

**MINUTES of the meeting of the Extraordinary Council held at the Council Chamber - Brockington on Friday 19 July 2013 at 10.00 am**

**Present:** Councillor LO Barnett (Chairman)  
Councillor ACR Chappell (Vice Chairman)

**Councillors:** PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, EPJ Harvey, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, PJ McCaull, JW Millar, PM Morgan, C Nicholls, FM Norman, RJ Phillips, GJ Powell, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, GR Swinford, DC Taylor, PJ Watts and DB Wilcox

**17. APOLOGIES FOR ABSENCE**

Apologies for absence were received from:

Councillor PJ Edwards	Councillor RC Hunt
Councillor RL Mayo	Councillor SM Michael
Councillor NP Nenadich	Councillor AJW Powers
Councillor GA Vaughan-Powell	

**18. DECLARATIONS OF INTEREST**

Councillor AN Bridges declared a non-pecuniary interest in agenda item 4: Local Development Framework. Network Rail was referred to in the report and Councillor Bridges is an employee of the company.

**19. QUESTIONS FROM MEMBERS OF THE PUBLIC**

A copy of the Public Questions and written answers, together with the supplementary questions and answers asked at the meeting, is attached to the Minutes at Appendix I.

**20. LOCAL DEVELOPMENT FRAMEWORK**

The Leader addressed Council and made the following comments in his opening remarks on the Herefordshire Local Plan/Core Strategy:

- It was a credible strategic plan addressing key issues for the city and rural areas setting out the future economic growth.
- The plan has been considered by the General Overview and Scrutiny Committee (GOSC) and Cabinet had held detailed discussions with the Cabinet Member.
- When considering the plan Members should take a strategic and not local view.

The Cabinet Member Environment, Housing and Planning presented the report of the Assistant Director Economic, Environment and Cultural Services on the Herefordshire Local Plan / Core Strategy and made the following comments.

- The plan is part of an on-going process since 2007, which will eventually replace the Unitary Development Plan and take the County through to 2031.
- The plan is essential for the economic, social and environmental wellbeing of the County.
- The plan will be reinforced by the Council's Area Action Plans and by town and parish council Neighbourhood Plans.
- Seven public consultations have been carried out over six years between 2007/13. The Plan has matured and therefore options proposed in earlier versions have now been removed.
- Subject to Council's approval this plan will be submitted to the Secretary of State for independent inspection.

Next Stages:

- Autumn 2013, publication and submission of the plan.
- Winter 2013/Spring 2014, Inspection of the plan.
- Summer 2014, adoption of the plan.

The Cabinet Member thanked all those who had taken part in the process of developing the plan and thanked officers for their hard work and support. He added that the proposed Local Plan / Core Strategy 2011/31 provided a framework for the future prosperity of Herefordshire.

Group Leaders and the Chairman of the GOSC addressed Council and made the following comments on the plan:

- Some town and parish councils felt they had not been consulted properly.
- A large building programme of homes was proposed but it was felt there was not the employment to sustain families.
- It was felt that both the Enterprise Park at Leominster and the industrial estate at Rotherwas were under used.
- Not having an eastern road option showed a major gap in the plan.
- It was felt that the plan was not viable, sustainable and reliable and it was suggested that a three month delay, to review and re-evaluate, would produce a better plan.
- It was felt Council was being asked to approve a plan that had no economic strategy and a core strategy that was not sustainable.
- It was felt that the responses of the public had been ignored.
- The administration needs to ensure that it has got the process correct.
- After reviewing the plan the GOSC had made the recommendation to defer until October 2013.

Councillor A Seldon moved that consideration of the Herefordshire Local Plan/Core Strategy be deferred for three months to allow for further consultation. The motion was seconded by Councillor WLS Bowen.

The following comments were made in discussing the proposed Notice of Motion:

- Town councils want to receive legal advice on the core strategy and believe public examination of the core strategy is needed. Believe there has been an overreliance on ward members for consultation.
- Bromyard area has been asked to accept the building of 500 homes in area without having any designated employment land included.

- Some Members did not believe a delay would have a detrimental effect. Other felt that a delay for further consultation would take longer than three months. Council was reminded that the plan had been deferred in June 2012 to date to allow for further consultation.
- Council was reminded that over 60 public meetings had been held for consultation resulting in amendments being made to the plan. There was concern that the results from the consultation could be manipulated.
- It was stated there was an assumption that the north west expansion would fund the proposed western relief road by way of the community infrastructure levy, but it was felt that the construction of this road would have its own complications.
- It was pointed out that some parish councils were keen for the plan to be approved as communities were vulnerable to developers whilst it was not and any delay would not change the outcome.
- Council was reminded that the outcome to the consultation was published on the web. With regard to the letter from the market towns and the proposed amendment, the Cabinet Member advised that Legal Counsel advice had been sought.

Councillor RI Matthews moved that the motion be put which was seconded by Councillor WLS Bowen. The meeting agreed that the question be put. A named vote was taken and the motion was lost.

**For:** Councillors PA Andrews, CNH Attwood, CM Bartrum, WLS Bowen, EMK Chave, J Hardwick, EPJ Harvey, AJ Hempton-Smith, MAF Hubbard, TM James, JLV Kenyon, MD Lloyd-Hayes, RI Matthews, PJ McCaull, C Nicholls, FM Norman, R Preece, SJ Robertson, A Seldon, and GR Swinford.

