

Gladman Developments Ltd

Herefordshire Local Plan – Core Strategy 2011-2031

EiP – Additional Consultation

Five Year Land Supply Assessment Additional Consultation



March 2015

1 INTRODUCTION

- 1.1. Gladman Developments (Gladman) make this submission to the Examination in Public (EiP) at the request of the Inspector. A request has been made to the Council to present further evidence on the housing trajectory of the Core Strategy and the 5 year land supply, which the plan will provide for upon adoption. This statement is the Gladman view on the changes proposed by the Council in this consultation. It should be noted that the Council is proposing significant changes to its methodology, and a significant change in position on methods of calculating the 5 year land supply, previously presented as justified and 'sound' to the Examination.
- 1.2. The housing issues at stake for Hereford must also be observed in the context of its recent performance. The Authority currently is failing to demonstrate a 5 year supply against its current requirement and it acknowledges it should apply a 20% delivery buffer to provide any chance of it addressing current backlogs from previous years and future need. The Authority must take the steps now to put in place a proactive and positively prepared Core Strategy that seeks to address these issues and not seek to defer them until a later date. This approach will only build up problems for themselves and place an unfair burden on future generations of Herefordshire residents to their detriment.
- 1.3. Furthermore, all calculations in this document are undertaken with reference to the currently proposed figure within the draft Core Strategy based on the objectively assessed need that the Council have derived. Gladman made representations at the EiP about this figure and still maintain the position as given at that time and contained within our Matter 2 statement. Should the Inspector agree with the position put forward by Gladman further changes to the 5 year land supply calculation will be required.

2 TRAJECTORY & METHODOLOGY

- 2.1 The Council proposes that the trajectory for the strategy should be effectively back loaded, with a suppressed housing target during the first 5 years of the plan period and the shortfall made up in the post 2021 plan period. At the EiP there was significant discussion about the approach taken and its compliance with the Framework. It remains the Gladman view that suppressing the housing target at the start of the plan period will only serve to further amplify the current under provision of housing in Herefordshire and lead to further affordability issues and a worsening of market conditions in the area. Furthermore the Framework is clear in seeking to deliver choice and competition in the market a significant boost to housing growth now, not in the future.

- 2.2 The Council consider a number of factors in arriving at their decision to present a back loaded trajectory. The first issue they consider is the relationship with the West Midlands Regional Spatial Strategy (RSS). The Council suggest in their new 5 year supply document¹ that the view of the RSS was one of three major factors in arriving at the constrained trajectory. Gladman would stress that the RSS was now been abolished and furthermore, that it was prepared and written prior to the advent of the Framework. The RSS does not therefore reflect the position of the Framework with regard its desire, as expressed in Para 47 and in the foreword, to boost significantly the deliverable supply of housing. It should also be noted that a key consideration to the production of the West Midlands RSS was a consideration of urban renaissance, the document actively constrained growth in the smaller urban areas and more rural areas in order to direct development towards the major conurbations of the West Midlands. This figure in the RSS was therefore constrained in Herefordshire and further, it is an approach inconsistent with the Core Strategy which now seeks to deliver housing growth in its main towns and more rural settlements.
- 2.3 The Council also confirm in paragraph 5.4 that *"the Council was broadly supportive of the RSS Phase 2 revision and its increased housing provision and indicative trajectory."* This document proposed a target of 800 units per annum for Herefordshire in the period 2011-2016² rising to 1,080 units per annum from 2016-2021. Whilst it is acknowledged that the Phase 2 Revision of the RSS was not adopted it passed through examination and was subject to Panel Report. Therefore if the Council deem it appropriate to give weight to the figure attached in the RSS (as set out in paragraph 5.4 of their panel report³) it does not align with their proposed approach of a suppressed 600 unit target.
- 2.4 The RSS figure of 800 is significantly more in line with the annualised target that Gladman have demonstrated to be appropriate. It is therefore important for the Examination for the Council to explain why they supported a figure of 800 per annum through the RSS Phase 2 Revision for the period 2011-2016 and 1,080 for 2016-2021, when now they maintain that a figure of 600 is appropriate and 850 inappropriate, despite the intervening publication of the Framework which seeks to boost housing development and growth.
- 2.5 The next issue the Council consider in defence of their proposed trajectory is that of market conditions. Whilst the challenging circumstances that influenced the housing and economic markets is not contested, the Council's submission that the housing trajectory should be back

¹ Para 5.4 Update of Herefordshire Local Plan – Core Strategy Examination in Public Five year housing land supply (2015-2020)

² West Midlands RSS Phase 2 Revision Report of the Panel: September 2009 – Policy CF4

³ Para 5.4 Update of Herefordshire Local Plan – Core Strategy Examination in Public Five year housing land supply (2015-2020)

loaded to account for it is misguided. Firstly it must be acknowledged, as previously stated above, that Herefordshire expressed support for the 800 figure advanced through the RSS Phase 2 Revision; the start of the financial crisis is widely considered to have coincided with the collapse of Lehman Brothers in September 2008. Some 12 months prior to the panel report on the RSS Phase 2 Revision. Furthermore given the nature of the Framework, and the context in which it was written (to boost development now), it cannot be sound for a housing trajectory to be based on a back loaded target.

- 2.6 It is apparent that the Council's reference to market conditions, is more a diversionary tactic to distract attention from the much less complex issue of identifying a supply of deliverable sites to provide for a 5 year housing land supply. This is a problem which would not exist had the plan been written to incorporate the necessary site allocations and been accompanied by an up to date SHLAA. If the Council has opted to pursue a plan with a dearth of housing allocations, it should not follow that a back loaded trajectory should be accepted as way to make an unsound plan, sound.
- 2.7 Furthermore the market will always struggle to deliver the necessary levels of housing if it restrained by the planning system in which it must operate. The Council may well indicate that the office view is that the figure is a minimum, but our experience is that this is not the way it is interpreted during the development management process. Indeed, it was not their position on the Bromyard Hearing session, where they would not agree to a minimum figure of 500 dwellings, despite their evidence being that the local need was for 520 dwellings. Gladman therefore consider the lower figure could well be used to justify a refusal of development, which is sustainable and otherwise in accordance with the Framework.
- 2.8 Gladman illustrated at the hearings that they had a number of sites in the planning process, which had been ruled out in the 2011 SHLAA, but which were now being approved by Herefordshire Council. There is evidently a supply of sites which are available and deliverable now, but the lack of an up to date SHLAA is a significant failing and has led to a failure to identify these for the Council's strategic planning purposes.
- 2.9 We do not therefore accept the Council's assertion that, "*There is no evidence that the local housing market could respond quickly to meet this increasingly unrealistic target.*"⁴
- 2.10 The final point the Council makes relates to the necessary provision of infrastructure. Whilst the impact that the development of housing has on the need for infrastructure is acknowledged

⁴ Para 5.7 Update of Herefordshire Local Plan – Core Strategy Examination in Public Five year housing land supply (2015-2020)

we would again point to the fact that as far back as 2009 the Council had indicated that it could expect to provide 800 houses per annum in the 2011-2016 period. There was ample time therefore to put plans in place, had the Council not been planning for a constrained housing target for a number of years now. As discussed above, the out of date nature of the SHLAA provides difficulties in assessing the availability of sites which can come forward now without the provision of major infrastructure.

- 2.11 There was much debate at the hearings about the need for and deliverability of significant pieces of infrastructure in and around Hereford. In all of those discussions there was no evidence presented that would suggest that a back loading of the trajectory was necessary in order to allow for infrastructure to be completed.
- 2.12 Gladman do not therefore believe there is any substantive justification for developing a suppressed housing trajectory, and that in so doing the Council would be promoting a target which is not in compliance with the Framework, for the reasons outlined above and would as such, be unsound.

3 SITES WITH PLANNING PERMISSION

- 3.1 The Councils approach to sites with planning permission has changed from the previously considered method in document J4, where sites with planning permission were the subject of a 10% lapse rate. This was due to the potential for not all sites to deliver the full quota of housing in the planning consent, within the 5 year period. Furthermore it recognised that planning applications can lapse and or be superseded. In short, circumstances can change and landowners and developers may encounter previously unforeseen problems, be it related to financial or physical constraints or that they simply change their minds about when they wish to bring development forward. The 10% figure was therefore a not unreasonable approach to considering the full deliverability of planning permissions. In the Council's new consideration of 5 year land supply this discount rate has been removed. Gladman do not consider this to be a practical, sensible or sound approach to considering the contribution planning approvals will have to 5 year land supply. Nowhere has the Council demonstrated that they have a track record of delivering 100% of housing that is approved; it is nonsensical to think this could be true.
- 3.2 For this reason Gladman have undertaken an assessment of the sites of over 10 units which make up the planning approvals listed in Appendix 3 of the Councils submission. The results of the deliverability of the sites are contained in Appendix 1 to this submission. Our Section 4 also discusses potential build out rates and lead in times for the applications, all of this is built into the data contained within the Appendix 1. Having considered the above information we do not

believe that the Council submission of 2,508 net commitments coming forward is realistic in the 5 year calculation. It is noted that from the Council's own evidence that it does not show the sites which might under-deliver, nor is there a detailed breakdown as to when the Council expects these sites to commence the delivery of housing and in what quantities.

- 3.3 Given the time constraints of this consultation it has not been possible to factor in a similar level of analysis for sites of under 10 dwellings, it is still not reasonable to consider that 100% of all planning permissions will come forward and deliver housing within the 5 year period for the same reasons outlined above. We have therefore applied the 10% lapse rate, which the Council had previously applied to their calculation in document J4.
- 3.4 The result of our research is that we believe there to be a deliverable supply of **719** units on sites of 10 dwellings or more and a further **494** dwellings on sites under 10 dwellings. When adding in the **606** units currently under construction and removing the **368** losses the Council acknowledge, the total deliverable net supply from this category is therefore considered to be **1,451**. Note we have not applied the 10% discount to sites already under construction.
- 3.5 As discussed above the full list of conclusions from the assessment of sites is contained within Appendix 1. However the main areas of disagreement with the Council relate to the delivery rates assumed on a handful of sites.
- 3.6 The Barrons Cross Camp site in Leominster is currently scheduled to deliver 425 homes in the first 5 years of the plan period. The applications current last granted consent was given in March 2010, 5 years ago and there is therefore clearly question marks about the delivery of the site. The original application, to which the reserved matters relates, dates back to 2005 some 10 years ago. It is our understanding that some landowner disagreements have led to delays with the delivery of the site and that Taylor Wimpey are now looking at a revised scheme of 400 units and are currently working on new site masterplan (the first phase in the preparation of a new planning application). Taylor Wimpey do not envisage delivery in the short term. We therefore allow only for the delivery of 35 units in the last year of the 5 year land supply calculation.
- 3.7 Similarly we believe the development rates associated with both Hereford Rugby Club and Land at Merton Meadow are overly optimistic and we have altered our calculation accordingly. We have also noted that an application at Victoria Road, Kington may have actually expired in October 2014. The danger here of course is that the Council in its Appendix 4 and 5 include planning consents outside of the complete monitoring year for which we have full data, 2013-2014. As we discuss in Sections 5 and 6 we have serious concerns about this approach and the data inaccuracies that are inevitably created.

4 BUILD OUT RATES AND LEAD IN TIMES

- 4.1 When calculating a deliverable supply of housing for a 5 year land supply position it is vital to consider the build out rates and lead in times for planning permissions. It is not reasonable simply to expect every outline planning consent to be granted reserved matters and deliver 100% of its capacity within 5 years. Sites which are delivered in the multiple 100's of dwellings can take many years to be completely built out. The Hourigan Connolly report, Appendix 2 of this submission, contains some research as to the average build out rates for Taylor Wimpey, Barratt, Redrow and Linden homes. The information suggests that the average build out rate is between 33-37 dwellings per annum⁵. This data is important not only in the context of SUE delivery but also in working out the 5 year supply potential of existing sites. For this purpose we have assumed that sites will deliver 35 units per annum, unless significant additional information has been made available.
- 4.2 The calculation of lead in times is also important, as is the length of the decision making process. Again these issues are of relevance both to SUEs and the generic 5 year land supply sites. For the calculation regarding the supply of sites with existing planning consents, we have allowed a period of 12 months from the submission of a reserved matters application to the delivery of dwellings on the ground, if an outline is currently in place. Again if there is significantly overriding evidence then changes are incorporated into the time scales. The Hourigan Connolly report looks in detail at the lead in times for the specific SUEs and takes a bespoke approach following discussions with interested parties.
- 4.3 It is noted that the current calculation advanced by the Council does not discuss dwellings per annum or lead in times associated with planning applications. They assume full delivery of every site within the 5 year plan period. This cannot be considered a robust way to develop evidence. It is noted that the most recent calculations on potential build rates were contained within the 2011 SHLAA, and related purely to individual SHLAA sites⁶. That document made clear site delivery rates varies widely, with some sites expected to deliver over 100 units per annum. Our evidence of working with the development industry and a wide range of both local and national house builders does not support this approach, the development rates are inflated and unrealistic. The 5 year land supply calculation should include detailed information on assumptions made by the Council in order to make it robust.

⁵ Herefordshire Strategic Locations Review - Hourigan Connolly – Para 6.21

⁶ SHLAA 2011 – Appendix 13b

- 4.4 Paragraph 03-0020 of the National Planning Practice Guidance says that the advice of developers and local agents will be important in assessing lead-in-times and build-out rates by year. There is little evidence to suggest that this has been done, and if it has it relates to a document which is 4 years old and cannot be considered up to date.
- 4.5 It is important to note that in the case of the Ribble Valley examination which commenced in 2012, the Inspector considered a SHLAA of this age (the document was prepared in 2008), that it would be absolutely necessary to update that evidence to allow examination to continue. In the very same circumstances, we respectfully suggest Herefordshire Council should be required to ensure their evidence base is robust and sound.
- 4.6 As Gladman have mentioned throughout the EiP process the Council's reliance on a SHLAA of this age is a fundamental problem in identifying and assessing deliverable land. We submit that our evidence in Appendix 1 and within the Hourigan Connolly report represents a more up to date view on lead in times and build out rates, and is prepared following discussions with agents and developers in accordance with the PPG. This demonstrates the Council must now undertake the same work within a robust framework, starting with a call for sites as soon as possible.

5 SITES WITH A RESOLUTION TO GRANT PLANNING PERMISSION APRIL 2013 TO 1 APRIL 2014

- 5.1 The sites mentioned under this category are newly included in the 5 year land supply calculation. Gladman would query why these have now been included in the calculation. They relate to the inclusion of applications granted planning permission subject to Section 106 agreements being signed. Our analysis of the applications contained within the Council's Appendix 4 indicates that the data provided for each individual site, according to the Council's own online system, is incorrect. From the reading of the online system all of the decisions do now have signed Section 106 agreements. We have taken the fact that decision notices have been issued to be confirmation that Section 106 agreements have been agreed.
- 5.2 A number of the sites should therefore be included in Appendix 5 of the Council's submission, to which we have concerns, expressed below. A number of the other sites were actually approved after September 2014 and therefore using the methodology the Council themselves have proposed, they should not be counted. As we have discussed below moving the base date around leads to an extremely complicated collation of data and the potential for double-counting and missing supply. Most notably any consideration of approvals, where there is not full monitoring returns is dangerous, as we do not know if there is a continuation of under supply and thus a higher backlog to deal with, or indeed if the reverse is true.

- 5.3 In short we believe that of the 249 units the Council considers in Appendix 4 the following should apply;
- 206 should be moved to Appendix 5 and dealt with in accordance with our comments on that section;
 - 3 should be deleted, as they relate to holiday lets and do not count towards 5 year land supply⁷
 - 40 should be removed from all calculations as they are approved outside of the Council's own extended base date for the calculation of the 5 year land supply. Note this is discussed in more detail in our comments in Section 6.
- 5.4 We conclude that Appendix 4 offers no supply to the overall calculation. Furthermore, our analysis has raised concerns about the accuracy of the data and the reporting of it in Appendix 4 of the Council's proof. We have serious concerns about what other aspects of the supply currently considered in the 5 year land calculation are robust and accurate.

6 SITES WITH PLANNING PERMISSION GRANTED FROM 1 APRIL 2014 TO SEPTEMBER 2015 AND SITES WHERE RESOLUTION TO GRANT PLANNING PERMISSION

- 6.1 As discussed above caution must be taken when including sites which are granted planning consent in a partial year, to which we do not have complete or up to date monitoring information. Clearly there is potential for double counting and for omissions. Most notably any account of permissions which does not factor in completions could lead to a calculation which fails to deal with further potential undersupply. Forecasting completions for a year is difficult and the Council have not made an attempt to do so in the calculation contained within the document. Gladman therefore do not accept that it is appropriate to calculate supply in this nature, and have concerns about assessing development in this way.
- 6.2 This approach has been backed in a number of appeal decisions where issues regarding base date have been considered by an Inspector. At the Aston Clinton appeal⁸ the inspector stated in paragraph 67 of the decision letter that

"I note that a number of further planning permissions have been granted since March 2014 which are not included in the supply calculation. But these were not in existence at the base

⁷ Application reference 132192/F

⁸ PINS Appeal Reference APP/J0405/A/13/2210864 21-10-14

date of 1 April 2014. If they were to be added in now, the other elements of the calculation, including completions, would require adjustment too, to bring them to a consistent base date. In the absence of any such fully updated calculations, it would be wrong to take these latest permissions into account."

- 6.3 Further consideration was given in an appeal at Bourton-on-the-Water in Gloucester⁹. In paragraph 55 of the decision the Inspector stated.

"...despite the evidence advanced by the Council on the above matters, no updated 5-year supply calculation has been submitted in evidence. Such a calculation would need to take account of changes not only in the forward supply, but also in the residual requirement."

- 6.4 One further case of note was at an appeal in Deddington, Oxfordshire¹⁰. The Inspector in paragraph 12 of the decision considered, as discussed above, that adjusting the base date cannot simply be done by then considering one aspect of the supply.

"I consider that the Council is justified in taking account of these additions because housing land availability is in a constant state of flux. Differences over a short period will often be small but where, in this case, a large number of new sites have come forward relatively quickly it would be unreasonable not to acknowledge that circumstances may have changed. Nonetheless, any review should be comprehensive taking into account recent completions, sites lost through lapsed permission, changes to the backlog and other necessary adjustments in order to present a complete picture."

- 6.5 A good example of the problems with this approach in the Council's own 5 year land supply calculation can be seen when examining a site at Church House Farm, Wellington. The site appears in Appendix 3 – Commitments at April 2014 (Ref: CW83205/F) and again in Appendix 5 – Sites granted planning permission or with a resolution to grant planning permission April 2014 – September 2014 (Ref: P141253/F). In this instance it would appear a renewal or resubmission application has been submitted, the net result is that because a complete audit of a full monitoring year has not been completed, a site has been double counted. A further example can be seen in the inclusion of a site mentioned in our analysis of planning permission in Appendix 1 of this report, the site at Victoria Road, Kington (REF: N102016/F) would actually have expired in October 2014. As we do not know if this application was started, as the 2014/15 monitoring has not yet been undertaken, we do not know if the permission remains extant and

⁹ PINS Appeal Reference APP/F1610/A/13/2196833 14-01-14

¹⁰ PINS Appeal Reference APP/C3105/A/13/2201339 18-12-13

is under construction, or if it has actually just time expired. Again this is a symptomatic problem of moving base dates without complete monitoring data.

6.6 Whilst Gladman have considered all the sites of over 10 dwellings we have not examined in detail the sites under 10 units, which is why as discussed above we have applied a 10% discount, as the Council had previously included in document J4. In any event this well illustrates the problems referred to above in the various Inspectors decisions.

6.7 It is evident from looking at the Councils data in their Appendix 3, 4 and 5 that at the very least the Council have not considered expired permissions or the changes to backlog that may occur when monitoring for the April 2014 – March 2015 year is complete. For that reason Gladman believe that the sites in Appendix 5 should not be counted towards the 5 year land supply calculation for the adoption of the plan.

7 ALLOCATED UDP SITES

7.1 The Council have chosen to now include a site contained within the Herefordshire Unitary Development Plan (HUDP). Gladman are unsure why this site has been added now if the Council are certain of its delivery within the next 5 years, and as such why it was not previously included in the 5 year land supply calculation. We would note that the allocation within the HUDP was originally made in 2007 and the HUDP confirms that at the time of the plans production this site was available for development as the school had already been replaced on a site at land of Three Elms Road.¹¹ The Councils own evidence states at present this site is currently out to tender with the development industry, given the time that the site has been available and the lack of development and the acknowledged need for mitigation measures to bring the site forward, Gladman would have doubt over the realistic delivery of the site within the 5 year land supply period.

8 STRATEGIC URBAN EXTENSIONS

8.1 As was noted at the inquiry Gladman would like to make it clear that they understand the need for Strategic Urban Extensions (SUEs) and the role that they play in delivering the long term supply of housing. However Gladman have major concerns about the reliance placed on SUEs in the 0-5 year period of the plan. Hourigan Connolly have prepared a report on the SUEs proposed by the plan and have spoken to landowners and developers and applied average build out rates typical of their research on SUEs at a national level, to arrive at a realistic

¹¹ Para 5.4.16 HUDP

trajectory for the SUEs in Hereford (Appendix 2). They have also considered the Councils latest evidence in their March 2015 note (Appendix 3), they have concluded that the Council have vastly inflated the provision that the SUEs will make to the 5 year land supply upon the adoption of the plan.

- 8.2 The Council maintain that **2,265** dwellings from the 5 year land supply will come from the 8 SUEs proposed. This is a reduction of 215 dwellings from the figure of 2,480 previously expressed in document J412 submitted by the Council. Gladman would maintain that a more realistic figure for delivery in the 0-5 year plan period is **305** units.
- 8.3 It is also noted that the number of dwellings allocated to the Urban Village is reduced by 192, as these are now considered as commitments. Again we raise issue with the accuracy of the data submitted by the Council. If this was a previous commitment it seems that there may have been an over counting issue with previous calculations.

Bromyard, Hardwick Bank (Policy BY2)

- 8.4 Detailed information on the conclusions on each of the SUEs is set out within the Hourigan Connolly reports attached as Appendix 2 and Appendix 3; however Gladman would like to highlight the issue of the Hardwick Bank, Bromyard site in more detail. Specifically we wish to draw the Inspector's attention to the representations made by Bromyard Town Council to the EiP in their pursuance of a larger site beyond the 250 homes proposed at Hardwick Bank, which are misleading and factually incorrect.
- 8.6 Gladman are promoting a site at Pencombe Lane, Bromyard on behalf of the Bouston family. They also have land ownership interests in the Hardwick Bank area, which is accessed via Winslow Road.
- 8.7 Bromyard Town Council in their hearing statement, in response to Inspectors Question 6, state:
- "The TC contends that the Hardwick Bank development is not dependent on road infrastructure as several road accesses into the land already exist from the previous urban extension (Winslow Road)."***
- 8.8 A similar assertion is presented in an FPCR masterplan, presented with the RPS evidence on behalf of Bovis Homes and Mosaic. The Bouston Family have advised us that the Town Council

¹² Figure 4 – Examination document J4

made these representations without asking their permission to propose their land for development. In order to present an option to the Inspector that provides for the development of a much larger extension to Bromyard, the Town Council has wilfully misrepresented the Bouston family. The views of our landowners on this matter are clear, we attach as Appendix 4 an email from our landowners on this very subject.

- 8.9 The Town Council must explain why they have sought to mislead the examination of the Plan and both Gladman and the Bouston family are clear that their evidence should be excluded from the Examination. Advice will be sought on any further representations made by the Town Council in public forum on the deliverability of the Bouston family land without their express consent.
- 8.10 Based on the evidence the Town Council has presented on the deliverability of 600 homes at Hardwick Bank, in the light of the experience of the Bouston family, serious doubt is casted over the assertions on the deliverability of other sites they claim to be available.
- 8.11 Through the various negotiations on the Gladman planning application at Pencombe Lane, a number of further matters have come to the fore which are fundamental in considering the suitability and deliverability of the planned urban extension at Hardwick Bank. It should be noted that the application reference P142175/O has been turned down by members against officer recommendation. There are two crucial elements in relation to the EiP associated with this decision:
- 8.12 Firstly one of the reasons for refusal related to landscape. Gladman must point out that the Council's own urban fringe assessment considers Hardwick Bank to be of a similar landscape sensitivity to our Pencombe Lane site. However, the Hardwick Bank site is more prominent in local views, an opinion shared by professional officers in the committee report for the determination of the application. Indeed, the urban fringe assessment concludes that the Hardwick Bank sites are 'category 1' in terms of historic landscape features, whilst our Pencombe Lane site is 'category 2'. The fact that the Council has refused an application for a site of lower landscape sensitivity whilst continuing to promote a site, which its own evidence acknowledges, is of higher landscape quality seriously undermines the Council's approach to site allocations in the settlement.
- 8.13 The second issue which has emerged was a representation into the planning application process on Pencombe Lane by RPS. RPS objected to the application as they claimed it would prejudice the delivery of the strategic location at Hardwick Bank. This was utilised at committee as a reason to refuse the application, despite the fact that the Council's professional officers considered prejudice of vehicular access is unlikely.

- 8.14 We refer you to the detailed assessment in the Hourigan Connolly Addendum; however, RPS maintain that the Gladman proposed solution, a roundabout (identified in accordance with policy BY2), is not practical due to adverse topography. However, it is demonstrated that both the proposed roundabout and their proposed signalised junction (the RPS preferred approach) are actually in the very same location, requiring similar visibility splays.
- 8.15 It is therefore by RPSs own admission adverse topographical constraints may restrict access to serve development of the site. Presently, we do not therefore believe that there is sufficient evidence before the EiP that this site can be delivered and we invite Bovis Homes and Mosaic to undertake the necessary assessments on the access to demonstrate adverse topography is not an issue and to support the positive allocation of the site.
- 8.16 Until this evidence is presented to the EiP, our assessment assumes the Hardwick Bank allocation for 250 homes is undeliverable and it is discounted in its entirety from the deliverable supply.

9 WINDFALLS

- 9.1 Gladman do not challenge the Council proposed inclusion of windfalls in the amount stated in Figure 6.

10 NEIGHBOURHOOD DEVELOPMENT PLANS

- 10.1 Gladman are pleased to note that the Council have reconsidered the figure of units likely to come forward in Neighbourhood Plans. Significant doubt was expressed at the EiP sessions about the ability and want of Neighbourhood Plans to deliver allocations and residential development. However the information contained within Appendix 4 of Gladman hearing statements did a comprehensive review of Neighbourhood Plans it indicated some serious concerns with the deliverability and completion of the plans themselves and the long-time scales that plans were taking to come to fruition.
- 10.2 The Council submit that 100 dwellings will come forward in years 4-5 of the plan period, and they consider that these will come from 4 Neighbourhood Plans. Gladman would like to point out that none of these plans have yet been through the examination process, or subject to a referendum. Indeed some of these plans are still going through public consultation. The 100 unit figure would effectively require the build out of all of the allocations in the plans mentioned within the first 5 years of the adoption of the Core Strategy, even if the allocations they

currently contain remain in the plans, and the plans are passed at examination and the subject of a successful referendum. All of the Neighbourhood Plans have dates which run until 2031.

- 10.3 Gladman would therefore submit that the allowance of 50 per annum, 100 total to be delivered as part of the 5 year land supply through Neighbourhood Plans, is over reaching given the level of uncertainty and the times lines apportioned in our hearing statement to the completion of the plans. We would therefore consider that the figure that Neighbourhood Plans are likely to deliver in the 5 year land supply should not exceed 50 dwellings.

11 TOTAL DELIVERABLE SITES

- 11.1 Based on all the information discussed above Gladman have provided the below Figure 1, to demonstrate what we believe to be a realistic calculation of the level of deliverable sites which the plan will provide for upon adoption.

Figure 1 – Gladman Assessed Deliverable Supply

Commitments	Council Number	Gladman Number	Difference
Total Net	2,508	1,451	-1,058
Sites with resolutions to grant planning permission between March 13 and April 14	249	0	-249
Sites with commitments 1 st April 2014 (net)	819	0	-819
UDP Site	60	0	-60
Strategic Urban Extensions	2,265	305	-1,960
Neighbourhood Plans	100	50	-50
Windfalls	200	200	0
TOTAL	6,201	2,006	-4,195

- 11.2 Note in order to provide the Inspector with options, and to demonstrate the fragility of the supply position advocated by Herefordshire County Council, Gladman have also undertaken a calculation which considers a 10% discount rate on sites in Appendix 3, 4 and 5 of the Councils submission. We firmly maintain however that the approach we have taken in Figure 1 is the robust approach, and the data in the below Figure 2 is shown for comparison purposes only.

Figure 2 – 10% Discount Deliverable Supply

Commitments	Council Number	10% Discount	Difference
Total Net	2,508	2,257	-251
Sites with resolutions to grant planning permission between March 13 and April 14	249	224	-25
Sites with commitments 1 st April 2014 (net)	819	737	-82
UDP Site	60	60	0
Strategic Urban Extensions	2,265	305	-1,960
Neighbourhood Plans	100	50	-50
Windfalls	200	200	0
TOTAL	6,201	3,833	-2,368

12 SHORTFALL FROM PREVIOUS YEARS

12.1 The level of shortfall depends on the approach taken to the housing trajectory. As mentioned in the first section of this document Gladman are strongly of the view that adopting a back loaded trajectory is unsound, and not in accordance with the Framework.

12.2 Figure 9a of the Councils latest document shows an updated table on completions, it differs from the previous figure 9 in J4, the source of this error is not revealed but it shows that new completions in 2013/14 were actually 23 fewer than previously considered. On the basis of that information Gladman would therefore maintain that the short fall to be addressed is 1,602 units. However as the Council maintain that the plan should have a back loaded trajectory the 5 year land supply is conducted using two separate backlog figures, one the 1,602 shortfall discussed above, which Gladman maintain is the only sound way to approach shortfall, and the 927 shortfall maintained by the Council.

13 BUFFER

13.1 Gladman agree with the approach taken by the Council, as indicated by the Inspector, that the correct buffer for the authority is 20% and that this should be addressed to both the housing requirement and the backlog.

