

<b>MEETING / DECISION MAKER:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>11 FEBRUARY 2013</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK PROCESS</b>
<b>REPORT BY:</b>	<b>ANDREW ASHCROFT – ASSISTANT DIRECTOR ECONOMIC, ENVIRONMENT &amp; CULTURAL SERVICES</b>
<b>CABINET MEMBER(S) ONLY</b>	<b>CLLR RB HAMILTON – ENVIRONMENT, HOUSING AND PLANNING</b>

**1. Classification**

Open

**2. Key Decision**

This is not a key decision

**3. Wards Affected**

County-wide

**4. Purpose**

To inform the Committee of how matters have progressed on the issues reported to Cabinet in July 2012 and to set out the consultation process to be undertaken by the Council. This report does not detail the content of the Core Strategy itself.

**5. Recommendation(s)**

**THAT:**

**The content of the report be noted, subject to any recommendations the Committee wishes to make to Cabinet (21 February 2013).**

## 6. Key Points Summary

- It was reported to Cabinet (July 2012) that there were a number of issues remaining to be resolved before the Plan can be submitted to the Secretary of State. These issues included the need for continuing examination of possible impacts that the Core Strategy proposals may have upon the River Wye Special Area of Conservation (SAC), further analysis of the package of development proposals contained within the plan and work to develop an appropriate set of rural policies in the light of the changes to the planning system.
- Consultation and engagement is a key element in the preparation of the Development Plan Documents. Since work began on the preparation of the Core Strategy in 2007 there have been a series of on-going consultation across the County which have helped to inform the development of the emerging Plan.
- The requirements for Development Plan Document consultation are set out in Regulations 18 and 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.
- The regulations are supported by the National Planning Policy Framework (NPPF) which sets out government policy on plan preparation, including community engagement.
- During the period of preparing the Core Strategy there have been six periods of consultation as follows:
  - Identifying the issues, May 2007;
  - Key Issues Consultation, September – October 2007;
  - Developing Options, June – August 2008;
  - Place Shaping, January – March 2010
  - Preferred Options, July – November 2010;
  - Revised Preferred Option, October – November 2011.
- The Committee considered the Local Development Framework consultation process at its meeting on 9 December 2011. The Committee made 13 recommendations in respect of general principles which it felt the Council should follow when undertaking consultation. A response to those recommendations by the Assistant Director Customer Services and Communications was issued to Committee members on the 13 March 2012.
- The agreed recommendations have been taken into account in the proposed consultation in respect of the Herefordshire Core Strategy.

## **7. Alternative Options**

- 7.1 There is no alternative other than to prepare a Local Development Framework. In respect of advancing the LDF to the Secretary of State without resolution of outstanding matters and further consultation as now proposed the document would not survive Examination and any subsequent challenge. In particular work has been undertaken on the Plan to ensure its soundness as part of the independent examination.

## **8. Reasons for Recommendations**

- 8.1 To ensure the Committee is fully appraised of the work undertaken to resolve the outstanding issues, to provide details of the consultation process and to provide an opportunity for comment.

## **9. Introduction and Background**

- 9.1 The remainder of this report details
- a) the work that has been undertaken to resolve some key issues that were identified at Cabinet July 2012 with regards to the need for continuing examination of possible impacts that the Core Strategy proposals may have upon the River Wye Special Area of Conservation (SAC),
  - b) further analysis of the package of development proposals contained within the plan and
  - c) work to develop an appropriate set of rural policies in the light of the changes to the planning system.
- 9.2 Consultation and engagement is a key element in the preparation of Development Plan Documents, such as Herefordshire Core Strategy. The importance of consultation and engagement with stakeholders and local people in helping to inform plans for the County has been at the heart of the Plan's preparation.
- 9.3 This report details the proposed programme of consultation and provides a draft structured questionnaire highlighting the key issues, inviting consultees to tick a box indicating whether they strongly agree, partly agree, disagree etc. with the particular proposal and also providing a comment box for each proposal, with an opportunity for those who would rather respond by letter also being provided.

## **10. Key Considerations**

- 10.1 The report to Cabinet July 2012 outlined a number of key areas where on-going work was required in order to be able to demonstrate that the Core Strategy is soundly based namely; water quality and the impact on River Wye Special Area of Conservation (SAC), viability of the plan and the deliverability of 5,300 houses in the rural areas.