**Against:** Councillors AM Atkinson, LO Barnett, , PL Bettington, AJM Blackshaw, H Bramer, AN Bridges, ACR Chappell, MJK Cooper, PGH Cutter, BA Durkin, DW Greenow, KS Guthrie, RB Hamilton, JW Hope MBE, JA Hyde, JG Jarvis, AW Johnson, Brig P Jones CBE, JF Knipe, JG Lester, JW Millar, PM Morgan, RJ Phillips, GJ Powell, PD Price, P Rone; P Sinclair-Knipe, J Stone, DC Taylor, PJ Watts and DB Wilcox.

FOR	20
AGAINST	31
ABSTAIN	0

Following the vote Councillor MAF Hubbard proposed an amendment to the recommendations which was seconded by Councillor RI Matthews.

*That full Council be required to approve the versions of the Infrastructure Delivery Plan; the Economic Viability Assessment and the Nutrient Management Plan before these are released to examination in public.*

The Cabinet Member reminded Council that the timetable for the Core Strategy had been agreed by GOSC and had been adhered to. Some Members felt that all key documents should be seen by full Council prior to submission.

Councillor GJ Powell moved that the motion be put which was seconded by Councillor BA Durkin. The meeting agreed that the question be put.

Councillor Hubbard clarified that in putting the amendment forward it was not intended to delay, merely to ensure the final evidence was put before full Council. A named vote was taken and the amendment was lost.

**For:** Councillors PA Andrews, CNH Attwood, WLS Bowen, EMK Chave, J Hardwick, EPJ Harvey, AJ Hempton-Smith, MAF Hubbard, TM James, JLV Kenyon, RI Matthews, PJ McCaull, C Nicholls, FM Norman, R Preece, SJ Robertson, A Seldon, and GR Swinford.

**Against:** Councillors AM Atkinson, LO Barnett, CM Bartrum, PL Bettington, AJM Blackshaw, H Bramer, ACR Chappell, MJK Cooper, PGH Cutter, BA Durkin, DW Greenow, KS Guthrie, RB Hamilton, JW Hope MBE, JA Hyde, JG Jarvis, AW Johnson, Brig P Jones CBE, JG Lester, JW Millar, PM Morgan, RJ Phillips, GJ Powell, PD Price, P Rone, P Sinclair-Knipe, J Stone, DC Taylor, PJ Watts and DB Wilcox.

**Abstain:** AN Bridges and JF Knipe.

FOR	18
AGAINST	30
ABSTAIN	2

Members went on to discuss the recommendations outlined in the report to Council. The following comments were made in discussion:

- Councillor Bettington stated that in supporting the recommendations he requested his reservations about the Herefordshire Local Plan were noted.
- Councillor Phillips, as a member of the Local Enterprise Partnership (LEP), stated his support for the Herefordshire Local Plan and its importance for growth. He added that employment land for Bromyard needed to be addressed.
- Councillor Powell asked for a minor textual amendment to be made to the first sentence of the third paragraph on Agenda page 130 to read:

*'The indicative rural HMA target will assist in informing the scale of development in the villages identified in each HMA'*

Instead of:

*'In addition to the indicative rural HMA target, a further set of targets will assist in informing the scale of development in the villages identified in each HMA'*

- Concern was raised that the plan did not acknowledge the biggest employers in the County were the self employed.
- Councillor Matthews stated his support for growth and a reasonable number of new homes, but that it should be economy led. The western route for the road was unaffordable and not supported by the local MPs. The eastern route was cheaper and in the view of local people was the preferred route.
- In response to the 'east v west' route it was stated that the administration was not allowed to use the eastern route.
- Members expressed concern at the scale of development for Leominster, the lack of employment in the area and the additional high level of traffic. There was not the infrastructure to support additional housing and transport sustainably.
- Councillor Harvey stated Ledbury residents objected to the scale of housing for the area and were seeking legal advice on challenging the strategy.
- Council was reminded that the recommendations only allowed for minor changes to be made.

Comments made by Group Leaders in their summing up were:

- Appreciate the efforts of both officers and Members.
- Need a core strategy that does not leave the County open to developers.
- Do not believe the plan is sustainable, viable or deliverable.
- Not confident the Council has the technical ability to deliver current core strategy.

The Leader's comments in summing up were:

- When speaking with Jessie Norman MP he stated he had no problem in supporting the western route, he merely wanted to know if the administration had a closed mind to the eastern route.
- Understood that Members had concerns but there was a process for concerns to be addressed, which was through the planning inspectorate. Approving the plan was only the start of the process.

Councillor Powell spoke as the seconder of the recommendations and reminded Council that the same arguments had been made 25 years earlier when discussing a relief road. He stated a clear direction of travel was needed and the plan provided it.

The Cabinet Member thanked everyone for their contribution to the debate. He informed Council that the Highways Agency had stated that the relief road was necessary to the core strategy. The Environment Agency and Natural England had made a commitment to work together to support the core strategy.

A named vote was taken.

