

# Herefordshire Local Plan – Core Strategy

## Pre-submission publication

### Comments Form – Part B

#### Comments on soundness

Please use a separate sheet for each section of the Plan that you wish to comment on. Please ensure that you complete section B8, which asks for your name or the name of your organisation.

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- **Positively prepared.** This means that it should seek to meet objectively assessed development and infrastructure requirements where it is reasonable to do so and where this is consistent with achieving sustainable development.
- **Justified.** This means that it should be the most appropriate strategy, considered against reasonable alternatives.
- **Effective.** This means that it should be deliverable over the plan period and based on effective joint working on cross-boundary priorities.
- **Consistent with national policy.** This means that it should enable the delivery of sustainable development in accordance with the National Planning Policy Framework 2012.

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#### B1. Which part of the Plan does this comment relate to?

Paragraph no.

Policy no.

Policies map

#### B2. Do you consider this part of the Plan is sound based on the following issues: (Please read sections 2 & 3 of the guidance leaflet for guidance on soundness).

	Yes	No
Legally Compliant (LC)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**B3. If you have ticked no to any of the above, please give your reasons below with regards to the Tests of Soundness?**

**INFRASTRUCTURE DELIVERY**

Policy ID1 is NOT LEGALLY COMPLIANT because there has been inadequate public consultation about the means by which legally binding water quality targets will be met if the number and location of new dwellings proposed in Policy SS2 go forward. Furthermore, the May 2014 Infrastructure Delivery Plan (IDP) does not give a full picture of the overall funding needs, any overall or individual funding shortfalls or areas of risk to funding and therefore delivery. This is contrary to the aims of the Statement of Community Involvement (see objection to Policy SS2).

Policy ID1 is NOT JUSTIFIED for these reasons, but also because there is no analysis of infrastructure needs in terms of funding available and gaps which needs to be filled. This makes it difficult to assess the degree to which CIL, NHB and S106 can meet the needs and whether there is a funding hole in relation to items not picked up by other agencies and utilities.

Numerous critical and necessary items in the IDP Delivery Programme are lacking any cost information, so it is impossible to reach even a provisional judgment about whether the programme is broadly achievable. Key uncosted items include the sewage treatment works improvements at Hereford, Rotherwas, Leominster and the rural areas (which are also critical to enabling any Nutrient Management Plan and thus meeting Habitats Regulations requirements), water supply upgrading in Hereford, police and fire brigade HQs in Hereford, and nearly all physical infrastructure improvements in Bromyard, Ledbury, Leominster, and Ross.

Also, health infrastructure is completely absent from the Delivery Programme, although it is self-evident that substantial additional facilities will be needed to cope with the additional population. The bed shortage at Hereford Hospital and GP recruitment problems are current major issues in the county. The Sustainability Appraisal makes frequent references to additional healthcare facilities that 'may' be provided, but none is identified in the Programme.

Policy ID1 is NOT EFFECTIVE because much of the Core Strategy cannot be achieved if critical and necessary infrastructure is not provided, and the IDP gives inadequate evidence that it can be.

**B4. Do you consider that your comment is a representation of:**

Support

Objection

**B5. Please set out what change(s) you consider necessary to make the Local Plan – Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

Herefordshire Council should complete the IDP programme and analysis in order to provide robust evidence that, on current assumptions, all the critical and necessary infrastructure to support the Core Strategy can be achieved.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.*

**B6. How do you wish your representation on this issue be dealt with at the examination hearing?** *Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.*

- Attending examination  **X**
- Written representation

**B7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.**

This is a policy area of critical importance to the Core Strategy. The necessary evidence in the form of a complete IDP is not yet available and, when it is, will need to be fully considered at the Examination. CPRE believes it could make a constructive contribution to such consideration.

**B8. Name:** .....

**Signature:** ..... **Date:** .....

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#### B1. Which part of the Plan does this comment relate to?

Paragraph no.

Policy no.