14 SEDGFIELD OR LIVERPOOL

14.1 The Sedgefield and Liverpool methodologies have come about through the considerations of various arguments on how a local planning authority should calculate the need to meet identified backlog within its supply calculations. Effectively the Sedgefield approach considers that it should be met, in its entirety, within the initial 5 year period, whilst the Liverpool approach calls for the backlog to be spread across the plan period. The adoption of the PPG has led to an increasing consistency of decision in favour of the use of the Sedgefield approach, both in the context of Section 78 appeals and Local Plan examinations. The PPG is clear in its interpretation of how the shortfall identified in a 5 year housing land supply calculation should be dealt with¹³. It states that;

"Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'"

14.2 This reflects the position taken by a number of Inspectors at both Section 78 appeals¹⁴ and in reports relating to the examination of emerging plans. In the 12th May 2014 letter to Amber Valley (Appendix 5 of this submission), where the Inspector suspended the examination and requested further work, he stated in section 1, having given his own view as to the suitability of the SHMA for Amber Valley, that;

"The land requirement summarised above includes an allowance to enable the shortfall in 2011-14 to be made up by 2018/19, in accordance with national PPG as well as a 20% buffer for persistent under-delivery in accordance with the NPPF. Provision on that scale should ensure that land supply in Amber Valley would not be a constraining factor preventing either the significant boost to house-building sought by the NPPF or the potential for increased household formation."

14.4 Again this view is replicated in the interim conclusions of the Inspector into the East Devon Local Plan. In paragraphs 5 and 6 of a letter dated 31st March 2014, included as Appendix 6 of this submission, the Inspector confirmed that;

'The NPPG states that; 'Local planning authorities should aim to deal with any under-supply within the first five years of the plan period where possible'⁷. That and the aim of the NPPF to

¹³ PPG Para 035 ID: 3-035-20140306

¹⁴ PINS Reference: APP/P1133/A/12/2188938 & APP/Z3825/A/12/2183078

significantly boost the supply of housing weighs against the Liverpool approach to meeting your backlog. Turning to the arguments in favour of Liverpool in Topic Paper 1; whilst adopting Sedgefield may result in a marked drop in the rate of provision after 5 years this is an argument that could be repeated many times and the high rate is due to past failures in delivery. To accept a longer period to address the shortfall is counter to the aim of significantly boosting housing supply and would run the risk of leaving households in need for longer.

Dangers of overdevelopment, directing development to the best sites and where it is needed, sustainability and matching development to infrastructure should all be addressed through planning i.e. the Local Plan. As you say in the Topic Paper, plan led provision lies at the heart of the NPPF and I see nothing in the Sedgefield approach which would prevent this in East Devon.'

- 14.5 No clear evidence has been advanced by the Council as to why it would not be possible to meet the shortfall within the initial 5 year period of the plan. Indeed in document J4 submitted to the inquiry the Councils Figure 10 used the Sedgefield approach to meeting backlog in the five year period as it considered this to be compliant with the PPG, this statement still appears in Figures 10a and 10c of the current 5 year land supply document. Gladman would agree with the Council on this point and do not understand why in the latest document the Council have back tracked on this view and provided additional calculations which use the Liverpool methodology.
- 14.6 It is clear that of the opposing two methodologies meeting the shortfall in the 5 year period, rather than the whole plan period, is in line with the Framework and its desires to significantly boost now the supply of housing¹⁵. This is reflected in the PPG. Furthermore it is clear, that post the adoption of the PPG, the view of Inspectors at Local Plan examinations have reflected the Sedgefield approach of meeting backlog in the first 5 years of the plan period as the Framework and PPG compliant way of dealing with shortfall. We do not therefore consider that there is any evidence in front of the Inspector which could lead to the conclusion that the full shortfall cannot and should not be met within the first 5 years of the plan period.

15 5 YEAR LAND SUPPLY CALCULATION

- 15.1 As discussed in the various sections above Gladman firmly believe that the Council have made a number of errors in the calculation of their 5 year land supply upon plan adoption. The main points of contention relate to the following points.

¹⁵ NPPF – Para 47

- Inclusion of sites from Apr-Sep 2014 in Appendix 5 due to a lack of complete data for a full monitoring year.
- Removal of the 10% discount and assumption that all sites with planning permission will deliver the full quota of housing in the period to 2019/2020.
- The suppressed housing trajectory
- The use of the Liverpool methodology for calculating shortfall

15.2 To be clear it is the view of Gladman that the trajectory should be annualised, that Appendix 5 sites should be removed from the calculation, that a discount for sites not coming forward in line with our assessment of sites provided as Appendix 1 should be applied and that the Sedgefield methodology requirement to meet backlog in the first 5 years of the plan period should be used. However to assist the Inspector Gladman have calculated the 5 year land supply position using 4 different variations of the above. Note we believe that the PPG, Framework and appeal decisions are clear on the need to meet shortfall in the first 5 years and all of the calculations below are undertaken on this basis. We also firmly believe that there is strong evidence to support the other assertions made in this representation.

15.3 Figure 3 relates to the Gladman view on what the 5 year land supply should be, the other calculations are offered in order to present evidence to the Inspector that even when considering a range of options a realistic 5 year land supply position cannot be identified. The calculations are;

- Figure 3 - Gladman assessed site discount, annualised trajectory.
- Figure 4 - Gladman assessed site discount, emerging CSS trajectory.
- Figure 5 - 10% discount applied, annualised trajectory.
- Figure 6 - 10% discount applied, emerging CSS trajectory.

15.4 Whilst Gladman consider that our assessment of discount of sites is robust, we have also applied a flat rate discount calculation option as well. The figure used is the 10% advocated by the Council in the previous consultation, this demonstrates the fragility of the Councils position and the overreliance on SUEs which will deliver the vast majority of their housing outside of the 5 year period.

Figure 3 - Gladman assessed site discount, annualised trajectory.

Source	Number
Core Strategy 2011-2031	16,500
Core Strategy Requirement 1/4/2011-31/3/2014	2,475
Homes completed (net) 1/4/2011-31/3/2014	873
Requirement for next 5 years	4,125
Plus shortfall	1,602
Plus 20% Buffer	1,145
Total Requirement	6,872
Annualised Requirement	1,374
Total Deliverable Supply	2,006
Housing Supply (years)	1.46 years

Figure 4 - Gladman assessed site discount, emerging CSS trajectory

Source	Number
Core Strategy 2011-2031	16,500
Core Strategy Requirement 1/4/2011-31/3/2014	1,800
Homes completed (net) 1/4/2011-31/3/2014	873
Requirement for next 5 years	4,000
Plus shortfall	927
Plus 20% Buffer	985
Total Requirement	5,912
Annualised Requirement	1,182
Total Deliverable Supply	2,006
Housing Supply (years)	1.7 years

Figure 5 - 10% discount applied, annualised trajectory

Source	Number
Core Strategy 2011-2031	16,500
Core Strategy Requirement 1/4/2011-31/3/2014	2,475
Homes completed (net) 1/4/2011-31/3/2014	873
Requirement for next 5 years	4,125
Plus shortfall	1,602
Plus 20% Buffer	1,145
Total Requirement	6,872
Annualised Requirement	1,374
Total Deliverable Supply	3,833
Housing Supply (years)	2.79 years

Figure 6 - 10% discount applied, emerging CSS trajectory

Source	Number
Core Strategy 2011-2031	16,500
Core Strategy Requirement 1/4/2011-31/3/2014	1,800
Homes completed (net) 1/4/2011-31/3/2014	873
Requirement for next 5 years	4,000
Plus shortfall	927
Plus 20% Buffer	985
Total Requirement	5,912
Annualised Requirement	1,182
Total Deliverable Supply	3,833
Housing Supply (years)	3.24 years

16 CONCLUSION

- 16.1 Gladman do not believe from the evidence before the Inspector the plan can soundly be assessed to offer a 5 year housing land supply upon adoption. We believe there are a number of areas which are open to criticism and that this representation highlights some serious flaws in the current calculation. What is evident is that even on the Councils own calculation there is very little margin for error, the removal of one site or delay in one SUE coming forward would lead to the Council not being able to demonstrate a 5 year housing land supply upon adoption of the plan.
- 16.2 Firstly the issue of the housing trajectory is fundamental to ascertaining the calculation on 5 year land supply. We do not believe that the Council has provided any new evidence to justify why they have back loaded a trajectory, the continuing reliance on the RSS to prove this point is fundamentally undermined by their support for the RSS Phase 2 Revision and the intervening adoption of the Framework. We therefore consider the use of an annualised trajectory is vital for the plan to be sound.
- 16.2 Using the PPG compliant approach the Councils own calculation of 5 year land supply ranges from 4.51 years to 5.24 years. As highlighted in this proof we still believe that there are significant flaws in this calculation. We also believe there is no reason as to why the Council should calculate their supply using the Liverpool methodology, we have highlighted in this proof the weight of decisions that support the use of the Sedgefield methodology. This has been further strengthened through the formal publication of the PPG, which is clear in how Local Authorities are expected to meet their shortfall.
- 16.3 There are also issues with base dates for the calculation of 5 year land supply. We have evidenced in this proof the dangers and the errors which creep into data when applying a calculation not based on a complete monitoring year. Nor, in these circumstances, can the Council be sure of whether or not there will be additional shortfall which will need to be made up. The problem is exacerbated by the inclusion of a number of sites in Appendix 4 of the Councils document which have had Section 106 agreements and decisions issued even after the September 2014 base date issued.
- 16.4 The problem is further worsened by the Councils decision to remove a 10% lapse rate from the planning commitments. It is simply not realistic to expect 100% of planning permissions to be delivered, this is especially true of smaller sites. For this reason we believe it is vital that a discount is applied and as such we have applied the 10% discount to small sites and examined in detail the sites of over 10 dwellings. We have applied our own realistic delivery trajectory to

these sites. Inevitably there has been a reduction in what we consider deliverable in the first 5 years of the plan period, but we contend that this is a realistic delivery schedule and that the Council have failed to provide realistic sensitivity testing to the planning consents. The Barrons Camp site at Leominster, originally consented in 2005, which the Council contend would supply 425 units in the calculation is testament to this.

- 16.5 The most significant problem however in the 5 year calculation is the over reliance on SUEs. The evidence submitted by Hourigan Connolly is clear, the delivery of the SUEs will make a significant contribution to the plans housing target, but the contribution in the initial 5 year period will be limited. Based on this data we have allowed for 305 units from the SUEs within the first 5 years of the plan.
- 16.6 We therefore contend that the 5 year land supply that the plan will provide for upon adoption will range from at best, **3.24 years** and at worse **1.46 years**, significantly short of the 5 years required. The plan will therefore not be able to identify a 5 year land supply upon its adoption, and is subsequently not sound.
- 16.7 Furthermore we understand that further consultations with regard to main modifications and 2012 household projections are likely to be programmed in the coming weeks. Gladman reserve the right to update the evidence on 5 year land supply, if necessary, when the content of these consultations is known. We would also note that there is a substantial difference between the Councils position now, and that presented at the EiP, this change has prompted the need for the comprehensive response submitted. It may therefore be necessary for an additional consideration of the 5 year land supply to be heard in a sessions which include information on the other matters. Again we would reserve judgement on a final consideration of such until the content of emerging consultations is seen.

Planning Ref.	Decision Date	S.106 Agreement Date	Address	Applicant	Settlement	Scheme Size	Total Completions over Supply Period	DELIVERABLE HOUSING SUPPLY						Comments
								Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	
								14/15	15/16	16/17	17/18	18/19	19/20	
S102921/O	Sep-12	Sep-12	Land to the East of, Holywell Gutter Lane	Hereford Rugby Club	Hampton Bishop	190	140	0	0	35	35	35	35	The application went to the High Court after it was JR'd. Hearings were in Dec-13 and the High Court decision was to approve the application (Dec-13). A legal challenge made against the development by Hampton Bishop PC but was quashed in June 2014. Hereford Rugby Club secretary Malcolm Harris says he is hopeful architectural plans can start soon for the club's new home. No reserved matters application has yet been submitted, the application is clearly controversial, as such we do not believe it realistic to expect delivery before 2016/17. Therefore we have assumed 35 units per annum delivery from 16/17 onwards.
CW2002/3441/F	Mar-05	N/A	Land to the west of the A49(T) and north of Belmont Avenue	Asda Stores	Belmont	18	0	0	0	0	0	0	0	Asda scheme was completed and store opened in 2006, see no evidence that the housing element is likely to come forward. Or that land remains for the development.
S110919/F	Dec-11	N/A	Campions Restaurant, Greyfriars Avenue	Riverside Construction	Hereford	18	18	0	18	0	0	0	0	
S123592/O	Mar-14	Nov-13	Land off Breinton Lee, Kings Acre Road	Mr Wakeley	Hereford	15	15	0	15	0	0	0	0	Application refused but appeal allowed in March 2014.
S110884/RM	Sep-11	N/A	Land To The North of Roman Road	Crest Nicholson (South West)	Holmer	97	42	35	7	0	0	0	0	The site is being built out and completion is expected within the next five years. 55 units counted in the under construction category.
S113168/CD	May-13		Former land of Hunderton Infants School, Belmont Avenue	Herefordshire Council	Hereford	26	26	0	26	0	0	0	0	No S.106 has been signed as of yet.
S122600/O	May-13		Land at Bridge Inn, College Road	Mr Richard Sands	Hereford	13	13	13	0	0	0	0	0	Reserved Matters application for 13 dwellings was approved in Sep-14. Very likely to deliver over the next five years.
P130426/F	Apr-13	Jun-14	Former Pomona Works, Attwood Lane	Lioncourt Homes Ltd	Holmer	34	34	0	34	0	0	0	0	
P130878/F	Jun-13	N/A	Land at 32 Coningsby Street	Sanctuary Housing Association	Hereford	10	10	10	0	0	0	0	0	Construction work has already started on the development and the scheme is expected to be completed by 2015.
P130888/O	Aug-13		Land at Merton Meadow, Edgar Street	Sanctuary Group	Hereford	192	0	0	0	0	0	0	0	See comments in Hourigan Connolly report and Hourigan Connolly addendum relating to Hereford Urban Village.
P131391/F	Dec-13	N/A	The Oval	Keepmoat Homes/Herefordshire Housing	Hereford	212	175	35	35	35	35	35	0	Note 37 units are counted in the under construction section
P131610/F	Sep-13	N/A	101-105 St Owen Street	Mr David William Marriott	Hereford	21	21	21	0	0	0	0	0	
P131709/O	Sep-13		Land at Faraday Road	Bovale Limited	Hereford	100	50	0	35	15	0	0	0	Total Care Facility to include 100 assisted living units (Class C2 + C3). Whilst we do not dispute that this site is likely to be built out within the time frame, the contribution of 100 units is questioned. Bovale have confirmed that at present they do not know the proposed split of units, nor as the last application was outline, from the drawings associated with application 131709/O can we be certain what, if any, of the units will be self contained. We have therefore allowed for 50% of the 100 units to count towards supply. This whole sites inclusions is dubious and in need of further investigation.

S120287/F	Jun-12	N/A	Gardner Butcher Garages, Kyrle Street	Mr Jeffrey Gardner	Ross-On-Wye	13	0	0	0	0	0	0	0	Operational business on site. No evidence of any further advancement of the site and due to expire in 3 months. Application has already been extended once originally granted consent in 2009. No evidence that the site will deliver in the 0-5 year period clearly still in commercial use.
N102016/F	Oct-11	N/A	Victoria Road, Kington,	Mr Michael Deacon	Kington	10	0	0	0	0	0	0	0	Application expired 6th October 2014. Clearly not deliverable and further evidence of double counting by the Council in moving around base dates.
NC100122/RM	Mar-10	N/A	Barons Cross Camp, Cholstrey Road	Taylor Wimpey	Leominster	425	35	0	0	0	0	0	35	Reserved Matters approval in March 2010. Landowner dispute currently ongoing has delayed the site coming forward. On the Taylor Wimpey site they are preparing a new masterplan for a new application for a reduced 400 dwellings scheme. Work is currently being prepared, no initial planning application is expected before the end of 2015.
P132126/F	Oct-13	N/A	Land at Tanyard Lane	Persimmon Homes	Ross-On-Wye	87	87	17	35	35	0	0	0	
S110885/F	Jun-12	N/A	Great Howle Farm, Star Beech Hill	Mr George Jones	Ross-On-Wye	12	0	0	0	0	0	0	0	Ongoing dispute over the Section 106 agreement and the provision of on site affordable housing. Application was granted and no suitable way forward has yet been established from consideration of the online document system. Last correspondence was February 2014 and application expires in June 2015. No indication that there will be delivery of the site.
DS080058/O	Jul-13		Part Of O S Plot No's 11791578	Penoyre Trust	Hay on Wye	25	0	0	0	0	0	0	0	Outline Application Approved following over 5 years in the determination process. No Reserved Matters Application Submitted or S.106 has been signed, delivery must be highly dubious given the protracted planning application process.
N120678/F	Apr-13	N/A	Land adj to St Mary's Farm, Kingsland	Mr & Mrs P Vaughan	Leominster	11	11	11	0	0	0	0	0	
S121332/O	Oct-13		Faraday House	Mr Ben Powell	Madley	19	19	0	19	0	0	0	0	Outline Application Approved. No Reserved Matters Application Submitted.
S123565/F	May-13		Sufton Rise	West Mercia Housing Group	Mordiford	12	12	12	0	0	0	0	0	
P132968/RM	Jan-14	N/A	Land adj to Bliss House	Mr & Mrs Jenkins	Staunton on Wye	11	11	11	0	0	0	0	0	Reserved Matters Application approved for 11 dwellings.

TOTAL	1571	719	165	224	120	70	70	70						
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HEREFORDSHIRE CORE STRATEGY EXAMINATION
HEREFORDSHIRE STRATEGIC LOCATIONS REVIEW
ON BEHALF OF GLADMAN DEVELOPMENTS LIMITED

31 JANUARY 2015

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APPENDICES

APPENDIX 1 Hourigan Connolly Holmer West Lead In Time Trajectory.

APPENDIX 2 Hourigan Connolly Three Elms Lead In Time Trajectory.

APPENDIX 3 Hourigan Connolly Lower Bullingham Lead In Time Trajectory.

APPENDIX 4 Hourigan Connolly Hereford Urban Village Phase 1 Lead In Time Trajectory.

APPENDIX 5 Hourigan Connolly Leominster Lead In Time Trajectory.

APPENDIX 6- Hourigan Connolly Hardwick Bank Bromyard Lead In Time Trajectory.

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1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly is instructed by Gladman Developments Limited (hereafter referred to as GDL) to undertake a review of sites identified as Strategic Locations for housing in Herefordshire Council's Core Strategy that is currently subject to independent Examination.

RELEVANT EXPERIENCE

- 1.2 Hourigan Connolly is a firm of Chartered Town Planners operating across the UK.
- 1.3 In relation to housing we deal with developments ranging from just a few houses to significant developments of 1,000+ dwellings as applications, appeals and via promotion through the Development Plan process.
- 1.4 Additionally Hourigan Connolly undertook a UK wide study in respect of the lead-in times and delivery rates associated with 100 Strategic Urban Extensions (SUEs) during 2013¹. We are instructed that this document is already before the Examination and all that need be said here is that our research (which was rooted in factual evidence provided by Local Authorities across the UK) evidenced that circa 9 years generally elapses between preparation of an outline planning the delivery of homes.

PURPOSE

- 1.5 We have been specifically tasked with assessing whether the proposed Strategic Locations will deliver housing in the timescales envisaged by the Council and at the rates stated by the Council in the Core Strategy and evidence base documents. These matters are of fundamental importance to the soundness of the submitted Core Strategy and whether the Council will be able to demonstrate a 5 year supply of deliverable dwellings upon adoption of the Core Strategy.

¹ For the purposes of our SUE Study only sites of 500+ dwellings were considered.

2. LEGISLATIVE & NATIONAL POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the SUEs in the Council's Core Strategy.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The Herefordshire Core Strategy is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the Regional Strategies (RSs), Council's will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and will guide the preparation of Development Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The National Planning Policy Framework (hereafter referred to as the Framework) (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

2.10 One of the aims of the Framework is to boost significantly the supply of housing. Paragraph 47 of the Framework sets out a number of requirements to be undertaken by local authorities to help achieve this aim; bullet points 1 and 2 are worthy of consideration:

“47. To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.*
- *identify a supply of specific developable sites or broad locations for growth, for years 6-10 and, where possible years 11-15;*
- *for market and affordable housing illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- *set out their own approach to housing density to reflect local circumstances.*

2.11 Paragraph 49 goes on:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

2.12 Deliverable sites are a specific focus for this document. Footnote 11 (Page 12) to the Framework sets out the government's definition of a deliverable site:

"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans".

2.13 Paragraphs 150 to 185 of the Framework deal with Plan-making.

2.14 The importance of the Development Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).

2.15 The requirement for Development Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.

2.16 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:

- *"an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*

2.17 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.

2.18 The importance of Development Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.

2.19 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:

- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
- Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
- Where adequate mitigation measures are not possible, compensatory measures may be appropriate.

2.20 Paragraph 154 of the Framework requires Development Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.

2.21 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:

- *“the homes and jobs needed in the area;*
- *the provision of retail, leisure and other commercial development;*
- *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*

- *the provision of health, security, community and cultural infrastructure and other local facilities; and*
- *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*

2.22 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to this document.

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

SOUNDNESS

2.23 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE

- 2.24 On 28 August 2013 the government launched its draft National Planning Practice Guidance (NPPG). The draft NPPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.
- 2.25 The following parts of the PPG are relevant to consideration of Strategic Locations within the Council's Core Strategy.
- 2.26 The PPG deals with deliverable sites as follows at Paragraph 031 (Reference ID 3-031-20140306):

"WHAT CONSTITUTES A 'DELIVERABLE SITE' IN THE CONTEXT OF HOUSING POLICY?"

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply."

3. OTHER MATERIAL CONSIDERATIONS – DELIVERABILITY ISSUES

HOURIGAN CONNOLLY SUE STUDY

- 3.1 Hourigan Connolly undertook a UK wide study in respect of the lead-in times and delivery rates associated with 100 SUEs during 2013². We are instructed that this document is already before the Examination and all that need be said here is that our research (which was rooted in factual evidence provided by Local Authorities across the UK) evidenced that circa 9 years generally elapses between preparation of an outline planning the delivery of homes.

DCLG & UNIVERSITY OF GLASGOW

- 3.2 A useful publication, jointly written by DCLG and the University of Glasgow in 2008³, included a comprehensive survey of national house builders who identified a series of factors which affect housing delivery rates. In general terms, the biggest factors identified were the resolution of problematic site conditions, the availability of infrastructure and the completion of site acquisition. Notably, this publication also concluded that if more land is released for housing development, this would have a positive long-term effect of increasing housing delivery rates. It also notes that the capacity of a local housing market depends not only on the number of houses available for sale, but also the variety of housing available. If a greater number of developers are offering a wider range of products, a greater range of the potential market will be served, and a greater number of these products will be sold. In contrast however, the involvement of too many developers on a particular site could generate excessive competition leading to the erosion of internal specifications in order to attract buyers whilst retaining margins. This would suggest there is a balance to be struck to ensure that a site retains market interest.
- 3.3 The DCLG University of Glasgow study also noted that sales rates could be negatively impacted by product differentiation, for example, if overly prescriptive design guidance was imposed by a local authority. Variety and innovation in design, rather than uniformity of appearance, would positively influence market demand and hence the delivery of housing.

² For the purposes of our SUE Study only sites of 500+ dwellings were considered.

³ 'Factors Affecting Housing Build-Out Rates' (February 2008).

OTHER FACTORS AFFECTING DELIVERY ON HOUSING SITES

3.4 Other factors which can affect the rate of housing delivery on major and smaller sites include:

- Time from the submission of an outline planning application to approval, subsequent reserved matters applications and approvals, discharge of conditions precedent and the obtaining of technical approvals.
- Any appeals to the Secretary of State that might be required.
- Holding Directions from Statutory Consultees such as the Highways Agency.
- Legal challenges to the grant of planning permission either following a local decision or following an appeal.
- Site conditions – environmental issues and site remediation.
- Location – which can determine the availability of labour, materials and build programme (particularly relevant in areas subject to frequent adverse weather conditions).
- Local market – demand for and supply of local housing.
- Labour market – availability of skilled trades.
- Residential density.
- Type and number of house builders – national organisations can generally build at faster rates than local firms. Having a variety of house builders who have different markets (products) will enable faster rates of development to be achieved. Similar products may adversely affect delivery rates.
- Land owner – rate at which the landowner releases land to housing market. Where there are multiple landowners there is often the need for equalisation agreements which can delay development commencing as such agreements are often difficult to settle.
- Quality of design – sub-standard design submissions require substantial revision and negotiation.

- Changes to schemes (re-plans) - due to sites being developed over a considerable period of time changing circumstances often result in re-plans as developers react to changing conditions. This requires fresh planning permissions to be granted having an impact on delivery.
- Infrastructure requirements – physical and social infrastructure such as roads, services and facilities maybe required to be implemented before residential development can commence or a future phase of development can proceed.
- Section 106 Agreements – negotiations between developers, landowners, mortgagees, the local Council (and the County Council where relevant) can slow down the development process.
- New policy requirements – where the Development Plan changes during the life cycle of a planning application/appeal there may be a need (depending on the policies contained within the new Development Plan) to revisit the viability of the development. That may necessitate the production of appraisals that will need to be considered by the Council and quite often its external advisers in order for a view to be formed as to the level of planning obligations a site can support.

4. HEREFORDSHIRE CORE STRATEGY

SUBMITTED CORE STRATEGY

REQUIREMENT

- 4.1 Policy SS2 – Delivering New Homes of the submitted Core Strategy outlines that a minimum of 16,500 homes will be delivered over the Plan period.

LOCATIONS

- 4.2 Policy SS2 goes on to outline the broad locations where dwellings will be delivered, again the figures in the extract from Policy SS2 below are to be treated as minimum:

The broad distribution of new dwellings in the county will be a minimum of:

Place	Facilities	New homes
Hereford	Wide range of services and main focus for development	6,500
Other urban areas – Bromyard, Kington, Ledbury, Leominster, Ross on Wye	Range of services and reasonable transport provision – opportunities to strengthen role in meeting requirements of surrounding communities	4,700
Rural Villages – see list in Place - Shaping section	More limited range of services and some limited development potential but numerous locations	5,300
Total		16,500

Fig 4.1 Extract From Policy SS2 Of The Submitted Core Strategy.

TRAJECTORY

- 4.3 Paragraphs 3.41 and 3.42 of the submitted Core Strategy provide a commentary on the housing trajectory that appears at Figure 3.5 of the document. We re-produce the relevant extracts below for ease of reference and comment thereafter.

Housing trajectory

3.41 In respect of the housing target for Herefordshire the expectation is that the highest rate of housing completions will be towards the latter end of the plan period. This is because:

- a) The housing market in the county is depressed and completion rates are currently well below the rate required to achieve the overall target;
- b) The achievement of the revised strategy targets will be dependent upon achieving the required key elements of infrastructure for the county; and
- c) There are significant lead-in times needed before major housing sites can be developed.

3.42 Overall the delivery of the housing levels and distribution proposed in the Core Strategy is dependent upon necessary infrastructure being funded and delivered. Figure 3.5 provides an initial indicative county-wide trajectory for the housing provision based upon the likely release of strategic sites in the county. This trajectory suggests that housing completions will be back-loaded, starting with around 600 dwellings per annum during the first five years of the plan period, with the highest levels of housing growth (950 per annum) taking place towards the end of the plan period. It will need further re-adjustment and added detail to reflect progress on the delivery of the strategic housing sites and key elements of infrastructure.

	2011-16	2016-21	2021-26	2026-31	Total
Hereford	1000	1500	2000	2000	6500
Leominster	300	500	700	800	2300
Ross-on-Wye	250	275	175	200	900
Ledbury	180	350	210	60	800
Bromyard	120	125	125	130	500
Kington	30	40	60	70	200
Rural Areas	1120	1460	1230	1490	5300
Herefordshire	3000	4250	4500	4750	16500

Fig 4.2 Extract From Paragraphs 3.41, 3.42 and Figure 3.5 of the Submitted Core Strategy.

4.4 The Council by its own admission recognises that there are challenging factors at play in the housing market in Herefordshire. Furthermore the Council appear to acknowledge that there is an inherent link between the delivery of infrastructure and the timely delivery of housing. Clearly major residential development of the type that underpins the Council’s Core Strategy has a longer lead-in time than smaller sites, that is, in principle acknowledged by the Council and reflects our own UK wide research.

INFRASTRUCTURE

4.5 The Council’s continually evolving Infrastructure Delivery Plan (IDP) establishes those infrastructure features deemed necessary to support the proposed growth within Herefordshire. The proposed Hereford Relief Road (HRR), also known as the Western Relief Road, is a critical component within this.

4.6 A substantial number of representations to the emerging Core Strategy cast doubt upon the financial viability of the HRR and broader infrastructure, or indeed whether the HRR is the best solution for the Council. Some of these views are summarised in brief here:

DAVID WILSON HOMES (PRE-SUBMISSION REPRESENTATION REF: 243)

4.7 David Wilson Homes' (DWH) representations refer to the Planning Advisory Service's (PAS) March 2014 Guidance Note that forms a Soundness Checklist for Local Plans. This states *inter alia* that for a Plan to be effective it needs to be deliverable, flexible and demonstrate sound infrastructure planning. DWH contend that the Council has not fully demonstrated deliverable, sound infrastructure planning in its Core Strategy for the following reasons:

- A significant amount of critical infrastructure is required during the Plan Period, including circa £170M for the HRR but there is no percentage breakdown on infrastructure costs between developer contributions and public funding.
- There is also no clear timeframe for when necessary public funding will be available.

HEREFORD CITY COUNCIL (PRE-SUBMISSION REPRESENTATION REF: 267)

4.8 Hereford City Council (HCC) is the Parish Council representing the seven wards of the City of Hereford. HCC state in representations to the Core Strategy that the Plan is weak in terms of infrastructure needed to support housing growth. They maintain that insufficient coverage is provided in terms of the schools, medical facilities, drainage, sewerage, water supply and electrical power capacity required.

HOME BUILDERS FEDERATION (PRE-SUBMISSION REPRESENTATION REF: 292)

4.9 The Home Builders Federation (HBF) raise significant doubts about the viability of the HRR and other necessary infrastructure as they have concerns about the accuracy and appropriateness of the assumptions made in the Council's Viability Assessment⁴, upon which much of the infrastructure funding proposals are based. In particular, they take issue with the lack of realism in terms of the level of possible developer contributions to subsidise infrastructure. They point out the following issues:

⁴ Hereford Council 2014 Updated Economic Viability Assessment – Whole Plan Viability Assessment. Final Report (May 2014) produced by Three Dragons.

- The build costs assumed within the Viability Assessment are taken from BCIS which only covers basic build costs and does not provide a comprehensive overview of all costs.
- There is no acknowledgement within the assessment of likely build cost increases in the Plan Period, e.g. to deal with the Government's Zero Carbon agenda.
- The cost implications of many policies are not fully tested or are underestimated.
- The Assessment is inaccurate in respect of its net to gross development ratios.
- The Viability Assessment incorporates a 20% profit margin for developers across the board, with a 6% margin on affordable housing; this blanket assumption is inappropriate.

