

MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 4 July 2013 at 2.00 pm

Present: Councillor PD Price (Deputy Leader in the Chair)

Councillors: H Bramer, RB Hamilton, JW Millar, PM Morgan, RJ Phillips and GJ Powell

In attendance: Councillors PA Andrews, EMK Chave, EPJ Harvey, C Nicholls, AJW Powers and SJ Robertson

11. APOLOGIES FOR ABSENCE

Apologies were received from Councillor AW Johnson, WLS Bowen, and the Chief Executive.

12. DECLARATIONS OF INTEREST

There were no declarations of interest made.

13. MINUTES

It was noted that the minutes of the Cabinet meeting held on 20 June 2013, which were listed as "to follow" for this agenda, would now be considered at the Cabinet meeting programmed for 25 July 2013.

RESOLVED: That the minutes of the meeting held on 5 June 2013 be approved as a correct record and signed by the Chairman.

14. LOCAL DEVELOPMENT FRAMEWORK

The Cabinet Member Environment, Housing and Planning presented the draft Herefordshire Local Plan – Core Strategy 2011 – 2031 ("the Plan") 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.

He also reported that the Plan would be referred 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.

In addition, he made the following points:

- The Plan had taken account of the views of all those who responded to the consultation, although due to its breadth of subject matter and its complexity, it had not been possible to reflect all opinions expressed. It was important to note, however, that all views had helped to test and shape the thinking behind the current draft. He expressed his thanks to the

public, members and officers who had taken part in the consultation and preparation process.

- He expressed a view that the Plan, along with the new cattle market, the redevelopment of the old market site, the development of an urban village and the enterprise zone, were all essential for the economic, social and environmental wellbeing of the Herefordshire, and were to be viewed as a whole, rather than as a series of individual plans. He said that the Plan fully supported the Localism Act and created opportunities for communities to take greater control of their local area.
- He cited the extensive research and seven public consultations that had been undertaken prior to the current Plan being produced, as a sound basis for the proposals contained in the Plan, and he reminded members that, once agreed, the Plan would be subject to review throughout its life. He said that the recently published "Understanding Herefordshire 2013: An integrated needs assessment" was further evidence that the Plan needed to be taken forward, along with a demonstrable housing shortage and comparatively low economic output and wage levels.
- The Plan recognised the value and importance of environment, buildings, landscape, towns, villages and the rural way of life, and was reinforced by the commitment that the Council had made to Neighbourhood Planning. He felt that this combination offered the best opportunity for communities to shape their own development within the overarching strategic direction provided by the Local Plan - Core Strategy.

The Assistant Director Economic, Environment & Cultural Services tabled an additional schedule of amendments to the Plan, which had arisen as a result of further briefings with local ward members after the agenda had been published, and were to be included with the rest of the tracked changes in the document. He also made the following additional comments:

- The consultation responses referred to in Paragraph 8.5 were in accordance with the Council's Statement of Community Involvement, and had been fully analysed and actioned as necessary. He said that they had resulted in positive changes to the Plan, and they illustrated the effectiveness of the process.
- He emphasised that the Plan met the four key tests of soundness for adoption, as illustrated in Paragraph 8.3 of the covering report.
- He reported that the all relevant agencies had now reached a clear consensus on how to safeguard the water quality of Herefordshire's main rivers – including addressing longstanding issues relating to phosphates - and were working closely together to ensure compliance with the Habitat Regulations (Paragraphs 8.10 - 8.12 of the covering report refer).
- The Highways Agency was continuing to conduct the necessary detailed modelling work with the Council, in order to make progress with the transport model for Herefordshire (Paragraph 8.13 of the covering report refers). In relation to issues of noise and light, Hereford City was designated as an air quality management area, and there was evidence to support the likelihood that the proposed relief road would alleviate some of the problems of this nature.

The Solicitor to the Council drew Cabinet's attention to some minor technical changes to the recommendations which were tabled and accepted at the meeting.

The Group Leader of It's Our County made the following points, and asked for a formal response to them before Council on 19 July 2013:

- In relation to Recommendation (a) of the covering report, he said that it should be made clear that the recommendation was for Cabinet to approve the responses made by the Council, to representations made by the public in response to the Plan.
- Referring to recommendation (c) of the covering report, he said that, in its present form, the recommendation did not allow for the possibility that technical amendments to the Plan and supporting documents could have implications for the overall strategy. He expressed an opinion that there could be no certainty about any ramifications for the overall strategy, requiring major changes, if the technical work was still ongoing. He added that if there was certainty, recommendation (c) could be merged with recommendation (e).
- He sought clarification on the procedure for relinquishing delegated powers.
- With reference to recommendation (d) of the covering report, he said that it made no reference to the consideration of any responses made by the public at the Plan's pre-submission publication stage.
- Paragraph 8.3: He asked whether the Cabinet was confident that the Plan had met all of the key tests.
- Paragraph 8.5: He asked what criteria had been used to determine whether action was required as a result of a representation, and who and who had provided these criteria.
- Paragraph 8.6 – 8.9: He formally requested a summary, which would be made available to all councillors before Council on 19 July 2013, of (a) the reasons for making the changes that had been illustrated in the document, and also (b) the Council's reasons for not making any changes, where none had been made. The summary should relate clearly to the list of key issues arising from representations as set out in Paragraph 8.6, and should include an analysis of the number of representations which raised concerns about the soundness of the Plan, with the reasons given for those concerns.
- Paragraph 8.9: He requested an explanation of why ongoing work had not been completed, and why there was a recommendation to proceed to the pre-submission publication of the Plan while the work was outstanding.
- Paragraph 8.12: He sought assurance that the pre-submission publication would not go out for consultation before the Nutrient Management Plan had been delivered, and could be referenced as a completed part of the evidence base for the Plan.
- Paragraph 8.14: He felt that the CIL viability assessment report had not undertaken an assessment of the Plan's viability as a whole, and had only dealt with the viability of housing. He added that this brought into jeopardy the soundness of the core strategy, and that the Plan had still not been fully costed for the benefit of the public, with an explanation of how it would be funded.
- Paragraph 9.1: He was of the opinion that the public consultation responses had been ignored, and that community impact had not been accurately assessed.
- Paragraph 11.2: He referred to three distinct budgetary pressures created by the Plan, and asked for further information, and of these, he requested a description of - and further detail on - "potential updates to elements of the evidence base" and "work to progress more detailed documents, which form elements of the County's planning framework", particularly given the ongoing technical work referred to in

recommendation (c) of the covering report. In addition, he requested an explanation of the relevance of “an examination in public into the soundness of the plan”, in relation to the other budgetary pressures identified, and a projected cost for each of the three elements.

- Paragraph 13.1: He asked for information on (1) any delays, and their causes, in relation to the production of the Plan, (2) evidence of where this had happened in Herefordshire, or in any other similar authority which did not have an overarching strategy, (3) the date that the Unitary Development Plan should have been adopted and the actual date of adoption, with an explanation for the reasons for the delay, and the effect that this had on the delivery of housing in Herefordshire.
- He was of the view that the Plan still had several weaknesses which would have serious ramifications for soundness, namely (1) the treatment of representations, which demonstrated that it could not yet be deemed the preferred option, (2) a lack of evidence to support the Western Relief Road, (3) a lack of evidence to demonstrate the deliverability and viability of the Plan.

The Assistant Director Economic, Environment & Cultural Services advised that the formal inspection of the Plan would seek evidence that information was being gathered as the Plan developed. This evidence may confirm the Plan, but would not necessarily change the fundamental nature of it. He said that the key issues which might have caused the Plan to be unsound had been addressed, and although it was not possible to give a definitive answer on the soundness of the Plan, it was ultimately for the Inspector to determine via a high level of assessment. If deemed necessary the Inspector would ask the Council to carry out any further work that was required ahead of demonstrating soundness.

The Chairman of the General Overview and Scrutiny Committee commented that his Committee had hoped for greater flexibility in the Plan than had been afforded previously in the UDP, and that the Plan appeared to lack a clear mechanism for communities to feed into the Plan, as they changed over time.

Cabinet members made the following additional points:

- The Plan was considered essential as a way of securing future business opportunities and employment in Herefordshire. Once the document was finalised it would be used to attract funding for business support. This in turn would help to stabilise the situation with schools and housing in Herefordshire.
- The Plan would continue to evolve over time as Neighbourhood Plans were produced, and these would underpin the core strategy. It was the result of a strong and robust consultation process, and had an extensive evidence base to support it.

RESOLVED: 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, subject to the inclusion of the changes as set out in the schedule of amendments circulated at the meeting (*attached*);
- (c) Council be asked to delegate authority to the Assistant Director Economic, Environment and Cultural Services, in consultation with the Cabinet Member Environment, Housing and Planning, in the event that technical and typographical 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 Assistant Director Economic, Environment and Cultural Services, in consultation with the Cabinet Member Environment, Housing and Planning, to make any minor textual, typographical or graphical amendments that do not affect the overall strategy of the Plan, prior to the submission to the Secretary of State.

(Note: the resolutions were proposed by Councillor RB Hamilton, and seconded by Councillor GJ Powell)

The meeting ended at 3.04 pm

CHAIRMAN