SS4, also HD3  
and LO2

Policies map

#### B2. Do you consider this part of the Plan is sound based on the following issues: (Please read sections 2 & 3 of the guidance leaflet for guidance on soundness).

	Yes	No
Legally Compliant (LC)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**B3. If you have ticked no to any of the above, please give your reasons below with regards to the Tests of Soundness?**

**HEREFORD RELIEF ROAD AND SOUTHERN LEOMINSTER LINK ROAD**

Policy SS4 is NOT LEGALLY COMPLIANT in relation to the Hereford Relief Road. Herefordshire Council has not tested or consulted on a 'no road' option since 2008 and did not include this question in its 'Shaping our Place 2026' questionnaire. The failure to offer a 'no road option' in public consultations is, we believe, a fundamental flaw. Also the case for the road has been inconsistent and we believe deceptive. The role of the road in delivering housing sites has only recently been made explicit, earlier justifications being built on relieving traffic congestion. It was not until the Revised Preferred Options July 2011 that the western route was explicitly supported.

Although the Council has been considering the Relief Road as a sequence of separate elements - Hereford Transport Phasing Study May 2014 - its consultations have been only on the Relief Road as a whole. Had the Council sought views on each phase separately, the consultation responses might have been very different. The risks and advantages of each section would have been clearer to consultees and might have produced more alternatives with less environmental and cost impacts. Therefore by consulting the public on the whole Road only while considering sections of the route internally the consultation process fails to meet the legal requirement for adequate public consultation.

Regarding the Southern Leominster Link Road, we cannot find any study of it in the Evidence Base. The line of the Southern Link Road Corridor (Figure 4.13) has never been tested or justified and is therefore an unsound basis for strategic planning. For example, a route closer to the town centre may be less damaging to the landscape and provide better cost-benefit. Without such a study on which any consultation should be based we do not believe this proposal is legally compliant.

In the absence of the no-road option for the Hereford Relief Road or an options study for the Southern Leominster Link Road, these elements of Policy SS4 and area Policies HD3 and LO2 are NOT JUSTIFIED. The roads will be the major recipient of funding via the Community Infrastructure Levy. There needs to be a much more robust case for expenditure of £182million on these projects as against other much needed infrastructure improvements in the county.

Policy SS4 is NOT EFFECTIVE because:

- a) It relies on substantial funding from the housing developments linked with the road schemes and there will be uncertainty about whether and when each subsequent phase will be completed, so it will be essential that the infrastructure for each phase is sufficient to make that phase on viable its own indefinitely.
- b) There is no 'Plan B' in either case - which subjects associated developments to high risk if the road schemes cannot be delivered.
- c) It fails to break the Hereford Relief Road into key sections (se above) which might enhance the effective delivery.

**B4. Do you consider that your comment is a representation of:**

Support

Objection

**B5. Please set out what change(s) you consider necessary to make the Local Plan – Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

CPRE proposes that the Core Strategy is delayed and further consultation is held on :

- a) The key sections of the relief road
- b) The Southern Leominster Link Road, following the publication of a proper road study.

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**B6. How do you wish your representation on this issue be dealt with at the examination hearing?** *Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.*

Attending examination

Written representation

**B7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.**

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**Signature:** .....

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#### B1. Which part of the Plan does this comment relate to?

Paragraph no.	<input type="text"/>	Policy no.	SS2, also HD1-6, BY1-2, KG1, LO1-2, and RA1-2	Policies map	<input type="text"/>
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#### B2. Do you consider this part of the Plan is sound based on the following issues: (Please read sections 2 & 3 of the guidance leaflet for guidance on soundness).

