

MEETING:	CABINET – ENVIRONMENT, HOUSING & PLANNING
MEETING DATE:	4 JULY 2013
TITLE OF REPORT:	LOCAL DEVELOPMENT FRAMEWORK
REPORT BY:	ASSISTANT DIRECTOR ECONOMIC, ENVIRONMENT & CULTURAL SERVICES

1. Classification

Open

2. Key Decision

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the County.

3. Wards Affected

County-wide

4. Purpose

- 4.1 To consider the Herefordshire Local Plan – Core Strategy 2011 – 2031 for pre-submission publication in accordance with regulation 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 (as amended) prior to its consideration at full Council on 19 July 2013; and
- 4.2 To refer the Plan to Council with a recommendation that, following the completion of the pre-submission publication period and consideration of duly made representations, it be submitted to the Secretary of State for independent testing in accordance with section 20(3) of the Planning and Compulsory Purchase Act 2004 and regulation 22 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.

5. Recommendation(s)

THAT:

- (a) Cabinet notes the representations made and approves the responses to the Herefordshire Local Plan – Core Strategy 2011 – 2031 (draft) consultation undertaken from 4 March to 22 April 2013 <https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/psp>;

- (b) **Cabinet recommends the Herefordshire Local Plan – Core Strategy 2011 – 2031 (draft)**
<https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/psp> to Council for approval as the preferred strategic planning document for Herefordshire for pre-submission consultation;
- (c) **Council be asked to delegate authority to the Cabinet Member Environment, Housing and Planning, in consultation with the Assistant Director Economic, Environment and Cultural Services in the event that technical amendments are required to the Herefordshire Local Plan Core Strategy 2011 – 2031 and supporting documents, resulting from the completion of ongoing technical work;**
- (d) **Cabinet recommends to Council that, following the completion of the pre-submission publication of the Herefordshire Local Plan – Core Strategy 2011 – 2031 and its supporting documents, the documents be submitted to the Secretary of State for an Examination in Public;**
- (e) **Council be asked to delegate authority to the Cabinet Member Environment, Housing and Planning in consultation with the Assistant Director Economic, Environment and Cultural Services to make any minor textual or graphical amendments, that does not affect the overall strategy of the Plan, prior to the submission to the Secretary of State.**

6. Alternative Options

6.1 There is no alternative other than to prepare a Local Plan.

7. Reasons for Recommendations

- 7.1 To ensure that the responses received to the Herefordshire Local Plan – Core Strategy 2011 – 2031 (draft) consultation have been taken into account and the recommended responses to them have been approved.
- 7.2 To ensure that the preferred development strategy for Herefordshire will be taken into account in future decision making.
- 7.3 To enable technical amendments to be made to the Herefordshire Local Plan – Core Strategy 2011 – 2013 (draft) prior to pre-submission publication.
- 7.4 To ensure that the Herefordshire Local Plan – Core Strategy 2011 – 2013 would be submitted to the Secretary of State under section 20(3) of the Planning and Compulsory Purchase Act 2004 and regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.5 To enable minor textual or graphical amendments, that does not affect the overall strategy of the Plan, prior to the submission to the Secretary of State.

8. Key Considerations

- 8.1 The Herefordshire Local Plan – Core Strategy is the primary policy document the Council is required to produce as part of the Local Plan. This is a very important part of the Local Plan because it shapes future development and sets the overall strategic planning framework for the county. The Core Strategy balances environmental issues with economic and social needs and ensures that development is sustainable. It sets a vision as to how the county will look and function and how development needs will be met up to 2031. When it is adopted, it will form part of the development plan for Herefordshire and will provide the basis for determining planning applications. It will also play an important role in delivering the Council's vision in the longer term as well as supporting the key aims of the Corporate Plan.
- 8.2 Government policy for local plan preparation is contained in the National Planning Policy Framework (NPPF). This has a presumption in favour of sustainable development making it clear that opportunities to meet the County's development needs should be positively sought and sets the principle that local plans should meet objectively assessed needs.
- 8.3 The Core Strategy will need to meet the key tests of soundness for adoption. The four key tests are as follows:
- **Positively prepared** – the plan should seek to meet development and infrastructure requirements, and be consistent with achieving sustainable development;
 - **Justified** – the plan is the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - The plan is **consistent with national policy**.
- 8.4 On 27 February 2013 Cabinet considered a draft Herefordshire Local Plan – Core Strategy 2011 – 2031 and agreed that the Plan, with associated Sustainability Appraisal and Habitat Regulations Assessment, should proceed to consultation in accordance with regulation 18 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012. The consultation ran from 4 March and was completed on 22 April 2013 (7 weeks).
- 8.5 A total of 1,428 representations were received to the consultation. In accordance with Herefordshire Council Statement of Community Involvement (SCI) officers have analysed the individual representations received, provided comment and, where required, noted any action required as a result of the representation. This action could be the addition of a new policy, a revision to the wording of an existing policy, clarification of the supporting text to a policy or revisions to the pictorial/graphical information. The full written responses and analysis can be found at <https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/psp> . Please refer to the two bullet points at the very bottom of the web page. A hard copy of this document will also be available for inspection by Councillors in the Members' Room at Brockington and at the meeting. All members have been given the opportunity to attend a briefing regarding the consultation responses for their area.

