

<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>15 SEPTEMBER 2011</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK REVISED PREFERRED OPTION: CONSULTATION AND COMMUNITY POLL</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE STRATEGY &amp; FINANCE</b>

**CLASSIFICATION:** Open

## **Wards Affected**

County-wide

## **Purpose**

To agree arrangements for consultation on the Local Development Framework and consider options for the community poll.

## **Key Decision**

This is not a Key Decision.

## **Recommendations**

**THAT Cabinet:**

- (a) **agree arrangements for consultation on the Local Development Framework Core Strategy Revised Preferred Option;**
- (b) **consider the option of holding a community poll in relation to the Hereford relief road, as part of that consultation; and**
- (c) **delegate the final arrangements for the consultation and any community poll to the Director for Places and Communities upon legal advice, in consultation with the relevant Cabinet members.**

## **Key Points Summary**

- Cabinet at its meeting on 28 July 2011 agreed the principles of a Revised Preferred Option for the emerging Core Strategy for the purposes of public consultation. Cabinet called for a further report to this meeting to agree the final arrangements for consultation, including the wording of a community poll.

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Further information on the subject of this report is available from  
David Nicholson, Strategic Delivery Manager on (01432) 260166

- The consultation on the Revised Preferred Option is to be undertaken between Monday 26 September and Monday 28 November 2011 through a range of channels including ward-based consultations with parish councils and presentations to Hereford City Council and the town councils.
- Any community poll would be undertaken by means of a postal ballot. The identified question for the poll refers to the specific proposal to build a relief road to the west of the City. This reflects the Local Development Framework evidence base that suggests that eastern route options are unlikely to be deliverable, due to the likelihood of significant effects on the Special Area of Conservation and the presence of lower risk alternatives (i.e. route options to the west of the City).
- In the undertaking of the poll and the interpretation and weighing of the results, considerations arise from the importance of the relief road scheme to the overall Revised Preferred Option; the costs likely to be incurred, and the implications of using the September 2011 register of electors.

## **Alternative Options**

- 1 The changes set out in the Revised Preferred Option require further consultation and there is no alternative option in this regard. There are a number of factors to bear in mind in respect of proceeding with the poll however, and this report sets these out for Cabinet's consideration. There are options to proceed, or not to proceed, with the exercise.

## **Reasons for Recommendations**

- 2 To agree arrangements for consultation on the Local Development Framework Core Strategy Revised Preferred Option, and to consider a community poll on the Hereford relief road proposal.

## **Introduction and Background**

- 3 Cabinet at its meeting on 17 February 2011 agreed that further research and advice on a number of topics, including an advisory community poll, be undertaken to inform the development of the Local Development Framework Core Strategy. A further report was considered by Cabinet on 28 July 2011, where the principles of a Revised Preferred Option were agreed for the purposes of consultation. Cabinet asked for a further report to the September Cabinet meeting to agree the final arrangements for consultation, including the wording of a community poll.
- 4 This report accordingly sets out further detail on these matters, includes a possible wording for the community poll question if that is to be undertaken, and highlights some of the issues relating to the undertaking of the poll.

## **Key Considerations**

### *General Consultation*

- 5 Following the 28 July Cabinet report, a programme of consultation has been further developed in accordance with the principles established at that meeting. A steering group of members comprising relevant Cabinet members and the leaders of the minority groups has been established and met on 26 August. The key elements of the proposed consultation are:
  - A member seminar on 19 September to cover both the Revised Preferred Option and the

consultation arrangements

- A public consultation period to run from Monday 26 September to Monday 28 November 2011
  - The production of a succinct leaflet to present the revised proposals in an accessible form
  - A seminar for technical stakeholders in October 2011
  - A programme of ward based consultations with Parish Councils, the details to be determined with local ward councillors, and further presentations to Hereford City Council and the five town councils.
  - Consultation and publicity in the form of media releases, the Council website, and the mail out of consultation material to all those on the established Local Development Framework database.
- 6 It is acknowledged that further discussions with local members are required in respect of Hereford in order to ensure that appropriate consultation arrangements are established.

### *Community Poll*

- 7 Further consideration and research has been undertaken in respect of the holding of an advisory community poll on the topic of the Hereford relief road, linked to the wider development proposals. The remainder of this report sets out the possible arrangements for the poll, concluding by highlighting some of the considerations to be addressed in determining whether to proceed with the exercise.
- 8 Any poll would need to be part of the overall consultation process on the Local Development Framework and will not, therefore, be “binding” in a 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.
- 9 It is recognised that the poll exercise would not engage all stakeholders. In particular, business and other commercial interests, community and voluntary groups, statutory consultees and those who are not registered to vote cannot participate through this channel. Any poll would have to be seen in this context, with the views of these other stakeholders sought and taken into account through the established consultation means outlined above. Accordingly, the results of the poll would be considered as only one part of an exercise to seek to engage as wide a response as possible from the community.
- 10 A poll would be undertaken by means of a postal ballot delivered to all registered to vote on the full register of electors as at September 2011. Poll material would comprise a voting slip and a factsheet setting out further information. In addition, the leaflet which has been prepared for the LDF consultation would also be distributed with the poll, in order to set the exercise within context, together with a business reply envelope.
- 11 In the event that the Council proceeds with a poll it is suggested that it be undertaken on the basis of seeking a ‘yes’ or ‘no’ answer to the following question:
- “As part of the new plan for the future of Herefordshire, do you agree with the Council’s proposal to build a relief road to the west of the city?”**
- 12 Legal advice has been sought on the poll question which confirms that the above question is appropriate. It is considered to be particularly important that any poll seeks views on the western alignment specifically. Not only is this a proposal within the LDF consultation, but the evidence base suggests clearly that eastern options are unlikely to be deliverable due to the