	Yes	No
Legally Compliant (LC)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**B3. If you have ticked no to any of the above, please give your reasons below with regards to the Tests of Soundness?**

**NUTRIENT MANAGEMENT PLAN**

Policy SS2 is NOT LEGALLY COMPLIANT because there has been inadequate public consultation about the means by which legally binding water quality targets will be met if the number and location of new dwellings proposed in Policy SS2 go forward. This is contrary to the aims of the Statement of Community Involvement. Herefordshire Council's stated means of achieving these targets is the enactment of a Nutrient Management Plan (NMP). The NMP is therefore an essential element of the Evidence Base. However, the document has not been made available, even in draft form, at any consultation stage including the latest public consultation stage in March 2013. Even at the current submission stage, only parts 1 and 2 of the NMP have been issued, while part 3 which is the 'action plan' that will provide the evidence of whether and how the water quality targets can be met is missing. It is therefore impossible for the community to judge the implications and options arising from this fundamental issue.

Policy SS2 is NOT JUSTIFIED because so far Herefordshire Council has not provided evidence that would enable the Council ascertain, as required by the Habitats Regulations, that the number and location of new dwellings proposed in Policy SS2 would not adversely affect the integrity of the River Wye Special Area of Conservation as a result of the increased sewage discharges. The Council's chosen medium for such evidence is a NMP that will identify actions that will keep phosphate concentrations in the SAC within the levels advised by Natural England. The Council must be reasonably certain that those actions are capable of achieving those results and that the actions will be taken. Unless the NMP can provide this certainty, the Core Strategy will be in breach of the Habitats Regulations and will be UNLAWFUL. As referred to above, part 3 of the NMP is missing, so the key evidence is lacking at this point. A joint letter dated 14 May 2014 from Environment Agency and Natural England officials stating that they "feel confident of the success of the plan" is not a robust substitute.

For the same reason, Policy SS2 is NOT EFFECTIVE because a plan that cannot lawfully be adopted is ineffective.

Only publication of part 3 of the NMP will resolve whether or not the Core Strategy can be made lawful. In the meantime there are reasons to think that it cannot:

- a) The actions identified in the NMP will fall to third parties. In the case of sewage discharges, Welsh Water is responsible and the Council has provided no evidence of a binding commitment by the former to provide improved treatment. In the case of agricultural discharges, numerous individual farmers are responsible and it is questionable whether enough individuals can be encouraged to take the necessary actions to ensure an adequate aggregate effect. To quote from the part of the NMP issued so far (para 13.2.1) "The level of confidence in actual environmental outcomes from implementing the measures are relatively low..".
- b) It is uncertain whether the technology necessary to achieve sufficient reductions in phosphate concentrations in sewage is practicable or affordable. Again to quote from NMP para 13.2.1, "..the measures considered within this plan rely on future technology which at this point is only theoretical and there is a risk that it may not be possible to achieve a level of 0.1mg/L phosphate as assumed in this study."
- c) Even if the new technology proves practicable, it has not been costed, so it may be too expensive to fund. No figures are given in the May 2014 Infrastructure Delivery Plan for any of the required sewage treatment works upgrades.
- d) Although the trend in recent years has been for agricultural phosphate discharges to decline slightly, it is uncertain whether this will continue and it is possible that new agricultural practices will reverse this trend. In particular, Cargill is increasing its poultry processing in the county and this will

encourage increased poultry breeding and therefore increased production of poultry litter which in turn gets sold locally as fertiliser. Part 2 of the NMP has already identified this as a significant potential source of agricultural phosphate discharge.

Because Hereford and most of the market towns and rural areas discharge their sewage into the River Wye SAC, most of the increased dwellings proposed in Policy SS2 are affected by this issue. Only Ledbury, Ross and some of the rural areas in the south and east of the county are unaffected. Therefore this issue also affects not just the strategic policy SS2, but the area policies HD1-6, BY1-2, KG1, LO1-2, and RA1-2.

Because this issue affects most of the planned housing development in the county, it affects the strategy as a whole and the plan cannot go ahead without its being resolved. It will not do to argue that the delaying clauses in Policy SD4 can be used to ensure that no development goes ahead until no adverse effect on the SAC can be shown. While such clauses might reasonably be used to delay small parts of a plan, it is nonsensical to use them potentially to delay most of the plan. If at any stage it emerged that the NMP could not be enacted, the whole Core Strategy would be undermined and much preparatory time and costs committed by developers, public bodies and others on the basis of it would be wasted.