8.6 In summary some of the key issues raised in response to the consultation include;

Vision, objectives and special strategy

- The scale and distribution of housing development
- The need for a strategic environmental policy

Place – shaping policies

Hereford

- The need for a strategic Hereford policy;
- The size and location of urban extensions and their integration with the city;
- The loss of higher grade agricultural land;
- The need for and route of the relief road;
- Lack of infrastructure to support development;
- Need for the masterplanning of strategic allocations to be in consultation with the town council and neighbourhood planning group.

Market Towns

- The size and location of urban extensions particularly in Bromyard, Ledbury and Leominster;
- The deliverability of employment land particularly in Bromyard and Leominster; Ensuring that urban extensions provide sustainable urban drainage systems and incorporates elements such as swales and attenuation ponds;
- Lack of infrastructure to support development;
- Need for the masterplanning of strategic allocations to be in consultation with the town council and neighbourhood planning group.

Rural

- Whether the appropriate list of villages has been included in the policy;
- The rural housing policy is too prescriptive;
- Lack of services in existing villages to support additional housing;
- Lack of infrastructure to support development.

8.7 The analysis of representations has enabled the production of a track changed document that identifies where there has been a revision to the Herefordshire Local Plan - Core Strategy 2011 – 2031. The track changed document can be found at <https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/psp> A hard copy of this document will be also available for inspection by Councillors in the Members' Room at Brockington and at the meeting.

8.8 The Herefordshire Local Plan – Core Strategy 2011 – 2031 continues to propose the following strategic proposals:

- Provision of a total of 16,500 new dwellings in the County;
- Development of 148 hectares of employment land across the County including employment hubs;
- For Hereford an overall target of 6,500 new dwellings including the proposed urban extensions at Holmer, Lower Bullingham and Three Elms;
- Provision of a relief road to the west of Hereford;
- Accommodation of 5,300 new dwellings in rural areas over the plan period, supported by neighbourhood plans.

As a result of the consultation there have been amendments to some of the proposals in the Market Towns. The following table sets out the basis of the proposals;

	Housing Target	Other Development
Bromyard	500 new dwellings with 350 on the strategic housing site	5 hectare strategic employment site deleted from the Plan and established through a Neighbourhood Plan either on a strategic site or through the delivery of smaller sites
Kington	200 new dwellings – no strategic allocation	Employment site established through lower tier plan
Ledbury	800 new dwellings with 625 on the strategic housing site	Strategic employment site
Leominster	2,300 new dwellings with 1,500 on the strategic housing site	Strategic employment site, not to be delivered until full occupancy of existing enterprise park
Ross-on-Wye	900 new dwellings with 200 on the strategic housing site	Continuing with the Model Farm employment proposal as identified in the Herefordshire Unitary Development Plan 2007

8.9 The report to Cabinet 27 February 2013 outlined a number of areas where work was on-going in order to be able to demonstrate to an Inspector that the Core Strategy is soundly based. These were water quality and impact on River Wye Special Area of Conservation (SAC), the road studies and the viability of the Plan. Work is continuing on these three areas and is covered in more detail below.

River Wye Special Area of Conservation (SAC)

- 8.10 A key issue which 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 pre-submission publication and submission to the Secretary of State, that the Herefordshire Local Plan – Core Strategy 2011 – 2031 can demonstrate that it is fully compliant with the Habitat Regulations.
- 8.11 As reported to Cabinet on 27 February 2013, Natural England (NE) and the Environment Agency (EA) confirmed in a Statement of Intent on 15 February 2013 to produce a Nutrient Management Plan (NMP). The aims of the NMP will be to control and reduce phosphates in the SAC and in doing so to facilitate the delivery of new development. The NMP is being developed in consultation with Welsh Water (WW) and Herefordshire Council. The agencies committed to produce the NMP by July 2013 to allow any necessary amendments to the final Core Strategy prior to the pre-submission publication and the examination in public.
- 8.12 There have been on-going discussions with NE, EA and WW regarding progress of the NMP. The NMP was being produced to the agreed timetable using data from 2004. NE and EA have advised recently that there is data, particularly with regard to diffuse pollution, available from 2010 and that this should be used in their modelling for the NMP. The Council has agreed that they use the most up to date data to ensure soundness. The NMP should now be delivered by end of September 2013. The agencies have confirmed that the production of the NMP will not require any significant changes to the Core Strategy.