4.10 To deal with this last point more fully, the HBF state that such a blanket assumption does not recognise that the circumstances at different sites vary significantly and that returns will in turn vary to reflect the individual size and risk profile of each. Moreover, they cite a January 2013 appeal decision⁵ where the Inspector found that a profit of 20% gross development value (GDV) was reasonable to assume across both market and affordable development, and that this was at the "*lower end of the range*". The Council's Viability Assessment therefore significantly underestimates this element in calculating the headroom available for Section 106, 278 and CIL contributions.

HIGHWAYS AGENCY (PRE-SUBMISSION REPRESENTATION REF: 192)

4.11 The Highways Agency (HA) make significant representations with respect to the need for greater clarity on the delivery of road infrastructure throughout the Council area, and particularly the HRR. They also query, in their response to question B5 on soundness, the Council's clarity on how such infrastructure will be funded:

⁵ Appeal made by the University of Reading against the decision of Wokingham Borough Council for residential development comprising up to 126 dwellings, a sports pavilion, public open space, landscaping and associated works at Land at The Manor, Shinfield, Reading RG2 9BX and bordered by Brooker's Hill to the north, Hollow Lane to the east and Church Lane to the west (PINS Reference: APP/X0360/A/12/2179141).

"...it is clear that this [CIL funding] alone will not fund the entirety of the necessary infrastructure (including the Western Relief Road). As such, the question of the policy treatment of the WRR is a key matter for the Highways Agency, given the need for greater clarity referred to above."

- 4.12 Nevertheless, the HA maintain their broad support for the HRR in their more recent Statement of Common Ground submitted to the Core Strategy EIP Inspectors and state that:

"The Agency agrees that on the basis of the evidence produced by the Council that the Hereford Relief Road alongside a series of sustainable modes interventions is necessary to support the scale of growth and development proposed in the Plan. Delivery is a matter for the Council to programme within the context of the delivery of the wider Core Strategy."

NATURAL ENGLAND (PRE-SUBMISSION REPRESENTATION REF: 258)

- 4.13 Natural England make clear in their representations that they do not support the HRR. They also question in correspondence contained within another objector's comments (Wegg-Prosser, Ref: 329, p21) whether the Council has fully considered evidence that they have independently submitted about the need for the HRR.

BLOOR HOMES (STATEMENT IN RESPECT OF MATTER 4 OF EIP)

- 4.14 Bloor point out in their Statement at Paragraph 45 that:

"It is not the case that these urban extensions cannot proceed until the Relief Road is complete. The Hereford Transport Strategy Phasing Study (C47A) identifies that the HRR is not required to be open until 2027. Whereas the Council Housing Trajectory in J4 anticipates development of the urban extensions from 2015/2016 onwards."

BOVIS AND MOSAIC (STATEMENT IN RESPECT OF MATTER 3 EIP)

- 4.15 Bovis and Mosaic, delivery partners for Hardwick Bank, Bromyard, warn of remaining uncertainty as to the delivery of infrastructure across Herefordshire. Paragraph 5 of their Matter Statement 3 states that:

"Whilst many of the infrastructure projects have been identified, there is no relationship with the proposed strategic sites and what infrastructure will be required to facilitate each of the strategic sites. For example there is no indication at what stage within the development of the strategic housing sites

that the specific infrastructure requirements would be brought forward or even a general level of detail of what would actually be required to deliver the infrastructure elements identified. By not identifying the specific infrastructure provisions required to bring the strategic sites forward the Council risk not having a comprehensive approach to the strategic sites and that certain infrastructure requirements may not be met.”

4.16 Further, Bovis make comments individually under separate cover in respect of Matter 4. In responding to the question of the need for the HRR and how it will be funded, they contend that:

“Similarly whilst the Infrastructure Delivery Plan and other supporting documentation identifies the required infrastructure in broad terms, it does not clearly identify or confirm sources of funding to deliver the infrastructure.”

4.17 In dealing with all of the above comments, it is clear that there remains a significant amount of confusion about how infrastructure deemed necessary by the Council to support growth will be delivered financially. Moreover, there is uncertainty about timescales for delivery and, indeed, whether major proposals such as the HRR are even essential.

4.18 In undertaking our own research we spoke with Peter Clasby of the Council's Economic Development Team who has responsibility for infrastructure. He confirmed that the trigger for the need for the Relief Road based upon their evidence and the current housing trajectory was 2022 with respect to the section crossing the River Wye (known as 'Wye/Three Elms Link – A465 Abergavenny Road, river crossing, A438 Brecon Road, A4103 Roman Road [west]' within the September 2014 iteration of the IDP). According to the Council, the second trigger is 2027 when the north/south connection to the A49 would be needed (referred to in the IDP as the 'Holmer Link – West, A4103 Roman Road [west], A49 Leominster Road' and the 'Holmer Link – East, A49 Leominster Road, A4103 Roman Road [east]').

4.19 He also explained that some Central Government funding had now been secured for elements of the HRR in the form of Growth Fund monies through The Marches Local Enterprise Partnership (LEP) and direct from Government to support delivery of item 1 of the IDP ('Southern Link – A49 Ross Road to A465 Abergavenny Road'). As a result, this item would be removed from the IDP. This proposal is now at the detailed design stage.

4.20 Peter Clasby also explained that the Council has secured agreement from the LEP for additional business rate monies from the new Enterprise Zone, Skylon Park at Rotherwas (to the east of Lower Bullingham) to also support the delivery of infrastructure. It is anticipated by the Council that Central Government/LEP funding will 'pump-prime' the HRR proposals, whilst the CIL monies will flow through later.

- 4.21 However, it remains unclear how far this funding will go to support all elements of required road infrastructure. Furthermore, it is clear from the representations received that infrastructure generally, and the HRR specifically, will be 'hot' topics at the Core Strategy Examination in Public (EiP) and the timescales for delivery of such complicated, significant infrastructure remains uncertain. The Council stressed the need for flexibility to respond to market forces in development in terms of the IDP and the stages at which different elements would be delivered. They describe the IDP as a "living document".
- 4.22 In terms of the need for the HRR, the Council states at Paragraph 24.1 of its Matters Statement 2 Policy SS4 'Hereford Relief Road' pertaining to the Core Strategy EiP that:
- "Repeated studies have shown that significant development in Hereford cannot be accommodated without a new relief road for the city. As reported in 'Hereford Transport Strategy Phasing Study – Transport Strategy Review' (May 2014, EIP ref C47a), the relief road, in combination with other elements of the Hereford Transport Strategy to encourage sustainable travel, is necessary to release the planned level of development and to ensure that development can be provided in a sustainable way."*
- 4.23 Further, in the Council's Matters 4 Statement Policies HD4, 5 and 6, Paragraph 23.1 states:
- "The Relief Road is one element of the overall transport and movement strategy. Traffic modelling has demonstrated that with the planned development (including the urban extensions) in place, the Relief Road and sustainable transport measures are needed to provide necessary congestion relief on the city transport network and meet Highway Agency requirements."*
- 4.24 Planning and technical approval delays with respect to the HRR, potential political change after May 2015 (and indeed in future years) and a lack of clarity in terms of funding, all call into question the reliance of development linked to major infrastructure projects such as the HRR in Herefordshire.
- 4.25 The HRR is ultimately intrinsically linked to the delivery of all of the Strategic Location sites and could potentially cause delays for all of them. Whilst all of them could deliver an element of housing before the road is deemed necessary, the political sensitivity and debatable funding rationale lying behind the HRR's delivery will be a pertinent planning issue across the board and from developers/promoters/funders perspective it is important that clarity is brought to this matter before significant commitments are made.

5 YEAR SUPPLY POSITION

- 4.26 The Council's latest position on housing land supply is contained within a document entitled Five Year Land Supply Document (October 2014) (Document PS1a in the Examination Library with a summary document appearing as Document PS1b) wherein the current position is recorded as **2.47 years**. However that position excludes the Council's Strategic Locations which are not considered to be currently developable by the LPA (Paragraph 6 of PS1b refers).
- 4.27 When the Council submitted the Core Strategy to the Secretary of State in September 2014 it produced a housing land supply document the aim of which is to demonstrate what the housing land supply position would be upon adoption (in that respect a nominal date of 1 April 2015 was chosen by the Council) (Document J4 in the Examination Library). That document claims that upon adoption the supply position would be **5.5 years** and is subject to submissions by GDL in its Representor Statement in respect of Matter 2.

Using supply methodology alongside and emerging Core Strategy targets

Figure 10 - Assessment against emerging Core Strategy target

Assessed shortfall using trajectories and using trajectories for supply/requirements

	Source	Homes 20% buffer 10% reduction	Notes
A	Core Strategy 2011 – 2031	16500	
B	Core Strategy requirement 1/4/2011 – 1/4/2014	1800	Using Trajectories: 600 dpa
C	Homes Completed (net) 1/4/2011 – 31/3/2014	896	Net reduction includes demolitions and conversions
D	Requirement for next five years	4000	Using Trajectories 15/16 – 600 pa (1yr) 16/17 – 19/20 – 850 pa (4yrs)
E	Plus 20% buffer	800	Essex approach of 20% before adding shortfall.
F	Plus Residual Shortfall	904	(over next five years as per NPPG)
G	Total Requirement	5704	
H	Annualised requirement	1141	
I	Total Deliverable dwellings	6269	
J	Housing Supply	5.5yrs	

Figure 4.3 Extract From Document J4.

BASE DATE

- 4.28 In our view there is a fundamental problem with the Council's approach that renders Document J4 unreliable and that relates to the base date of the document and the resultant components of the supply calculation as explained below.
- 4.29 Generally speaking most housing land supply calculations are benchmarked at 1 April. This is because most Local Planning Authorities record completions up to 31 March in a monitoring year and at that point they also capture data to enable them to form a view on the likely deliverability of dwellings over the next five year period.
- 4.30 In that respect Document J4 actually adopts a completions base date of 1 April 2014 because the Council has completions data up to that point. It does not have completions data for the current monitoring year 2014/2015 and experience from other LPAs across the UK shows that attempts to forecast completions part way through a monitoring year is totally unreliable. In that respect it should also be noted that the Council has made no attempt to forecast completions for 2014/2015. Document J4 then goes on to quantify the supply position at 1 April 2015. Hence the Council is being inconsistent in calculating the housing land supply position in Document J4.
- 4.31 In our view it is not appropriate to move the base date forward to account for sites added to the supply between 1 April 2014 and a later point in time without also factoring in completions for the same period. That is often a problem because reliable completions data is rarely available part way through a monitoring year and that is the case in Herefordshire.
- 4.32 Having a consistent base date has been recognised as an important principle in a number of recent appeal decisions as outlined below. However by being unable to take into account completions during the 2014/2015 monitoring year it is evident that the Council's housing land supply calculation is fundamentally flawed; e.g. it has no way of knowing what the accumulated backlog would be by the end of the 2014/2015 monitoring year in order to provide an accurate picture as of 1 April 2015.

ASTON CLINTON

- 4.33 A recent appeal in respect of an appeal for 47 dwellings in Aylesbury Vale District⁶ recently considered the issue of base date. Paragraph 67 of the Inspector's Decision Letter dated 21 October 2014 provides helpful clarity on the risks of moving the base date by introducing additional permissions:

"67. I note that a number of further planning permissions have been granted since March 2014 which are not included in the supply calculation. But these

⁶ Land off Chapel Drive, Aston Clinton, Buckinghamshire (APP/J0405/A/13/2210864) (21-10-14)

were not in existence at the base date of 1 April 2014. If they were to be added in now, the other elements of the calculation, including completions, would require adjustment too, to bring them to a consistent base date. In the absence of any such fully updated calculations, it would be wrong to take these latest permissions into account”.

THE BOURTON-ON-THE-WATER CASE

4.34 Determination of the appropriate base date was also considered in a 15 January 2014 decision (Inquiry held between 6 – 8 August 2013) relating to an appeal by Robert Hitchins Limited against the decision of Cotswold District Council to refuse outline planning permission for a development of 100 dwellings on land off Station Road, Bourton-on-the-Water, Gloucestershire⁷. The Inspector states at Paragraph 55 that:

....”despite the evidence advanced by the Council on the above matters, no updated 5-year supply calculation has been submitted in evidence. Such a calculation would need to take account of changes not only in the forward supply, but also in the residual requirement”.

THE DEDDINGTON CASE

4.35 Determination of the appropriate base date was also considered in a 18 December 2013 decision (Inquiry held between 29 – 31 October 2013) relating to an appeal by M&G UK Property Fund against the decision of Cherwell District Council to refuse planning permission by Notice dated 27 February 2013, for residential development comprising up to 85 dwellings with new access, public open space and associated infrastructure at land north of Gaveston Gardens and Rear of Manor Farm, Banbury Road, Deddington, Oxfordshire⁸. The Inspector states at Paragraph 12 that:

“I consider the Council is justified in taking account of these additions because housing land availability is in a constant state of flux. Differences over a short period will often be small but where, as in this case, a large number of new sites have come forward relatively quickly it would be unreasonable not to acknowledge that circumstances may have changed. Nonetheless, any review should be comprehensive taking into account recent completions, sites lost through lapsed permissions, changes to the backlog and other necessary adjustments in order to present a complete picture”.

⁷ Land off Station Road, Bourton-on-the-Water, Gloucestershire (APP/F1610/A/13/2196383) (15-01-14)

⁸ Land north of Gaveston Gardens and rear of Manor Farm, Banbury Road, Deddington, Oxfordshire (APP/C3105/A/13/2201339) (18-12-13)

BUFFER

4.36 We also take issue with the Council's approach to the application of the buffer. Whilst we acknowledge that there is no government guidance on this issue the Secretary of State has, endorsed applying the buffer to both the housing requirement and accumulated backlog in an appeal decision dated 2 July 2014 in relation to major residential developments in the District of Wychavon⁹. In those cases the Inspector states at Paragraph 8.46 *inter alia*:

"It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall".

4.37 This approach was endorsed by the Secretary of State at Paragraph 14 of the appeal Decision Letter and must be considered to be an important material consideration.

THE ROLE OF STRATEGIC LOCATIONS IN THE CORE STRATEGY & FIVE YEAR SUPPLY POSITION

4.38 In terms of the delivery of Strategic Locations the Council has helpfully set out site specific trajectories in Document J4:

⁹ APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426

Figure 4 - Strategic Urban Extension build out rate and total capacity

Strategic Location	Estimated Core Strategy capacity	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	Sub total
Hereford							
Holmer West	500	25	50	50	50	50	225
			30	30			60 ⁴
Three Elms	1000		81	108	108	108	405
Lower Bullingham	1000		50	100	100	100	350
City Centre Urban Village	800		70	70	70	70	280
Leominster							
Urban extension	1500	95	100	105	105	105	510
Bromyard							
Hardwick Bank	250	30	45	45	45	45	210
Ledbury							
North of Viaduct	625		30	50	90	90	260
Ross-on-Wye							
Hildersley	200		30	50	50	50	180
Subtotal	5875						2480

⁴ Care home accommodation

Fig 4.4 Extract From Document J4.

- 4.39 What is evident from the foregoing is that even with Strategic Locations being backloaded in the Plan period there is still a significant reliance upon them for maintaining a 5 year supply from adoption. In that respect Strategic Locations account for 39.55% of the deliverable supply for the 5 year period (6,269 x 39.55% = 2,479).
- 4.40 Indeed the summary position presented in Fig 10 of Document J4 illustrates the fragility of the position even before the Strategic Locations have been interrogated. In that respect if 678 dwellings of the 6,269 claimed deliverable supply were to be found not deliverable then there would not be a 5 year supply¹⁰ even on the Council's preferred methodology which as outlined above fails to add in any backlog to 31 March 2015 and does not appropriately apply the buffer. It should also be borne in mind that there are objections to the phasing of the housing requirement (including objections from GDL) which if accepted would erode the position even further.

¹⁰ 6,269 – 678 = 5,591 dwellings. 5,591/1,141 (LPA identified annual requirement for 2015-2020) =4.9 years.

METHOD OF ASSESSMENT

4.41 In the following chapters we consider each Strategic Location.

4.42 For each Strategic Location, the proposal is considered within the context of the following topics having regard to the range of factors affecting delivery identified herein:

- Location and Overview.
- Ownership.
- Planning Status.
- Infrastructure Provision.
- Other Constraints, e.g. site conditions, environmental factors, legal issues etc.
- Lead In Times.
- Delivery Rates.
- Summary.

5. HOLMER WEST, HEREFORD

LOCATION AND OVERVIEW

- 5.1 Holmer West is a proposed Strategic Location which lies to the north of Hereford, broadly to the north of the A4103 and west of the A49 towards the A4110. The area predominantly comprises agricultural land. It extends to circa 29ha and is shown in Fig 5.1 below:



Fig 5.1. Holmer West Aerial Image (Taken From Bloor Homes Public Consultation Boards for Holmer West).

- 5.2 The proposed Strategic Location is identified within the Core Strategy within Policy HD4 where it is also known as the “Northern Urban Expansion”.
- 5.3 The site is to be intersected by a proposed link road which will join the A49 to the east of the A4103 to the south. An existing public right of way, running north west to south east across the central area of the site is also to be retained as part of development proposals here.
- 5.4 The Council estimate within the emerging Core Strategy that the proposed site can deliver up to 500 dwellings. They also claim within their September 2014 Five Year Housing Land Supply Statement that 285 of these dwellings (including a proposed 60 dwelling care home scheme) will be delivered by 31 March 2020.

OWNERSHIP

- 5.5 We understand that the site is in a single ownership and controlled by a single developer. Bloor Homes have a long standing option to purchase the site in its entirety upon receipt of outline planning permission and their Planning Manager for their Western Division Chris Shaw confirmed to us on 19 January 2015 that they intend to build out the site themselves.

PLANNING STATUS

- 5.6 Bloor Homes has been in pre-application discussions with the Council since mid-2013¹¹. Their Planning Manager also confirmed that much of the technical work in respect of the delivery of the site has already been undertaken and the broad details of a 460 dwelling scheme were consulted upon in summer 2014. An illustrative masterplan was produced showing a 460 unit scheme:



Fig 5.2. Holmer West Illustrative Masterplan (Taken From Bloor Homes Public Consultation Boards for Holmer West).

- 5.7 It is Bloor's intention to submit an outline planning application for the site in mid-February 2015. The site has been previously screened under the EIA Regulations according to Guy Wakefield of Hunter Page Planning on 29 January 2015 and the Screening Opinion issued confirms that

¹¹ Source: Minutes of Holmer and Shelwick Parish Council Meeting, 14.08.2014 (<http://holmershelwick.co.uk/minutes-august-14th-2014/>)

the scheme is not considered to be EIA development necessitating the completion of an Environmental Statement. We understand that a Planning Performance Agreement (PPA) has not been signed with the LPA.

INFRASTRUCTURE PROVISION

- 5.8 As is the case with all of the Strategic Locations, to a greater or lesser extent, Holmer West's development is intrinsically linked to the delivery of significant new road infrastructure. In the case of Holmer West, this is the HRR and, in particular, the north/south connection to the A49. There is something of a 'chicken and egg' scenario in the case of the proposed HRR in that its delivery, in addition to some Central Government monies that can be secured, is heavily dependent upon the CIL receipts generated by development, but only a certain quantum of development can be delivered before the HRR would be required. Development may ultimately be delayed by the lack of the HRR, and the HRR may be delayed by lack of funding cascading down as a result of development.
- 5.9 Importantly, Bloor's Planning Manager advised us that their Transport Consultant has calculated that the trigger point for additional road infrastructure directly linked to Holmer West is above the 460 dwelling level. Therefore, at present Bloor Homes only intend to develop out 460 dwellings at the site, some 40 dwellings below that proposed in the Core Strategy.
- 5.10 This strategy is proposed in the hope of avoiding the imposition of a holding direction by the Highways Agency (HA), albeit that Bloor concede that they will not know whether the 460 dwelling scheme itself may precipitate a holding direction until their outline application is submitted and consulted upon.
- 5.11 Furthermore Policy HD4, as proposed within the Core Strategy, states that the development here is expected to provide either "...*land or a contribution to facilitate the construction of the adjoining phase of the Hereford Relief Road*".
- 5.12 In addition to road infrastructure, Policy HD4 also requires that the scheme provides:
- A minimum of a 350 space Park and Ride site (land and infrastructure).
 - Walking and cycle routes and green infrastructure corridors linking to the Park and Ride site, the existing public right of way network and existing education and community facilities and employment sites in the locality.
 - Appropriate new green buffers and linear green routes, particularly along Ayles Brook.
 - Flood risk mitigation measures both for new homes within the expansion area and to benefit existing residents and businesses in other parts of the city through the

incorporation of sustainable urban drainage solutions, as part of the green infrastructure network and measures to control water levels within Ayles Brook.

- 5.13 These requirements may potentially cause delay in terms of consideration of the application, prolong negotiation over Section 106 agreements, and may also have implications in terms of the introduction of phasing conditions to control the pace of delivery. All of these factors may extend the time to determine the application and, should any planning applications be successful, ultimately delay implementation of the development.

OTHER CONSTRAINTS

- 5.14 As mentioned above with respect to the proposed flood risk mitigation measures Holmer West is partially at risk of flooding. Whilst most of the site is in Flood Zone 1 and therefore at low risk, the Environment Agency (EA) confirm that part of the site is potentially affected by flooding from Ayles Brook. Appropriate mitigation is required.

- 5.15 Policy HD4 also dictates that the development should provide for:

- Appropriate provision of and contributions towards indoor/outdoor sports and play facilities, open space and allotments
- A pre-school facility and provision of/contributions towards the enhancement of existing primary and secondary school provision in the locality and any identified need for other community infrastructure/facilities.

- 5.16 In addition, there is also a requirement that the site should deliver 35% affordable housing. This, along with the other requirements, will necessarily mean that negotiations over the Section 106 Agreement are likely to be lengthy.

- 5.17 A further complication with respect to Holmer West is the Core Strategy's acknowledgement that the proposed development site lies within an area of medium to high landscape sensitivity. This may ultimately impact upon the final agreed design of the scheme and may result in more onerous design and mitigation requirements over and above that which would usually be required. In addition, it raises the potential for comments to be raised by Natural England upon submission of a planning application that may result in delays in its consideration.

DELIVERY RATES AND TIMESCALES

- 5.18 Bloor Homes has confirmed that they anticipate a relatively swift delivery rate at Holmer West. At present, they intend to deliver 50 dwellings within the first year of unit completions, with circa 60 dwellings per annum thereafter for a five to six year period, with the rate tapering down thereafter. This would appear to be an ambitious level of delivery to achieve (see average build

out rates for volume developers in Chapter 6) and will ultimately be dependent upon market forces and the success of sales at the site. However, Bloor cite a circa 70 dwellings per annum delivery rate at their 428 dwelling scheme at Folly Park View, Faringdon; however that site is in a very different housing market (West Oxfordshire where we have recently undertaken numerous housing land supply assessments) and is not directly comparable with Herefordshire.

- 5.19 In terms of 'lead in' times to first completions, Bloor anticipate submission of an outline planning application in February 2015. They are hopeful of a relatively swift consideration of this application with reserved matters to follow thereafter in late 2015. A start on site is anticipated in 2016.

SUMMARY

- 5.20 As outlined above, the Holmer West site is at risk of delay due to the significant infrastructure requirements that are to be linked to its delivery. Bloor has confirmed that they have reduced the scale of the proposed development from 500 to 460 dwellings in efforts to avoid a holding direction by the HA but candidly admit that they do not know exactly what the HA's approach will be until their outline application is submitted in February 2015.
- 5.21 The Council's September 2014 Housing Land Supply Position Statement claims that 25 dwellings would be built at Holmer West in 2015/16, with a further 80 dwellings in 2016/17. This is clearly completely unrealistic and unjustified in light of the evidence.
- 5.22 Even if an outline application is dealt with quickly (which is unlikely given the scale and sensitivity of these proposals), by the time Section 106 Agreement negotiations have been resolved, contractual issues dealt with, reserved matters progressed, initial site set up work completed it is unlikely in our view that a start on site will be seen before mid-2017. Bloor have estimated 2016 for a start date but our experience elsewhere (both in terms of promoting major schemes and our UK wide SUE research) would suggest this is very ambitious and unlikely to be realistic.
- 5.23 **Appendix 1** sets our realistic trajectory for the site.
- 5.24 Even with a generously short time allowed for the consideration of this complex proposal at the outline application and reserved matters stages, as well as a relatively short timescale for consideration of the Section 106 Agreement, we believe that the first houses may well not be seen on site until at least the end of the 2017/18 supply year. It is possible that perhaps 20 dwellings may be delivered that year, and adopting 60 dwellings per annum thereafter (based upon Bloor's own comments (which we doubt very much will be achieved here) and 90 per annum in 2018/19 and 2019/20 to allow for 30 dwellings per annum for the care home) would result in 200 dwellings being completed by 2020 some 60 less anticipated by the Council.

However if the 60 dwellings per annum rate were reduced in line with industry average data to circa 35 dwellings per annum overall dwelling yield would reduce by a further 50 dwellings giving **150 dwellings** for the period up to 31 March 2020.

6. THREE ELMS, HEREFORD

LOCATION AND OVERVIEW

- 6.1 Also known as the “*Western Urban Expansion*”, the proposed Three Elms Strategic Location lies on the north western outskirts of Hereford City Centre. The area is defined in broad-brush terms in the emerging Core Strategy as “...located between the A4103 to the north and the A438 to the south, immediately west of Yazor Road extending westwards towards the livestock market.” Yazor Brook cuts north west to south east across the site.

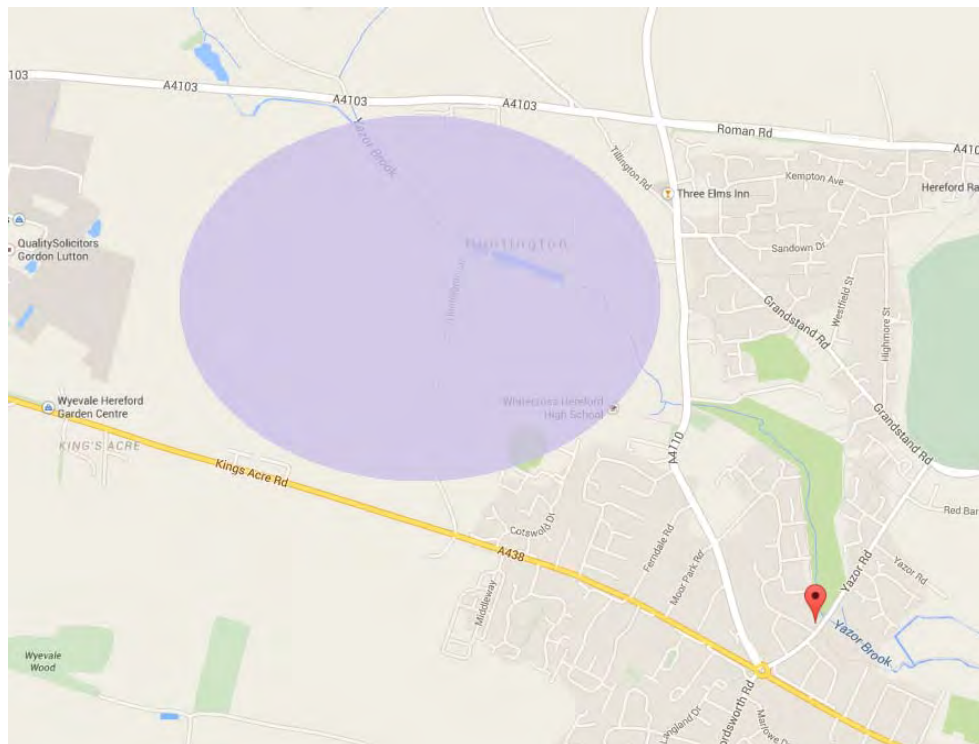


Fig 6.1 Map to Show Approximate Location of Proposed Three Elms SUE (Source: Google Maps Using Core Strategy Description)

- 6.2 Existing residential areas known as Three Elms and Kings Acre lie to the south and east of the proposed expansion area respectively. The Huntington Conservation Area, which straddles Yazor Brook, lies within the development area. Significantly, the Brook corridor is a designated flood zone. The Core Strategy explains that the Strategic Location will be more clearly defined, and its development guided, by a Masterplan and Development Brief which have yet to be produced. The land to be included within the proposed Strategic Location is largely in agricultural use at present.

- 6.3 The Council estimate that the development area has capacity for up to 1,000 dwellings. Their Housing Land Supply Statement projects that 405 of these will be delivered within the five year period 2015 – 2020.

OWNERSHIP

- 6.4 Circa 85 to 90% of the proposed Strategic Location is owned by the Church Commissioners (confirmed by their agent, Ben Simpson of Carter Jonas on 20 January 2015).
- 6.5 Taylor Wimpey has control of an additional two sites within the proposed Strategic Location. These are identified within the 2013 Hereford Strategic Housing Land Availability Assessment (SHLAA) as “Land to the West of Huntington Lane” (SHLAA Ref: HLAA/114/001) and “Land to the East of Huntington Lane” (SHLAA Ref: HLAA/134/001). The SHLAA estimates that these sites have a combined potential capacity of up to 120 dwellings.
- 6.6 Carter Jonas have stated that “there may be” a small amount of additional land outside of the Church Commissioners’ ownership depending upon the precise boundaries of the SUE but that this was not needed to deliver the bulk of the scheme.

PLANNING STATUS

- 6.7 In terms of the area of the Strategic Location controlled by the Church Commissioners, their agent has confirmed that they will submit an outline planning application later this year and that they are currently targeting sometime in the summer. Reserved matters submissions are anticipated thereafter in 2016, with a start on site potentially within 2017 currently being estimated.
- 6.8 Carter Jonas were keen to stress that there had already been a significant amount of pre-application discussion with the Local Authority as would be expected with a proposal of this scale.
- 6.9 Mike Fenton Strategic Planning Manager for Taylor Wimpey confirmed on 29 January 2015 that they are likely to submit an outline planning application in the latter part of 2015.

INFRASTRUCTURE PROVISION

- 6.10 Carter Jonas acknowledged that road infrastructure is a potential issue for the delivery of the site but that their client’s Transport Assessment was still underway so they were unsure at this point precisely what their views were on trigger points for the need for supporting infrastructure, or how much the scheme should be expected to contribute. However, emerging Policy HD5 of

the Core Strategy is clear that the Council proposes that the site should deliver land and infrastructure to facilitate the construction of the adjoining phase of the HRR.