**B4. Do you consider that your comment is a representation of:**

Support

Objection

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Without the evidence of a complete and robust NMP, CPRE cannot propose what if anything should be changed.

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Attending examination  **X**

Written representation

**B7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.**

This is a policy area of critical importance to the Core Strategy. The necessary evidence in the form of a complete NMP is not yet available and, when it is, will need to be fully considered at the Examination. CPRE believes it could make a constructive contribution to such consideration.

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**Signature:** .....

**Date:** .....

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Paragraph no.

3.25-3.36

Policy no.

Policies map

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**B3. If you have ticked no to any of the above, please give your reasons below with regards to the Tests of Soundness?**

**HOUSING NUMBERS**

CPRE considers that the Council has arrived at a total number and distribution of new dwellings that is based on objectively assessed need and meets national policy guidance, subject to consideration of the latest household projections. However, we doubt whether the target can be fully achieved within the constraints that the Core Strategy will face and so is NOT EFFECTIVE. For example:

The requirement to ensure that there is no adverse effect on the River Wye Special Area of Conservation as a result of increased phosphate discharges is likely to prevent or delay the new dwellings proposed.

The requirement to protect other environmental assets, including green infrastructure assets, constrains the extent of rural development.

The cost and timing of new infrastructure needed to support the extra housing has not been fully costed or scheduled.

The Council has limited influence over which businesses choose to come to the county or which people choose to buy the extra housing that will come on the market and this will constrain the Council's ability to create the changed demographic and economic structure that it projects in the Core Strategy.

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Support

Objection

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See in particular comments on Policies SS2 and ID1.

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#### B1. Which part of the Plan does this comment relate to?

Paragraph no.

4.8.10

Policy no.

RA1

Policies map

#### B2. Do you consider this part of the Plan is sound based on the following issues: (Please read sections 2 & 3 of the guidance leaflet for guidance on soundness).

	Yes	No
Legally Compliant (LC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**RURAL WINDFALLS**

Para 4.8.10 proposes a rural windfall allowance of 1,000 or 50 per annum. This figure is NOT JUSTIFIED because there is inadequate reasoning to justify such a major departure from the historic evidence of much higher figures in the county.

The historic evidence is provided in the Council's Draft Revised Preferred Options Background Paper July 2011, Figure 7, which shows that the number of rural windfalls in the years 1996-2010 was 4,205 or 300 per annum - six times the rate now proposed by the Council.

The only reason given (in para 3.47 of the Core Strategy) for departing from this higher rate is that "...the SHLAA should mean that a higher proportion of sites will be identified as part of the supply figures..". However, the SHLAA identifies only sites for 5 or more dwellings, while most rural windfalls have been on sites of fewer than 5 dwellings. It is also true, although not mentioned by the Council, that neighbourhood planners may use their closer local knowledge to identify some smaller sites that would otherwise have emerged as windfalls. On the other hand, many neighbourhood plans will retain settlement boundaries which will generate unallocated development which amounts to windfalls. Also, the recent change of permitted development rights to allow more conversions of agricultural buildings to residential use will tend to increase the number of rural windfalls.

Even if the net effect is some reduction in rural windfalls, it is hard to see how a six-fold reduction can be justified. In the absence of more convincing evidence, CPRE suggests that a reduction of 33% to 200 per annum, or 4,000 over 2011-2031, is a more realistic figure for the likely net effect of these pressures. Applied to Figure 4.19, this would mean that the residual number of dwellings to be "enabled through Neighbourhood Development Plans and other Development Plan Documents" would be 903 rather than 3,603.

