agencies, such as the Highways Agency and Natural England, querying other principles behind the plan. Effectively, in the absence of the regional strategy, reliance can no longer be placed on regional commitments to infrastructure and growth in the main centres of population of the County, especially Hereford itself.
4. In summary, what emerged from the consultations in 2010 was broad acceptance of the thematic policies in the draft Core Strategy, support for policies in the Market Towns and the Rural Areas, but concern was expressed about the growth proposals for Hereford, and in particular, the construction of a relief road for Hereford on a western alignment. This needs to be set in the context of the previous consultations which were largely supportive of the proposed strategy and of the proposal for a Hereford Relief road. It should also be noted that a significant element of the responses in the autumn 2010 consultation came for households along the corridor of the proposed western route. The previous consultations had not identified a preferred route but had confirmed support for a relief road irrespective of its routing.
5. Other key issues that emerged related to water quality and supply issues affecting the River Wye (which is a Special Area of Conservation) giving rise to objections from Natural England, and in respect of the deliverability of key

elements of infrastructure.

6. The Localism Bill promotes wide reforms of the planning system especially at the local level, making provisions for Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders. Because the County is fully parished these new provisions would have to be taken up by either individual parish councils or groups of parish councils. Neighbourhood Development Plans done in this way could become part of the statutory development plan. This would be a very different way of preparing statutory development plans, and in the longer term will require consideration to be given to supporting parish councils (which, in this sense includes Town Councils and the City Council) in their endeavours to bring forward Neighbourhood Development Plans.
7. Council, on 17 November 2010, passed a motion in support of a community poll on the issue of a relief road for Hereford, and requesting Cabinet to consider the practicality of such an action. Counsel opinion has confirmed that this could be carried out as part of a further consultation on the Core Strategy.
8. Putting all of the above matters together this report now proposes a refined approach to the overall planning strategy for the county and a programme for consultation on a “Revised Preferred Option”.
9. The key considerations below set out in turn:
 - A. The appropriate quantum of housing and employment growth – and the principles of its distribution (including consideration of the Council’s Localities Agenda, Sustainable Community Strategy, and other related strategies and programmes).
 - B. Reviewing the plan period and consequences for the evidence base
 - C. A summary of new legal provisions for neighbourhood planning and their consequences
 - D. Proposed Revised Preferred Option
 - E. Programme for, and style of, further consultation, including a Community Poll
 - F. Potential impacts on the timetable for the Core Strategy.

Key Considerations

A Appropriate levels and distribution of growth

10. The Regional Strategy was underpinned by a substantial body of evidence including national household projections and the Strategic Housing Market Assessment. Key considerations are:
 - The Regional Strategy recommended by the Panel of Inspectors in 2009

proposed a total of 18,000 new homes for the County over the 20 year period 2006 to 2026.

- The national household projections are reviewed annually and published by central government. They take account of such issues as reducing household sizes, the ageing population and migration. They are produced independently of any regional structures. The most recent housing projections published earlier this year suggest an increase of around 15,000 new households in the county between 2006 and 2026.
 - The reduction in house building activity in the past three years (owing to the recession) is such that meeting the recommended regional target of 18,000 by 2026 is no longer realistic. This can be addressed by either reducing the overall target or by modifying the plan period (or both).
 - The outstanding need for affordable housing remains and, given that the principal means of achieving affordable housing is by seeking them as a proportion of all new housing, it is essential to maintain reasonable targets of housing overall in order to help to meet affordable housing needs within the county
 - The housing requirement figure needs to include a sensible allowance for anticipated continued in-migration, which cannot be stopped through planning policies. If allowance is not made for in-migration then there is a very real prospect that local families will not be able to compete in local housing markets, and the economy of the county will suffer as the number of people of working age declines. It is therefore essential, to meet local needs, that a range of housing options is kept open to meet both migration and local demands.
11. The Regional Strategy required a distribution of housing that focussed nearly half of the total on Hereford itself. The market towns were also to be the focus of some growth, subject to their own environmental constraints, but the rural areas were proposed to have a more restrictive regime than before. The overall target for the rural areas represented only around two thirds of historic growth rates. This led to a suggested policy of focussing development on Rural Service Centres with a potentially restrictive criteria based approach elsewhere. Whilst this accorded well with the Council's localities approach to service provision it would have made it difficult for those villages not meeting the criteria to experience growth which some parishes felt they needed to sustain services and facilities.
12. The government proposes to revoke Regional Strategies, but at the time of drafting this report the requirement for general conformity with the Regional Strategy remains. However the distribution of housing growth has been re-assessed and work has been undertaken to inform a locally-derived housing requirement. This Local Housing Requirements Study, prepared by GL Hearn, provides a technical assessment of housing demand in the county. The Study takes account of structural changes in population and households and considers the impact of housing market drivers, including demographic and economic trends. It provides a robust basis to inform decisions regarding the scale and distribution of housing in the county in the likely absence of regional targets. The Study recommends that it is reasonable to plan on at least maintaining the working population and supporting some economic growth over the period 2011-31, indicating that the housing target should be

