

HEREFORDSHIRE UNITARY DEVELOPMENT PLAN (UDP): INSPECTOR'S REPORT, STATEMENT OF DECISIONS AND REASONS, AND PROPOSED MODIFICATIONS

PORTFOLIO RESPONSIBILITY: ENVIRONMENT

CABINET

29TH JUNE, 2006

Wards Affected

County wide

Purpose

To consider the recommendations made by the Inspector following the UDP Public Inquiry and to agree recommendations for consideration by Council.

Key Decision

This is not a key decision.

Recommendation

THAT the Statement of Decisions and Reasons and the Proposed Modifications be agreed and recommended to Council for approval.

Reasons

The statutory plan making process requires that each of the Inspector's recommendations are considered by the local planning authority. The outcome of that consideration is set out in the Statement of Decisions and Reasons. Changes needed to the Plan as a result are set out in the Proposed Modifications.

Considerations

Statutory requirements

1. The Report of the Inspector who held the UDP Inquiry in 2005 has been received and was published on June 5. A full copy of the Report is available in the Members' Room or to Cabinet Members on request.
2. In considering the Report, the Council is not obliged to accept the Inspector's recommendations. However, the Council is required to prepare a statement of their decision on each recommendation; to give full reasons where recommendation(s) are not accepted, and to make the statement available for inspection. Anyone may object to the decision by the Council not to accept one or more of the Inspector's recommendations.
3. The enclosed Statement of Decisions and Reasons has been prepared to fulfil these requirements.

Further information on the subject of this report is available from David Nicholson, Forward Planning Manager on 01432 261952

4. Where the Inspector's recommendations to change the Plan are accepted, they will give rise to modifications. A list of such modifications, together with the reasons for making them, must be prepared and published for public comment.
5. The enclosed Proposed Modifications document has been prepared to fulfil these requirements.
6. Both documents must be placed on public deposit for a six week period to allow objections and representations to be made. Such representations are restricted to the matters covered by the Proposed Modifications or to the fact that the Council has not accepted an Inspector's recommendation(s). All objections must be considered and there are options to propose further Modifications, hold a further Inquiry or proceed to adopt the Plan.
7. In practice, further Modifications/Inquiry would only arise in cases where significant new material which had not been considered at the original Inquiry came to light or was introduced by the Council itself. An example would be a new housing allocation or other material change. It is notable that the Inspector has framed several of his recommendations in such a way as to minimise the risk of objections which could delay adoption of the Plan. This is because delayed adoption would not be in the public interest, given the current transition underway to the Local Development Framework.
8. Bearing these factors in mind it is expected that the Proposed Modifications will be published in September, with a target date for adoption of the Plan of March 2007.

The Inspector's Report

9. The Report deals with each chapter of the Plan in turn. For each policy area, the Inspector lists and summarises the objections; sets out his reasoned conclusions on each issue; and provides recommendations. The Report deals with objections to the 2002 and 2004 versions of the Plan which were extant at the time of the Inquiry, together with representations on the Proposed Changes which were published in December 2004.
10. The Inspector's covering letter set out at the start of the Report is a useful summary of the main issues raised in objections and the Inspector's conclusions on them. A further summary of selected recommendations is given at Appendix 4 of the Report. Overall, the Inspector has supported the approach of the Plan with only a few significant changes recommended, together with many minor amendments. Some of these take forward the Proposed Changes and others were agreed at the Inquiry sessions.
11. The main 'headline' issues and the Inspector's conclusions are:

Plan strategy supported with the role of Hereford to be further emphasised in accordance with the Regional Spatial Strategy (RSS)

Housing figures recommended to be increased (from 11,700 to 12,200) in line with RSS, together with:

- deletion of Bullinghope site
- re-instatement of Holmer site, including a "proportionate" contribution to Roman Road improvements
- endorsement of settlement hierarchy and approach to affordable housing
- review of the Hereford settlement boundary and established residential area at Kings

- Acre Road in a future development plan document
- allocation for housing purposes of four sites at Hereford and one at Ross-on-Wye in a future development plan document “as soon as the priorities of the Council will allow”, including land at Bulmers no longer to be safeguarded for employment.