Road Studies

- 8.13 There has continued to be positive discussions with the Highways Agency since Cabinet in February 2013 to ensure that the continuing work being undertaken, with regard to the transport model for Herefordshire, is progressing. The Highways Agency continues to express its support for the Council's approach for a relief road and a range of sustainable transport methods.

Community Infrastructure Levy and viability

- 8.14 The Council carried out a consultation on a Community Infrastructure Levy (CIL) preliminary draft charging schedule which completed on the 22 April 2013. Since then a number of documents have been published by the Government which the Council need to take into account in progressing with the Community Infrastructure Levy. These include the Growth and Infrastructure Act 2013, new statutory guidance on CIL, further reforms to the delivery of affordable housing and a consultation on further reforms to the CIL. One of the reforms proposes that the timescale for transition to a CIL charging regime be extended by 12 months from 6 April 2014 to 6 April 2015.
- 8.15 As a result, the timescale for the restriction of 'pooling' planning contributions for a single infrastructure item drawing on more than five separate planning obligations can continue until April 2015. This allows the Councils an additional year to take on board regulatory reforms arising from the consultation when preparing the Council's evidence to support further consultation on a draft charging schedule which is required by the regulations.

- 8.16 The Council is continuing to work with 3 Dragons on viability and the CIL. Earlier work has demonstrated that the level of housing is viable and deliverable. This work will continue to be refined along with on-going work on the Community Infrastructure Levy. This will include pursuing future public and private funding opportunities for the delivery of infrastructure.

9. Community Impact

- 9.1 The principal aim of 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.

10. Equality and Human Rights

- 10.1 In order to fulfil the requirements of Section 149 of the Equality Act 2010, an Equality Impact Assessment has been completed. The assessment ensures that there is no potential for discrimination and that all appropriate opportunities have been undertaken to advance equality and foster good relations.

11. Financial Implications

- 11.1 The Council is facing significant challenges in financial terms and through the national settlement and reductions in funding. Budget decisions have been based on a set of 3 principles, safeguarding the vulnerable, keeping communities' secure and economic growth. The process also includes fundamentally challenging what the Council does to ensure appropriate use of public funding and quality of service.
- 11.2 In respect of the Local Plan future pressure on the budget will arise from the need to hold an Examination in Public into the soundness of the Plan, potential updates to elements of the evidence base and work to progress more detailed documents which form elements of the County's planning framework. As a result work is underway to identify and mitigate any impact of likely budgetary pressures upon the process and this will also involve consideration within the Council's financial planning.

12. Legal Implications

- 12.1 The Herefordshire Local Plan – Core Strategy 2011 – 2031 once adopted will become part of the statutory Development Plan for Herefordshire required by the Planning and Compulsory Purchase Act 2004 and prepared in accordance with the Town and Country Planning (Local Development) (England) Amendment Regulations 2012.

13. Risk Management

- 13.1 Any delay in producing a Herefordshire Local Plan – Core Strategy 2011 – 2031 could result in developers submitting applications for planning permission without the benefit of an overarching strategy. This could undermine the delivery of the strategic urban extensions proposed in the Plan.
- 13.2 A lack of five year housing land supply would weaken the Council's ability to control which sites come forward for development.
- 13.3 If the Herefordshire Local Plan – Core Strategy 2011 – 2031 is not agreed the momentum may be lost with regards to the delivery of the Council's economic growth strategy. This risk is identified at RSK.EEC.009 of the Economic, Environmental and Cultural Services Risk Register.

14. Consultees

14.1 During the period of preparing the Herefordshire Local Plan – Core Strategy there have been seven 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;
- Herefordshire Local Plan – Core Strategy (draft), March – April 2013.

The nature of the process has involved extensive engagement with countywide local people, interest groups and statutory agencies through the seven rounds of consultation.

15. Appendices

15.1 None.

16. Background Papers

16.1 None identified.

There are a number studies and documents that have been produced to provide evidence for Herefordshire's Local Plan – Core Strategy 2011 – 2031 that are already published. These can be found on the Herefordshire Council evidence base pages at:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/>

The responses to the public consultation, and guidance, can be found at:

<https://beta.herefordshire.gov.uk/media/6846841/guidance.pdf>

<https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/psp>