in the range between a minimum of 14,400 dwellings (which would imply zero employment growth) and 18,000 (which would enable some employment growth).

13. In considering the distribution of that growth, it would be quite feasible to reduce the allocation to Hereford in favour of more growth in the rural areas. Changes in the housing distribution to the Market Towns would on the whole not be appropriate because housing (and employment land) growth in these locations is very much restrained by their environmental constraints. The consultations last year actually proposed reducing housing growth in the Market Towns (by comparison with the previous plan period) and it would not be appropriate to reduce future growth even further. The maintenance of active and viable market towns is critical to the Council's localities Agenda.

B Reviewing the Plan Period and Consequences for the Evidence Base

14. One of the requirements of national planning policy guidance is that Core Strategies should look forward at least 15 years. If the Core Strategy is not adopted until 2012 or 2013 then the plan period to 2026 will be less than the 15 years presently required by national guidance. It is therefore appropriate to roll forward the plan period to cover the period 2011 to 2031. That would have significant benefits for the planning and delivery of infrastructure and would reduce the confusion that has been caused by having a plan period that is partly retrospective. A twenty year total within a range of around 14,400 to 18,000 houses for the whole county would still be appropriate as explained above – but with a revised distribution and timeline/trajectory.
15. Various elements of the evidence base can be easily rolled forward without re-engaging consultants, but some additional expense will be incurred to update survey material. That can be the subject of further considerations as part of the normal management of the service. The most critical elements, of basic land use monitoring, can be covered by in-house costs in the ordinary operation of the service.

C New Legislation, especially Local Development Planning

16. The Localism Bill is still progressing through Parliament and thus is not yet on the statute books. However, given the degree of cross-party support for the main thrust of the Bill though the committee stages it is reasonable to anticipate the changes and new provisions outlined below.
17. National planning policy currently runs to over a thousand pages of PPGs, PPSs and other related material. It is due to be replaced with a National Planning Policy Framework which will be much more focussed and curtailed. The Government's intention is to delegate all practice guidance to such bodies as the professional and practice bodies, leaving Councils themselves to decide how best to go about land use planning.
18. As already noted the government proposes to revoke all Regional Strategies through provisions in the Localism Bill.
19. The government remains committed to the concept of the Local Development Framework being made up of a variety of documents which, collectively, will form the development plan. In Herefordshire, the principal documents are the Core Strategy, Hereford Area Plan, Market Towns and Rural Area Plan, and

the Minerals and Waste Plan. However, there will be much more local discretion as to supporting documents within the Framework. In particular, the three “Process” elements of the Local Development Framework, namely the Local Development Scheme, the Statement of Community Involvement and the Annual Monitoring Report will no longer be subject to Government approval and can simply be published on the Council’s own website upon approval by the Council.

20. The government is keen to introduce a new level of development planning at the neighbourhood level. There are three new types of planning document that are being introduced: the Neighbourhood Development Plan, the Neighbourhood Development Order, and the Community Right to Build Order. An early opportunity to explore some of the implications of the new provisions is being provided through the government Neighbourhood Planning Vanguard scheme, to which this Council has successfully bid for funding to support pilot projects in Leominster and Golden Valley. As this new strand of planning develops, there will be funding implications for the Council which will need to be considered further when their nature and scale is clearer.
21. The Core Strategy and the other principal plans will have to be flexible enough to deal with the new neighbourhood planning system. This will have to be kept under constant review as the new system unfolds in practice. It is perhaps fortunate, therefore, that the Local Development Scheme (which is the programme for plan preparation) will not have to go through the rigour of annual submission to the Secretary of State for approval and can be amended on the decision of this Council as circumstances require.