**For:** Councillors AM Atkinson, LO Barnett, CM Bartrum, PL Bettington, AJM Blackshaw, H Bramer, ACR Chappell, MJK Cooper, PGH Cutter, BA Durkin, DW Greenow, KS Guthrie, RB Hamilton, JW Hope MBE, JA Hyde, JG Jarvis, AW Johnson, Brig P Jones CBE, JF Knipe, JW Millar, PM Morgan, RJ Phillips, GJ Powell, R Preece, PD Price, P Rone, P Sinclair-Knipe, J Stone, DC Taylor, PJ Watts and DB Wilcox.

**Against:** CNH Attwood, EMK Chave, J Hardwick, EPJ Harvey, AJ Hempton-Smith, MAF Hubbard, JLV Kenyon, RI Matthews, PJ McCaull, C Nicholls, FM Norman, SJ Robertson, A Seldon, and GR Swinford.

**Abstain:** Councillors PA Andrews, WLS Bowen, AN Bridges, TM James, and JG Lester.

FOR	31
AGAINST	14
ABSTAIN	5

## **RESOLVED**

### **THAT COUNCIL:**

- a) approve the Herefordshire Local Plan – Core Strategy 2011-2031 (draft) as the preferred strategic planning document for Herefordshire pre-submission consultation;**
- b) 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 on-going technical work;**
- c) 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; and**

- d) **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 amendments, that does not affect the overall strategy of the Plan, prior to the submission to the Secretary of State.**

The meeting ended at 1.15 pm

**CHAIRMAN**

**PUBLIC QUESTIONS TO EXTRAORDINARY COUNCIL – 19 JULY 2013****Question from Mr P McKay, Herefordshire**

## Question 1

*May I ask if Council has accepted my representation that having complete and correct highway records is a fundamental requirement for a Local Development Framework and incorporated policies to identify the shortfalls with actions to address them to achieve this?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing & Planning**

## Answer to question 1

The representation received from Mr McKay has been recorded and responded to under Q38 in the schedules of responses. The policies in the document are based upon a robust evidence base and therefore no changes are required to the Core Strategy. It is not appropriate to include within the Core Strategy a policy relating to Highways records as this is outside the remit of the development plan.

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**Question from Mrs E Morawiecka, Breinton, Hereford**

## Question 2

The draft Core Strategy stated “Local authorities should have clear evidence about planned infrastructure, its cost, timing and other likely sources of funding to underpin their development strategies. This will be provided through an Infrastructure Delivery Plan (IDP) which will sit alongside the Core Strategy”. The IDP presented as background evidence for the consultation on the draft Core Strategy omitted many cost figures; had no schedule of timings of delivery and did not identify likely sources of funding, where shortfalls were indicated. No infrastructure was included in the IDP to underpin the housing growth planned for rural areas in the draft Core Strategy.

*As a result of the consultation on the draft Core Strategy and the responses received, what amendments have been made to correct the omissions identified in the Infrastructure Delivery Plan?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing & Planning**

## Answer to question 2

The Infrastructure Delivery Plan (IDP) is not intended as a one-off document rather is a living plan and it is misleading to suggest there are omissions requiring correction. The information contained in the IDP schedule will be kept under review and updated.

The IDP schedule isn't required to specify the entire infrastructure to be provided, when it is to be delivered, or how it is to be funded in the county to 2031.

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In response to the consultation, I will continue to review the IDP to include the prioritisation of identified infrastructure, projected timescales for delivery and potential funding mechanisms.

**Supplementary Question**

I resent that my question is referred to as 'misleading' when the Cabinet Member just this week provided me with a written answer stating that he has invited Cabinet colleagues to review the IDP priorities, funding and delivery before it goes to independent examination. If there are no omissions, what is the cost and phasing of the NMP, phasing of delivery of infra structure identified as 'fundamental'. Where is the funding for the minimum £560m cost of infrastructure? Please note that today Detroit City filed for bankruptcy, is this Herefordshire in 20 years?

**Cabinet Member Response**

The Cabinet Member stated he was not aware of the cost, but added that this was a living document.

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**Question from Mr F Clark, Bromyard and Winslow Town Council, Herefordshire**

Question 3

*With all your planned development for Bromyard, how will you manage to get all the extra volume and size of road vehicles over Petite Bridge? It is not wide enough now, for two lanes of HGV and pedestrians at the same time, and when flooded will close the bypass to all.*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing & Planning**

Answer to question 3

Core Strategy policy MT1 is designed to ensure that development proposals demonstrate that the strategic and local highway network can absorb the traffic impacts, or employ mitigation measures where appropriate. The level of planned development for Bromyard is not expected to impact upon the capacity of the A44 and the bridge through increased volumes of traffic.

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**Question from Mr R Oliver, Leominster**

Question 4

*Why was there the assumption that everyone uses the Herefordshire Council website to get information about the Core Strategy?*



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### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 4

Thank you for your question.

There was no assumption that everyone uses the Herefordshire Council website to get information about the Core Strategy. There were a range of methods used to distribute information on the Core Strategy in the most cost effective way. These were outlined in the report to General Overview & Scrutiny Committee on 18 June 2013.

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### **Question from Professor A Fisher, Hereford**

Question 5

*What current and emerging plans of Herefordshire Council would be treated or are being treated as material considerations at planning inquiries in the County?*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 5

The current adopted plan used in decision making upon planning applications in Herefordshire is the Herefordshire Unitary Development Plan. Should the Herefordshire Local Plan – Core Strategy be approved by Council on 19<sup>th</sup> July then its policies can be given weight. Uncontested policies within the Core Strategy can be given greater weight.