The rural windfall allowance is NOT EFFECTIVE because, by grossly under-estimating the likely number of windfalls, it will lead to much higher development than planned in rural areas which will confound the strategic distribution of new dwellings set out in Policy SS2, and will cause unanticipated pressures on rural infrastructure.

The rural windfall allowance is also NOT EFFECTIVE because Figure 4.19 and Policy RA1 differ in their treatment of windfalls which will be confusing for those preparing neighbourhood-level plans. Figure 4.19 discounts windfalls before calculating the number of dwellings to be "enabled" through neighbourhood-level plans, calculated as 3,603 (although CPRE disagrees with this figure for reasons set out above). However, Policy RA1 allocates new dwelling targets to Rural HMAs and by extension percentage growth targets to individual villages without discounting windfalls. It therefore fails to make clear to those who will prepare the neighbourhood-level plans that they need to take account of likely windfalls when seeking to meet those targets. The discrepancy is significant: even after deduction of the modest windfall allowance projected by the Council, the targets for each HMA would be 19% lower: if CPRE's more realistic allowance of 4,000 is applied, they would be 75% lower.

The rural windfall allowance is NOT CONSISTENT WITH NATIONAL POLICY which states that "Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends.." (NPPF para 48)

**B4. Do you consider that your comment is a representation of:**

Support

Objection

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Fig 4.19 should be amended to incorporate a more realistic rural windfall allowance of 4,000 for 2011-2031:

<b>Rural housing 2011-2031</b>	<b>Dwelling numbers</b>
Rural housing completions 2011-2013	174 (net)
Rural housing commitments as at April 2013	623 (net)
Windfall allowance 2013-2031	3,600
Sites enabled through Neighbourhood Development Plans and other Development Plan Documents	903
<b>Total 2011-2031</b>	<b>5,300</b>

The Policy RA1 table should be amended to discount windfalls AND to incorporate a more realistic windfall allowance of 4,000 for 2011-2031:

<b>Rural HMA</b>	<b>Approx no of dwellings 2011-31</b>	<b>Indicative housing growth target for the villages (%)</b>
Bromyard	89	4
Golden Valley	74	3
Hereford	459	4
Kington	78	3
Ledbury	139	3
Leominster	179	3
Ross on Wye	282	3

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Attending examination  **X**

Written representation

**B7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.**

Any further justification and evidence from the Council will benefit from being discussed at the Examination. The policy area is a complex one with a number of ramifications and is in any event likely to benefit from discussion at the Examination. CPRE believes it could make a constructive contribution to such discussions.

**B8. Name:** .....

**Signature:** .....

**Date:** .....

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- **Effective.** This means that it should be deliverable over the plan period and based on effective joint working on cross-boundary priorities.
- **Consistent with national policy.** This means that it should enable the delivery of sustainable development in accordance with the National Planning Policy Framework 2012.

You should bear these considerations in mind when making your comments.

A guidance leaflet to assist you when making representations on the Herefordshire Local Plan – Core Strategy can be viewed on the link below:

<https://www.herefordshire.gov.uk/local-plan>

#### B1. Which part of the Plan does this comment relate to?

Paragraph no.  Policy no.  Policies map

#### B2. Do you consider this part of the Plan is sound based on the following issues: (Please read sections 2 & 3 of the guidance leaflet for guidance on soundness).

	Yes	No
Legally Compliant (LC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**B3. If you have ticked no to any of the above, please give your reasons below with regards to the Tests of Soundness?**

**HEREFORDSHIRE'S VILLAGES**

The selection of villages for inclusion in Figures 4.20 and 4.21 to which Policy RA2 will apply is NOT JUSTIFIED because the Council's criterion for identifying these villages has not been adequately defined. The Rural Housing Background Paper March 2013, para 5.15, explains that the baseline for including villages in either list was 20 or more dwellings because "...below could not be considered villages (or small villages) by virtue of not being a compact settlement..". There are three problems with this.

Firstly, there is no justification of why precisely twenty is a critical number in relation to compactness which is a measure of concentration rather than number.