- 6.11 As is outlined above, this obviously immediately places a reasonable degree of risk upon the timescales for the delivery of the site. There may be phasing conditions imposed which limit the pace of any eventual housing development here. The HRR and the Three Elms link component of it is a controversial proposal in its own right even before the housing proposals are considered.
- 6.12 The September IDP estimates that the Three Elms Link will be delivered between 2020 and 2025 but it is unclear how much housing will be permitted at the site before the Link needs to be completed.
- 6.13 The following additional infrastructure requirements are sought by Policy HD5:
- Land and infrastructure for a transport interchange or around 150 spaces.
 - A new linear park along the Yazor Brook corridor connecting with the existing green infrastructure links east of the expansion area, the public rights of way network within and adjoining the expansion area and informal recreation space.
 - A series of new green infrastructure connections which enhance the biodiversity value of the area and also serve as pedestrian cycle links through the development, including optimising the use of the disused railway line to connect with the transport interchange, schools, community facilities, employment land and the remainder of the city.
 - Provision for new bus links through the site.
 - Provision on site of appropriate sports and play facilities, formal and informal open space, community orchards, woodland planting and allotments.
 - A new 210 place primary school with additional pre-school accommodation on site.
 - An extension of Whitecross High School to increase capacity from a 6 form entry to 7 form entry school, with commensurate school playing field provision.
 - A neighbourhood community hub.
 - Sustainable urban drainage and flood mitigation solutions to form an integral part of the green infrastructure network.
 - Opportunities to mitigate flood risk arising from Yazor Brook for existing residents and businesses within the city.

6.14 This substantial list of requirements will necessarily result in a complex planning process for the scheme which will be subject to significant negotiation and with potentially significant delays particularly if some form of equalisation is required between various promoters.

OTHER CONSTRAINTS

6.15 As noted above, the scheme is at risk from flooding. Parts of the site adjoining Yazor Brook fall within Flood Zone 2 and 3. An extract from the Environment Agency's Flood Risk Map is shown below.



Fig 6.2 Extract From Environment Agency's Flood Risk Map to Show Flood Zones at Proposed Three Elms Strategic Location.

6.16 Flooding is a significant planning issue and adds further to the possibility for delay in achieving any future planning permission.

6.17 In terms of identifying any additional constraints here, whilst it is true that the Church Commissioners own a significant proportion of the site which could be developed in isolation of other, smaller components of the development, a question mark must surely remain as to 'who' contributes 'what' to any future infrastructure. This will undoubtedly be the subject of future negotiation which again may affect the delivery timescales of the site.

6.18 Finally, the delivery of housing here is tied to the development of a minimum of 10ha of employment land, for a range of Class B1, B2 and B8 uses. This is to be located near to the western end of the site, close to the new Livestock Market. The timing of delivery of this element will potentially impact upon the number of dwellings constructed before, for example, a

certain quantum of the employment land has been developed. It is also possible that the pressure for the delivery of the Three Elms link road may come earlier as a result of this additional industrial traffic.

DELIVERY RATES AND TIMESCALES

- 6.19 With respect to the circa 90% area of the proposed Strategic Location owned by the Church Commissioners, their agent anticipates a physical start on site at some point in 2017. Developers are obviously keenly aware of the proposals for the site but Carter Jonas have confirmed that no party is in detailed discussion with them as yet. They envisage that the housing element of the scheme will be delivered by two to three developers.
- 6.20 Based upon our experience of similar scale developments nationally, and considering the significant infrastructure burden placed upon this scheme, even a conservative estimate of the time needed to secure the necessary outline planning permission, reserved matters approvals, and discharge of pre-commencement conditions may well mean a start on site cannot be achieved until at least mid-2019. Our lead in time trajectory is provided at **Appendix 2**.
- 6.21 In terms of the rate of delivery, as there is no evidence in support of who will ultimately build out the scheme, it is reasonable to assess the proposals having regard to industry averages. In doing so, we provide below evidence of the annual average build rates of several major house builders:
- Taylor Wimpey¹² - 11,696 completions on 315 sites – an average of 37 dwellings per annum.
 - Barratt¹³ - 13,663 completions on 381 sites – an average of 36 dwellings per annum.
 - Redrow¹⁴ – 3,597 completions on 103 sites – an average of 35 dwellings per annum.
 - Linden¹⁵ – 2,932 completions on 89 sites – an average of 33 dwellings per annum.
- 6.22 Build rates clearly vary from site to site and from developer to developer and we are aware that competition for sales from different developers selling similar products can actually suppress sales rates.

¹² Taylor Wimpey Annual Report and Accounts 2013, page 6.

¹³ Barratt Developments Annual Report and Accounts 2013, page 3.

¹⁴ Redrow Annual Report and Accounts 2014, page 15.

¹⁵ Galliford Try Annual Report and Financial Statements 2013, page 24.

- 6.23 From the example figures stated above, it would not be unreasonable to assume that a typical average build rate of a large site such as this of circa 35 dwellings per annum. It is typical for a slower build rate in the earlier years of a scheme, with the pace of development increasing as the scheme becomes more established and additional developers come on board.
- 6.24 The Council's September 5 Year Housing Land Supply Statement estimated that 81 dwellings would be delivered here in 2016/17, with 108 units per annum each year thereafter. By their calculation, this results in the development of 405 dwellings to 31 March 2020.
- 6.25 Carter Jonas, agents for the Church Commissioners envisage that up to 500 dwellings can be delivered up to 2022 without adverse impact upon highways (2022 is when the first stage of the HRR is projected to open), as clarified in their Matters Statement in respect of Matter 4 for the EiP. These comments do not confirm that they believe that they will deliver this many units by this stage though.

SUMMARY

- 6.26 Whilst the majority of the Three Elms site lies within the Church Commissioners' ownership, the development proposed here faces significant challenges in terms of the infrastructure needed to enable its delivery. As with Holmer West, the precise trigger points for supporting road infrastructure are not clear. However, it is certain that the Three Elms link road is far from the only requirement that the Council envisages that this scheme should deliver. Lengthy negotiations can be anticipated with respect to what the scheme can reasonably afford to provide and these issues have the potential to delay the planning process substantially beyond what Carter Jonas and, indeed, Hourigan Connolly's more conservative estimates suggest.
- 6.27 Given that even an outline application is still at least several months away, the Council cannot seriously argue that these scheme is likely to deliver at anything like the rate anticipated within their September 5 Year Housing Land Supply Statement.
- 6.28 As mentioned above, the Council estimate that 81 dwellings would be delivered in 2016/17, with 108 units per annum thereafter; this would produce 405 dwellings in the five years to 31 March 2020.
- 6.29 We believe that a more realistic trajectory may see the first dwellings appear on site in the first half of 2020. This may mean that, even with two developers at such an early stage in the site's delivery, only circa **20 dwellings** may be delivered within the 5 year supply period (assuming 10 dwellings per developer in Quarter 1 of 2020). Subject to confirmation of suitability for allocation through Examination this site is best considered a developable site as it is likely to start delivering dwellings in Years 6 – 10 post the nominal adoption date of April 2015 assumed by the Council.

7. LOWER BULLINGHAM, HEREFORD

LOCATION AND OVERVIEW

- 7.1 The proposed Lower Bullingham Strategic Location (also known as the Southern Area Expansion) is situated to the south of Hereford on land to the east of Hoarwithy Road, between the railway line and the Rotherwas Access Road. The Council envisage that the development could ultimately deliver up to 1,000 dwellings.
- 7.2 Policy HD6 of the emerging Core Strategy identifies the Southern Urban Expansion area as a whole, incorporating the 5ha of employment land and community facilities that the development as a whole is expected to deliver. The Policy proposes that the site will be developed out at a density of 35 dwellings per ha and with 35% affordable housing.
- 7.3 The 2013 SHLAA included a large parcel of land referred to as “*Land at Bullinghope, to the east of Hoarwithy Road*” (SHLAA Ref: HLAA/203/1b) which the Strategic Location proposals are now broadly based upon. This parcel extends to some 60ha and is shown below at Fig 7.1:

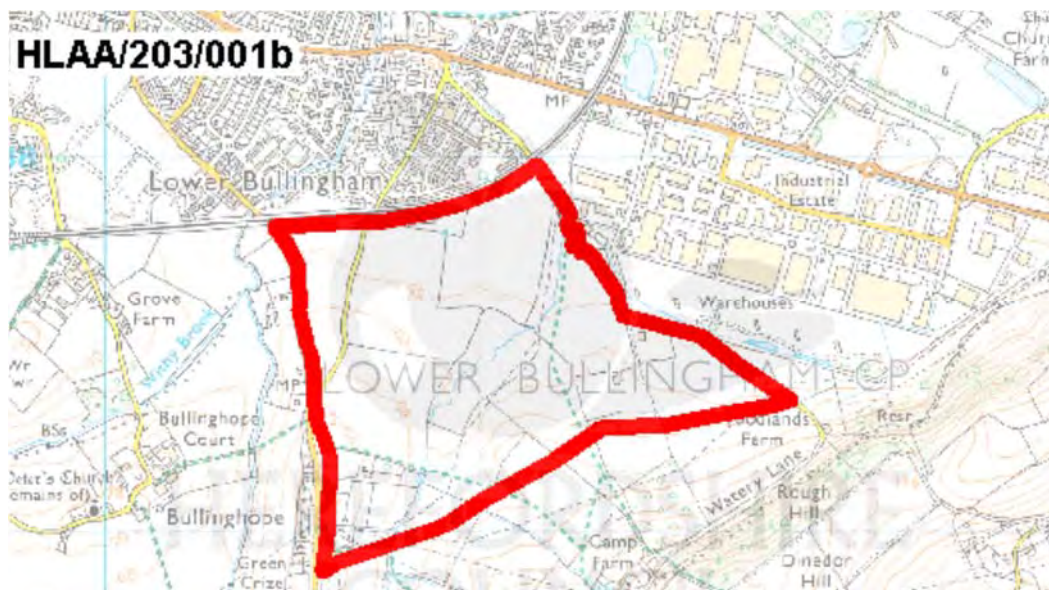


Fig 7.1 SHLAA Extract of Site Known as “*Land at Bullinghope, to the East of Hoarwithy Road*” (Source: 2013 Herefordshire SHLAA).

OWNERSHIP

- 7.4 It is our understanding from discussions with Bloor on 19 January 2015 that the majority of the Strategic Location proposed for housing falls under one ownership (with whom Bloor Homes have an option agreement). Bloor Homes Western’s Planning Manager Chris Shaw confirmed

on 19 January 2015 that there may be one additional owner to be incorporated into the proposals but that their parcel was not critical to the delivery of the wider site.

PLANNING STATUS

- 7.5 The site is referred to in Core Strategy Policy HD6.
- 7.6 In terms of any forthcoming planning applications, Bloor confirmed that they intend to submit an outline planning application in mid-2015. They have already undertaken public consultation here and much of the technical work in support of the proposals has been done. However, they do envisage a prolonged planning process and Section 106 Agreement negotiation here as the infrastructure requirements sought by the Council are more onerous than which Bloor Homes are dealing with at their Holmer West site.

INFRASTRUCTURE

- 7.7 Bloor has maintained through their representations to both the Pre-Submission stage of the Core Strategy and in their Examination Statements that the HRR is not required to enable some development to be achieved at either of their strategic sites (Lower Bullingham and Holmer West). However, as discussed above further clarity is required from the Council on this matter. Until such clarity can be provided, developments such as Lower Bullingham must be considered to be at a reasonable degree of risk of delay. We would also reiterate the need for more detail on the funding mechanisms for the HRR with respect to sites such as Lower Bullingham to assess the viability of such proposals more fully.
- 7.8 Other infrastructure to be provided by the Strategic Location (as set out at Policy HD6) includes the following:
- Suitable vehicular access to the site principally from the B4399.
 - A minimum of a 350 space Park and Ride site (land and infrastructure) adjacent to the A49/ Rotherwas Access Road roundabout.
 - Green infrastructure corridors through the area to include strategic greenways along Red Brook and Norton Brook linking to Withy Brook.
 - Creation of a country park to incorporate new footpaths linking with the existing public right of way network in the locality, woodland and orchard planting.
 - A new 210 place primary school with additional pre-school accommodation.

- A neighbourhood community hub, including small scale convenience retail and provision of and/or contributions towards any identified need for other community infrastructure/facilities, including community meeting space and health provision, indoor and outdoor sports.
- Sustainable urban drainage and flood mitigation solutions to form an integral part of the green infrastructure network.
- New direct walking, cycling and bus links from the urban extension to the Park and Ride to the west, Hereford Enterprise Zone to the east and existing communities and the city centre to the north.

7.9 As with Three Elms above, Lower Bullingham is presently faced with a substantial list of requirements that will necessarily result in a complex planning process for the scheme.

OTHER CONSTRAINTS

7.10 The Lower Bullingham site lies immediately to the south of the River Wye. As a result, some parts of the site fall within Flood Zone 3 (1 in 100 chance of flooding per annum or greater). In addition, a number of smaller watercourses also cut across the site including Withy and Red Brooks. Detailed flood risk work and mitigation measures will clearly be needed as part of the proposals which will be subject to external scrutiny by the Environment Agency.

7.11 The Council point out in the Core Strategy that the site lies within the context of a number of key heritage assets. These include the nearby Iron Age hill fort, Dinedor Camp, and the ridge extending eastwards into Rotherwas Park. These will impact upon the masterplanning process.

7.12 Archaeology is also likely to be a factor which may cause some delay here. As the Council explain at Paragraph 4.2.94 of the Core Strategy:

“Recent field investigations in the locality have revealed a number of archaeological finds of significance, including the Bronze Age feature known as the Rotherwas Ribbon. Further archaeological field evaluation will be required to inform the masterplan for the expansion area and it may be appropriate to include this area as part of a green corridor. Any statutory designation afforded to this site will influence the master planning process”.

DELIVERY RATES AND TIMESCALES

- 7.13 Whilst Bloor Homes is taking a proactive approach to the delivery of this site, its scale and complexity mean that it is difficult to be determine with any real accuracy when there will be a start on site.
- 7.14 Land ownership issues appear relatively straightforward but lead in times will no doubt be highly dependent on the length of time taken to consider the planning application, and the constraints place upon the scheme in infrastructure terms. It appears that the scheme is likely to carry a major burden in this respect, subject to negotiation through the planning process.
- 7.15 As at Holmer West, Bloor Homes maintain that their status as a private family-owned house builder means that the onus will be on them to build out the site at a swift pace. They have indicated that they intend to build out 60 units in their first year of completions, with 70 per annum once the affordable housing come on stream, before ultimately tapering back to around 50 to 60 per annum thereafter. We have already raised concerns about these rates above in respect of Holmer West. In our view one developer having control of two Strategic Locations in Hereford will ultimately affect completion rates.
- 7.16 Our lead-in trajectory is provided at **Appendix 3**. Bloor Homes expect a start on site at some point in 2017, whilst admitting that the Section 106 Agreement here may take a considerable amount of time to resolve. Based upon Hourigan Connolly's extensive experience of the development timescales for sites such as this, we are of the view that a 2017 start is overly optimistic and that we would anticipate that a site start may not be seen until early 2019. Housebuilding would then be seen from early 2020 onwards.

SUMMARY

- 7.17 This is a relatively straightforward proposal in land ownership terms as there is a single owner for the majority of the site and Bloor Homes contend that they will deliver the residential component of the site in its entirety by themselves. However, the scale of the development and the substantial amount of supporting physical and community infrastructure required by the Council in respect of the proposals means that it cannot be relied upon to deliver significant numbers of dwellings in the short term. In the absence of further evidence from the developer and the Council as to how they may expedite planning more swiftly, we have therefore assumed that only **20 dwellings** may be completed up to 31 March 2020.

8. HEREFORD CITY CENTRE URBAN VILLAGE

LOCATION AND OVERVIEW

- 8.1 The City Centre Urban Village is proposed on land immediately to the north of Hereford United Football Club. It is bounded to the west by the rear of existing properties on Edgar Street, to the north by the rear of properties on Newtown Road and to the east by the rear of properties on Widemarsh Street. The proposals form part of the wider 'Edgar Street Grid' (ESG) regeneration area which incorporates some 43ha of predominantly brownfield land. The wider proposals include the redevelopment of the old livestock market to provide a retail and leisure scheme ('The Old Market') incorporating Debenhams, Waitrose and an Odeon Cinema.
- 8.2 The Council's vision for the ESG Regeneration Area are set out on the schematic at Fig 8.1 below:

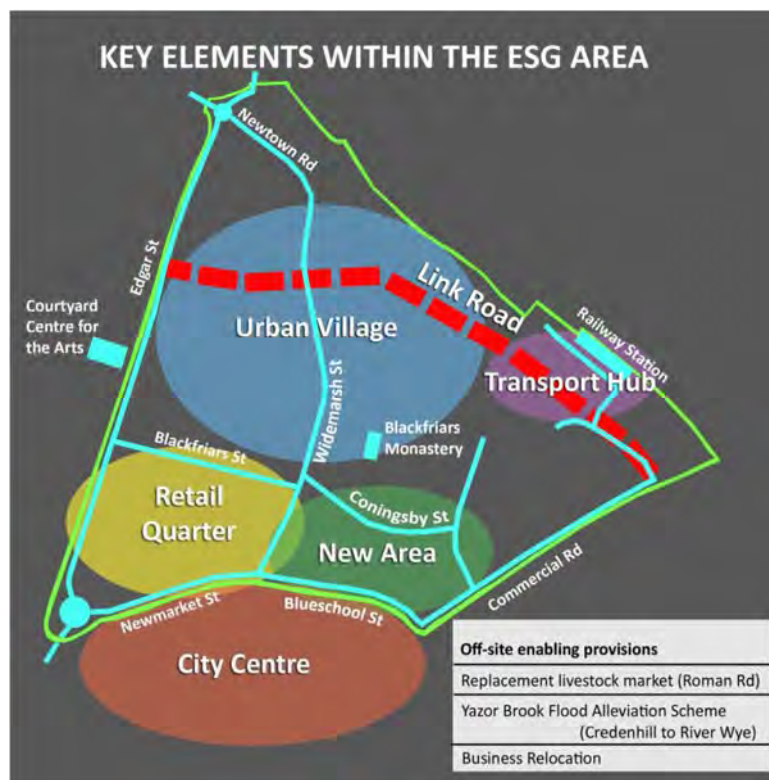


Fig 8.1 Schematic to Show Key Elements Within the ESG Area (Source: Herefordshire Council's Matters Statement for Policy HD2 Pertaining to the Core Strategy Examination in Public)

- 8.3 The proposed Masterplan for the Urban Village itself is shown below.



Fig 8.2 Masterplan of Proposed Urban Village (Source: Savills Illustrative Layout Produced for Sanctuary Housing).

- 8.4 The proposals allow for the development of up to 800 dwellings. Circa 35% of the dwellings are to be affordable with Sanctuary Housing to build out this element. The remaining 65% will be market housing but a private sector partner(s) has yet to be appointed.
- 8.5 Hereford Futures were the delivery vehicle established to deliver regeneration schemes such as this in central Hereford but they were wound up in 2014. It is our understanding that the impetus for the delivery of the scheme now rests with Herefordshire Council and Sanctuary.
- 8.6 The majority of the site is currently in use as a car park (Merton Meadows), with some adjoining industrial and retail uses.
- 8.7 Widemarsh Brook cuts centrally across the site east to west and is a Site of Importance for Nature Conservation.

- 8.8 Key to the delivery of the proposals is the construction of the ESG link road which will run from Edgar Street to Commercial Road (which lies further to the east), with a connection to Blackfriars Street to the south. This will provide a vital access route into the development area.

OWNERSHIP

- 8.9 The site is currently in the ownership of in excess of 20 separate parties. However, the Council has a confirmed Compulsory Purchase Order (CPO) to enable it to facilitate delivery of the link road and the Urban Village. The CPO was confirmed on 23 September 2013. It is clear that almost all of the Urban Village lies within the CPO area, with the exception of a small area to the south-eastern edge of the scheme.
- 8.10 Hourigan Connolly received an update on the CPO from Ian Higgs of the Council on 27 January 2015 and were advised that divesting notices were to be served upon landowners in February 2015 with a view to the Council taking ownership in late spring.

PLANNING STATUS

- 8.11 In terms of the Urban Village itself, the only relevant planning approval to date is the outline planning permission for Phase 1 of the residential scheme (Application reference: 130888/O) which was granted by Notice on 7 August 2013 on land currently occupied by Merton Meadow Car Park. The applicant was Sanctuary Group and the description of development was as follows:

“Redevelopment of site, including demolition works to provide residential development comprising up to 192 units including a 60-bed extra care home and ancillary uses, new public realm and landscaping.”

- 8.12 It is our understanding that two residential layouts were submitted as part of this approval. One was for 173 dwellings, with another higher density 192 dwelling scheme. Sanctuary will provide final details at the reserved matters stage.
- 8.13 It is proposed that the scheme will comprise a mixture of two and four bed dwellings (predominantly semi-detached and terraced houses) with some one and two bed apartments. As the description of development sets out, the scheme also incorporates a 60-bed extra care scheme.
- 8.14 Our discussions with the Ed Thomas of the Planning Department on 27 January 2015 revealed that there has been no further discussion with the planning team since outline planning permission was granted in August 2013. Furthermore Ed Thomas stated that he had been in post for 14 months and that there had been no discussions in that time.

- 8.15 Ian Higgs the Council's Officer dealing with the CPO confirmed that the reserved matters application is expected when a more definite plan for the road (in terms of timescales and exact levels) is available. The Council anticipate that they will commence enabling works for the road in early summer 2015 with an approximate 15 month build programme but that this is not certain as contractors have still to be appointed. Indeed, the precise nature of the procurement of the contractors has not yet been confirmed. The Summer 2015 start on site is beyond the April/May 2015 target date set by the Council in their Examination Statement for Policy HD2.
- 8.16 Both Mr Higgs and his colleague Mairead Lane who we also had discussions with on 27 January 2015 confirmed that they did not expect the road to be completed until the end of 2016 and that no development was expected within the plots for the Urban Village before that time.
- 8.17 Sanctuary Group's agent at the outline stage was Savills' (Craig O'Brien at the Bristol Office who we spoke to on 27 January 2015). Savills was confirmed that Sanctuary would not proceed with a reserved matters submission until they had more certainty over site levels. It is assumed that detailed discussions with an appointed contractor will be needed and enabling works commenced before this can be finalised. Savills confirmed that they had not as yet been asked to undertake any work with respect to the reserved matters stage but that this may be because Sanctuary may appoint architects to do this without their involvement.
- 8.18 For reference the link road application was approved on 30 March 2010 (application ref: CE092576/F) and this remains extant.
- 8.19 We have not been able to contact Sanctuary directly with respect to this development or the wider Urban Village proposals. However, Savills did advise that they were aware that some discussions had taken place between Sanctuary and interested parties with respect to the market housing element of the Urban Village but that the identity of the parties is not in the public domain as yet. It is our understanding that Sanctuary will build out the extra care and affordable element of the approval, with a housebuilder partner delivering the market housing (which will form 65% of the development).
- 8.20 The Urban Village site as a whole is promoted through the emerging Core Strategy at Policy HD2.

INFRASTRUCTURE PROVISION

- 8.21 As discussed above, the most critical factor to delivery of this site from an infrastructure point of view is the ESG link road. We understand that funding for the link road has been secured through the Local Growth Fund. As has been emphasised above, development of the Urban Village proposals cannot be finalised until the precise 'as built' levels and development programme for the road are known. As contractors are yet to be appointed for the road, this

cannot be confirmed at this stage and it is unlikely that such information would be available until this summer at the earliest. Development of the Urban Village cannot proceed until the completion of the road.

- 8.22 The Urban Village site (and indeed the application site for phase one) lies within Flood Zone 3 where the risk of flooding is 1 in 100 per annum or less. Part of the site also falls within the functional floodplain. This has consequences for the proposals as a whole as the site levels need to be raised by an average of 700mm across most of the site, alongside other flood mitigation measures. This has implications in terms of delays at the detailed design stage and ultimately in terms of increased build costs which may adversely affect the scheme's viability.

OTHER CONSTRAINTS

- 8.23 Other key constraints faced by the site include the designation of the Widemarsh Brook corridor running through the centre of the site as a Site of Importance for Nature Conservation (SINC). Any future development will have to be designed sensitively to preserve this area and this may delay the commencement of development as the developer must satisfy the Council and Statutory Bodies such as Natural England that these issues have been adequately dealt with.
- 8.24 The Decision Notice for the outline planning permission for phase one of the housing proposals includes a long list of pre-commencement conditions to be satisfied prior to commencement of development. These include the need to submit and agree an archaeological programme of work including a written scheme of investigation; this alone has the potential to extend the build programme significantly.
- 8.25 As discussed earlier in this chapter, the majority of the site is brownfield. This also will have implications in terms of the time taken to deliver the site as remediation work will be needed before any development is undertaken. The exact nature of this has yet to be determined and detailed site investigations are still required. Again, this adds a major area of risk to the proposals that will only add to the uncertainty surrounding the site's viability and deliverability until this information is obtained.
- 8.26 A fundamental constraint which jeopardises the scheme being delivered in the short term is the absence of a driving force behind the proposals. Herefordshire Futures was previously the delivery vehicle to promote the scheme but since their closure in April 2014 the Council has stated that they are reviewing how best to continue delivery of the proposals. In that respect we spoke to Richard Gabb, Assistant Director of Homes and Communities at Herefordshire Council on 27 January 2015, who confirmed that he was in the process of seeking to assemble a Growth Team at the Council which would seek to bring together legal, property and wider delivery expertise from around the Council to provide fresh impetus to proposals such as the

Urban Village. He confirmed that the Village remained a priority for the Council but that it had lacked some direction since the demise of Hereford Futures.

- 8.27 Richard Gabb also shed light on some further uncertainty surrounding the proposals in terms of the precise extent of the developable area of the Urban Village. He confirmed that in order to deliver the full 800 dwellings initially proposed, some additional land outside of the Merton Meadows car park and compulsorily purchased land would be required. He was reviewing the link road plans to determine which parcels may be included and the nature of freeholder interest to dispose of these sites at present. Whilst this work is ongoing at present, no formal marketing of any Council-owned parcels can take place before the summer as a result of the period of purdah commencing around March in the run up to the May 2015 General Election.
- 8.28 He also explained that the uncertainty around the future of Hereford United Football Club was having a major impact on the Council's willingness to confirm their position on the wider development of the Urban Village and its precise boundaries. We understand that the Club was offered a new two year lease of their Edgar Street Stadium (which is Council-owned) on 22 January 2015 but that the long term presence of the Club at the site is unknown. He stressed that both the Council and Sanctuary were "considering their positions" in terms of next steps.

DELIVERY RATES AND TIMESCALES

- 8.29 Given the significant infrastructure constraints faced by the proposals, and the fact that only an outline consent has been achieved for a relatively small area of the total Urban Village scheme, it is anticipated that the proposals still face a long lead-in time. Indeed, the level of uncertainty about the precise boundaries of the development and the positions of key delivery partners mean that, beyond the link road, there is no concrete commitment to the precise nature of the housing proposed. Whilst the Urban Village remains a priority for the Council in principal, it is difficult to see that the Council can have any degree of certainty about the ability of this site to deliver housing within the next five years.
- 8.30 In spite of these significant uncertainties, Hourigan Connolly accepts that some key milestones may be achieved at the site in the five year period to 31 March 2020. Therefore, whilst the wider scheme is set aside due to uncertainty, an estimated trajectory for phase one is provided at **Appendix 4.**
- 8.31 The project has been subject to a hiatus since the outline approval was achieved in summer 2013. We are aware that there will be ongoing discussions between the Council and Sanctuary for a considerable period before any further movement on the development proposals. We are unsure as to whether a site sale will be secured at Quarter 1 2017 as shown as discussions with any other private house builders for the market housing element of the proposals have not taken place yet. However, we have assumed that this may be achieved by this stage and that it

could reasonably be assumed that reserved matters proposals could be worked up for submission thereafter. With technical approvals required, additional investigations to be undertaken and remediation to be carried out, it is entirely possible that the first houses may not be seen on site until early 2020.

SUMMARY

- 8.32 The City Centre Urban Village scheme remains a priority for delivery for Herefordshire Council. The achievement of funding for the link road and the gathering momentum for this (subject to any political change in May 2015) is a major factor in the eventual development of the housing here. However, there is not at present any single organisation or body to drive forward the Urban Village itself. In addition, in spite of the successful CPO, there remains huge uncertainty about the precise, eventual boundaries of the Village. It is difficult to see how the Masterplan for the wider area can be evolved further until greater clarity is provided about land ownership around the periphery of the proposals.
- 8.33 As a brownfield site at risk of flooding within an historic urban centre that also contains a SINC, the potential for significant delays in the lead in to development are clear. With this in mind, we have deemed it reasonable to fully discount the completion of any dwellings from the five year housing supply as envisaged post the adoption of the Core Strategy.

9. LEOMINSTER

LOCATION AND OVERVIEW

- 9.1 The Leominster Strategic Location is situated on land to the south of Leominster. The proposed A44/A49 link road will form the southern boundary of the SUE. Barons Cross Road lies to the north west and existing residential development is to the east. Ivington Road cuts through the central area of the site, running south west to north east.