### ***River Wye Special Area of Conservation (SAC)***

- 10.2 A key issue which has emerged during the plan preparation process has been the water quality of Herefordshire's main rivers and, in particular, current levels of nutrients within parts of the system. The River Wye along the whole of its length and the River Lugg south of Hampton Court is designated as a Special Area of Conservation (SAC). It is essential that, before being submitted to the Secretary of State, the Core Strategy can be demonstrated to be fully compliant with the Habitats Regulations.
- 10.3 In order to tackle this issue a Water Steering Group has been established and is attended by officers from the Council, the Environment Agency (EA), Natural England (NE) and Welsh Water. Given the scale of the issue for Herefordshire the matter has also been raised with the Secretary of State for the Department of Communities and Local Government (DCLG) and the Secretary of State for the Department of Environment, Farming and Rural Affairs (Defra).
- 10.4 NE and EA have committed to the preparation of a Nutrient Management Plan for the River Wye SAC, and which will be developed in consultation with Welsh Water and Herefordshire Council. The aims of the Nutrient Management Plan will be to control and reduce phosphates in the SAC and in doing so to facilitate the delivery of new development.
- 10.5 This commitment to produce the Nutrient Management Plan will be confirmed in a Statement of Intent. 10.6 The Nutrient Management Plan will be produced by July 2013 to allow any necessary amendments to the final Core Strategy and prior to submission to the Secretary of State for examination.
- 10.7 In addition the Water Steering Group has agreed to establish a broader strategic water steering board. This will involve neighbouring local authorities and English/Welsh environment agencies in order to co-ordinate action to manage and reduce the level of phosphates on a whole river catchment basis.

### ***Viability & the Community Infrastructure Levy***

- 10.8 Demonstrating that the proposals of the plan are both viable and deliverable is an important element of any Examination in Public and was a concern raised during the Revised Preferred Option consultation. An Economic Viability Study undertaken at Preferred Option stage indicated that meeting the proposed affordable housing target and achieving developer contributions based upon initial work on an Infrastructure Delivery Plan was not possible in the short term. The Report suggested a number of possible approaches to deal with this issue.
- 10.9 Three Dragons Consultants were therefore commissioned to carry out an updated Economic Viability Assessment to examine both the whole plan viability and produce viability evidence for the development of a Community Infrastructure Levy preliminary draft charging schedule.
- 10.10 A summary of evidence which has been used by Three Dragons to support the development of a Community Infrastructure Levy for Herefordshire Council is set out below:
- An analysis of publicly available data to identify the range of values and costs needed for the viability assessment;
  - Discussions with council officers from planning, economic development and housing departments;

- Analysis of information held by the authority, including the profile of land supply identified in the Strategic Housing Land Availability Assessment and a review of historic planning permissions;
- Two workshops held with developers, land owners, their agents and representatives from a selection of registered providers in the area
- Subsequent discussions with agents and providers who operate in Herefordshire to verify the assumptions used in the analysis;
- A survey of local Registered Providers to seek their views on aspects of costs and revenue that affect affordable housing;
- Use of the Three Dragons Toolkit, adapted for Herefordshire to analyse scheme viability for residential development and of Three Dragons bespoke model for the analysis of non-residential schemes.

10.11 A revised draft Economic Viability Assessment has been received, which sets out the methodology of the study and its findings in detail. This forms part of the evidence base and will be available during the consultation period.

### ***Rural Policy***

10.12 The Revised Core Strategy Preferred Options (October 2011) amended the distribution of housing, increasing the level of housing provision in rural areas from 4,500 to 5,300 for the plan period 2011-2031. This change was proposed during consultation in order to provide increased affordable housing and a more flexible approach recognising the emergence of neighbourhood planning.

10.13 The previous preferred option (August 2010) centred upon the countywide allocation of rural housing and economic development predominantly to specified villages which were identified as Rural Service Centres (RSCs) and Hubs.

10.14 Outside of RSCs and Hubs, a further policy supported limited development of a scale appropriate for the locality in other settlements.

10.15 Settlements not identified as RSCs or Hubs and unable to meet the criteria of a second tier settlement were defined as being in open countryside, where there is a presumption against residential development unless required to meet specific circumstances (for example a dwelling required in relation to an agricultural, forestry or rural enterprise).

10.16 Three Rural Member Engagement sessions have been held to inform Members of the progress being made with local communities in the development of Neighbourhood Plans for rural areas, to listen to and engage with Members to consider current development plan issues in relation to rural areas and to provide Members with the opportunity to comment upon and inform the emerging Core Strategy rural housing policies.

10.17 In the context that the NPPF outlines that there are three dimensions to sustainable development: economic, social and environmental the member sessions considered that any new approach should put greater emphasis on social sustainability to support communities to be strong, vibrant and healthy by providing a supply of housing to meet the needs of present and future generations.

10.18 On this basis an approach has been developed which seeks to enable Herefordshire's traditional rural village communities to grow proportionally to enhance their social and economic sustainability.

- 10.19 The approach uses the evidence developed through the Local Housing Market Assessment (June 2011). This evidence looks at housing needs across different localities in the county and provided the basis of the new approach, as opposed to focusing purely on existing service provision (The Preferred Options: Rural Areas – Option 1).
- 10.20 Given the importance of providing housing to accommodate local people (and to reflect increases in home working), and the development of affordable housing policies, it was also considered that development in smaller villages should not be resisted but this should be focused on housing to meet the needs of people with local connections.
- 10.21 It was apparent in progressing this approach that overall the strategy would provide scope for a greater provision of affordable housing and increased flexibility within which neighbourhood planning could develop.