Second, the boundary of the counted area is not defined: Appendix 2 of the March 2013 Paper carries the heading "Approximate number of residential dwellings within the main village envelope" which is taken to mean an existing settlement boundary. However, many villages, usually the smaller ones, do not have an established settlement boundary and it is not stated how those without one were counted. It is especially important to be clear about this definition because the settlement pattern in the county is varied and it is not always obvious what constitutes a village, especially in the west where dispersed upland parishes are common.

Third, the number of households is a better measure of settlement size and should have been used here, as it was to calculate the HMA percentage target which will be applied to them (see Appendix 1 of the March 2013 Paper). Dwellings may include unoccupied second or holiday homes. Also, if the count was made by a desk-based survey using postal address data, it will have been difficult in some cases to identify the use of properties from their addresses: in rural areas the names of many buildings reflect former rather than current uses and others may be in mixed use. The absolute numbers of errors may be small, but the relative effect on very small settlements may be great.

Figures 4.20 and 4.21 and Policy RA2 are NOT EFFECTIVE because the attempt to create a single policy - RA2 - to apply to two different categories of settlement is cumbersome, and confusing to those who will have to use it in the future. In particular it does not take enough account of neighbourhood-level planning.

The policy shows signs of its evolution from an earlier policy that included settlements solely on the basis of the extent of their services. This has now been extended to include all settlements of 20 or more dwellings, regardless of the extent of their services, in order to accommodate an additional policy to allow some development in response to needs generated within the local community even in very small rural settlements. In effect the Core Strategy now recognises two kinds of rural settlement with regard to residential development: those, usually larger, settlements deemed to have enough key services to permit some general housing development; and other, mainly small, settlements where only restricted development to meet local community needs will be permitted. The trouble is that the Core Strategy then tries to lump them together in a single evaluation process and policy for development management. The result is that text and policy are confusing and it is difficult for any community to work out how it has been chosen for either list and how the policy will apply to it. It is made worse by trying to distinguish between the two types of settlement by the spurious statistical device of "median village size" - in effect splitting each HMA list in half according to size - but of course this bears no direct relation to the underlying criterion which is the extent of service provision. The Council has in effect recognised this by shifting some settlements from one list to the other, but the end-result is a dog's breakfast for anyone trying to understand the policy.

Also, the circumstances of neighbourhood-level planning will tend to differ in the two lists and the policy does not provide enough guidance to manage this. The policy for "Fig 4.20 villages" provides enough latitude to make the preparation of a neighbourhood plan, or an equivalent DPD by the Council,

worthwhile. The more restrictive policy for "Fig 4.21" villages does not and it unlikely that any parish or the Council will bother to produce a neighbourhood-level plan for one unless it happens to fall within a neighbourhood area for which a plan is being produced anyway.

**B4. Do you consider that your comment is a representation of:**

Support

Objection

**B5. Please set out what change(s) you consider necessary to make the Local Plan – Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

- a) The Council should clarify the size criterion for including settlements in Figures 4.20 and 4.21 and should review the lists for consistency,
- b) settlements should be included in Fig 4.20 solely on the basis of the extent of service provision and the spurious "median village size" criterion should be dropped,
- c) Policy RA2 should be divided into two separate policies to apply to Figures 4.20 and 4.21,
- d) the policy for Fig 4.21 should be detailed enough to provide sufficient guidance for development management in the likely absence of any neighbourhood-level planning. In particular it should make clear that the indicative growth targets of Policy RA1 will be treated as a broad ceiling for such developments in any one village during the plan period.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.*

**B6. How do you wish your representation on this issue be dealt with at the examination hearing?** *Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.*

Attending examination  **X**

Written representation

**B7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.**

Any further justification and evidence from the Council will benefit from being discussed at the Examination. The policy area is a complex one with a number of ramifications and is in any event likely to benefit from discussion at the Examination. CPRE believes it could make a constructive contribution to such discussions.