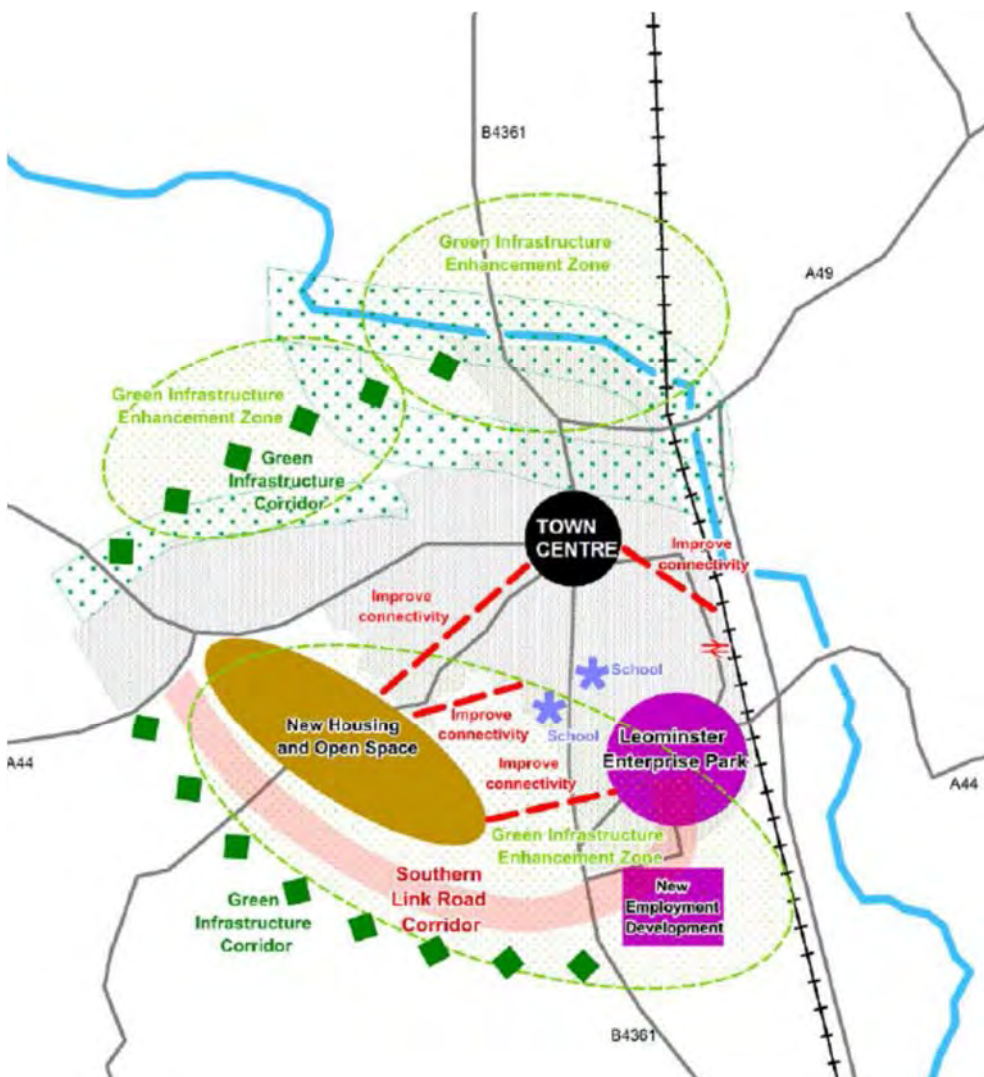


Fig 9.1 Leominster Key Diagram (Source: Herefordshire Local Plan Core Strategy, Pre-Submission Publication [May 2014])

- 9.2 The proposals for the site as set out in Policy LO1 of the emerging Core Strategy envisage the development of approximately 1,500 dwellings. Policy LO2 suggests that the site will be developed out at an average density of 35 dwellings per ha, with a mixture of private and affordable dwellings. A target of 25% affordable housing is set.
- 9.3 The proposals also anticipate the delivery of small scale retail and, potentially, employment uses as demand rises.

OWNERSHIP

- 9.4 Some 50% of the Urban Extension is within the ownership of Brasenose College Oxford, with the majority of the remainder being within the ownership of Mosaic Estates and Admiral Taverns (owned by US private equity firm Cerberus).
- 9.5 We spoke to Nigel Gough Associates ([NGA] agents for Brasenose College and Mosaic) on 26 and 28 January 2015 who confirmed that there are a small number of other ownerships that could potentially form part of the site but that these are not key to its delivery.
- 9.6 All three major landowners are working closely to promote the site, with Mosaic and Brasenose making joint submissions to both the Pre-Submission Core Strategy and to the EiP.

PLANNING STATUS

- 9.7 We understand from Nigel Gough that an outline planning application will follow confirmation of the allocation. In that respect he expects a decision on the Core Strategy in June 2015 so an application would follow shortly thereafter. The owners have been in detailed long term discussions with the Council and have completed a significant amount of work already in terms of the documents that will support the application, albeit the Transport Assessment is incomplete. They are also yet to make a decision about whether to submit a screening request for an Environmental Impact Assessment (EIA) which could elongate the planning process if an EIA is deemed necessary.
- 9.8 From a strategic planning viewpoint, it is also important to note that the representations made on behalf of the site owners to the EiP seek an increase in the number of dwellings to be delivered within the site from 1,500 to a minimum of 1,700.

INFRASTRUCTURE PROVISION

- 9.9 A key factor in the development of the Leominster SUE is the delivery of a direct link between the B4361 Hereford Road to A44 Baron Cross Road. Importantly, Leominster is a 'nil CIL' area,

but it is implicit in the Policy (and indeed the September 2014 IDP) that the development proposals will have to shoulder some of the burden for the link road.

9.10 The Core Strategy states at Paragraph 4.6.12 that:

“The urban extension provides the opportunity to provide new road infrastructure as an integral element of the development. A link road connecting the Worcester Road roundabout to the A44 at Baron’s Cross will be constructed. Much of the link from the B4361 Hereford Road to the Worcester Road roundabout has already been constructed, with a small area of approximately 200 yards needed to complete the link.”

9.11 Subject to funding, NGA confirmed that the road will either be completed in two stages, or as a single piece of infrastructure.

9.12 Savills and NGA’s representations to the EiP on behalf of Mosaic and Brasenose College draw attention to the Council’s Cabinet meeting on 13 November 2014¹⁶ in respect of the South Wye Transport Package (which relates to the Southern Link) which states that:

“Any match funding required to deliver the overall package is anticipated to come from private sector contributions and existing transport capital allocations.”

9.13 In addition to the B4361 Hereford Road to A44 Barons Cross link road, and any wider contributions to the South Wye Transport Package, the following infrastructure requirements are also set out at Policy LO2:

- Provision of a community hub.
- Provision of a new 420 place primary school and pre-school facilities.
- Appropriate provision of on-site open space, sports and recreation provision.
- New green infrastructure walking and cycling links to the town centre, schools, the Enterprise Park and local public right of way network.
- A comprehensive sustainable urban drainage system which includes measures such as rain gardens and swales to manage ground and surface water drainage and safeguard against any increased flood risk.

9.14 In a joint representation to the EiP made by Savills and NGA on behalf of Brasenose College and Mosaic Estates (Examination Statement in response to Matter 8: Leominster) they explain:

¹⁶ South Wye Transport Package Preferred Option Report produced by Parsons Brinckerhoff November 2014, Paragraph 43.

“In very broad headline terms, the Leominster SUE Consortium are confident that the urban extension is deliverable and viable, however, this will inevitably depend upon the scale of the infrastructure burden placed upon it. It is for this reason that we make the case through our representations and this statement for a degree of flexibility to ensure that the viability of development is not drawn into doubt.”

9.15 Given the scale of the proposed SUE, there will clearly be some significant negotiation through the planning process, as the proposals become more refined, with respect to the precise infrastructure burden to be faced by the residential development. This should be taken into account when assessing the potential time that may be needed to navigate the planning process before development can proceed.

9.16 Finally, a key consideration which must be seen as a potential area of delay for this development is the capacity of the existing water supply to meet the demands of the SUE. Welsh Water submitted representations to the Pre Submission Core Strategy (Representations Ref: 291) which recommend that the development proposals here are ‘back-ended’ to the end of the Plan Period. They state:

“To ensure water can be supplied adequately to accommodate further development in this settlement we would require upsizing of our trunk watermains. These types of works would be subject to our regulatory investment and as such, development should be phased to the latter part of your plan period.”

OTHER CONSTRAINTS

9.17 Policy LO2 recognises that there may be archaeological issues with respect to the proposed SUE and that a thorough evaluation of this will be required to inform the detailed design of proposals.

9.18 The SUE incorporates areas of high landscape sensitivity (such as Cockcroft Hill) which will constrain the area available for development and will require a carefully considered design response in the built form.

DELIVERY RATES AND TIMESCALES

9.19 NGA confirmed to Hourigan Connolly that the site owners have been in discussion with a number of interested parties in terms of delivering the development but that discussions would probably not proceed much further until the SUE allocation has been confirmed. NGA would not provide any indication as to their opinion on start on site dates or build rates for the scheme. Nevertheless, as explained above, we have significant experience in the assessment of delivery

timescales for SUEs such as this. In light of the factors set out above, we have therefore produced an indicative trajectory based upon all of the information gathered which is contained at **Appendix 5**.

- 9.20 Given the complexities of the infrastructure requirements, the involvement of at least three landowners, and the sheer scale of the site, it is our view that it is not unreasonable to assume that a start on site may not be achieved until 2020.

SUMMARY

- 9.21 The proposals for the delivery of the Leominster SUE are well supported by the Council and the landowners have acted closely together to promote the allocation of the site through the Core Strategy. However, as with any major urban extension, it is unrealistic to assume that the site could progress swiftly through the planning process.
- 9.22 In addition, there are clearly significant expectations in terms of the infrastructure that the site should deliver which will complicate negotiations through the planning process and, ultimately, will impact upon the discussions to be had between the landowners and potential developers upon receipt of outline planning. We therefore do not believe that it is appropriate to assume that any dwellings will be completed at this site before 31 March 2020.

10. HARDWICK BANK, BROMYARD

LOCATION AND OVERVIEW

- 10.1 The proposed Hardwick Bank Strategic Location lies on land to the north west of Bromyard. The Core Strategy explains that, whilst the boundaries of the SUE are not neatly defined:

“...the strategic location is expected to be developed on an area of higher ground which slopes steeply to the north and west, down to the River Frome. The environmental suitability of including additional land south of the A44 and/or eastwards towards the B4214 will also be considered and consulted upon following completion of further technical analysis of these areas.”

- 10.2 The schematic provided at Fig 10.1 below shows that the housing is envisaged in two broad parcels either side of a new park.

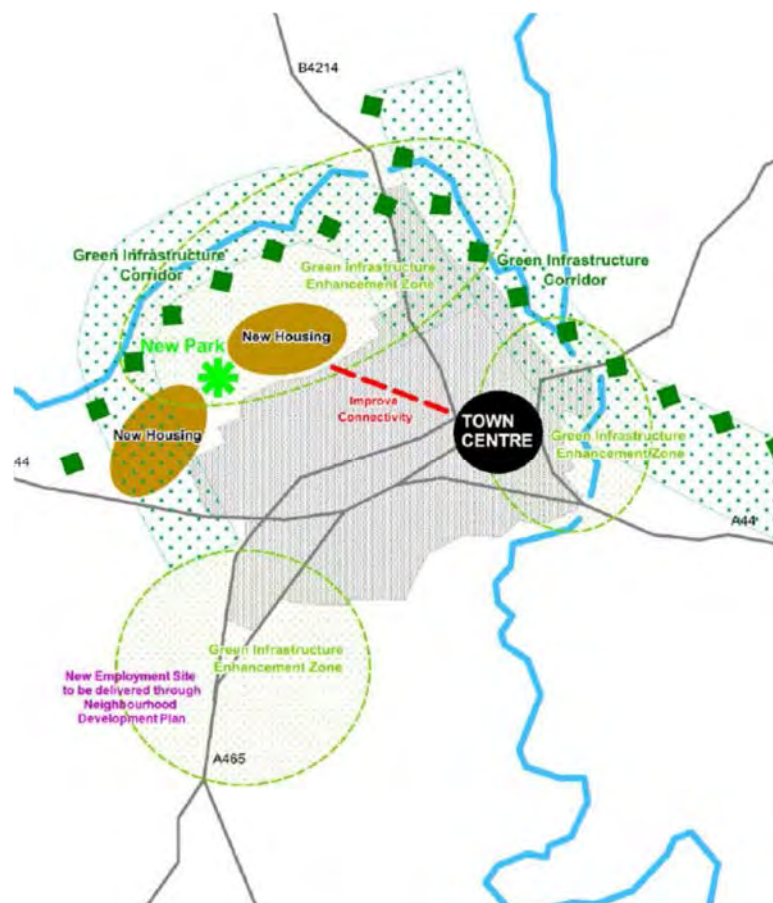


Fig 10.1 Bromyard Key Diagram (Source: Herefordshire Local Plan Core Strategy, Pre-Submission Publication [May 2014])

10.3 Within the 2013 SHLAA, a number of parcels of land are identified and assessed in terms of their suitability for housing in the vicinity of Hardwick Bank. These are shown on the SHLAA plan for Bromyard and have the following site references:

- O/By/007.
- O/By/007a.
- P1087.
- O/By/008.
- O/By/009.
- P520/2.
- HLAA/115/001.

10.4 Of these sites, only P1087 is identified as being suitable to deliver housing (circa 30 dwellings). All of the others are considered unsuitable due to the high sensitivity of the landscape at these locations, the high historic environmental value of the land and, in some cases, poor access.

10.5 The site is proposed to be delivered on several of these parcels which were deemed unsuitable as recently as 2013. Bovis Homes, one of the developers promoting the site, has submitted representations (through their agent RPS) to define the boundaries of their proposals. These incorporate the following parcels (which are amongst those already referenced above and were all deemed unsuitable in 2013):

- P1061.
- P520/2 (part only).
- HLAA/115/001.
- O/By/009 (part only).

10.6 The emerging Policy BY2 outlines the proposals for the site. Policy BY2 envisages that the site will deliver in the order of 250 dwellings at a density of 35 dwellings per hectare. Some 40% of the dwellings are expected to be affordable.

OWNERSHIP

10.7 Despite repeated attempts, we have been unable to contact either the developers or agents for the Hardwick Bank Strategic Location. However, as a number of parcels of land are involved, it

is reasonable to assume that a number of potential landowners are also likely to be involved in the proposed development.

- 10.8 Submissions to both the Pre Submission Core Strategy and the EiP (in the form of Examination Statements) have been made by Bovis Homes and Mosaic Estates, jointly and singularly, in respect of the site. We are also aware of the minutes of a meeting of the Herefordshire Planning and Economic Development Committee on 04 August 2014 where representatives of Bovis and Mosaic gave a presentation to members with respect to their proposals for Hardwick Bank. A local news article referencing this meeting indicated that Bovis and Mosaic were seeking to promote a scheme of up to 480 houses for which they had 'in principle' support from Bromyard Town Council. We seek further clarification about the nature of the interest of the developers and the exact boundaries of the land within their control, but Bovis' representations give an indication of the boundaries of the proposals that they support with the inclusion of the plan shown below at Fig 10.2.

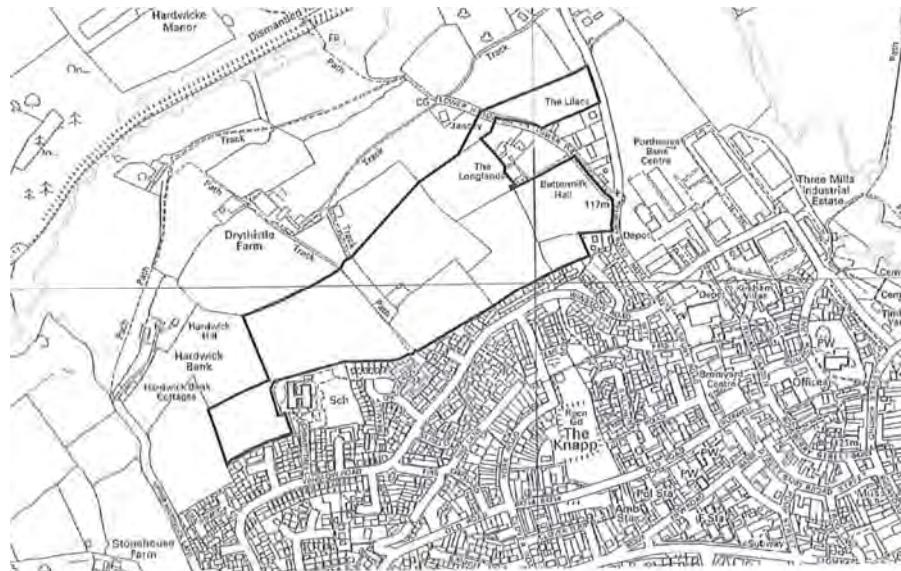


Fig 10.2 Plan to Show Parcels of Land Promoted by Bovis for Development at Hardwick Bank (Source: Representations Submitted by RPS on Behalf of Bovis in Respect of the Pre Submission Core Strategy – Representation Ref: 326)

PLANNING STATUS

- 10.9 As with the other Strategic Locations, this site is being promoted for inclusion within the emerging Core Strategy. We are unaware of any relevant planning history to date in respect of the land identified above.
- 10.10 It is assumed that an outline application may be sought by Bovis and Mosaic upon the possible confirmation of the site's allocation in the adopted Core Strategy.

INFRASTRUCTURE PROVISION

- 10.11 It is envisaged that the development at Hardwick Bank may facilitate the delivery of a new link road between the A44 to the west of the site and Tenbury Road to the east. Bovis and Mosaic are understood to have presented on this issue at the 4 August 2014 Planning Committee to discuss how this might be funded in the context their development.
- 10.12 Emerging Policy BY2 also indicates that the site will support the following additional infrastructure elements:
- A new formal park to form part of the residential development complemented by new play and sports facilities and allotments.
 - The development areas should be linked by a suitable vehicular access, likely to take the form of a roundabout, onto the A44. The development areas should also be serviced by a residential road which will allow for opportunities to extend development beyond the plan period and serve as a future link road to other parts of the local highway network.
 - Residential roads leading off Winslow Road (to the south east) should be utilised to provide sustainable links to the town (including pedestrian and cycle links) as well as public transport links between the area and the town centre.
 - The provision of and contributions towards any identified need for new/improved community facilities. This shall include improvements to classroom provision for the local primary school which should incorporate publicly accessible youth facilities.
 - The highway infrastructure within the new development area should also facilitate a new road link on the periphery of the development which will serve the proposed new land uses over the plan period but must also be

designed so as not to prejudice the delivery of additional development beyond the plan period and the eventual completion of a full road link from the A44 to Tenbury Road (as discussed above).

OTHER CONSTRAINTS

10.13 The Core Strategy explains within the supporting text to BY2 that:

“The proposed housing at Hardwick Bank is located on mainly ‘high’ and ‘medium-high’ sensitivity landscape according to the Urban Fringe Sensitivity Analysis 2010. High landscape constraints are predominant all around Bromyard... The environmental constraints of Bromyard must be balanced with the need for new development.”

10.14 This balancing approach goes some way to explain the Council’s evolving views since the time of the 2013 SHLAA in terms of the suitability of the site for development.

10.15 Having been unable to speak to the proposed developers and their agents, we are unsure as to the exact nature of the ownership of the land proposed for inclusion within the SUE. However, it is reasonable to assume that several parties are involved and that may also be a complicating factor in the promotion of this development.

DELIVERY RATES AND TIMESCALES

10.16 Bovis’ Annual Report for 2013 (the most recent available) shows that they developed an average of 31 dwellings per site per annum. It would not be unreasonable to assume a similar build rate here once the development is underway. The scale of the development as currently proposed means that Bovis may develop the site themselves, certainly in its early years.

10.17 We assume from the promotion of the site through the Core Strategy at various stages means that Bovis/Mosaic will be keen to submit a planning application for the proposals upon the allocation’s successful confirmation. However, there remains much uncertainty about the precise boundaries of the land to be included, and the issue of the link road to (and potentially through) the development means that a significant amount of technical work in support of any application must still need to be undertaken. This has informed our assumptions within the indicative lead in time trajectory for the Hardwick Bank site enclosed at **Appendix 6**.

10.18 We feel that it is unlikely that an outline planning application will be submitted in 2015 unless evidence can be demonstrated to the contrary. The sensitivity of the site in landscape and historic value terms also means that consideration of the application may be extensive.

Subsequent to this, the involvement of several landowners may lead to a prolonged negotiation before site sale can be achieved and reserved matters approval sought.

10.19 We believe it is not unreasonable to assume that a start on site may not be achieved until 2020.

SUMMARY

10.20 We contend that this site is unlikely to deliver dwellings in the short term given that the boundaries and quantum of development here has yet to be confirmed, its high landscape sensitivity and high historic value, as well as access difficulties presented by the proposals.

10.21 In light of this, we believe that the trajectory initially proposed by the Council in their September 2014 Five Year Housing Land Supply Assessment is wildly optimistic (it presently assumes 30 dwellings being constructed between 01 April 2015 and 31 March 2016, with 45 dwellings per annum thereafter). Instead, we feel that a build rate of 30 to 35 dwellings per annum may be more appropriate, with the site not seeing completions until perhaps early 2021.

11. NORTH OF THE VIADUCT, LEDBURY

LOCATION AND OVERVIEW

- 11.1 Land north of the Viaduct, is a proposed Strategic Location which lies to the north of Ledbury. The area predominantly comprises agricultural and grassland. It extends to circa 24 hectares and is shown in Fig 11.2 and 11.2 below:

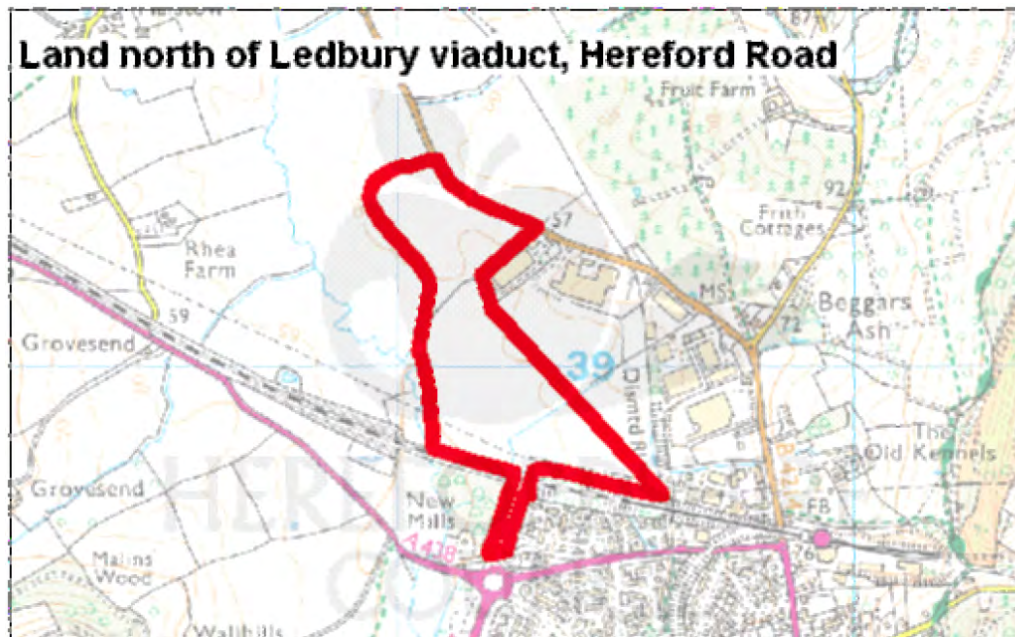


Fig 11.1 Land North of the Viaduct Image (taken from SHLAA (2012) Site Schedules) (SHLAA Ref: HLAA/198/004).

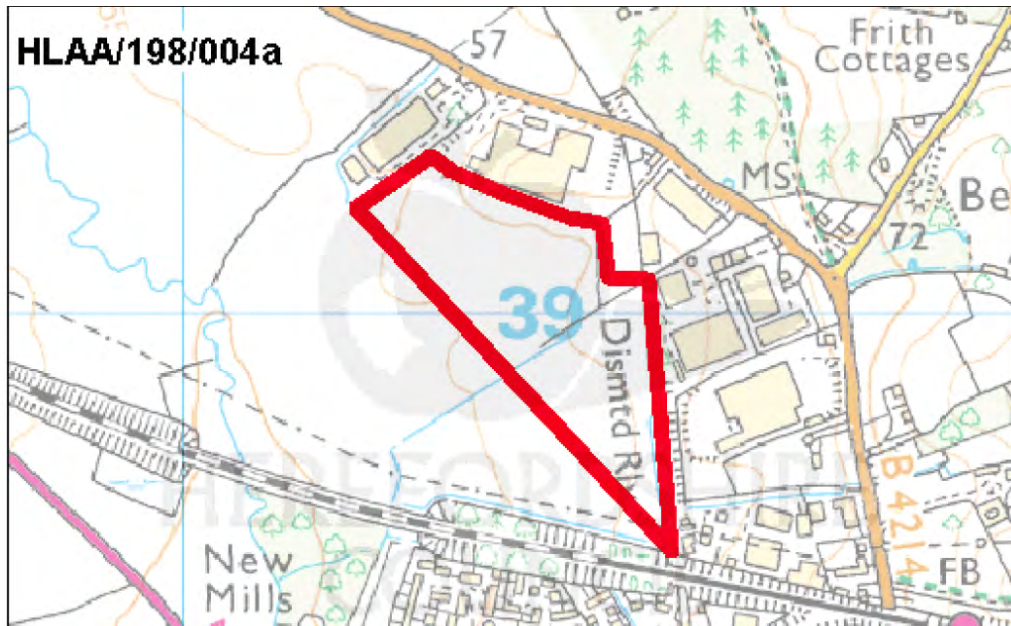


Fig 11.2 Land North of the Viaduct Image (taken from SHLAA (2012) Site Schedules) (SHLAA Ref: HLA/198/004a).

- 11.2 The existing settlement of Ledbury is located to the south of the expansion area and contained within the A449 to the south of Ledbury and Leadon Way which forms the western boundary of the settlement.
- 11.3 The proposed Strategic Location is identified within Policy LD2 of the Core Strategy.
- 11.4 The Council estimate within the emerging Core Strategy that the proposed Strategic Location can deliver up to 625 dwellings. They also estimate within their September 2014 Five Year Housing Land Supply Statement that 260 of these dwellings will be delivered by 31 March 2020.

OWNERSHIP

- 11.5 According to representations submitted in respect of the Core Strategy the landowners are A H Lane and R E Lane, also referred to as Ledbury Farm Partnership.

PLANNING STATUS

- 11.6 According to our enquires there have been no formal discussions with the Council since 2012 and no planning applications have been submitted.

INFRASTRUCTURE PROVISION

11.7 Delivery at the site north of the viaduct in Ledbury, is dependent upon providing a new point of access. This is subject to dispute by other developers in the area. The Strategic Housing Land Availability Assessment (SHLAA) (2012) notes in the SHLAA references HLAA/198/004 and HLAA/198/004a that the access route under the railway viaduct may be difficult to achieve with adequate protection for the viaduct and landownership issues – although it is not clarified what the issues associated to landownership are. Furthermore Tom Blencowe, who made representations to the Core Strategy on behalf of the landowners, comments as follows in the representations;

“There is no evidence to support the requirement that the vehicular access should be under the viaduct and there has been no assessment of the transport implications of this.”

11.8 Moreover, the Core Strategy supports the provision of the access to the development from under the viaduct as well as having the option of a secondary access from the Bromyard Road to the north. At this point it would seem there is a lot of uncertainty as to the delivery of the access to the site.

11.9 Furthermore with regards to water supply, it is reported in the SHLAA that any development at this site would require off-site mainlaying from a point of adequacy on larger diameter/pressure water mains.

11.10 With regards to possible planing obligations, the Infrastructure Delivery Plan (September 2014) details the following requirements:

Education:

11.11 Additional 1FE capacity (210 places) to augment the existing Primary School. Anticipated date of delivery is 2015-2020 with a total cost predicted at £3,700,000.

Community facilities:

11.12 A new linear informal park to link to the existing town trail, riverside walk and recreational open space and existing allotments is anticipated to be delivered in 2022.

Transport:

11.13 Land and contributions to facilitate a restored canal; associated with major housing and regeneration projects in Hereford and Ledbury. Anticipated date of delivery is 2015-2031 with a total project cost of £17,000,000 predicted.

Open Space:

- 11.14 On site provision of open space is anticipated to be phased in line with the rate of development and with a total cost of £900,000.
- 11.15 Off site provision of open space is also anticipated to be phased in line with rate of development and with a total cost of £700,000.
- 11.16 The following uses/additional infrastructure requirements are sought by Policy LB2:
- Around 3 hectares of employment land, restricted to Use Class B1 to be located along the northern and eastern boundary adjoining existing businesses;
 - A target of 40% of the total number of dwellings to be affordable housing;
 - Appropriate mitigation to safeguard the amenity of future occupants from unacceptable levels of noise and to safeguard the continued operation of existing businesses adjoining the area;
 - Safeguards to ensure there is no adverse impact on water quality and quantity in the River Leadon;
 - New walking, cycling and bus links from the urban extension directly to the town trail and riverside walk under the viaduct, the railway station and town centres to create linkages to nearby development and existing community facilities; and
 - A comprehensive sustainable urban drainage system which includes measures such as rain gardens and swales to manage ground and surface water drainage and safeguard against any increase flood risk.

OTHER CONSTRAINTS

- 11.17 There are a number of issues identified from the SHLAA which would impact the ability to develop this site, careful mitigation would be required. This includes the viaduct which is classified as a Scheduled Ancient Monument and the Malvern Hills AONB located just north east of the site. The site is also located within Flood Zone 3 and 1. Flooding is a significant planning issue and adds further to the possibility for delay in achieving any future planning permission.
- 11.18 An extract from the Environment Agency's Flood Risk Map is shown below.

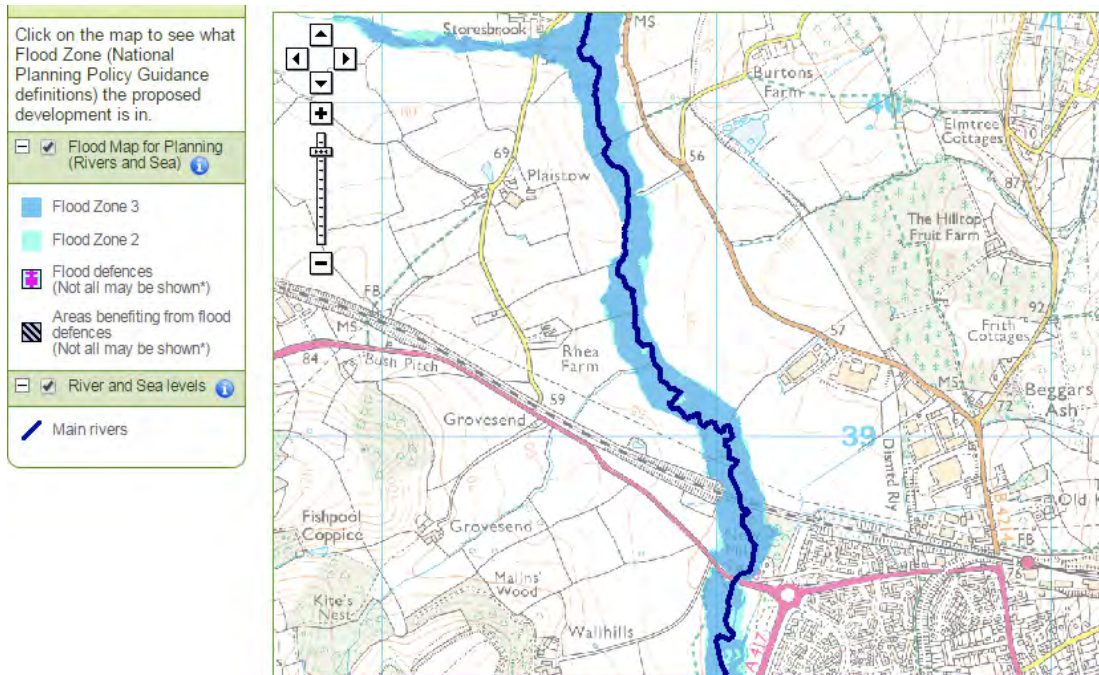


Fig 11.3 Extract From Environment Agency’s Flood Risk Map to Show Flood Zones at Proposed Ledbury Strategic Location.