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### **Question from Mr J Verity, Leominster**

Question 6

*Residential growth can only be achieved if new well paid employment can be generated. Leominster is at a disadvantage compared with Ledbury and Ross -on-Wye being further from motorways. Granted Leominster has a railway station but the services are limited - no direct connection to London or Birmingham and there is no freight facility. Earmarking 10 hectares of employment land will not bring jobs to Leominster. How do you propose to overcome this problem?*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 6

The housing requirements study produced for the Core Strategy provides evidence to support the housing targets over the plan period. The availability of a good supply of

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employment land is a key element in attracting new businesses into the county and Leominster is well placed to attract employers. Leominster Enterprise Park is one of the best quality enterprise parks in the county, relatively little of the estate remains unsold and the remaining land does not provide sufficient flexibility for employers to meet anticipated needs over the next 20 years. The release of additional land will be phased depending upon the rate which the existing Enterprise Park is developed.

**Supplementary Comment**

Councillor Hamilton's answer is not satisfactory. I drove through the Enterprise Park and was dismayed to see how much land was unoccupied. It is too far from the motorway. Barons Cross brown field site has permission for 425 houses granted in 2005 but not a single brick has been laid to date.

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**Question from Mrs M Burns, Hereford**

Question 7

*According to the most recent sustainability appraisal of the draft Local Plan, the only wholly negative impacts of the Spatial Strategy arise from Policy SS4, 'Movement and Transportation'.*

*What changes to the Plan does the Council propose, to address this finding of unsustainability?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 7

The sustainability appraisal of the draft Local Plan: Core Strategy is not "wholly negative" in respect of Policy SS4: Movement and Transportation. As with a number of policies there are both negative and positive impacts of the policy identified. Individual scores for policies need to be considered within the context of the sustainability of the all the scores for the policy and the plan as a whole and in this regard the Sustainability Appraisal Report is clear that the plan "is generally well equipped to balance the level, type and location of growth with the maintenance and enhancement of Herefordshire's natural environment and social well-being"; there is therefore no 'finding of unsustainability'.

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**Question from Ms M Albright, Herefordshire**

Question 8

Please reconsider the Affordable Housing contributions starting at 1 dwelling in rural areas - most plots will be unviable with this, on top of the CIL and s106 obligations. Is it better to look at primarily using exception sites for Affordable Housing (which Housing Associations and communities prefer) such as recent schemes in Lyonshall, Leintwardine, Orleton

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Weobley etc , and then to start contributions on schemes of 6 or more dwellings. This would be more acceptable to Housing Association, developers and communities. Please also reconsider the wide ranging and punishing commercial practicalities (by speaking to those actively involved in the provision of Affordable Housing such as developers and Housing Associations) of policy H1. It is so unworkable that it puts the provision of both market housing and affordable housing in serious jeopardy and doesn't reflect the wishes of rural communities. The whole issue and complexities of Affordable/Social Housing in Herefordshire needs much more discussion from all sectors.

*Do other local plans from other areas have this much emphasis on Affordable Housing above all other housing types?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 8

This is a standard policy and approach, particularly in rural areas, and in Herefordshire is supported by strong evidence of need.

Evidence from studies such as the Local Housing Market Assessment and from analysis of the housing waiting list, demonstrates that the need for additional affordable housing is a key issue in Herefordshire and is correctly emphasised as a requirement in the Core Strategy. The policies in the plan are aimed at increasing the supply of affordable housing. The vast majority (73%) of new housing in rural areas come forward on sites of less than 6 dwellings, therefore, to set a threshold of 6 units or more would result in relatively few rural sites making any contribution to meeting affordable housing needs. Rural exception sites provide a valuable source of affordable housing but only resulted in 40 new dwellings completed over the 10 years up to 2012.

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**Question from Mr J Farrar, Leominster**

Question 9

Residential growth can only be achieved if new employment (in the region of at least 5000 new jobs) can be generated. Unless, of course, the new occupants are all retired people for which there are very limited resources in terms of social care.

Leominster is at a disadvantage compared with Ledbury and Ross-on-Wye in being further from motorways which is a critical factor in generating new business. The A49 and A44 are both roads with considerable problems for commercial transport. Although Leominster is on the railway, there are no freight facilities and the services are limited.

Acquiring 10 hectares of employment land is no incentive to create the necessary employment.

*How do you propose to overcome this problem?*

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### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 9

I refer to my answer to public question 6 above

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### **Question from Mrs P Churchward, Breinton**

Question 10

#### Monitoring Reports

The monitoring of the Core Strategy is to be via the Annual Monitoring Report.

The last report published by the Council became available in June, 2012...for the year ended 31st March, 2011.

As you know, for monitoring to be effective, reports must timely and up to date.

*What improvements are being put in place to ensure Annual Monitoring Reports are not published more than a year in arrears?*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 10

The council is improving its methods of data collection in order to speed up the process of monitoring. In order to establish an up to date position with regards to the 5 year housing land supply it is expected that housing statistics for the year ending in March 2012 will be published in August. The position for all other monitored development types will be published by October 2013.