**B8. Name:** .....

**Signature:** .....

**Date:** .....

# Herefordshire Local Plan – Core Strategy

## Pre-submission publication

### Comments Form – Part B

#### Comments on soundness

Please use a separate sheet for each section of the Plan that you wish to comment on. Please ensure that you complete section B8, which asks for your name or the name of your organisation.

All representations will be considered by the Planning Inspector as part of the examination of the Plan. The purpose of the examination is to enable the inspector to decide whether the Plan is 'sound'. For a Plan to be sound, it must be:

- **Positively prepared.** This means that it should seek to meet objectively assessed development and infrastructure requirements where it is reasonable to do so and where this is consistent with achieving sustainable development.
- **Justified.** This means that it should be the most appropriate strategy, considered against reasonable alternatives.
- **Effective.** This means that it should be deliverable over the plan period and based on effective joint working on cross-boundary priorities.
- **Consistent with national policy.** This means that it should enable the delivery of sustainable development in accordance with the National Planning Policy Framework 2012.

You should bear these considerations in mind when making your comments.

A guidance leaflet to assist you when making representations on the Herefordshire Local Plan – Core Strategy can be viewed on the link below:

<https://www.herefordshire.gov.uk/local-plan>

#### B1. Which part of the Plan does this comment relate to?

Paragraph no.

Policy no.

RA6

Policies map

#### B2. Do you consider this part of the Plan is sound based on the following issues: (Please read sections 2 & 3 of the guidance leaflet for guidance on soundness).

	Yes	No
Legally Compliant (LC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**B3. If you have ticked no to any of the above, please give your reasons below with regards to the Tests of Soundness?**

**LOCATION OF RURAL DEVELOPMENT**

Policy RA6 is NOT EFFECTIVE because it does not contain guidance on the preferred location for employment proposals in rural areas. It does not distinguish between locations in or adjacent to settlements and those in open countryside where new building should be restricted to activities that need to be there. This is a departure from the established and effective Policy E11 of the UDP and is inconsistent with the treatment of rural residential development set out in Policies RA2, RA3, and RA4 of the Core Strategy. It would encourage developers to prefer locations in open countryside with higher environmental value but lower associated costs over more sustainable locations in or adjacent to existing settlements. As worded, the Policy RA6 could make it difficult to resist large new-build proposals being put in unsustainable locations in open countryside rather than in or adjacent to existing settlements. This is a perverse and we believe unintentional omission.

The omission from Policy RA6 is NOT CONSISTENT WITH NATIONAL POLICY which states that "Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework" (NPPF para 110).

**B4. Do you consider that your comment is a representation of:**

Support

Objection

**B5. Please set out what change(s) you consider necessary to make the Local Plan – Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

Add the following to Policy RA6 (adapted from UDP Policy E11):

"Proposals for rural businesses in the countryside should be of a scale consistent with their rural location and clearly related to the employment needs of the local economy. They should be located within or adjoining settlements as defined by Policy RA2, or within the identified established employment areas in the open countryside; and cause no adverse impact upon the local environment, the road network or amenity. New development will only be permitted where it can be demonstrated that there are no opportunities for the re-use or adaptation of existing buildings, and should be sited unobtrusively. Within the open countryside, away from settlements or the identified established employment areas, proposals for employment generating uses will be permitted where:

1. the development is required for the essential operation of agriculture, forestry or the winning of minerals; or
2. the proposal is for a farm diversification project that re-uses an existing building; or
3. the proposal provides for the re-use of a rural building in accordance with Policy RA5.

In the open countryside large scale development for employment uses will not be permitted."

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.*

**B6. How do you wish your representation on this issue be dealt with at the examination hearing?** *Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.*

Attending examination

Written representation

**B7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.**

This is a vital matter for protection of the countryside and CPRE would wish to contribute to any discussion in the event that the Council chooses not to modify its policy.

**B8. Name:** .....

**Signature:** .....

**Date:** .....