D Proposed Revised Strategy

22. Taking account of the various factors set out above, it is proposed that the revised strategy is based on the following principles:
 - The plan period is changed, to move the start date from 2006 to 2011, and to extend the finish date from 2026 to 2031.
 - Hereford City remains the principal focus for development in the County to enable expanded facilities for employment, education, cultural, leisure and retail facilities including an expanded City Centre, together with housing and other growth, but with a reduced level and a different pattern of development.
 - A more dispersed pattern of development is proposed on smaller brownfield and greenfield sites in and around the city. Reflecting consultation responses and landscape impacts, the Whitecross strategic housing site is to be deleted, and that at Holmer west is to be reduced in scale. The greater emphasis on smaller, non-strategic sites will be met through both brownfield and greenfield sites, to be identified through the Hereford Area Plan in due course. Elements of the deleted Whitecross strategic site could come forward at that time.
 - The annual average completion rate for Hereford will reduce from some 425 dwellings per annum (as previously consulted upon) to 325 dwellings per annum. This represents an achievable rate which is more in line with previous rates of development. For the full plan period, the provision to Hereford is proposed to reduce by 2,000 from the 8,500 previously consulted upon to a maximum of 6,500.

- Given this reduction of housing, a corresponding reduction in employment land is proposed for Hereford by deleting the proposed Holmer East site (5 hectares), which will also address land contamination concerns arising from previous land uses.
- The focus on Hereford is to continue to be accompanied by transport provisions which include both sustainable transport measures and a relief road on a western alignment. A western relief road is the most achievable, avoiding significant European and other environmental constraints on the east and affording a close association with strategic development proposals to the west. A minor amendment to the preferred route corridor is proposed at Grafton, linked to a consultation response and reflecting local landscape concerns.
- The Market Towns retain their pre-eminent role in the rural hinterland being the focus for services and facilities for themselves and surrounding areas. Proposed development rates in the Market Towns are to remain at similar rates to those consulted on in 2010. However, at Leominster the GL Hearn study considers that the delivery of the housing level proposed on the strategic housing site is unrealistic for the revised plan period, suggesting that delivery of 200 fewer dwellings is more likely on the site up to 2031 with the remainder developed in the next plan period. A revised annual building rate of 115 per annum is therefore proposed for Leominster. In addition, the extended plan period has resulted in a reconsideration of the need for additional employment land in the town. With current available employment land likely to be fully developed before the end of the plan period it is now proposed that the strategic proposals for Leominster incorporate 5ha of new employment land.
- At Ross-on-Wye the strategy is proposed to be amended by reducing the scale of development at Hildersley to 200 dwellings in order to ensure any impact of the Ministry of Defence firing range can be assessed and mitigated, following concerns from the local parish council regarding development at preferred options stage. The overall target for Ross would then be 45 per annum with the balance in housing numbers to be identified on non-strategic sites in more detailed Development Plan Documents.
- In the rural areas, the annual average completion rate will rise from 225 dwellings per annum to 265 dwellings per annum, equivalent to an extra allowance of 800 dwellings to assist with rural affordability. The Market Towns and Rural Areas Plan will provide more detail on the delivery of this housing. Neighbourhood Development Plans (and related provisions) which come forward will also help in the provision of rural housing.
- The overall impact of these changes to housing provision will be to reduce the overall County provision total by 1500, leading to a provision of up to 16,500 dwellings between 2011 and 2031, a requirement which is comfortably within the range suggested in the GL

Hearn Housing Requirements Study. This is a housing level which meets the current household projections for the County but would also enable employment growth over the plan period.