#### **Supplementary Question**

The Cabinet Member's answer is not satisfactory. I asked what improvements, not will there be improvements. This is another fatuous response designed to allay further questioning.

#### **Cabinet Member Response**

A written response will be provided.

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Since the last Annual Monitoring Report was published the functionality of the Council's monitoring software and hardware has been improved therefore the data collection process is now more efficient.

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**Question from Ms S Bound, Herefordshire**

Question 11

*Why do Affordable Housing obligations start at 1 dwelling in rural areas but 15 units in urban areas? This seems unfair considering most Housing Associations feel urban areas best meet the needs of their clients and are most in demand.*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 11

Affordability is an issue in Herefordshire due to the relationship between house prices and incomes. In rural areas this is further exacerbated by an existing housing mix which is heavily skewed towards higher value properties. Few rural sites come forward for more than 15 dwellings (around 18%) and to set the threshold at the same level would significantly limit the delivery of affordable housing. Urban areas include strategic housing sites which provide the opportunity to deliver significant numbers of affordable housing.

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**Question from Mr B Albright, Herefordshire**

Question 12

*The high percentage provision (35- 40%) of Affordable Housing in rural areas will definitely negatively impact upon the viability and end cost of all open market housing - artificially widening the gap between social housing and market housing. The cost of providing AH, paying s106 and the high cost of CIL will render most rural sites impossible to develop. What provision to the council have in place to adapt these targets if it is shown that the external obligations are too costly?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 12

There is no evidence to suggest that the viability and end cost of all open market housing will be negatively impacted; the council accepts that there are may be occasions where development proposals are unable to meet all the relevant policy requirements and still

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remain viable. The council's Planning Obligations Supplementary Planning Document already facilitates this at paragraph 12;

*If a developer considers that the level of obligations would render their proposal unviable, the Council will expect the detailed finances of the proposal to be shared with the Council in a financial appraisal. For the Council to consider such an argument, it will be essential that the developer shares information substantiating this on an "open book" basis. Any deviation from the standard obligations will need to be an unusual exception and the developer will be required to demonstrate the exceptional circumstances that give rise to the case made. If the Council agrees that a scheme cannot reasonably afford to meet all the normal requirements, these may be prioritised through negotiation with the developer and consultation with other parties, subject to the scheme being acceptable in all other respects.*

This is also set out in the Local Plan – Core Strategy 2011 – 2031 (draft) Infrastructure Delivery policy where it states;

*Where the council is satisfied that an otherwise desirable development cannot be fully compliant and remain viable, a reduced package of planning obligations may be recommended.*

*In order to enable the council to assess the viability of a proposal, the applicant will be required to provide any necessary cost and income figures to the council and pay the council's full costs in appointing an independent assessment of the viability proposal.*

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**Question from Mr S Robinson, Herefordshire**

Question 13

*Replacement dwellings represent an excellent opportunity to upgrade the existing housing stock and so would it be more sensible to offer a percentage size increase (30 - 50%?) and ask a developer to justify changes in location, scale, orientation and appearance rather than try to force the dwelling to remain in the small, low cost sector. Replacement dwellings are rarely a low cost option and could offer a wide range of benefits. Surely this should be encouraged?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 13

Replacement dwellings are one of the circumstances where new dwellings can be permitted in the countryside. Rural areas have an existing housing mix which is heavily skewed towards larger, higher value properties. Policy RA3 and accompanying text includes reference to the need to maintain a supply of smaller and less expensive properties in rural areas.

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In addition, in order to safeguard the character and appearance of the rural landscape from the visual impact of large buildings, the policy continues to require the size of any replacement dwelling to be of a comparable size to the existing dwelling.

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**Question from Ms C Speke, Eardisland**

Question 14

*Can the council provide actual figures (or approximate guidelines) for 'Affordable Housing contributions' per dwelling? Does the council accept that single or small rural schemes cannot afford to pay AH contributions, provision, s106 agreements and the wildly excessive CIL on top of locally distinctive, sustainable and high quality construction?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 14

Work on determining the “off-site” affordable housing contributions will be part of the on-going work upon the viability of the plan. The full evidence will be considered by an independent inspector at Examination in order to ensure that the final plan is sound.

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**Question from Ms N Eyles, Breinton**

Question 15

*The Draft Core Strategy that went to Cabinet stated (page 200) “A list of prioritised Infrastructure Projects, which the Council have committed to, will be advertised on the Council’s website in the form of a Regulation 123 list. This list will have been verified in terms of achievability and phasing of delivery through the Economic Viability Study which will ensure that a balance is struck between the required infrastructure projects and the ability of the strategic sites to be delivered by the development industry”. Where is the Regulation 123 List which full council have prioritised and committed to and which needs to accompany the Core Strategy for the EIP?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 15

The Regulation 123 List will accompany the Core Strategy for Examination in Public.