11.19 The access to the site could potentially be impacted and located in Flood Zone 3 which would require significant mitigation.

DELIVERY RATES AND TIMESCALES

11.20 There have been a number of representations made to the Core Strategy objecting to the allocation of this site.

11.21 Ledbury Town Council state there has been no evidence to support the claim that 625 dwellings can realistically be delivered on this site and as a result the feasibility of delivering this quantum of development is questionable. They also question the viability of the access under the viaduct and comment that there is no evidence to suggest the access is deliverable.

11.22 James Spreckly, a chartered surveyor and planning consultant in the Herefordshire area also makes representations on the Ledbury site claiming the high densities proposed on site would not realistically be achieved. Furthermore it is claimed an urban extension at this site would not be sustainable and would be physically remote from Ledbury.

11.23 We have not been able despite repeated attempts to contact the Agent or the landowners to discuss this site. However we spoke with Siobhan Riddle, Senior Planning Officer at Herefordshire Council on 26 January 2015. Our understanding is that Siobhan Riddle is the

Officer who prepared the September 2014 Five Year Housing Land Supply Document. In discussions we were told that there has been no response received from any party and as a result the Council has estimated likely lead-in times and delivery rates for this site. Accordingly there is no evidence before the Examination that 260 dwellings will be achieved at this site by 31 March 2020.

SUMMARY

- 11.24 This expansion site is subject to a lot of infrastructure delivery requirements; from employment land, to a new school and debate surrounding an appropriate access point.
- 11.25 Given that there is no known developer lined up with the landowners of this site, nor is there any hint as to any sort of application and timescales for a submission, the Council's projections of development starting in 2016/17 with a delivery of 30 units, 50 units in year two and 90 units per annum thereon are seriously unrealistic.
- 11.26 Based upon our experience of similar scale developments nationally, and considering the significant infrastructure burden placed upon this scheme, even a very optimistic estimate of the time needed to secure the necessary outline planning permission, reserved matters approvals, and discharge of pre-commencement conditions, as well as secure a developer is likely to mean that a start on site could not realistically be achieved until at least mid-2019 resulting in no dwellings being delivered by 31 March 2020.
- 11.27 In considering the above information we suggest the figures proposed by the Council should be discounted altogether from the five year supply with delivery only likely after the 31st March 2020. Subject to confirmation that the site is suitable for development the allocation would more appropriately be considered a developable site likely to deliver dwellings in Years 6 – 10 i.e. post 2020.

12. HILDERSLEY, ROSS-ON-WYE

LOCATION AND OVERVIEW

- 12.1 Land at Hildersley Farm, south of the A40 road is a proposed Strategic Location which lies to the south east of Ross-on-Wye. The area predominantly comprises agricultural and grassland. It extends to circa 18.41ha and is shown in Fig 12.1 below:

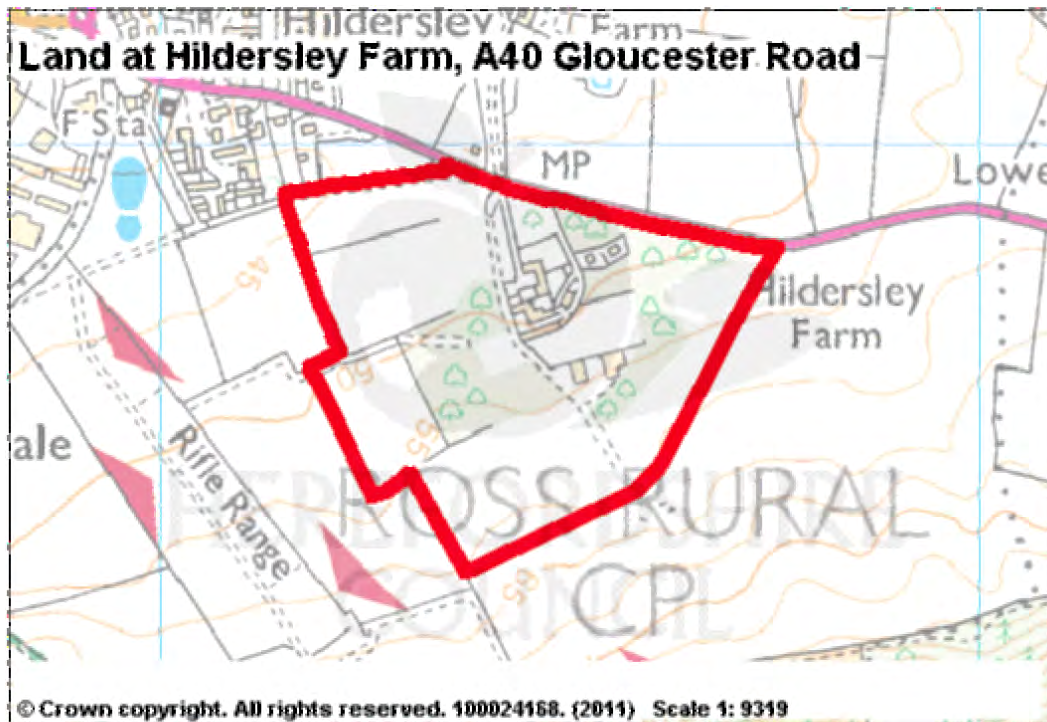


Fig 12.1 Land at Hildersley Farm (Taken From HC SHLAA (2012) Site Schedule)

- 12.2 The existing residential area of Hildersley and Ross-on-Wye is located to the north west of the proposed expansion area respectively. The Core Strategy explains the location for the expansion has a limited capacity in order to avoid encroachment on the wooded hillside to the south and the constraint of an active rifle range to the west.
- 12.3 The proposed Strategic Location is identified in the Core Strategy within Policy RW2.
- 12.4 The Council estimate within the emerging Core Strategy that the site can deliver up to 200 dwellings. They also estimate within their September 2014 Five Year Housing Land Supply Document that 180 of these dwellings will be delivered by 31 March 2020.

OWNERSHIP

- 12.5 We understand from discussions with the Agent on 16 January 2014 that the site is a mix of privately owned land and some Herefordshire Council land. There are no developers on board as of yet according to Kate Gapper (Associate at RPS, Agent).

PLANNING STATUS

- 12.6 A public consultation exhibition took place in November 2014 for a proposal to build 250 units on farmland south of the A40 Gloucester Road. Kate Gapper (Associate at RPS) confirmed on 16 January 2015 that an application is due to be submitted in February 2015. She commented that there were no constraints on the site and that there has been lots of interest from national house builders. The applicant will be the landowners and the intention will be to sell the site to a developer who will submit a reserved matters application. We were also informed that there was previously a development partner lined up who had a different scheme that displayed a much denser layout of housing. There was however a fall out and the application is now being pursued by the landowner.

INFRASTRUCTURE PROVISION

- 12.7 Kate Gapper commented on 16 January 2015 that there were no constraints on site and that it was relatively straight forward to develop. Andy Wells, Transport Associate at RPS further commented that access to the site is straightforward as there are already two accesses in place, one of which will be upgraded to serve the development.
- 12.8 It is noted however that the Strategic Housing Land Availability Assessment (SHLAA) (2012) (SHLAA Ref: HLAA/018/001) provides information with regards to water supply. It states that any development at this site would require off-site mainlaying from a point of adequacy on larger diameter/pressure water mains.
- 12.9 With regards to biodiversity it is claimed that the eastern portion of the site contains semi-natural habitats and wildlife corridors which will constrain development. Developers may also be required to fund sewerage upgrades.
- 12.10 In considering these constraints there may be phasing conditions imposed with a planning permission which would limit the delivery of units at this site.
- 12.11 With regards to possible Section 106 contributions, the Infrastructure Delivery Plan (September 2014) details the following requirements;

Education:

12.12 Additional capacity at John Kyrle Secondary School will need to be provided. The anticipated date of delivery for these improvements are 2015-2020 with a total cost of £370,000.

Open Space:

12.13 On or offsite open/recreation space could be provided as an alternative to the existing provision provided by former John Kyrle High School playing field which is now part of the housing allocation provision. This will need to be phased in line with the rate of development and has an anticipated total cost of £900,000.

12.14 Further offsite provision will also be phased in line with the rate of development and has an anticipated total cost £222,000.

12.15 The following additional infrastructure requirements are sought by Policy RW2:

- The provision of a new green infrastructure within the development area to benefit residents, local bat populations and other flora and fauna;
- New pedestrian and cycle links from the area towards the town and nearby employment sites, to ease road congestion and limit CO₂ emissions;
- Appropriate mitigation measures to be implemented, which ensure that acoustic and safety issues relating to the proximity of the adjacent firing range are satisfactorily addressed;
- Adverse impacts on the Water Source Protection Zone should be avoided or mitigated, including through the incorporation of sustainable urban drainage solutions such as rain gardens and swales; and the production by the developer of a Surface Water Management Plan; and
- Avoid and mitigate adverse impacts from noise and air pollution and vibration (during both construction and occupation of new homes) on the River Wye SAC, Wye Valley Woodlands SAC and the Wye Valley and Forest of Dean Bat Sites.

OTHER CONSTRAINTS

- 12.16 According to the agent there are no constraints on the site. However the SHLAA reference: HLAA/018/001 reports that the eastern portion of the site contains semi-natural habitats and wildlife corridors which will constrain development. Furthermore it comments there will be a need to overcome the constraint of the adjoining MOD rifle range.

DELIVERY RATES AND TIMESCALES

- 12.17 The Agent anticipates that further to an application being submitted in February, a decision would be anticipated in the summer of 2015 and a reserved matters application could be submitted by the end of 2015 following the sale of the site to a developer. It was predicted that building could start on site in the third quarter of 2016 with a build out rate of 40 dwellings per annum. On that basis alone the Council's claim that 180 dwellings would be delivered here by 2020 is incorrect. Using the agent's approach 10 dwellings might be expected in the 2016/2017 monitoring year, 40 in the 2017/2018 monitoring year, 40 in the 2018/2019 monitoring year and 40 in the 2019/2020 monitoring year giving a total of 130 dwellings.
- 12.18 The Agent envisages just one developer on site which we would agree with given the size of the site.
- 12.19 Even if the agent is correct with the lead in times for this small urban extension (which we consider optimistic) the delivery rates appear to be slightly above average rates of 35 dwellings per annum identified above; on that basis actual dwelling yield could be 115 for the period to 2020.

SUMMARY

- 12.20 Whilst the Agent claims there are no constraints that will impact on the delivery at this site it is clearly demonstrated above that there are a number of factors to deal with.
- 12.21 In considering the above information, we believe that a more realistic trajectory would see **115 dwellings** delivered here by 2020 rather than the 180 claimed by the Council.

13. CONCLUSIONS

BRIEF

- 13.1 On behalf of Gladman Developments Limited we have undertaken a review of sites identified as Strategic Locations for housing in Herefordshire Council's Core Strategy that is currently subject to independent Examination.

PURPOSE

- 13.2 We have assessed whether the proposed Strategic Locations will deliver housing in the timescales envisaged by the Council and at the rates stated by the Council in the Core Strategy and evidence base documents. These matters are of fundamental importance to the soundness of the submitted Core Strategy and whether the Council will be able to demonstrate a 5 year supply of deliverable dwellings upon adoption of the Core Strategy.

SUMMARY OF FINDINGS

- 13.3 Our work supplements the points made by GDL in its Representor Statement in respect of Matter 2 of the Examination and illustrates that:
- The Council has significantly over-estimated the timescales associated with the lead-in times and likely delivery rates of its preferred Strategic Locations. Consequently the Council's housing trajectory is not justified (Matter 2 Question 8).
 - As a result of the Council over-estimating the contribution from Strategic Locations in the short term the Core Strategy would not provide a five year supply of deliverable dwellings upon adoption (Matter 2 Question 10 – see also other points made by GDL in its Representor Statement).
- 13.4 Table 1 overleaf provides a summary of our findings for the 5 year period 1 April 2015 – 31 March 2020 compared to the position adopted by the Council. Subject to the Strategic Locations being found suitable for development and endorsed within the adopted Core Strategy we consider that, in the main the sites will deliver very few dwellings in the five year period 1 April 2015 – 31 March 2020.

Table 1 – Comparison Delivery of Strategic Locations

Herefordshire Strategic Locations - Anticipated Deliver 1 April 2015 - 31 March 2020		
Strategic Location	Herefordshire Council (Dwellings)	Hourigan Connolly (Dwellings)
Holmer West Hereford	285	150
Three Elms Hereford	405	20
Lower Bullingham Hereford	350	20
Hereford Urban Village	280	0
Leominster Urban Extension	510	0
Hardwick Bank Bromyard	210	0
North of the Viaduct Ledbury	260	0
Hildersley, Ross-on-Wye	180	115
TOTAL	2,480	305

APPENDIX 1

APPENDIX 2

APPENDIX 3

APPENDIX 4

APPENDIX 5

APPENDIX 6

HEREFORDSHIRE CORE STRATEGY EXAMINATION
HEREFORDSHIRE STRATEGIC LOCATIONS REVIEW
ADDENDUM
ON BEHALF OF GLADMAN DEVELOPMENTS LIMITED

10 MARCH 2015

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APPENDICES

APPENDIX 1 Officer report to Planning Committee for planning application reference P142175/O.

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1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly is instructed by Gladman Developments Limited (hereafter referred to as GDL) to review an Update Note (March 2015) prepared by Herefordshire Council.
- 1.2 The Update Note has been circulated to those Representors who commented on proposed Policy SS3 (Releasing land for residential development) during the Local Plan Core Strategy Examination. The Examination Hearings were closed on 25 February 2015, however during the Hearing sessions the Inspector requested that the Council provide additional information to address two key matters in relation to the issue of Housing, those being:
- i. Review of the Five Year Housing Land Supply; and
 - ii. Further justification on the Council's preferred housing trajectory.
- 1.3 The Update Note has been produced in direct response to the Inspector's questions and an additional stage of consultation is underway until 11 March 2015 to allow Representors the opportunity to comment on the additional information provided by the Council.
- 1.4 Hourigan Connolly has reviewed the Update Note and our comments are provided in this Addendum document. This Addendum supplements the work previously undertaken by Hourigan Connolly as presented in our Herefordshire Strategic Locations Review dated January 2015 (hereafter referred to as the HSLR'). The HSLR comprised a review of sites identified as Strategic Location allocations for housing in Herefordshire Council's Local Plan Core Strategy (May 2014).
- 1.5 The HSLR was submitted to the Examination for consideration by the Inspector in February 2015 prior to the Hearing sessions commencing. However, during the course of the Hearings the Inspector confirmed that the HSLR could not be accepted at the Examination as the document had been submitted after the consultation period had closed. The HSLR is now submitted by GDL to the Inspector during this current period of consultation as it is of direct relevance to the issues now being considered. The information contained in this Addendum should be read in conjunction with our original HSLR.
- 1.6 This Addendum reviews the information contained in the Council's Update of the Five year housing land supply (2015-2020) (March 2015), with specific reference to the Strategic Locations only, building on the information contained in our original document produced in January 2015.

- 1.7 Reference has also been made in this Addendum to any known changes in circumstances which have arisen in relation to the potential delivery of the Strategic Locations since the preparation of our HSLR.

PURPOSE

- 1.8 As with our original Brief, we have been specifically tasked with assessing whether the proposed Strategic Locations will deliver housing in the timescales envisaged by the Council and at the rates stated by the Council in the Update Report which has been published at the request of the Inspector during the Hearing sessions in February 2015.
- 1.9 These matters are of fundamental importance to the soundness of the submitted Core Strategy and whether the Council will be able to demonstrate a 5 year supply of deliverable dwellings upon adoption of the Core Strategy.

2. LEGISLATIVE & NATIONAL POLICY CONTEXT

INTRODUCTION

- 2.1 In the original HSLR, we set out the relevant legislative and national planning policy context.
- 2.2 The content of that chapter is not repeated here for succinctness, and readers should revert back to Chapter 2 of the HSLR (January 2015) to read the content of the Chapter in full. The position presented in that Chapter remains the position of our client.

3. OTHER MATERIAL CONSIDERATIONS – DELIVERABILITY ISSUES

HOURIGAN CONNOLLY SUE STUDY

- 3.1 As advised in the original HSLR, Hourigan Connolly undertook a UK wide study in respect of the lead-in times and delivery rates associated with 100 SUEs during 2013¹. That document was placed before the Examination, and all that need be said here is that our research (which was rooted in factual evidence provided by Local Authorities across the UK) evidenced that circa 9 years generally elapses between preparation of an outline planning and the delivery of homes.
- 3.2 It remains the case that we recommend that the Inspector has due regard to the conclusions in that report when considering the lead-in times assumed by the Council in relation to the proposed Core Strategy Strategic Locations.

¹ For the purposes of our SUE Study only sites of 500+ dwellings were considered.

4. HEREFORDSHIRE CORE STRATEGY

SUBMITTED CORE STRATEGY

REQUIREMENT

- 4.1 The Council's Update Note provides an assessment of the housing land supply against the Core Strategy targets. Policy SS2 – Delivering New Homes of the submitted Core Strategy outlines that a minimum of 16,500 homes will be delivered over the Plan period.

LOCATIONS

- 4.2 Policy SS2 goes on to outline the broad locations where dwellings will be delivered, again the figures in the extract from Policy SS2 below are to be treated as minimum:

The broad distribution of new dwellings in the county will be a minimum of:

Place	Facilities	New homes
Hereford	Wide range of services and main focus for development	6,500
Other urban areas – Bromyard, Kington, Ledbury, Leominster, Ross on Wye	Range of services and reasonable transport provision – opportunities to strengthen role in meeting requirements of surrounding communities	4,700
Rural Villages – see list in Place - Shaping section	More limited range of services and some limited development potential but numerous locations	5,300
Total		16,500

Fig 4.1 Extract from Policy SS2 Of The Submitted Core Strategy.

TRAJECTORY

- 4.3 Paragraphs 3.41 and 3.42 of the submitted Core Strategy provide a commentary on the housing trajectory that appears at Figure 3.5 of the document.
- 4.4 The Council's Update Note (March 2015) states that in respect of a housing target for Herefordshire, the expectation is that the highest rate of housing completions will be towards the latter end of the Plan period, and the pre-submission Core Strategy contained an indicative trajectory.
- 4.5 During the Examination Hearings the Inspector suggested that this table should be replaced with a more detailed year by year trajectory related to Policy SS3 contained as an appendix to

the Core Strategy. The Council has confirmed such a table will be included as a part of the forthcoming Main Modifications document which will be subject to consultation.

- 4.6 The Update Note, at Section 5, sets out the Council's justification to their proposed approach to the housing trajectory, and we make the following comments on this section.

COMMENTS – PROPOSED HOUSING TRAJECTORY

- 4.7 As we noted in our original HSLR, the Council by its own admission recognises that there are challenging factors at play in the housing market in Herefordshire. Furthermore the Council appear to acknowledge that there is an inherent link between the delivery of infrastructure and the timely delivery of housing. Clearly major residential development of the type that underpins the Council's Core Strategy has a longer lead-in time than smaller sites, that is, in principle acknowledged by the Council and reflects our own UK wide research.
- 4.8 The Council's Update Note states at Paragraph 5.3 that *'to achieve an immediate and significant increase in housing delivery is not realistic and the indicative trajectory is the most appropriate, practical and deliverable approach to achieving the Plan target of 16,500 by 2031'*. The proceeding paragraphs in the Update Note sets out the Council's reasoning behind this statement.
- 4.9 The Council's concedes that recent rates of housing completions have been below those identified in the indicative trajectory during the early years of the plan, with an acknowledged shortfall of over 900 dwellings as at April 2014. The following paragraphs further concede that whilst the Council may consider itself to be in position to demonstrate a *'significant increase in supply'*, there is nothing to suggest that even with this increased in supply, it will result in an immediate significant increase in delivery – it will indeed take time to achieve. The Council recognise this at Paragraph 5.6:
- "Strategic sites will begin to provide housing within this period but they are likely to require a lead in period and are unlikely to provide significant housing numbers prior to 2016/17".*
- 4.10 Whilst the Council set out their understanding that a lead in period will be associated with the strategic sites, we would contend that the Council still remain over-optimistic in the contribution that the strategic location housing allocations will make to delivery – simply put, the strategic sites are unlikely to provide the level of housing numbers prior to 2016/17 assumed by the Council, for the reasons set out in our original HSLR. The information contained in the Council's Update Note does not alter our position on this point.
- 4.11 The Council's trajectory backloads the delivery of housing towards the end of the Plan period. We remain firm of the opinion that the Council continue to place too much reliance on the

delivery of the strategic locations to contribute to the housing requirements, and that these locations will not deliver the housing numbers in the periods set out in the Council's trajectory.

INFRASTRUCTURE

- 4.12 Paragraph 5.9 of the Update Note confirms that the Council will produce a detailed appendix setting out the links between necessary infrastructure and strategic housing proposals in the Main Modifications document which will be published for consultation. Paragraph 5.9 further confirms that the Council is '*confident that housing targets set out in the indicative trajectory will be achieved over both the short term (5 year) and the full plan period*'. Paragraph 5.9 refers to the work undertaken with Welsh Water, the Environment Agency and Natural England.
- 4.13 On behalf of our client, we reserve the right to comment on the contents of the Main Modifications, and in particular the detailed appendix to be included in that document, and until that detailed information is provided, we refer the Inspector to our comments and conclusions set out in Chapter 4 of our original HSLR.

THE ROLE OF STRATEGIC LOCATIONS IN THE CORE STRATEGY & FIVE YEAR SUPPLY POSITION

- 4.14 In terms of the delivery of Strategic Locations within the first 5 years of the Plan, the Council has revised the site specific trajectories from that previously provided at Figure 4 of Examination Document J4. The revised information is presented in Figure 4 of the Update Note at page 15.
- 4.15 The two tables are shown below to enable a comparison to be made between the figures presented by the Council prior to the Examination, and those presented during this additional consultation in March 2015:

Figure 4 - Strategic Urban Extension build out rate and total capacity

Strategic Location	Estimated Core Strategy capacity	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	Sub total
Hereford							
Holmer West	500	25	50	50	50	50	225
			30	30			60 ⁴
Three Elms	1000		81	108	108	108	405
Lower Bullingham	1000		50	100	100	100	350
City Centre Urban Village	800		70	70	70	70	280
Leominster							
Urban extension	1500	95	100	105	105	105	510
Bromyard							
Hardwick Bank	250	30	45	45	45	45	210
Ledbury							
North of Viaduct	625		30	50	90	90	260
Ross-on-Wye							
Hildersley	200		30	50	50	50	180
Subtotal	5875						2480

⁴ Care home accommodation

Fig 4.2 Extract From Document J4.

Figure 4 - Strategic Urban Extension build out rate and total capacity (revised table)

Strategic Location	Estimated Core Strategy capacity	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	Sub total
Hereford							
Holmer West	500		50	55	60	60	225
Three Elms	1000		100	100	100	100	400
Lower Bullingham	1000		50	100	100	100	350
City Centre Urban Village ⁸	608		10	70	70	70	220
Leominster							
Urban extension	1500		85	100	105	105	395
Bromyard							
Hardwick Bank	250		30	45	45	45	165
Ledbury							
North of Viaduct	625		60	90	90	90	330
Ross-on-Wye							
Hildersley	200		30	50	50	50	180
Subtotal	5683						2265

Fig 4.3 Extract from Update Note – Page 15.

- 4.16 Despite what the Council say at Paragraph 5.6, it remains the case that even with Strategic Locations being backloaded in the Plan period there is still a significant reliance upon them for maintaining a 5 year supply from adoption. It is noted the Council have reduced the total number of dwellings to be delivered within the first 5 years by 215 dwellings. This is a result of recognising that delivery of any of the sites will not commence in year 2015/16, removing the care home accommodation, and reducing the total number to be delivered at Three Elms.
- 4.17 Having regard to this revised information, the deliverable 5 year supply is even slimmer. The Strategic Locations account for 36.13% of the overall deliverable supply for the 5 year period (6,269 x 36.13% = 2,265) which is less than previously presented; a reduction of 3.42% compared to the previous figure of 39.55%.
- 4.18 Figures 10a, b, c and d of the Update Note set out four different approaches to calculating the 5 years housing land supply. The Council's preferred approach is set out at Figure 10b on page 22.
- 4.19 Whichever approach is deemed to be the most appropriate, each one illustrates the fragility of the position even before the Strategic Locations have been interrogated. In that respect, by taking the Council's preferred approach (Figure 10b), if 1,081 dwellings of the 6,201² claimed deliverable supply were to be found not deliverable then there would be a 4.9 years supply even on the Council's preferred methodology. However, it is firmly submitted that the Council's calculation is manifestly unsound because it omits the 2014/15 monitoring year both in respect of net completions and the requirement going forward. In our view as the current monitoring year ends later this month, it would be prudent to obtain up-to-date completions data up to 31 March 2015 thereby allowing an accurate calculation to be undertaken assuming a base date of 01 April 2015.

METHOD OF ASSESSMENT

- 4.20 In the original HSLR we considered each Strategic Location in detail. We have revisited each Strategic Location in light of the updated information provided by Council in Paragraphs 7.11 to 7.44 in the Update Note and present our conclusions overleaf. The proceeding pages should be read in conjunction with our original conclusions in the HSLR (January 2015) where each Strategic Location proposal was considered within the context of the eight topics and having regard to the range of factors affecting delivery identified herein.

² which incidentally is a reduction of 68 dwellings from the previous deliverable supply set out in the Council's previous supply calculation at Figure 10 of Document J4.

5. HOLMER WEST, HEREFORD

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 24

- 5.1 An outline planning application was validated on 02 March 2015 (being given the reference P150478/O) for the proposed erection of up to 460 dwellings including affordable housing, public open space, a Park & Ride facility, with associated landscaping access, drainage and other associated works. The application was submitted by Hunter Page Planning on behalf of Bloor Homes Western. The application has a target decision date of 1 June 2015.
- 5.2 The Council's revised estimate is that the proposed site can deliver up to 500 dwellings, with 225 of these dwellings being delivered by 31 March 2020. It is noted that the proposed 60 dwelling care home scheme has been removed from the trajectory in Figure 4 on Page 15 of the Update Note. The phasing of the delivery has been altered also, with the anticipated delivery of the first dwellings starting in 2016/17 (and not 2015/16 as previously envisaged), with the annual delivery rate being increased to 55 in year 2017/18 and 60 in years 2018/19 and 2019/20.
- 5.3 This information does not reflect that presented in the Planning Statement submitted with the planning application which states at Paragraph 4.11:
- “Phasing***
It is anticipated that construction will begin in 2015/16, with the site being built out at a rate of approximately 50 units per year albeit greater in the first few years when the Specialist Housing Scheme is being built; resulting in a six to nine year build out”.
- 5.4 This information is at odds with that presented by the Council and therefore it calls into question the accuracy of the details presented in the Update Note.
- 5.5 Our conclusions set out in the HSLR remain the same. An outline planning application has been submitted and validated by the Council, and this clearly demonstrates progress from that reported in our earlier Review, nevertheless the planning application is currently at the statutory consultation stage and therefore there is no certainty at this stage that planning permission will be granted.
- 5.6 Our realistic trajectory remains the same as that previously shown at Appendix 1 of the HSLR.

6. THREE ELMS, HEREFORD

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 30

- 6.1 The Council has not presented any new robust evidence to suggest that this strategic location will deliver the homes set out in the trajectory. The phasing has been altered to the delivery of 100 dwellings per year in the 5 year period, which results in 5 less dwellings than that previously anticipated - 400 in total now as opposed to the previous total of 405 within 5 years.
- 6.2 Given that the Council has provided no new information, our conclusions remain the same as that shown on page 35 and at Appendix 2 of our HSLR.

7. LOWER BULLINGHAM, HEREFORD

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 36

- 7.1 The Council has not presented any new robust evidence to suggest that this strategic location will deliver the homes set out in the trajectory. The Update Note advises that an outline planning application is anticipated in late Summer 2015, which is in line with the information we were provided in January 2015, as set out on page 37 of the HSLR. The HSLR also advises that Bloor Homes confirmed to Hourigan Connolly that a prolonged planning process and Section 106 Agreement negotiation is envisaged as the infrastructure requirements sought by the Council are more onerous than that which Bloor Homes are dealing with at their Holmer West site (which as we know, is now subject to a pending planning application).
- 7.2 Given that the Council has provided no new information, our conclusions remain the same as that shown on page 39 and at Appendix 3 of our HSLR.

8. HEREFORD CITY CENTRE URBAN VILLAGE

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 40

- 8.1 The Council has not presented any new robust evidence to suggest that this strategic location will deliver the homes set out in the revised trajectory which remains the same as the original trajectory as shown above.
- 8.2 No reserved matters or discharge of conditions applications have been submitted in respect of the outline planning permission for phase one of the proposals, and therefore our conclusions set out in the original HSLR at page 46 remain the same.

9. LEOMINSTER

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 47

- 9.1 The Council's Update Note makes reference to Examination document PS39 prepared by Mosaic Estates, and states that the Council has indicated that it is investigating ways of accelerating the delivery of the road ahead of that proposed timescale. Document PS39 indicates that development will commence in 2016/17 with 85 dwellings, with 395 completed in the five year period.
- 9.2 As stated in our HSLR at Paragraph 9.19, Nigel Gough Associates confirmed to Hourigan Connolly in January 2015 that discussions between the site owners and interested parties would probably not proceed much further until the Strategic Location Housing allocation at Leominster had been confirmed.
- 9.3 Given that the Core Strategy is currently subject to an additional period of consultation, and further consultation will be undertaken at some point in the future on Main Modifications, it is reasonable to conclude that adoption of the Core Strategy will slip from the existing programme set out in the Local Development Scheme (LDS) (January 2015) – Examination Document PS5. It is therefore reasonable to conclude that, based on the information provided to Hourigan Connolly in January 2015, discussions surrounding detailed proposals for the strategic location at Leominster will be delayed as a consequence.
- 9.4 The Update Note has not provided any further or conclusive evidence to the Examination to alter our original conclusions set out in the HSLR at page 51.