23. Further detail on the technical basis and justification for the Revised Preferred Option is set out in the attached revised strategy background paper.
24. Since the consultation in 2010, further work has been undertaken on the Hereford relief road. An alternative, partial eastern route omitting the A438 to A4103 Lugg Meadows link, suggested through consultation, has been subject to transport modelling. This exercise assessed the forecasted performance of the transport network by comparing the revised partial eastern route with the western route option identified in the 2010 Preferred Option consultation.
25. The impact of a partial eastern route in relation to the overall network performance was broadly similar to that of the western route, which supported the findings of the previous modelling reports. However, the impacts of the eastern route in reducing traffic flows in the city centre were offset by higher traffic volumes on main radial routes on the eastern parts of the city including the villages of Lugwardine and Bartestree. It should be noted that the engineering or environmental implications of any local highway improvements for a partial eastern route considered have not been assessed at this stage.
26. In assessing these findings, it is also important to consider that any partial route not providing an A49 to A49 link would prevent the longer term aim of de-trunking the existing A49 through Hereford. Until the A49 is de-trunked the Highways Agency would continue to manage this route and limit the extent of sustainable transport improvements that could be delivered on the route in the future i.e. bus priority measures. This would impact negatively on the council's ability to encourage car drivers to use alternative modes of transport, such as Park and Ride, when travelling within Hereford.
27. Further work has also been undertaken to screen the potential impacts of route corridor options on protected European sites around the city, pursuant to the Conservation of Habitats and Species Regulations 2010. This work shows there is much greater potential for the eastern route corridor options to have significant adverse effects on the integrity of the River Wye Special Area of Conservation (SAC) compared to the western route corridor options. Such western options are considered unlikely to result in significant adverse effects on the integrity of the SAC. Further assessment work will be needed as the scheme progresses and to take into account in-combination effects with other Core Strategy policies and proposals.
28. An Independent Review of Hereford Relief Road Technical Studies has been undertaken in June/July 2011 by Parsons Brinkerhoff Ltd. The focus of the review was the environmental issues which form the background to the various published technical studies on planning and transportation issues. The principal purpose was to confirm (or otherwise), the conclusion reached by Amey that the preferred route corridor for the relief road, an inner western route, was based on good practice and was sound. In addition the review looked at the validity of the 'East is Best' option which had been submitted as a consultation response. The review concluded that the Amey Study had correctly identified the high levels of risk associated with an Eastern Route (including the "East is Best" consultation response). The presence of the Special Area of Conservation and other biodiversity interests, and the processes that need to be followed where internationally designated interests

are affected, are such that any of the Eastern options are unlikely to be deliverable. The presence of a lower risk alternative (i.e. the Western options) would weigh heavily in any potential legal challenge. The review concluded that the Amey Study had followed proper process and drawn a logical and defensible conclusion.

29. In respect of the 'East is Best' submission, the review concluded that the likely environmental impacts that would result from the scheme had not been properly examined. A key issue is the potential environmental impacts that are likely to result from the "Missing link" between the A465 and A4103. The review also cites the likely opposition to the route from the Environment Agency and Natural England and risk of challenge under the Conservation Regulations 2010. This partial solution to the traffic issues is not, therefore, recommended.
30. The review also noted that whichever option is selected, significant further work and studies will be required to firstly confirm the extent of likely environmental impact and secondly to identify the level of success of mitigation measures that will be required to ameliorate the significance of some of the impacts. In particular the impact of both development and transportation measures on the Air Quality Management Area (in the City Centre) needed to be evaluated, and certain work was still outstanding in water quality issues.
31. Pulling this work together, it is recommended that the western inner corridor continues to feature within the Core Strategy as offering the best opportunity to support the necessary growth of Hereford to meet housing, employment and other needs. The western route avoids the valued environmental features to the east; is well related to proposed and potential development areas; and enables the longer term de-trunking of the A49 running through the City.
32. Land Use Consultants have produced a Sustainability Appraisal (SA) Note for the Revised Preferred Options. In respect of overall spatial strategy the proposed revised preferred option will have positive effects in relation to housing provision. In the rural areas positive effects are likely in relation to socio-economic issues, as focussing more development outside of the main urban centres should help to stimulate economic activity in rural areas and retain their viability and vitality. However, there are negative effects in relation to sustainable transport and climate change issues, as it is less likely that sustainable transport links will be as easily provided or used. In addition there are specific changes to the previous SA scores and a number of recommendations for particular policies and places. The report on the Sustainability Appraisal is a background paper to this report.
33. Further technical work is continuing on water quality and supply issues (especially arising from re-distribution of some of the growth to rural areas and at Hereford and Leominster). If the revised preferred option is accepted for further consultation, further traffic modelling will also be needed to assess the implications of the revised levels of development.
34. The requirement to demonstrate the deliverability of the Core Strategy remains. An economic viability study, concluded on the previous Preferred Option, indicates significant deliverability issues. Circumstances have changed since that work was undertaken and the modifications now proposed