### ***Proposed Consultation***

- 10.22 The consultation period for the Draft Core Strategy will commence on 4 March 2013 and will run for 7 weeks, (finishing on 22 April 2013). The consultation programme is set out below:

### **The Consultation Programme**

12 July 2012	Cabinet - LDF & CIL
19 July 2012	Developer Industry briefings - CIL
26 October 2012	Rural Member briefing
31 October 2012	Ross-on-Wye members briefing
31 October	Bromyard & Winslow members briefing
2 November	Kington member briefing
2 November	Leominster members briefing
6 November	Infrastructure meeting with statutory consultees
28 November	Hereford City members briefing
30 November	Rural Member briefing
4 December	Ledbury members briefing
7 December	All member briefing
7 December	Infrastructure meeting with statutory consultees
11 January 2013	1st LDF Newsletter - Timetable
15 January 2013	Bromyard & Winslow members briefing
18 January 2013	2nd LDF Newsletter - Consultation
22 January 2013	Meeting with Communications team to confirm strategy. Agreed use of social media.
25 January	3rd LDF Newsletter - Water Quality/Phosphates
29 January	Liaised with web design & research team
1 February	4th LDF Newsletter - Highway Issues & Relief Road
8 February	5th LDF Newsletter - Community Infrastructure Levy
21 February	Cabinet
25 February	Pre-notification of consultation on website home page

w/c 25 February	Brief Customer Service/Info employees
w/c 25 February	Article in newspapers
w/c 25 February	3 Member briefings - 25 Feb, 2-3pm, Town Hall Assembly Room. 28 Feb, 3-4pm, Town Hall Council Chamber. 1 March, 10-11am, Town Hall Assembly Room
28 February	Deliver documents to info/libraries
end February	Encore and Core News articles published
end February	Herefordshire Matters published
Start March	Directorate Day
1 March	BBC H&W radio interview
1 March	Despatch consultation letters to all on LDF database
1 March	Email internal consultees
<b>4 March</b>	<b>Consultation starts</b>
4 March	Consultation activated
4 March	Website - consultation activated
w/c 4 March	Developer workshop re CIL charges
w/c 4, 11 March	A drop in session for Parish Councillors/Clerks 16.00 – 20.00pm
11 March	Ross on Wye: promotional trailer - Market Square, 10am - 1pm
12 March	Leominster: promotional trailer - Corn Square, 10am - 1pm
14 March	Bromyard: promotional trailer - Tenbury Road car park, 10am - 1pm
16 March	Hereford: promotional trailer - Hereford, High Town, 10am - 3pm
18 March	Primary Times distributed to Primary Schools for all parents
w/c 18 March	Business briefings - Mike Ashton (Hereford and Worcester Chamber of Commerce) will arrange with 20 top companies in Hereford
19 March	Kington: promotional trailer - Mill Street car park, 10am - 1pm
21 March	Ledbury: promotional trailer - St Katherine Street car park, 10am - 1pm
w/c 25 March	Peterchurch and Wigmore 10am - 1pm. Meetings @ Herefordshire secondary schools for pupil engagement - school council/prefects
26 March	Hereford Sixth Form/HTC promotional trailer 11am - 2pm.
22 April	<b>End of consultation</b>

- 10.23 The consultation will consist of a questionnaire covering the 63 policies within the draft Core Strategy. The draft questionnaire can be found at Appendix A.
- 10.24 The Consultation Institute Centre of Excellence will be reviewing the document. In addition, work is currently taking place with the Plain English Campaign to achieve the Plain English Crystal Mark and as a seal of approval for the clarity of the questionnaire.

## **11. Community Impact**

- 11.1 The principal aim of the Local Development Framework, and in particular the Core Strategy, is to set out the vision and objectives for the county and establish a policy framework necessary to deliver the vision to 2031. This will ensure that there are sufficient homes provided for all members of the community, improved employment opportunities and growth, sufficient retail provision, improved infrastructure across the county and protection of the open countryside and open spaces and provision of green infrastructure.

## **12. Equality and Human Rights**

- 12.1 In order to fulfil the requirements of S149 of the Equality Act 2010, an Equality Impact Assessment was completed in October 2010. This report shows that previous consultations have been conducted across the county and taken equality issues into consideration. The Equality Impact Assessment is being reviewed prior to the consultation commencing to ensure there is no potential for discrimination and that all appropriate opportunities will be undertaken to advance equality and foster good relations.

## **13. Financial Implications**

- 13.1 There is £16,500 identified in the Local Development Framework budget to undertake this consultation process.

## **14. Legal Implications**

- 14.1 The consultation provisions are mandatory.

## **15. Risk Management**

- 15.1 The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 and the National Planning Policy Framework, highlight the need for public consultation particularly where new evidence or emerging policy has significantly changed. A detailed consultation process will assist in ensuring that the Core Strategy will be found sound at examination

## **16. Consultees**

- 16.1 None.

## **17. Appendices**

- 17.1 Appendix A – Draft Local Development Framework Questionnaire

## **18. Background Papers**

- 18.1 None.