likelihood of significant effects on the Special Area of Conservation and the presence of lower risk alternatives (i.e., route options to the west of the City).

- 13 A poll would be conducted by the Electoral Services Team, under the direction of the Deputy Returning Officer, during a three week period towards the end of the wider LDF consultation period. This would allow both a suitable time period for the distribution, consideration and return of voting slips, and for the poll and the LDF consultation to conclude on the same day - Monday 28 November. The Deputy Returning Officer suggests that the verification and count be conducted in two stages. Firstly, the opening of voting slips, and secondly the counting of votes cast. In order to demonstrate transparency of the process, it will need to be conducted in front of witnesses and therefore a decision will need to be made in due course as to who should be present at the count if a poll is undertaken.
- 14 In considering the undertaking of a poll, Cabinet is advised that the following additional considerations arise:
- The implications of the conclusions drawn from the evidence base that eastern relief road options are unlikely to be deliverable due to the likelihood of significant effects on the Special Area of Conservation and the presence of lower risk alternatives to the west. This position has recently been verified by Parsons Brinckerhoff through their independent review of the technical studies concerned. In this context, a 'no' vote to the question mooted above could only be interpreted as a vote against the principle of the relief road, and this would need to be carefully considered given the significance of the scheme to the overall Revised Preferred Option.
  - The cost of the poll has been further investigated and is now estimated as £89,748. This is principally linked to postal charges associated with delivery and an assumed response rate.
  - A community poll would be undertaken during the annual canvass and therefore the electoral register to be used would be the September 2011 version. The annual canvass is undertaken in the autumn each year and incorporated into the register with effect from December. As a consequence, the register which would be used for any poll at this time would inevitably not incorporate a significant level of changes, estimated to be between 20% and 30% of entries. Anyone making a change to the register at this time would not be able to take part in the poll. This represents a risk to the soundness of the poll exercise and reduces the extent to which confidence could be placed in the results.
  - Given the issues identified above it is open to Cabinet to consider progressing the wider consultation without the inclusion of a poll.

## **Community Impact**

- 15 The Local Development Framework is at the heart of the delivery of key Council strategic objectives for the county. These include promoting economic resilience and diversity, providing decent and affordable houses, and providing good efficient transportation and movement throughout the county, balanced with the need to protect Herefordshire's built and natural environmental resources. The policies concerned are designed to yield significant positive community impacts. This has been guided and informed by extensive consultation to date. Any community poll on the Hereford relief road would provide further opportunity for public views to be assessed, but is not specifically required to meet LDF consultation requirements.

## **Financial Implications**

- 16 Printing and assembly of poll material will cost £27,252. Delivery of a poll by second class

post, including discount for bulk mailing, will cost £32,256. The cost of the return of completed voting slips using business reply envelopes will be dependent on the response. Allowing for a typical postal vote response rate of 60% and for the use of second class post suggests a cost of £30,240 for this element. Overall, on this basis the poll would cost £89,748, to be funded from the LDF budget. Verification and count costs would be absorbed within existing budgets.

- 17 The costs of the Local Development Framework consultation have been previously estimated at up to £20,000, and it is considered that the principal costs associated with printing and venue hire can be met within this budget.

## **Legal Implications**

- 18 The Local Development Framework is being prepared in accordance with the statutory provisions of the Planning and Compulsory Purchase Act 2004, together with relevant development plan regulations. The holding of a community poll would be compliant with Section 116 of the Local Government Act 2003.

## **Risk Management**

- 19 The key risk to the adoption of the LDF remains the outcome of the independent Examination into the soundness of the plan. This risk is being mitigated by a full and proper production of an evidence base, coupled with public consultation. A community poll could be included as part of that process subject to an appreciation of the issues set out in paragraph 14 of this report.

## **Consultees**

- 19 Extensive consultations have taken place on the emerging Local Development Framework since 2008. The principal event was the Place Shaping Consultation event (Jan – March 2010) and follow-up consultations which resulted in approximately 5000 comments. The Local Development Framework consultation database includes a very significant range of regional and local organisations.

## **Appendices**

- 20 None

## **Background Papers**

Herefordshire Local Development Framework Core Strategy – Draft Revised Preferred Options Background Paper July 2011

Independent Review of Hereford Relief Road Technical Studies, Parsons Brinckerhoff.