in the Revised Preferred Option will assist in deliverability. At Examination, the Inspector will need to be assured that the Core Strategy can be delivered and work continues in this regard. A key aspect here is the package of infrastructure proposals to be included. In this regard, use needs to be made of the new provisions for developer contributions using the Community Infrastructure Levy (CIL). The CIL provisions, though introduced under the previous government, are being supported and promoted by the current administration. They offer a means of securing contributions towards strategic infrastructure requirements set out in the Local Development Framework, as opposed to the present system of payments made via section 106 planning obligations, which primarily address impacts associated with individual developments. From April 2014, the ability to pool developer contributions from s106 contributions will be subject to strict limits, with infrastructure required generally as a consequence of development to be funded through CIL. To ensure that the ability to secure regeneration and infrastructure funds is not compromised, it is recommended that work to prepare a charging schedule for the Levy be authorised.

35. Other related work must continue to progress the thematic policies in the Core Strategy (which have received broad support so far), to refresh the evidence base and to develop a programme of related documents including the CIL charging schedule as proposed above.

E Programme for consultation and Community Poll

36. It is proposed that a further round of consultation is undertaken on the Revised Preferred Option, based on the broad principles set out above. It is recommended that this take the form of a succinct leaflet style presentation rather than the 100 plus pages of the "Place Shaping Paper" consultation in 2010. The leaflet, together with the proposed community poll (see below), will form the basis for public engagement. Technical "Stakeholders" such as the Chamber of Commerce, utility companies, other interest groups and government departments will, as organisations, not receive voting slips and so it is intended to hold a seminar style event for them and invite them to respond to the leaflet as organisations. Full use would also be made of existing bodies such as the Market Towns Forum. It is proposed that the details of the programme are overseen by a steering group of Members comprising three Cabinet Members and the leaders of the minority groups. A programme of briefings for Ward Members will be arranged, preferably in suitable groupings of wards to be agreed with Members themselves. Herefordshire Matters will also be used to publicise the consultation.
37. During the consultation, a Community Poll will be undertaken on the proposal to construct a relief road to the west of Hereford, linked to the wider development proposals. The poll will include a voting slip and a factsheet setting out further information. The consultation leaflet, as discussed above, will also be distributed with the poll.
38. The Community Poll will be part of the overall consultation process on the LDF and will not, therefore, be "binding" in legal sense. It will, however, go towards the test of "Soundness" in demonstrating that Stakeholders have had the opportunity to be fully engaged in the process of developing the plan's proposals. It will be undertaken by means of a postal vote delivered to all people registered to vote on the full register of voters.
39. It is suggested that the consultation takes place over an eight week period

commencing in early September. The poll would take place over a shorter, three week period, to commence two weeks after the launch of the main consultation. This timing will enable the initial launch of the main consultation and advance notice therein of the forthcoming poll; a shorter poll period, so as to encourage and focus the return of voting slips; and a final period in which further consultation responses can be submitted.

F Timetable

40. The impacts on the timetable for the remaining stages of the Core Strategy is set out below

Previous Timetable

Activity	Date
Cabinet approve detail of further consultation, including community poll	June 2011
Consultation	July – October 2011
Overview & Scrutiny Committee	December 2011
Cabinet	January 2012
Council approve submission of draft Core Strategy	February 2012
Pre-submission publicity	March/April 2012
Submission to Secretary of State	May 2012

Proposed Revised Timetable

Date	Item
September 2011	Core Strategy, Revised Preferred Option consultation and community poll
May 2012	Cabinet to consider Draft Core Strategy
July 2012	Council to approve Draft Core Strategy for submission to the Secretary of State
August-September 2012	Pre-submission publicity for Core Strategy
October 2012	Core Strategy submitted to Secretary of State
Winter 2012	Public Examination of Core Strategy
Spring 2013	Adoption of Core Strategy

41. The timetable for the preparation of other Local Development Framework documents also needs to be revised, through a review of the published Local Development Scheme. This will be undertaken following the close of the forthcoming consultation period and in the light of poll results, when the implications for future stages of work will be clearer.