

PUBLIC QUESTIONS TO CABINET – 1 December 2020

Question 1

Ms H Hamilton, Leominster

To: cabinet member, infrastructure and transport

Would the cabinet agree with me that policy SP1 is poorly drafted as it fails to incorporate the ambition in 5.5.15 to require a resource audit and does not place any obligation on developers to comply with the audit?

Response

Paragraph 5.5.15 of the MWLP simply identifies those development types that will be required to submit a resource audit, but other types may be asked to do so. It is the policy that states the provision of a Resource Audit and the matters that should be addressed within it. Policy does not place obligation on developers to comply with any approved audit; that is the role of conditions attached to any planning permission that is granted.

Supplementary Question

Why does paragraph 5.5.15 exclude development of 1,000 sq m or more from the types of development that would require a resource audit? This is defined in the DMPO as major development*, alongside the categories that are listed in paragraph 5.5.15 i.e. residential developments of 10 plus units/0.5ha and other development of 1 ha or more.

Response

The cabinet member indicated that this point would be picked up in discussion of the report and that a written response would be provided.

Question 2

Ms M Albright

To: cabinet member, infrastructure and transport

Herefordshire's Construction Industry Lobby Group (HCILG) are concerned by the wording and inference of Policy W3.

This policy appears to support livestock intensification if the 'waste' can be managed on and off site - without detailing what 'management' should entail, what 'on or off site' means or without seeking improvements in current management. Given the problem Herefordshire faces with agricultural pollution currently is it possible to make the policy more explicit and to consider revising the wording to facilitate ecological protection and change?

For example:

'Planning permission for livestock units on agricultural holdings will only be supported where an independently commissioned waste management method statement demonstrates that the development will be nutrient neutral ,or represent betterment, when considered singularly and with regard to the cumulative impact of other proposals and existing farm activity'

Response

Policy W3 is a wholly innovative, and potentially unique, policy, addressing a waste stream that is not usually managed through the planning regime. The policy itself neither supports or not agricultural proposals; it is simply providing a framework within which to determine applications. The policy requires relevant information to be submitted and it will then be for the planning officer to determine if the proposed approach is acceptable, or not. It is not appropriate for the policy to be more explicit as the details will be different for each agricultural unit and each proposal.

The method statement does not need to be independently commissioned, and this would be an inappropriate and disproportionate request to make of applicants. Instead, the planning officer will provide the independent review of the detail that is submitted and will gain advice from relevant organisations, which include the Environment Agency, Natural England and the National Farmers Union.

The policy makes clear the requirement for development proposals to demonstrate that the approach undertaken with the unit will contribute to achieving nutrient neutrality or betterment. This is the objective to be met, but how it is met will be dependent on the agricultural unit.

Supplementary Question

HCILG appreciate the intention is to prepare a 'wholly innovative' policy and agree that this is needed - especially considering the recent RePhokus presentation regard the true scale of the Wye Catchment issues.

We remain concerned that the wording and expectation should be more clearly defined in order to realise the intentions of Council - namely to reduce and avoid nutrient pollution. We are also concerned about the burden the policy places upon planning officers. To assess multiple applicant generated waste method statements and land management plans across a diverse sector and within broad catchment with very specific nutrient pollution risks is a huge task.

Are the council confident that planning officers have enough resources, training and time to apply W3 with the rigour and certainty that Herefordshire needs to begin to redress our nutrient pollution issues and prevent a similar situation arising in the future?

Response

The cabinet member indicated that this point would be picked up in discussion of the report and that a written response would be provided.