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**Question from Mr S Wegg-Prosser, Herefordshire**

Question 16

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*The debate on the Core Strategy has been removed from the agreed timetable of ordinary Council meetings, and rescheduled as an Extraordinary meeting. Supplementary questions from members of the public are not being allowed, apparently to shorten proceedings. The Core Strategy is being pushed through Council with unseemly haste. Work on the Nutrient Management Plan, transport modelling and realistic infrastructure proposals has been delayed. These vital elements of the Core Strategy will not now be ready until the autumn. The implementation of the CIL Charging Schedule has been delayed to April 2015, giving the Council valuable further planning time. Given all these circumstances, why was the debate on the Core Strategy not postponed to the autumn as well?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question

The Core Strategy has been in preparation since 2007, in addition the timetable agreed at Cabinet in July 2012 following considering by the then Overview & Scrutiny Committee anticipated that Cabinet and Council would consider the Core Strategy in July 2013, it cannot therefore be said that it is being progressed with unseemly haste and this timetable has been adhered to.

The importance of the subject has resulted in the arrangement of a dedicated meeting in order to enable a full debate on 19th July. The council's constitution does not normally provide for public questions at Extraordinary Council meetings but, due to the interest in the subject, the Chairman has allowed the submission of written questions and answers on this occasion.

Areas of on-going work will be complete for Submission and for consideration at the Examination in Public and therefore the consideration of the Core Strategy by Council is appropriate and does not need to be postponed; this is in line with standard practice.

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**Question from Ms L Lewis, Breinton**

Question 17

*With the current financial pressures on Herefordshire Council, the low level of reserves, cuts to public services and the need to raise in excess of £500 million to fund the necessary infrastructure to support the Core Strategy, how much is Herefordshire Council planning to borrow to make up the funding shortfall?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 17

As part of the annual budget Council sets a Treasury Management Strategy that covers capital financing requirements for the forthcoming year. This covers one year only and is based on agreed schemes.



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It is important to note that capital expenditure can be financed in a number of ways including government grant, capital receipts and borrowing. Until specific schemes are brought forward for agreement through the capital budget process it is not possible to indicate funding sources.

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**Question from Mr F Ware, Leominster**

Question 18

*How can it be possible for developers to progress the Leominster strategic urban expansion without exacerbating the air pollution at Bargates, unless the proposed link road is first constructed to a sufficient extent to provide new accesses to the site for builders' supplies and equipment, so that they can be delivered without going through Bargates, Ryelands Road or Barons Cross?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 18

The long term benefits of the southern link road to Leominster will reduce the air pollution at Bargates which is predominantly caused by HGV's. It is anticipated that the link road will be delivered during the early phases of the urban extension. Although in the short term, air pollution and traffic in the Bargates area may increase, the longer term benefits once the road is complete will outweigh any short term impacts.

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**Question from Mr T Geeson, Hereford**

Question 19

*The Core Strategy includes policies on movement in Hereford City. One of the arguments for relocating the cattle market to the edge of Hereford was to make it more easily accessible for the majority of farmers and reduce city centre congestion, particularly around the Edgar Street roundabout. Was any work of any sort carried out before and after the re-location to assess its impact on congestion, when was this work done and what were the results?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 19

The new livestock market was constructed to provide fit for purpose market facilities, which included better and more convenient access arrangements, and to enable the re-development of the existing market with new retail and leisure facilities. The planning application for the new livestock market submitted in 2008 was supported by a Transport Assessment which examined existing and proposed traffic flows. The planning application

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for the new development on the former livestock market submitted in 2010 was also supported by a Transport Assessment and considered traffic conditions post closure of the livestock market. No comparative assessment has been carried out.

**Supplementary Question**

Why not?

Since no comparative assessment has been carried out, one of the claimed benefits of the cattle market relocation remains unsubstantiated.

Will both the transport assessments mentioned in your written reply be made available to me so I can do the assessment?

**Cabinet Member Response**

A written response will be provided.

**Written Response**

The primary reason for the new market was not to relieve traffic congestion in the city although it was anticipated that this could be a short term benefit of relocating the market. An assessment of the current traffic conditions in the city would not reveal what benefits the relocation of the market have brought in this regard as traffic levels and movement patterns have already changed as a result of the downturn in the economy, closure of the multi storey car park and construction activities at the new retail development. As such, if a comparative assessment were carried out, it would be impossible to attribute traffic growth or reduction specifically to the market re-location.

The Transport Assessments for the new livestock market and retail development can be viewed on the Councils web-site using the following planning reference numbers:

New livestock market – 080344/F

Retail development 103136/O

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**Question from Mr M Bound, Herefordshire**

Question 20

*Why is there so much emphasis on Affordable Housing which is an important but minority need? We all understand the need to provide social housing, but the point is over stressed in the Core Strategy, at the expense of other housing types. Over allocating or over prioritising Affordable Housing cannot sustain a vibrant, diverse and economically prosperous county, especially if private market housing has to pay for social housing, therefore making an open market housing/development more expensive?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

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Answer to question 20

Evidence from studies such as the Local Housing Market Assessment and from analysis of the housing waiting list, demonstrates that the need for additional affordable housing is a key issue in Herefordshire and is correctly emphasised as a requirement in the Core Strategy. The policies in the plan are aimed at increasing the supply of affordable housing.