Employment land target recommended to be reduced by 50ha to 100 ha, together with:

- detailed assessment of employment land need in Hereford required
- Rotherwas allocations to be reduced
- no re-instatement of the former Holmer allocation
- substitute previous Overross site for Model Farm at Ross-on-Wye.

Town centres and retail proposals largely supported, including those for the Edgar St Grid, and the Market relocation (some minor changes). Policy for the Eign Gate regeneration area including the existing Market site should refer to there being no significant net increase in provision for the sale of convenience goods (food).

Transport – Rotherwas Access Road safeguarding supported; deletion of A49 to A465 link and inclusion of a new paragraph dealing with the Council’s aspirations in respect of an outer distributor road for Hereford.

Other chapters are subject to minor modifications only.

Statement of Decisions and Reasons

12. The attached Statement of Decisions and Reasons lists each of the Inspector’s recommendations and sets out a proposed response in terms of acceptance or rejection. Over two thirds (70%) of the Inspector’s recommendations are for no change to be made to the Plan – in such cases he has, in effect, found for the Council. Where he does recommend a change, this is normally proposed for acceptance.
13. Only 7 of the Inspector’s recommendations (representing 1% of the total of 633 recommendations) are proposed for rejection, for the reasons detailed in the Statement. These are:

Report reference	Policy/site	Summary of reasons for rejection
3.18/2 and 5.31/1	Policy S3 and H2 The Greyfriars, Hereford	This site, recommended by the Inspector for allocation for housing in a development plan document, lies within an area liable to flood. Its proposed allocation would be contrary to PPG25 and Plan policy DR7.
5.3/2	Policy H1, Hereford settlement boundary and established residential area at Kings Acre Road	It would be premature to commit to a review of the Hereford settlement boundary and established residential area at Kings Acre Road, as recommended by the Inspector. Any such review should only be indicated in the context of a wider assessment of development requirements at Hereford. A decision to commit to a review would weaken planning control in the interim.

Report reference	Policy/site	Summary of reasons for rejection
5.5/1 and 6.10/1	Policy E4 Overross and Model Farm, Ross-on-Wye	The Inspector recommends the re-instatement of the Overross site in favour of that at Model Farm. However in terms of relationship with the urban area and access matters the Model Farm site is preferable and should remain within the Plan.
6.1/1	Policy E1 Sites at Rotherwas Industrial Estate	The Inspector recommends the deletion of four sites from the Rotherwas allocations, having regard to need and flooding constraints. It is accepted that land at Chapel Road should be deleted. The other sites should remain within the Plan because of the strategic priority in favour of Hereford and to provide certainty for Plan users as to the Council's intentions. Each is only partially affected by flooding and their allocation is not objected to by the Environment Agency.
7.23/2	Policy TCR20R, Eign Gate regeneration area	The Inspector recommends that there should be no significant net increase in convenience goods floorspace within the area. It is considered that this is inconsistent with the unrestricted terms of the policy and with PPS6.

Proposed Modifications

- The Proposed Modifications have been prepared to give effect to the Inspector's recommendations (including consequential changes) to both text and maps. A number of Modifications have also been suggested in order to bring the Plan up-to-date. In total, some 223 Modifications are proposed covering all areas of the Plan but dealing in the main with relatively modest amendments to policy or reasoned justification.

UDP Working Group

- The response to the Inspector's Report set out in the attached documents has been considered in detail by the UDP Working Group, taking into account the views of local members in respect of recommendations affecting land and sites within their wards.

Risk Management

Publication of the Inspector's Report, consideration of the Inspector's recommendations and the publication of the Statement of Decision and Reasons and the Proposed Modifications are all statutory requirements in the plan making process. There is the possibility of the need for further Modifications or a second Inquiry if significant new material is introduced in the Proposed Modifications.

Consultees

None.

Background Papers

None identified.