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### **Question from Ms R Roseff, Herefordshire**

Question 21

*In developing the Core Strategy, what modelling of sustainable transport modes for Hereford was carried out in the initial 2009 Multi-Modal Model Forecasting Report by JMP and what were the results?*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 21

The 2009 Hereford Multi Modal Modelling study was commissioned to consider the traffic impacts of the four strategic housing options which were being developed as a result of the Regional Spatial Strategy growth proposals. This work followed the 2003 Hereford Transport Review which had considered the future transport requirements for Herefordshire recommending an outer distributor road and blended package of sustainable transport measures. As such, it did not include detailed modelling of sustainable measures but was seeking to assess the traffic impacts of the housing options and how the transport network would perform with a western or eastern distributor road or no road. The findings of this study was that an outer distributor (east or west) would provide relief from the adverse effects of traffic growth resulting from housing and employment land use proposals.

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## PUBLIC QUESTIONS TO EXTRAORDINARY COUNCIL – 19 JULY 2013

### Question from Mr B Kuegler, Herefordshire

#### Question 22

*Can self build be more explicitly supported? Herefordshire has an excellent history of self built houses and a wide range of nationally renowned self build providers and experts but the passing mention of Self build in the Core Strategy doesn't actually 'support' this sector - merely states it can be facilitated. Self build often provides homes that are:*

- *Better build quality*
- *More ecological/sustainable*
- *Built to meet an identified need*
- *More acceptable/desirable to communities*
- *Less expensive/more cost effective*
- *More likely to be locally produced and using local skills and materials*
- *Locally distinctive*

### Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning

#### Answer to question 22

The value of self-build projects is noted within the Core Strategy and the policies of the plan support new housing which meet the criteria listed above. However, in general terms the plan cannot specify “who” can build and more detailed support for types of housing schemes which are best able to meet specific locally defined needs are best advanced through Neighbourhood Development Plans.

### Question from Ms P Mitchell, Herefordshire

#### Question 23

#### Sustainability appraisal of sustainable transport measures without relief road for Hereford

Figure 3.2 of the Local Plan Core Strategy indicates that a 'no relief road' alternative to a western relief road was considered either at the Preferred Option or the Revised Preferred Option stage of Core Strategy production and refers to p17 of the Preferred Option SA/SEA Note for Hereford and to p13 of the Revised preferred Option SA Note.

P17 of the Preferred Option Final Sustainability Appraisal shows Table 5: Appraisal Findings for Relief Road Options. The table compares Western relief road (favoured inner corridor) and Eastern relief road (favoured inner corridor). There is no sustainability appraisal of a discounted 'No Road' alternative.

P13 of the Revised Preferred Options SA Note discusses only the option to 'Build a partial eastern relief road' (para 7), under 'Discounted options for overall spatial strategy'.

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*Where is the sustainability appraisal of an option of sustainable transport measures without a relief road for Hereford which justified discounting this option in the development of the Core Strategy?*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 23

Early work on the Plan included Sustainability Appraisal work on options including consideration of developing a strategy with an enhanced package of public transport measures to enable growth without the provision of an outer distributor road (see Core Strategy Developing Options Paper: Sustainability Appraisal Addendum, March 2009). Evidence developed subsequently indicated that the scale of development at Hereford would cause significant detrimental effect on the operation of Hereford's highways network and the development of a preferred strategy for Hereford with a no-road scenario was therefore discounted as not providing a reasonable alternative. This position has continued to be tested through subsequent iterations of the plan, with the preparation of further evidence and consultation with the Highways Agency.

### **Supplementary Question**

Why was there no sustainable appraisal?

### **Cabinet Member Response**

There were not two to take forward.

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### **Question from Mr R Stow, Rowlestone**

Question 24

*The Council is being asked to approve the Core Strategy without proper information on the requirements, costs and funding of necessary and major infrastructure. Does the Council accept that making such a strategic decision, with wholly inadequate information, may be in breach of the authority's fiduciary duty to its taxpayers and potentially unlawful?*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 24

Areas of on-going work in relation to the Infrastructure Delivery Plan will be complete for Submission and for consideration at the Examination in Public; therefore consideration of the draft Core Strategy by Council at this stage is supported by adequate information; there is no breach of duty or statute.

I also refer to my answer to public question 2.

## **PUBLIC QUESTIONS TO EXTRAORDINARY COUNCIL – 19 JULY 2013**

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### **Question from Mr D Neades, Herefordshire**

Question 25

*Isn't it fairer and more viable to suggest that Affordable Housing contributions only start at 6 units in rural areas, providing an exception site for Affordable Housing has been identified by a Neighbourhood development Plan?*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 25

I refer to my answer to public question 8

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### **Question from Mr E Brechtmann, Hereford**

Question 26

*Why are the RA villages restricted by size and occupancy? This is unfair to local people, especially young families which will need more space than 100m<sup>2</sup>? Why are Herefordshire Council encouraging 'rabbit hutch' sized homes when we could be fostering good quality housing and we don't have a shortage of land? Value can be capped in other ways.*

### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 26

In the rural settlements identified by policy RA2 the Core Strategy will not impose any occupancy controls or size restrictions. This represents greater opportunity for house building in a broader range of villages than under previous plans.

The Plan also enables housing development in a further 97 smaller villages. In order to help with the general affordability of housing and ensure local needs are met, development in these villages will be restricted to smaller market homes for people with an identified local housing need.

The introduction of this option further increases the range of housing options available to local people whilst the size restriction will keep build costs down and maintain house values at the lower end of the house price range. The size allowances do not restrict the provision of good quality housing. They represent comfortable, functional and adaptable space allowances that are more generous those used by the Homes & Communities Agency.

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**Question from Ms S Bell, Rowlestone**

Question 27

*The results of the March-April 2013 consultation show significant public opposition to all 6 of the county-wide over-arching policies, which constitute the “spatial strategy”. For three of these 6 policies – Housing Land, Housing Distribution and Transportation - the percentage disagreeing was over 50%. Even after seven “consultations” the strategy does not have public support. Will the Council now admit that their Core Strategy is not acceptable to the people of Herefordshire, because it consists only of massive house building and massive road building, with no imagination or compelling vision for the future of the County?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 27

The Core Strategy is far more than proposals for new housing and road infrastructure. The Plan contains a clear vision for the county up to 2031. However, a plan of this complexity is always likely to generate a degree of unresolved objections. The legislation anticipates this situation by requiring an independent examination of the Plan.

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**Question from Mrs V Wegg-Prosser, Breinton**

Question 28

*Cabinet members claim to be concerned about the vulnerable in our society. They have endorsed proposals to increase charges for community services such as school transport and care home occupancy, and reduce services such as public libraries and public conveniences. Is it not time now for this Administration to reconsider its priorities and explain how it can contemplate funding through public borrowing (involving payback over many years out of ordinary income) an Outer Distributor Road round Hereford whose offered savings in journey time (if at all) are only about two minutes, at the expense of using money from this same income to help the vulnerable and economically disadvantaged, many of whom cannot afford private car usage and rely on community assistance to maintain a meaningful quality of life and seek to improve their life chances?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 28

Without investment in key infrastructure to support economic growth, the local economy and the council will not be in a position to support vulnerable people. The Core Strategy does not determine the funding or borrowing requirements of the council.

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The main function of the relief road and the complementary package of sustainable transport measures is to enable the long term growth of Herefordshire. The planned increase in housing and employment land will help support a more sustainable local economy.

**Supplementary Question**

From the reply I received to my question, surely I am not supposed to think that the Council will not be in a position to support vulnerable people without investment in key infrastructure. What if the investment is delayed - does that mean the support for the vulnerable will cease? I am sorry to say that the given answer to my question does not answer my question - the point is that the Council can choose to prioritise its expenditure with regard to the vulnerable, as opposed to appeasing those who argue that another road will boost the economy and promising something which under the current economic circumstances is not going to be deliverable in any case.

**Written Response**

The point made in the original answer was in relation to the wider objectives contained in the Core Strategy. The development of the growth agenda and the delivery of the policies and proposals in the Core Strategy are critical to the future well-being of the economy and demography of the County. Clearly particular work will need to be undertaken to tackle the adult social care issues in the County in both the short and medium term. However the implementation of the Core Strategy proposals will improve economic prosperity in the County, will change its demography and will provide a sounder and more resilient basis by which to address adult social care issues.

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**Question from Mr T Smith, Bromyard**

Question 29

*Please explain the contradiction between p.193 of the Core Strategy where you state "no primary or secondary shop frontages are included for Bromyard and Kington" and figures 4.7 on p104 and figure 4.9 on p.110 which show all shopping frontage in Bromyard as secondary and all shopping frontage in Kington as primary?*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 29

With regard to frontages in Bromyard and Kington, the Town Centres Study Update 2012 recommends that there is only a need for the designation of primary shopping areas in these two towns and this is stated in the supporting text to Policy E6. The Primary Shopping Areas will be defined in Neighbourhood Development plans, as is the case for Hereford and the other market towns. However, rather than leave a policy vacuum in the draft core strategy it is considered appropriate to carry forward the delineations from the UDP until the neighbourhood plans are adopted. These, together with the



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recommendations of the Town Centres Study Update, will be the starting point for the consideration of the where the boundaries of the primary shopping areas should be drawn.

**Supplementary Question**

My question is about the clear contradiction within The Draft Core Strategy. It is no answer to suggest that this will be resolved in future Neighbourhood Plans unless he wipes out all references to Primary and Secondary shopping areas in all the Market Towns. Please ask him to answer my question and not to obfuscate.

**Written Response**

There are two separate issues in your letter. The first is the Council's proposals for retail frontages in market towns. The second is the progressive roll-out of the neighbourhood plan agenda. In some cases these issues will overlap and in some cases they will not do so. The point made in the original answer is that the neighbourhood planning process allows local communities to have the opportunity to provide further detail and local clarity to policies and proposals contained in the LDF Core Strategy.

**Question from Mrs TA Macklin**

Question 30

*What makes housing generally affordable is a large increase in the number of houses built. We have, over the past few years, seen sites with planning for hundreds of houses mothballed as developments are considered not economically viable. This Core Strategy continues to add excessive costs to development. Land prices and build costs will only rise, so please can the council advise what the "Plan B" is if the Core Strategy fails to deliver the housing numbers required? and the housing shortage we are currently experience continues. The identified 20% variation in targets over 3-5 years as suggested doesn't allow enough scope for responsive measures.*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 30

The need to increase housing supply in the county in order to meet the requirements for the county over the next twenty years is acknowledged. National economic conditions have resulted in a downturn in the housing market which is beyond the control of Herefordshire Council. The Core Strategy will help in significantly increasing housing land supply in the county, and includes triggers which would result in a review of key policy areas should the plan not deliver the expected housing numbers.