10. HARDWICK BANK, BROMYARD

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 52

- 10.1 The Update Note advises that this site is not dependent on any strategic infrastructure for the delivery of the total 250 dwellings over the Plan period. The revised trajectory expects delivery to commence in 2016/17 with 30 dwellings, rising to 45 dwellings per annum thereafter. This reflects a change to the original trajectory where delivery was expected to commence in 2015/16. It was discussed during the Examination Hearings that this was ambitious, and clearly the Council has revised the trajectory accordingly.
- 10.2 Bovis Homes Ltd and Mosaic Estates are the delivery partners for Hardwick Bank, Bromyard, and they have made numerous representations to the Examination via their agent RPS. They were present at the Hearings during February and more recently have submitted objection letters to the Council in respect of a separate planning application within the Bromyard area.
- 10.3 Application reference P142175/O was recently considered by the Council's Planning Committee on 04 March 2015. The outline application comprised the siting of up to 120 dwellings with associated open space and landscaping at land off Pencombe Lane, Bromyard and was submitted our client GDL. The Officer's report is contained in **Appendix 1**.
- 10.4 GDL consider the delivery rates they have put forward to the Examination to be highly optimistic, but perhaps of greater concern, is that on the basis of objections made by RPS on behalf of Bovis and Mosaic there is now no certainty that policy BY2 and 250 units at Bromyard is deliverable. This is due to their concerns over proposed access arrangements and what they cite as adverse topography at the proposed entrance.

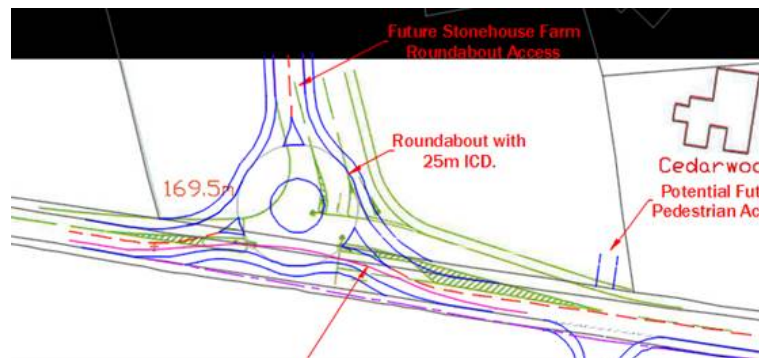
GDL PLANNING APPLICATION

- 10.5 In brief, the GDL application was recommended for approval by the Council officers, however Members of the Planning Committee refused the application for three reasons, including relating to prematurity and prejudice to the Core Strategy, which related to concerns over potential access points to Hardwick Bank.
- 10.6 Prior to the determination of the application and after the Examination Hearing Sessions on Bromyard, Bovis Homes Ltd and Mosaic Estates submitted objections setting out their concerns regarding the impact that the proposals south of Pencombe Lane may have on the delivery of the Strategic Location, with specific reference to the proposed vehicular access arrangements. This was despite the Officer report confirming that a vehicular access could be achieved in

theory; a view supported by an independent Road Safety Auditor and the Council's Transport Manager.

10.7 Highways consultants have been engaged by both the applicants for the proposals at Pencombe Lane (for application reference P142175/O) and the promoters of the strategic land at Hardwick Bank. The RPS letter of objection of 24 February 2015 presents a signalised junction arrangement, which they state is in a different location to the GDL roundabout access (the form of junction "preferred" by Policy BY2).

10.8 This is not the case, as is demonstrated the technical plan below, which demonstrates both accesses are located in the same position (roundabout shown in blue, with the signalised junction shown in green below). This plan was submitted to the Council during the determination of the planning application and is in the public domain:



10.9 It is only in RPS's second letter of 3 March, in which they cite adverse topography at this location:

"However, the [GDL roundabout] design is no more than a hypothetical 2D geometrical design and no assessment of the deliverability of this roundabout has been provided, nor evidence that given the topography and landform that adequate visibility for a roundabout at this location can be achieved..."

10.10 As stated, both proposed junctions are in the same location and GDL have been advised by their consultants that both arrangements would have similar visibility splay requirements. **It is therefore by the Strategic Location promoters own admission that adverse topographical constraints at the access will restrict the development of Hardwick Bank.**

10.11 In order to demonstrate that the site is deliverable, Bovis and Mosaic must provide the evidence that demonstrates an access is technically achievable in the light of the constraints they have identified. **Without this evidence, Policy BY2 is not sound and the 250 units it proposes at Hardwick Bank are not deliverable.**

- 10.12 It was reported at the Planning Committee on 04 March 2015 that a planning application for dwellings at Harwick Bank had been submitted to the Council. At the time of writing, there was no registered planning application for this location and therefore there is no planning permission in place
- 10.13 Having regard to these not insignificant concerns with the technical delivery of the proposed Strategic Location, it is considered that the Council's trajectory, albeit revised, remains over ambitious and our conclusions set out on page 57 of the HSLR remain the same, in that we contend that this site is unlikely to deliver dwellings in the short term given that the boundaries and quantum of development here has yet to be confirmed, its high landscape sensitivity and high historic value, as well as access difficulties presented by the proposals.
- 10.14 In light of this, we believe that the trajectory initially proposed by the Council in their September 2014 Five Year Housing Land Supply Assessment is wildly optimistic (it presently assumes 30 dwellings being constructed between 01 April 2015 and 31 March 2016, with 45 dwellings per annum thereafter). Instead, we feel that a build rate of 30 to 35 dwellings per annum may be more appropriate (whilst noting that Bovis Homes own most recent annual report presents an annual average delivery of 31 dwellings per annum), with the site not seeing completions until perhaps early 2021.

11. NORTH OF THE VIADUCT, LEDBURY

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 58

- 11.1 As stated in our HSLR, pre-application discussions were held with the Council in 2012; this is confirmed by the Council in the Update Note.
- 11.2 The Update Note further makes reference to a Statement of Common Ground (SoCG) (Examination document reference unknown). It is noted that this SoCG has been signed by the site owner, but not the Council and therefore the status of this SoCG is unknown. It is also noted from the content of this SoCG that there remains disagreement about the location of the employment land within the allocation and implications that this will have on the position of a satisfactory noise buffer.
- 11.3 The Update Note confirms that the development will be required to deliver 210 primary school places, and clearly on this basis, contributions to education will form a critical element in the proposals for the strategic location. The Update Note makes reference to discussions being underway in this regard; but there is no indication that an agreement has been met on this issue.
- 11.4 The SoCG sets out the anticipated delivery of the first 60 homes in 2016/17, with 90 dwellings being delivered per annum thereafter contributing a total of 330 dwellings in the five year period; these figures are now included in the revised Figure 4 of the Update Note. These rates are different to those previously expected by the Council (which were 30 in year 2016/17, 50 in the following year and 90 in years 2018/19 and 2019/20 – a total of 260).
- 11.5 The SoCG makes no reference to a developer(s) having been appointed, nor is there any indication as to the sort of application and timescales for submission. Having regard to this, it is submitted that the Update Note does not change our position on the delivery of this site and based upon our experience of similar scale developments nationally, and considering the significant infrastructure burden placed upon this scheme, even a very optimistic estimate of the time needed to secure the necessary outline planning permission, reserved matters approvals, and discharge of pre-commencement conditions, as well as secure a developer(s) is likely to mean that a start on site could not realistically be achieved until at least mid-2019 resulting in no dwellings being delivered by 31 March 2020.
- 11.6 The conclusions set out on page 63 of our HSLR remain the same.

12. HILDERSLEY, ROSS-ON-WYE

UPDATE TO INFORMATION PRESENTED IN HSLR - PAGE 64

- 12.1 The Update Note provides no new evidence that alters our stated position in our HSLR. No planning application has been submitted, and the conclusions of a noise report remain outstanding (Paragraph 7.42 of the Update Note).
- 12.2 Having regard to the evidence presented in our HSLR, it is considered that our conclusions remain the same as those presented on page 67 of the HSLR which are, whilst the Agent claims there are no constraints that will impact on the delivery at this site, there are a number of factors to deal with. In considering this, we believe that a more realistic trajectory would see **115 dwellings** delivered here by 2020 rather than the 180 claimed by the Council.

13. CONCLUSIONS

BRIEF

- 13.1 On behalf of Gladman Developments Limited we have undertaken a review of the Update Note (March 2015) in relation to the sites identified as Strategic Locations for housing in Herefordshire Council's Core Strategy that is currently subject to independent Examination.

PURPOSE

- 13.2 We have assessed whether the proposed Strategic Locations will deliver housing in the timescales envisaged by the Council and at the rates stated by the Council in the Core Strategy and evidence base documents. These matters are of fundamental importance to the soundness of the submitted Core Strategy and whether the Council will be able to demonstrate a 5 year supply of deliverable dwellings upon adoption of the Core Strategy.

SUMMARY OF FINDINGS

- 13.3 Our work supplements the points made by GDL in its Representor Statement submitted during this additional consultation period which illustrates that:
- The Council has still significantly over-estimated the timescales associated with the lead-in times and likely delivery rates of its preferred Strategic Locations. Consequently the Council's revised housing trajectory is not justified (Matter 2 Question 8).
 - As a result of the Council over-estimating the contribution from Strategic Locations in the short term the Core Strategy would not provide a five year supply of deliverable dwellings upon adoption (Matter 2 Question 10 – see also other points made by GDL in its Representor Statement).
- 13.4 Table 1 overleaf provides a summary of our findings for the 5 year period 1 April 2015 – 31 March 2020 compared to the revised position adopted by the Council – Figure 4 of the Update note. Subject to the Strategic Locations being found suitable for development and endorsed within the adopted Core Strategy we consider that, in the main the sites will deliver very few dwellings in the five year period 1 April 2015 – 31 March 2020.

Table 1 – Comparison Delivery of Strategic Locations

Herefordshire Strategic Locations - Anticipated Deliver 1 April 2015 - 31 March 2020		
Strategic Location	Herefordshire Council (Dwellings)	Hourigan Connolly (Dwellings)
Holmer West Hereford	225	150
Three Elms Hereford	400	20
Lower Bullingham Hereford	350	20
Hereford Urban Village	220	0
Leominster Urban Extension	395	0
Hardwick Bank Bromyard	165	0
North of the Viaduct Ledbury	330	0
Hildersley, Ross-on-Wye	180	115
TOTAL	2,265	305

APPENDIX 1

MEETING:	PLANNING COMMITTEE
DATE:	4 March 2014
TITLE OF REPORT:	P142175/O - SITE FOR UP TO 120 DWELLINGS WITH ASSOCIATED OPEN SPACE AND LANDSCAPING AT LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE For: Gladman Developments, Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142175&search=142175
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 18 July 2014

Ward: Bromyard

Grid Ref: 364360,254271

Expiry Date: 22 October 2014

Local Members: Councillors JG Lester & A Seldon

1. Site Description and Proposal

- 1.1 The site is located on the western edge of Bromyard, to the immediate south of Worcester Road (A44) and comprises around 4.7 hectares of agricultural/pastoral land divided into two fields by an established hedgerow boundary. The site boundaries are defined by established hedgerows and trees.
- 1.2 Existing residential areas lie to the north east of the site. To the east of the site are several residential properties fronting Panniers Lane, a cricket ground, Queen Elizabeth High School and established residential areas beyond. Established trees and hedgerows line Pencombe Lane, which forms the southern boundary of the site. A group of woodland trees line the western boundary.
- 1.3 The site lies within an area described by the Council's Landscape Character Assessment as a Timber Plateau Farmlands landscape type. Such areas are defined by the presence of field boundary hedgerows, linear woodland and medium scale open views and all of these features are evident on site. It is located in open countryside and has a rural setting to the south and west. However it also has a recognisable residential context due to inter-visibility with the edge of Bromyard to the north and east, and the more scattered development along Panniers Lane.
- 1.4 The site rises steadily in an approximate south to north direction, with the gradient increasing more considerably towards the northern boundary with the A44.
- 1.5 There are no listed heritage assets within the immediate context of the site. Bromyard Conservation Area lies approximately 1 km to the east of the site, and incorporates the town centre and its immediate surroundings.

- 1.6 The application seeks outline approval for development of the site for up to 120 dwellings, 35% of which are to be affordable. All matters apart from access are reserved for future consideration and this is to be achieved through the establishment of a single point of access onto the A44. This will require the removal of the existing roadside hedgerow in order to accommodate the required visibility splays. The submission indicates that these hedgerows will be set back and replanted in order to mitigate for their loss and to retain the landscape character of the road frontage.
- 1.7 A new footway is proposed along Worcester Road (A44) between the proposed access and the existing junction with Panniers Lane, providing a connection for pedestrians to the nearby bus stop and convenience store and linking into the site at its north eastern corner.
- 1.8 The application is supported by an indicative master plan. This demonstrates a housing density of approximately 30 dwellings per hectare and includes the provision of a public open space in the north eastern corner and an attenuation pond at the site's lowest point to the south west.
- 1.9 The application is submitted with the following documents:
- Design & Access Statement
 - Planning Statement
 - Affordable Housing Statement
 - Landscape and Visual Impact Assessment
 - Ecological Appraisal
 - Arboricultural Assessment
 - Archaeological Assessment
 - Framework Travel Plan
 - Transport Assessment
 - Flood Risk Assessment & Surface Water Drainage Strategy
 - Noise Impact Assessment
 - Statement of Community Involvement
- 1.10 Since the original submission of the application the applicant's agent has also commissioned a Stage 1 Road Safety Audit. This has been completed in response to concerns raised about the capability of the existing road network to safely accommodate the proposed vehicular access to this site and a separate access to serve the proposed strategic housing allocation that is being promoted as part of the Core Strategy on land opposite known as Hardwick Bank.

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 Herefordshire Core Strategy:

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing an Independent Inspector is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Bromyard and Winslow Town Council are not producing a Neighborhood Plan.

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 None identified

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objections subject to the imposition of conditions to ensure that foul and surface water are discharged separately.

Internal Council Consultations

- 4.2 Transportation Manager

Has considered the content of the Stage 1 Road Safety Audit submitted to support the notion of separate accesses to serve the development and the strategic housing site at Hardwick Bank. Its conclusions are accepted and, subject to minor revisions the access arrangements shown for the site are acceptable.

- 4.3 Conservation Manager (Ecology)

The ecological assessment has produced some fair conclusions and I think the bat and great crested newt appraisals are adequate. If this application is to be approved I would like to see significant habitat enhancement measures put in place to ensure commuting by bats and opportunities for other protected species exist. A habitat enhancement plan should be produced which integrates with the landscape plan together with any SuD system proposals for wetland creation.

- 4.4 Conservation Manager (Landscape)

The site slopes from the northeast to southwest from approximately 174m AOD to 157m AOD and forms part of a gently rolling plateau with an expansive area of pastoral land, defined by visually prominent boundary hedgerows and hedgerow trees. Views of open countryside extend westwards in the direction of Hegdon Hill.

- The site is considered to typify its Landscape Character Type; Timbered Plateau Farmlands: These landscapes are an upstanding version of Principal Timbered Farmlands and in Herefordshire occur in their greatest concentration on the Bromyard Plateau. They are varied agricultural landscapes of hedged fields, scattered farms, woods and wooded valleys associated with undulating relief. The dominant landform is one of the most prominent characteristics and tends to override the pattern of tree cover and field shape. Variations in topography within this landscape create a changing sequence of visual perspectives ranging from open vistas on plateau summits to more secluded scenes along valley bottoms.
- There are no statutory designations within the site. However the landscape is identified as being of High Sensitivity within the Urban Fringe Landscape Sensitivity Analysis (Jan 2010) due to its visual prominence. It is further referenced within the Green

Infrastructure Strategy Herefordshire (Feb 2010) as forming part of the BroLSC2 strategic corridor and part of BRoLEZ2 Enhancement Zone and BroFZ2 Fringe Zone because of its degree of visual sensitivity.

- Flaggoner's Green forms part of a gently rolling plateau, of open countryside, which contrasts with heavily incised slopes to the north and east of the settlement. This visually sensitive plateau contains the settlement of Bromyard. The open space forms part of the gateway to the settlement and serves to preserve its rural setting.

Visual and Public Amenity:

The visual envelope to the north and east is defined by the topography, to the west and southwest the gently rolling terrain affords views of open countryside.

- It is anticipated that a number of residential properties will experience a potential change in view as a result of the proposal. Properties adjacent to the site including Flaggoner's Green House, Chanctonbury, Winslow View and Cedarwood will experience unimpeded views. Those north of the proposal at Broxash Close, Winslow Road and Upper Hardwick Lane will experience second storey views and properties along Pencombe Lane partial filtered views. Partial middle distance views of the proposal are envisaged from existing development along Panniers Lane including Birchyfield, an unregistered historic park and garden, and users of Queen Elizabeth Humanities College.
- Clear views are envisaged along sections of Public Right of Way AV8 in addition to middle distance views along sections of PRoW WN7 where the proposal will be seen as part of a vista of open countryside against the backdrop of the Malvern Hills.
- Users of the A44 Worcester Road will experience clear views of the proposal as the road aligns with the northern boundary at the western approach to Bromyard. Road users of Pencombe Lane will experience a similar degree of change as the road aligns with the southern boundary. Further glimpsed transient views are anticipated from the southern approach along Panniers Lane.

Conclusions:

Whilst it is understood that the Urban Settlement Boundary runs close to the proposed site and existing development lies therein. The prominent nature of the landform is such that development on this site would be viewed in relative isolation, thus making it incongruous with the surrounding open countryside and in turn detrimentally affecting the rural setting of the settlement of Bromyard.

Summary Reason For Recommendation:

It is considered that the proposal is not in accordance with The Herefordshire Unitary Development Plan:

S1 Sustainable Development (2) respecting patterns of local distinctiveness and landscape character in both town and country and safeguarding landscape quality and visual amenity.

LA3 Setting of Settlements - Development outside the built up areas of Hereford, the market towns and rural settlements, which is acceptable in terms of other Plan policies will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned. Important visual approaches into settlements, views of key buildings open areas into development, green corridors ridgelines and surrounding valued open countryside will be particularly protected and where necessary enhanced.

4.5 Conservation Manager (Archaeology)

As the submitted assessment indicates, there are no significant archaeological issues in relation to this development. I therefore have no objections.

4.6 Parks & Countryside Manager

UDP Policy H19 requires schemes in excess of 60 to provide outdoor playing space to include children's play areas for all ages and outdoor sports pitches in accordance with standards provided in UDP Policy RST3.

A site of up to 120 dwellings at an average rate of 2.3 persons (276) in accordance with UDP Policy RST 3 would require the following:

- POS (0.4 ha per 1000 population) – 0.11 ha (on site)
- Play area provision (0.8 ha per 1000 population) - 0.22 a (on site)
- Outdoor sports provision (1.6ha per 1000 population) - 0.44 ha (off site)
0.77 ha in total

It is noted in the design and access statement the quantum on public open space will be met through the provision of 0.62ha SUDs area which will act as public open space in the south west corner and 0.29ha public open space / play in the north eastern corner. There is no mention of formal outdoor sports provision either on or off site, and whilst the offer on site does appear to meet the POS and Play provision adequately of 0.32ha, a contribution towards off site sports will still be required.

In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. In this instance the Playing Pitch Assessment for the Bromyard Area 2012 and the draft Investment Plan currently being prepared have identified a number of deficiencies in provision to meet the current and future population needs.

Play Area Provision: On site provision should include a combination of both formal and informal play opportunities including natural play. Using the Fields in Trusts standards for play provision, this would equate to approx. 0.07ha formal (700 sq m) and 0.15 ha informal play which could include natural play opportunities and play and fitness trails for example.

Formal provision should ideally be one larger facility and a kick-about area to be located within easy access and surveillance of the residential areas. It is noted all detail will be reserved matters and at this stage we will be able to provide more details of the play requirement, value, size etc.

POS/SUDS areas: All on site provision, including play should be fully integrated and accessible and consider including community gardens and neighbourhood green spaces. If SUDs areas are to be provided on site, with careful design (to take account of health and safety issues of standing water) SUDs areas can be included as additional areas of POS providing natural play opportunities and valuable areas for wildlife and biodiversity.

4.7 Education

No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies this application.

4.8 Housing Development Manager

Whilst the application meets the requirement to provide 35% affordable and the local authority's required standards, the tenure mix does not reflect the need for Bromyard. In addition to this, Herefordshire Council's Tenancy Strategy does not support affordable rent as a tenure on S106 sites.

4.9 Forward Planning Manager

The current planning application proposes 120 dwellings on a 4.75 hectare site which delivers approximately 25 dwellings per hectare. It is noted from the plan that varying density levels will exist throughout the site. The matter of scale therefore must be looked at to determine whether or not there is an issue and if so, how might this prejudice the strategic site. Although the site is a large development for the town and a site of this size has not been completed for many years; it is not so great that it would prejudice the Core Strategy proposals or targets. There would continue to be a need to deliver further housing elsewhere around the town through existing commitments, windfall development or sites allocated through a Development Plan Document.

The A44 Leominster Road will provide the primary access for Hardwick Bank. This would therefore mean that two access points are needed along the A44 to serve sites on the northern and southern side of the road. The submission Core Strategy recommends the provision of a roundabout to serve potential development coming forward. However, it is noted that there is no such roundabout proposed on the accompanying plans for this application. The access is a straightforward T- junction that is slightly to the left of a property opposite known as 'Cedarwood'. The position of this access does not allow much room for manoeuvre for the creation of a second access (serving Hardwick Bank) to also exit at this point without encroaching on the garden of the property known as 'Cedarwood' which is best avoided if possible. This situation potentially prejudices the principal access into the strategic site as a further access to serve the urban extension on the A44 is unlikely to be acceptable in Highways terms. The best solution would be a roundabout that would serve both sides of the road without prejudicing the strategic site's primary access point. Should the proposal be acceptable in all other regards discussions should be held between the developers of this site and the urban extension to ensure a suitable solution is determined.

Conclusion

Based on the fact that the proposed access potentially prejudices the delivery of the Core Strategy strategic site at Hardwick Bank, the issue of prematurity would be relevant to this application. Unless the access arrangements for Pencombe Lane can be more sustainable in allowing subsequent developments, set out in emerging plans, to be delivered the proposal should not be permitted.

4.10 Land Drainage Engineer

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. It is recommended that the surface water drainage system is provided in accordance with the Information provided in the FRA and that the Applicant submits the following information as part of the full planning application:

- Detailed drawing showing the proposed surface water and foul water drainage strategy, including SUDS, attenuation measures and pollution prevention measures;
- Demonstration that other SUDS techniques, specifically Infiltration of surface water runoff and the use of on-ground conveyance techniques, were considered further during detailed design and incorporated into the design where appropriate;

- Evidence that the attenuation storage is provided for up to and including the 1 In 100 year rainfall event with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Confirmation that Dwr Cymru Welsh Water are prepared to adopt the proposed foul and surface water drainage network (including the attenuation pond and discharge to the drainage ditch);
- Evidence that appropriate pollution prevention measures are in place prior to discharge.
- Prior to construction, evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.

4.11 Environmental Health & Trading Standards Manager

I have considered the Noise Screening report and the Air Quality Screening report and whilst I do not wish raise any issues as regards the Air Quality I would bring to your attention that traffic noise has been identified as a concern on proposed development land adjacent to the A44, to the east of Bromyard and mitigation measures including a noise barrier have been identified as being necessary. I would therefore propose that a noise survey having regard to the advice provided by the World Health Organisation Guidance on Community Noise and BS 8233:2014 be submitted with this application. Such an assessment should have regard to the recommended levels of noise for both inside and outside living areas including consideration of maximum noise levels, and indicate any likely mitigation works. If it is minded to approve this outline permission, as it stands, I would suggest that this should be conditional on the understanding that a full noise assessment as indicated above, and method statements for the construction phase identifying controls to be put in place to control noise and particulate emissions are provided for approval.

4.12 Waste Manager

I have a concern over the collection of refuse & recycling from many of the properties which look like they are located down private drives and over 30m from the primary street. Can it be confirmed what standard the secondary streets will be constructed to and whether these will be able to accommodate travel each week by the 26 tonne refuse collection vehicle?

The informal lanes will not be accessible therefore for those properties over 30m from the point on the highway that the vehicle will be able to travel to, collection points should be established with enough space available to position a bin for each property up to the dimensions of (665mm wide by 880mm deep).

5. Representations

5.1 Bromyard & Winslow Town Council

This Town Council appreciates that Herefordshire Council cannot currently demonstrate a Five year supply of housing land with a "buffer" upon which the applicant has heavily relied. Notwithstanding the above the Town Council resolved not to support this application for the following reasons:

- 1) The site proposed is not an area which can reasonable be considered to be a natural urban extension of Bromyard & Winslow.

- 2) The land available for housing within close connectivity of the Town Centre, much of it identified in the Core Strategy 2011-31 LDF, is more than sufficient to meet the additional housing provision of 500 dwellings over the plan period.
- 3) Given that the Core Strategy 2011-31 LDF has now been submitted for examination the Council regards this application as being "premature".
- 4) The land has been assessed as part of the Strategic Housing Land Assessment (SHLAA) and is considered to have significant landscape constraints and is not seen to have development potential during the Plan period.
- 5) Should a Planning Application come before Herefordshire Council's Planning Committee this Town Council will wish to be represented as an objector.

5.2 Avenbury Parish Council

After some discussion the Parish Council resolved not to support the application for the following reasons:

- 1) The Core Strategy indicates no new development to take place within the Avenbury Parish area.
- 2) The proposed development will be too visible within the landscape.
- 3) The proposed development is outside of the preferred boundary of Bromyard.
- 4) According to the Strategic Housing Land Assessment the land is very definitely unsuitable for development.
- 5) If this application comes before Herefordshire Council Planning Committee this parish wishes to be represented.

5.3 Letters of objection have been received from Bovis Homes and Mosaic Estates. Both parties are promoting the land at Hardwick Bank for residential development. In summary the points raised by both parties are as follows:

- The implementation of the proposed vehicular access arrangement would prejudice the ability to achieve a safe vehicular access into the draft strategic allocation at Hardwick Bank.
- With reference to paragraph 14 of the National Planning Policy Guidance (NPPG) the application at Pencombe Lane would pre-determine decisions about the scale and location of new development central to the emerging Core Strategy, which is at a significantly advanced stage.
- Whilst approval of the Pencombe Lane site could result in additional houses being built in Bromyard, these would not outweigh the loss of the strategic site, either in whole or in part.
- The potential negative effects of the application significantly and demonstrably outweigh the potential benefits of granting permission.

5.4 A letter of objection has been received from Bromyard & District Chamber of Commerce. In summary the points raised are as follows:

- Access to the major employment site at Porthouse on Tenbury Road is poor and the town suffers from large vehicles passing along narrow streets.

- Development at Hardwick Bank would, with a comprehensive scheme, provide the means to deliver a relief road.
- If this proposal is allowed much of the critical mass of development in the Hardwick Bank area would be lost. The application is therefore considered to be premature.
- Housing needs to be put in areas to promote employment and trade and therefore needs to be close to employment and town facilities. To develop on the outer reaches of the town is contrary to the needs and wishes of existing businesses.

5.5 Four letters of objection from local residents have also been received. In summary the points raised are as follows:

- This is a speculative application that seeks to take advantage of the Council's lack of a five year housing land supply.
- If permission is granted for 120 on this site the reduction in housing for Hardwick Bank will mean developers of the site would not be able to afford to construct a relief road.
- Approval could damage the ambition to build a link road between the A44 and Tenbury Road.
- 500 new houses have been identified for Bromyard in the emerging Core Strategy and it identifies Hardwick Bank as the preferred location. If 500 homes are built here then developers will also build the much needed relief road.
- The application is premature. Granting planning permission would undermine the plan making process as the access to the draft strategic allocation site would be compromised.
- The site was considered for housing development under the SHLAA and was found to be unsuitable for development due to its landscape impact.
- The site is isolated and does not relate well to the rest of the town.
- The application site is Grade 2 agricultural land. The proposal is contrary to paragraph 112 of the NPPF as it will result in the loss of good quality and versatile agricultural land and the applicant has not demonstrated that the development is necessary.
- Access to public transport from the site is limited. There is no regular bus service along the A44 and the bus stop is on the northern side of the A44, requiring pedestrians to cross the road.
- The proposal does not represent a sustainable form of development.
- The Hardwick Bank site is much closer to shops, services and employment sites. It would have greater access to local bus services and is considered to be more sustainable.
- The proposal will significantly increase flood risk from surface water run off to a property immediately to the south west of the site.
- The public consultation undertaken by the applicant was misleading and fundamentally flawed.

5.6 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 Bromyard is one of the county's market towns and the extent of its residential area is defined by Policy H1 of the HUDP. In the emerging Core Strategy it is anticipated that the town will accommodate approximately 500 new dwellings, with 250 of these to be provided on a strategic housing site at Hardwick Bank.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development, and whether the development is premature and prejudices the delivery of the strategic housing allocation at Hardwick Bank, particularly due to the access arrangements that are proposed.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that maybe given)."

6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of up to 120 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Bromyard is one of the county's market towns and, in the hierarchy of settlement pattern, is accordingly a main focus for population. It has a good range of shops, services and employment opportunities and the site lies on the south western fringe of the developed area; the residential environs of Winslow Road located on the opposite side of the A44. It is your officers view that the site is sustainably located where the delivery of up to 120 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives.

Impact on Landscape Character

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing

the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 are broadly consistent with chapter 11 of the NPPF.

- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent to Bromyard's settlement boundary and is considered to be of High Sensitivity within the Urban Fringe Landscape Sensitivity Analysis (Jan 2010) due to its visual prominence and importance in providing a transitional gateway between town and countryside. Accordingly it was classified as a site with significant landscape constraints in the SHLAA. The Conservation Manager (Landscape) has maintained this opinion in her consultation response, objecting to the application on the basis that the development would be relatively isolated in relation to the rest of the town and would consequently be detrimental to its setting, contrary to policies S1 and LA3 of the HUDP.
- 6.16 It is accepted that the site is at the fringes of the town and that development in this location will undoubtedly change the character of the immediate locality from countryside to a more urban environment. The site is opposite the strategic allocation of Hardwick Bank and the areas of this site adjacent to the A44 are on land at a higher level than this application site. It is your officers' view that when the area is viewed from public vantage points to the south; particularly Panniers Lane, the land at Hardwick Bank is most prominent and not the site to which this application relates. Indeed, the site at Hardwick Bank is similarly constrained in landscape impact terms and is also considered to have Medium to High Sensitivity in the Urban Fringe Landscape Sensitivity Analysis. The development of the strategic site will change the character of the area and on this basis it is not considered that this proposal would cause such harm in its own right to warrant the refusal of this proposal. As noted previously, the site does not have any specific landscape designation and the landscape impacts that will arise are not considered to outweigh the council's lack of a five year housing land supply.
- 6.17 On the basis that conditions will be imposed requiring the protection of hedgerows where possible and the formulation of a detailed planting regime and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Pedestrian and Public Transport Access to Local Facilities

- 6.18 Saved UDP policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*
- 6.19 The application shows the provision of a single point of vehicular access directly onto the A44 and this will be considered later in the report. It also indicates the provision of a footway extension along the southern side of the A44 from the point of access to the site for approximately 170 metres in an easterly direction to link to an existing controlled pedestrian crossing. Bus stops are located on either side of the A44 a further 50 metres further east. The plan also shows a further pedestrian link from the site at the junction of Pencombe Lane / Panniers Lane and a further extension of an existing footway on the eastern side of Panniers Lane. This provides a direct pedestrian link to the Queen Elizabeth Humanities College.
- 6.20 Your officers are satisfied that the proposed footway improvements create satisfactory links to the existing pedestrian network and would provide future residents of the site with genuine opportunities to access services by foot and public transport. The improvements can be

secured through a Section 278 Agreement and the imposition of an appropriately worded condition should planning permission be forthcoming.

Land Drainage and Flood Risk

- 6.21 Neither Welsh Water nor the Council's Land Drainage Manager have any objection to the development subject to the imposition of planning conditions. The site lies wholly with Flood Zone 1 and is at low risk of flooding from fluvial sources. Whilst objection letters have expressed concern at surface water drainage and the absence of detailed design from the current submission, there is no objection in principle to the development of the site as proposed on the provision that detailed drainage proposals are formulated and agreed prior to commencement of development. The Land Drainage consultants comments set out the detailed information that should be incorporated at the detailed design stage and this will be reflected in the imposition of a planning condition to require the submission of a fully integrated foul and surface water drainage system for agreement prior to the commencement of development, with completion of the scheme prior to first occupation of any of the dwelling houses approved. This scheme would be subject to a further round of consultation at the Reserved Matters stage.

Impact on Ecological Interests

- 6.22 The Council's Conservation Manager (Ecology) concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests, but actually has the potential to enhance biodiversity. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Prematurity and Prejudicial Impacts of the Development

- 6.23 Paragraph 14 of the National Planning Policy Guidance (NPPG) offers some useful advice on this matter. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:

- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

- 6.24 The objections raised on the grounds of prematurity and prejudice are made on the basis of two presumptions; that the creation of an independent access to the application site will compromise the provision of a new roundabout access on the A44 to serve the strategic site and that the erection of 120 dwellings will affect the deliverability of 500 homes and the provision of a link road between the A44 and Tenbury Road at Hardwick Bank.

- 6.25 In response to the concerns raised about the impact of the proposed access, the applicant has commissioned the completion of a Stage 1 Road Safety Audit, based on a presumption that the development would be served by its own access as shown on the plans originally submitted, and that the development of the strategic site would be provided for by a separate roundabout further to the west.
- 6.26 The Audit represents an independent assessment of the assumption that the two sites would be served by independent accesses. It identifies a number of issues to be addressed through the detailed design of each junction and makes a number of recommendations as to how this would be achieved. It does not conclude that the approach is unviable or that it would unduly compromise the highway safety of road users. The Council's Transportation Manager has considered the contents of the Audit and, whilst he does not consider the provision of two separate accesses to be an ideal solution, he concurs with its findings. Therefore it is your officers' view that the proposed access arrangements would not prejudice the delivery of the Council's strategic allocation at Hardwick Bank.
- 6.27 Policy BY1 of the Herefordshire Local Plan – Core Strategy sets out the requirements for residential development in Bromyard and advises that it should provide around 500 new homes during the plan period. Policy BY2 then deals specifically with the strategic allocation at Hardwick Bank and advises that around 250 dwellings will be provided on the site – approximately half of the total allocation for the town.
- 6.28 Contrary to the inference of the objections received, the emerging policies for Bromyard do not require the entire 500 dwelling allocation to be provided at Hardwick Bank. The presumption of the objection letters seems to be that a development of 500 dwellings would fund the creation of a link road between the A44 and Tenbury Road. This is not substantiated with any viability assessment to demonstrate that a development of 500 dwellings would provide adequate funding for a link road, nor does Policy BY2 envisage that a residential development will provide it in isolation, stating the following:
- The development areas should also be serviced by a residential road which would allow for opportunities to extend development beyond the plan period and serve as a future link road to other parts of the local highway network*
- 6.29 Policy BY1 envisages that the remainder of the allocation would be provided through a combination of existing commitments, windfall developments and sites allocated through a Neighbourhood Development Plan. Seventy six dwellings have been granted in outline at the Porthouse Farm site and, combined with the strategic allocation of 250 at Hardwick Bank, this leaves a shortfall of 184 dwellings during the plan period. The current application provides a significant proportion of this shortfall.
- 6.30 The Town Council have not stated their intention to complete a Neighbourhood Development Plan and the preference to allocate all of Bromyard's housing to the Hardwick Bank site is a view expressed only in the letters of objection received and the comments of the Town Council. The ambition to create a formal link road between the A44 and Tenbury Road will not be prejudiced should planning permission be granted here and, given the Council's stated position with regard to housing land supply and the lack of any other significant material planning objections to the proposal, it is not clear that this proposal would prejudice the plan-making process. Your officers' view is therefore that the proposal is neither premature or prejudicial.

Summary and Conclusions

- 6.31 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater

the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.

- 6.29 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.30 The site lies outside but adjacent to the settlement boundary for Bromyard and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The includes improvements to pedestrian facilities beyond the extent of the application site and these will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.31 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footways in the locality, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.32 The Conservation Manager (Landscapes) has objected to the development on landscape impact grounds. However, the Council's strategic housing allocation at Hardwick Bank is similarly constrained and parts of it are, in your officer's opinion, more visually prominent. The site has no landscape designation and impacts can be mitigated through detailed design and the imposition of conditions to retain and protect existing landscape features where possible. There are no designated heritage assets within the locality and the site is not subject to any of the other restrictive policies that footnote 9 of the NPPF refers to.
- 6.33 The development proposed is not considered to be so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development on the strategic housing site at Hardwick Bank. It has been demonstrated that separate access arrangements can be provided for the application site and the strategic housing site at Hardwick Bank without compromising highway safety and therefore the proposal is neither premature or prejudicial.
- 6.34 Officers conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.
- 6.35 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 120 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish and Town Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A02 – Time limit for submission of reserved matters (outline permission)**
2. **A03 – Time limit for commencement (outline permission)**
3. **A04 – Approval of reserved matters**
4. **A05 – Plans and particulars of reserved matters**
5. **C01 – Samples of external materials**
6. **The development shall include no more than 120 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **The development shall not begin until a scheme for the provision of affordable housing as part of the development on the site, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:**
 - 1) **The numbers, type, tenure and location on the site of the affordable housing provision to be made;**
 - 2) **The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing, if no Registered Social Landlord is involved;**
 - 3) **The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - 4) **The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

Reason: To secure satisfactory affordable housing provision in accordance with saved Policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

8. **H03 Visibility splays**
9. **H11 Parking – estate development (more than one house)**
10. **H17 Junction improvement/off site works**
11. **H18 On site roads – submission of details**
12. **H19 On site roads - phasing**
13. **H20 Road completion**

Further information on the subject of this report is available from Mr A Banks on 01432 383085

14. H21 Wheel washing
15. H27 Parking for site operatives
16. H29 Covered and secure cycle parking provision
17. H30 Travel plans
18. The recommendations set out in the ecologist's report from fpcr dated July 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a habitat enhancement plan should be submitted to, and be approved in writing by the local planning authority and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan, and to comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

19. G04 Protection of trees/hedgerows that are to be retained
20. G09 Details of boundary treatments
21. G10 Landscaping scheme
22. G11 Landscaping scheme - implementation
23. L01 Foul/surface water drainage
24. L02 No surface water to connect to public system
25. L03 No drainage run-off to public system
26. L04 Comprehensive and integrated draining of site

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN04 Private apparatus within highway

- 5. **HN28 Highways Design Guide and Specification**
- 6. **HN05 Works within the highway**
- 7. **HN07 Section 278 Agreement**
- 9. **HN10 No drainage to discharge to highway**
- 10. **HN08 Section 38 Agreement & Drainage details**
- 11. **HN01 Mud on highway**
- 12. **HN25 Travel Plans**

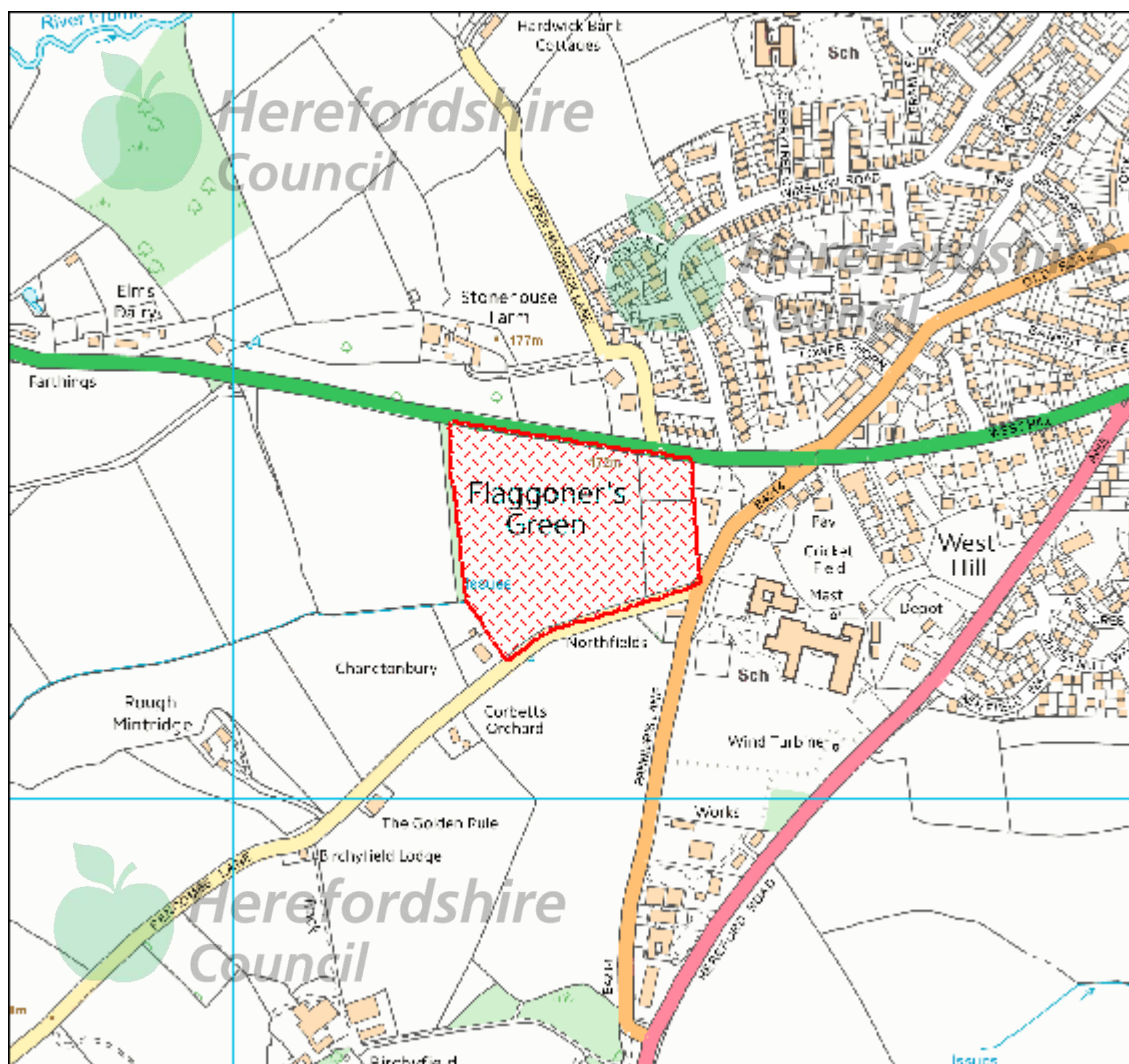
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 142175/O

SITE ADDRESS : LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – P142175/O

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against on general market units only.

Site for residential development of up to 120 dwellings with associated open space and landscaping
– Land off Pencombe Lane, Bromyard, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council a contribution of £184,507 (index linked) towards providing improved education facilities at Bromyard Early Years, St Peters Primary School, St Marys RC High School, Post 16, Youth and Special Education Needs. The contribution will be spent according to the need at the schools at the point of receipt of the monies. The sums shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£2,458	(index linked) for a 2 bedroom open market unit
£3,690	(index linked) for a 3 bedroom open market unit
£4,917	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality
 - b) New pedestrian and cyclist crossing facilities
 - c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
 - d) Public initiatives to promote sustainable modes of transport
 - e) Safer routes to school
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £124,320. The contributions will provide for off-site outdoor sport facilities at to be spent at either Bromyard Cricket Club, Bromyard Rugby Club or Bromyard Football Club, or on priorities at the time of receiving the contribution. The contribution will be sought in consultation with the local parish council, community and club. The sum may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS) and Attenuation Basins, if to be adopted by the Council. Such sums to be calculated in accordance with the Council's tariffs. Alternatively, the maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£120.00	(index linked) for a 1 bedroom open market unit
£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Bromyard. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council to pay the sum of £10,000 towards community infrastructure improvements at the Queen Elizabeth Humanities College. The contribution will provide new audio visual housing facilities that will be used for community activities. The sum shall be paid on or before the occupation of the 39th open market dwelling.

8. The developer covenants with Herefordshire Council that 35% (42 units – on basis of development of 120) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

10.2. satisfy the requirements of paragraphs 9 & 10 of this schedule

11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons

one of whom has:-

11.1. a local connection with the parish of Bromyard

11.2. in the event of there being no person with a local connection to Bromyard any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.

12. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

12.1. is or in the past was normally resident there; or

12.2. is employed there; or

12.3. has a family association there; or

12.4. a proven need to give support to or receive support from family members; or

12.5. because of special circumstances;

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 5, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

16. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

18. The developer shall pay to the Council on or before the completion of the Agreement, the

Further information on the subject of this report is available from Mr A Banks on 01432 383085

reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Andrew Banks
Principal Planning Officer

23rd February 2015

Mat Evans

From: Laurie Lane
Sent: 27 February 2015 16:41
To: Banks, Andrew
Subject: FW: Pencombe lane site (email from landowners)

Importance: High

Andrew,

Please see email below on land at Hardwick Bank for information. In the light of the RPS and Town Council objections we have received, we will likely be submitting this as part of our representations to the additional consultations on the Core Strategy EiP next week.

Kind regards,
Laurie

Laurie Lane
Planning Manager
Gladman Developments Ltd
DD: 01260 288 940

From: Mark Bouston [REDACTED]
Sent: 04 February 2015 17:48
To: Laurie Lane
Subject: Pencombe lane site
Importance: High

Dear Laurie,

I understand representations have been made to the Local Plan by Bovis Homes and Mosaic Estates on Bromyard and that there will be a hearing to discuss the Pencombe Lane site on the 17th February.

As you know, we control the access to part of the larger site that Bovis are now promoting. This is via our land at Winslow Road which is indicated on their masterplan.

I would like it to be made clear that we will not pursue any development on this land with Bovis presently if it would risk the significant work undertaken on the application for our land at Pencombe Lane. The scheme as shown on their plans therefore shouldn't be viewed as a 'given' at this current time.

Kind regards,
[REDACTED]

Tel: 07969 631930
Email: avbcprogrammeofficer@gmail.com

Address for correspondence
Programme Officer
c/o Community Planning
Amber Valley Borough Council
Town Hall
Ripley
Derbyshire
DE5 3BT

Date: 12 May 2014

Mr R Thorley
Community Planning Manager
Amber Valley Borough Council
Town Hall
Market Place
Ripley
DE5 3BT

Dear Mr Thorley

Examination of the Amber Valley Local Plan part 1 – the Core Strategy

As indicated at the hearing session on 1 May, I consider it necessary to suspend the examination of the plan to enable the Council to carry out certain pieces of further work. These are set out beneath under points 1-3. I cover the procedural aspects of the suspension at point 4.

1 Objectively assessed housing need

My letter to the Council dated 7 April 2014 concluded that Fig 14 of the sensitivity testing carried out by GL Hearn on behalf of the three Housing Market Area (HMA) authorities is likely to provide a sound assessment of housing needs for the period 2011-28.

As was accepted at the hearing on 1 May, the adjusted need figures set out in Fig 14 will require the HMA authorities to revisit the Duty-to-Cooperate (DtC) to review the way in which the City of Derby's increased unmet needs should be distributed between Amber Valley and South Derbyshire, bearing in mind agreement that Derby's ability to meet its own needs is capped by its fixed physical capacity.

Encouragingly, the 3 authorities expressed a continuing positive approach to this re-visiting of the DtC. However, in doing so the HMA authorities will also need to consider very carefully the extent to which re-consultation with other neighbouring authorities may be necessary in order to satisfy the legal duty or the soundness test of 'positive preparation'.

Employing the figures from Fig 14, the Amber Valley requirement for the period 2011-28 is as follows:

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Programme Officer: Carmel Edwards B Lib (Hons) MCLIP

Amber Valley Local Plan Part 1 Core Strategy – Examination

Borough's assessed needs: 17yrs x 435pa	7395
Borough's contribution to Derby's needs, as in submitted plan (* this element requires joint HMA reconsideration under the DtC)	1074*
Total requirement 2011-28 (subject to DtC review as above)	8469* (498pa)
<u>Borough's 5-year housing land requirement:</u>	
5-yr basic annual average 498 x 5 (subject to DtC review)	2490
plus	
(1) deficit accrued 2011-14, ie 1494 (498 x 3) minus 694 completions in those years, to be made up within the first 5 years where possible [national Planning Policy Guidance (PPG) on Housing and Economic Land Availability Assessment, Methodology Stage 5, para 035]	800
(2) 20% buffer brought forward into first 5 years for persistent under-delivery [National Planning Policy Framework (NPPF) para 47]	498
Total (*subject to DtC review as above)	3788*

I have considered the views expressed about requiring further additions to the supply to make up for the deficit in house-building which occurred in 2008-11. However, in my view the Strategic Market Assessment (SHMA), subject to the sensitivity testing undertaken in March 2014, can be considered an adequate base point for capturing and then projecting forward the overall needs existing at around the time of the 2011 Census. Although the census may have reflected an element of suppressed household formation resulting from the economic downturn, the sensitivity tests allow for a phased return to less suppressed levels.

The land requirement summarised above includes an allowance to enable the shortfall in 2011-14 to be made up by 2018/19, in accordance with national PPG as well as a 20% buffer for persistent under-delivery in accordance with the NPPF. Provision on that scale should ensure that land supply in Amber Valley would not be a constraining factor preventing either the significant boost to house-building sought by the NPPF or the potential for increased household formation.

I conclude that no further addition to the above supply is necessary to compensate for deficits in 2008-11 against the former Regional Spatial Strategy. Although those years were nominally the first 3 of the plan I am not convinced that any other aspects of the strategy, such as its retail and employment land policies, would be undermined or made unsound in any identifiably material way by rebasing the housing provision from 2011. In any case, alongside the content of the core strategy major retail proposals often require the preparation of impact studies based on data current at the time, while the detailed review of employment land allocations has been delegated to the forthcoming part 2 plan so any necessary

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revisiting of the broad-brush data behind the Employment Land Review could be undertaken in that context.

By the time of its adoption the plan's forward view would be less than the 'preferably 15-year time horizon' indicated in the NPPF. However, I do not consider it essential to lengthen the plan's time horizon at this point in the process since monitoring of the plan is bound to point to the need for its review well within its period to take account of housing outputs and future household projections and to provide a firm basis for rolling forward the 5-year supply.

2 5-year housing land supply

As explained beneath, I have serious concern that the plan does not provide a secure 5-year housing land supply and is not consistent with national policy in that respect.

The National Planning Policy Framework (NPPF) requires (para 47) that in order to bring about a significant boost to the supply of housing, local planning authorities should identify specific 'deliverable sites' sufficient to provide a 5-year supply of housing land against their housing requirements. 'Deliverable sites' are defined as ones which are '*available now, offer a suitable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development is viable*'. Sites with planning permission are to be considered deliverable until permission expires '*unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units, or sites have long term phasing plans.*']

The national PPG states at para 008 ref ID12-008 that a Council's policies will not be considered up-to-date if the existence of a 5-year supply of deliverable housing sites cannot be demonstrated. It therefore follows that a plan would be unlikely to be sound (and therefore appropriate to proceed to adoption) in such circumstances.

Until the revised distribution of Derby's unsatisfied needs has been determined (see point 1 above) the precise target for Amber Valley's 5-year supply remains unknown. However, in the meantime, I have considered the views expressed by the Council and others about the likely deliverability of the sites in Amber Valley's 5-year supply update of the position as at 31.3.14, as against a provisional need of 3,788. I also visited a certain number of sites in the schedules, although by no means all. I deal below with the categories of sites identified by the Council.

Allocated sites with planning permission

The Council estimates that these sites will deliver 1022 completions by 2018/19. Most are under construction or have full planning permission and may be able to perform as indicated. However, the Middlebrook Transport site is still in active use and only has outline planning permission so it may be optimistic to assume that 50 completions are likely to occur within the period. Coppice Farm only has outline permission and still has to be sold to a house builder, so may not be able to deliver as many as 220 by 2018/19, while a contribution of the same size at Outseats Farm may also be slightly optimistic by the timescales discussed at the examination. Reliable completions from this category of sites may in the order of 900-950.

Larger brownfield sites with planning permission

The Council estimates that such sites would yield some 614 dwellings by 2018/19. However, there appear to be significant uncertainties associated with some of these. Many have not progressed beyond outline permissions granted some time ago. Some examples of sites whose actual availability was questioned without any convincing reply are QES Ripley, the former Evans Concrete, Ripley (now in another commercial use), Heanor Haulage (a location of limited attractiveness and unknown availability), and a number of other sites (eg Leabrooks Club; Station Road and other sites in Langley Mill; Parkside Close, Ironville). I also saw that the site at Newlands Drive, Riddings, if actually available, would require considerable clearance. This is not a comprehensive picture of the sites in this category, but overall it appears on present evidence that the actual yield could be considerably less than estimated, possibly in the region of 400.

Larger unallocated greenfield sites with planning permission

These sites are mainly either under construction or being progressed towards commencement by local house-builders. From the available evidence there is nothing to suggest that the indicated total of 335 completions could not occur by 2018/19 even if there were to be some internal slippage within the 5 years.

Small brownfield windfall sites

The Council's estimate of 250 (50pa) from this source by 2018/19 seems reasonable.

Small greenfield sites with planning permission

The Council's estimate of 80 (16pa) within the period from this source also appears reasonable.

Sites with resolution to grant planning permission subject to S106 agreement

The Council's update paper estimates some 519 completions from these 7 sites. A number of them have been progressing only slowly, even towards outline planning permission, and some questions were raised about the viability and attractiveness of certain sites. In my view it would be prudent to assume some slippage in delivery by these sites, relying upon no more than 400 from these sources within 5 years.

Local Plan allocations without planning permission or resolution to grant planning permission subject to S106 agreement

The Council suggests 207 completions on these 5 sites by 2018/19. However, two (at Duffield and Langley Mill) have been allocated since 2006 but have not yet reached the stage of a planning application. Another of the larger sites (Milford Mills, at a pivotal position in the World Heritage Site) is the subject of an application submitted in 2006 which has not yet been determined, although a decision is described as 'pending'. From what was said about the waste disposal site at Pye Bridge this is a smaller site which may be of little attraction. All in all, on present

evidence the 5-year contributions from this group of sites appear significantly optimistic, with delivery perhaps only in the region of 100.

Strategic sites without planning permission

The Council estimates some 890 5-year completions from the strategic allocations.

Land north of Denby (SG3) – from all the evidence presented, this is capable in principle of being a sound and realisable large-scale allocation, subject to some modification covering the matters covered at the hearing about which I will shortly write to the Council separately. However, the estimated completion of 486 dwellings by 2018/19 appears over-optimistic in view of the likely lead times necessary for obtaining outline planning permission, signing appropriate agreements/undertakings, approving the necessary remediation programme for the tar pits, resolving the issues associated with 17 different ownerships (possibly requiring a compulsory purchase order), disposing of land to house-builders who would then need to obtain their own reserved matters approvals, and installing the necessary early stages of infrastructure. It may be realistic to assume the delivery of up to 120 homes by 2018/19 on the frontage land owned by an individual owner willing and able to make early progress. However, that is likely to be the maximum contribution from this site which can be relied upon with a sufficient degree of certainty within 5 years.

Alfreton Road, Codnor (SG2) and Nottingham Road, Ripley (SG7) – under point 3 below I conclude that there is a need for the production of more clearly reasoned and focused evidence concerning the ‘exceptional circumstances’ for removing this land from the Green Belt. The soundness of allocating these sites remains dependent upon that. Subject to that, there would be tight timetables and challenges to meet on approvals, securing the County Council’s participation as a landowner, guaranteeing assured and affordable forward capital-funding of the road, completing disposals to house-builders and their securing of reserved matters approvals.

In view of the above factors I consider it appropriate to be cautious about the deliverability of more than a combined total of about 450 completions in the 5-year period at sites SG2, SG3, SG4 and SG7.

Sites in the Strategic Housing Land Availability Assessment (SHLAA)

In its recent housing land supply update statement (April 2014) the Council pointed to a number of SHLAA sites which it sought to include within the 5-year land supply, suggesting that they could produce as many as 1,651 completions within the period. There could be some circumstances in which such sites may be considered to meet the NPPF definition of deliverability. However, the SHLAA itself identifies the great importance of noting that this is a piece of evidence, not an allocations document, that inclusion of a site does not imply that planning permission should be granted for any specific use, and that allocations are to be made through the Development Plan.

Most of the sites identified by the Council are greenfield sites for which planning applications have not yet been submitted but were said to be being ‘pursued’. In many cases planning permission on such sites would be outside present planning

policy for the Borough; moreover, it can reasonably be supposed that many such applications would raise the kinds of site-specific issues to which the SHLAA itself refers and arouse at least some public opposition, in some cases possibly a great deal. It would therefore tend to be premature, without further firm evidence, to count such greenfield sites as part of an assured supply with a reasonable prospect of delivery within the period.

A smaller number of the SHLAA sites are brownfield, although not necessarily within the defined urban areas. The majority of the larger ones are again at pre-application stage. If firm convincing evidence can be brought forward to justify a conclusion that a SHLAA site would have a reasonable prospect of contributing within the period it could be possible to take account of them, but there is a danger of the plan-preparation process being perceived as being bypassed if such sites were to be relied upon to a significant degree.

If any sites in the SHLAA are able to make truly deliverable contributions within 5 years it would be more in keeping with a plan-led system to introduce the larger ones into the core strategy as strategic allocations or, in the case of the smaller sites, to consider including them as part of the provision to be made through the forthcoming Site Allocations Plan.

Overall conclusion

From the nature of the evidence which was available it is difficult to assess precisely how far the stock of truly deliverable housing land falls short of the interim 5-year requirement referred to above. However, I am in no doubt that the Council is currently unable to demonstrate the existence of a secure deliverable 5-year supply: on present evidence that supply appears to be somewhere in the region of 3,000. The submitted plan is incapable of progressing to adoption until this is remedied. The Council therefore needs to identify and bring forward further strategic allocations to deal with this shortfall. If necessary this may require exercising flexibility about the minimum size for such allocations. While not departing too far from the strategy of concentrating on the main towns it may also be helpful to select sites from a slightly wider range of locations as this would provide more market choice and probably speed take-up and delivery.

The successful identification of a secure 5-year supply would safeguard Amber Valley against unwelcome applications on sites not allocated in accordance with the adopted plan. However, the evidence base for the 5-year supply needs to be realistic, transparent and unambiguous. Reliance should not be placed upon sites which (in all the circumstances) are unlikely to meet the requirement of the NPPF for a 'realistic prospect' of delivery. Other advice on availability is included in Planning Practice Guidance paras 3-020/023. The Council will therefore need to adopt a carefully informed and critical approach to the inclusion of individual sites within the supply, avoiding insufficiently founded assumptions or undue optimism. It would also be prudent not to adopt too minimalist an approach to the new allocations since the significant boost to supply sought by the NPPF (and a secure 5-year supply) is probably more achievable by allocating a larger number of suitable sites at a greater variety of locations rather than placing too much reliance on a smaller number of sites at fewer locations.

3 Policy SS11 (amendments to the Green Belt), policy IN4 (the proposed new A610 relief road) and policies SG2 and SG7 (the strategic allocations at Alfreton Road, Codnor and Nottingham Road, Ripley)

As discussed at the hearings, NPPF (paragraph 83) requires the identification of 'exceptional circumstances' to justify the alteration of Green Belt boundaries through a review of the Local Plan. The recent High Court case of Gallagher Homes Ltd & Solihull MBC reinforces that this is a stringent test and reiterates the importance of ensuring that reasons for any decision concerning exceptional circumstances are clearly and unambiguously identified and explained.

The Core Strategy identifies exceptional circumstances for deleting land from the Green Belt at Ripley and Codnor in the first paragraph of section 6.15. This states that the provision of the new link road will relieve congestion on the A610 and improve the east-west link between the A6/A38 and the M1, thereby '*enabling* (my emphasis) the provision of new housing development and the development of high quality employment land, which will help to improve the local economy.'

This chain of reasoning appears to be the wrong way round. The Council accepted at the hearing that there are sufficient candidate sites to meet Amber Valley's housing and employment land needs without the requirement to consider removing land from the Green Belt. Consequently, the main 'exceptional circumstance' identified by the Council appears to be that the long-planned new road (otherwise unlikely to be funded within any foreseeable timescale) could be enabled by funding generated if sites SG2 and SG7 were to be released from the Green Belt for development. The new housing and employment land would contribute towards the Borough's needs, but those needs are not in themselves presented as the 'exceptional circumstance' justifying the proposed alteration to the Green Belt.

I therefore conclude that the plan needs to be supported by a new, stand-alone statement of evidence about the current perceived need for this piece of highway infrastructure. Since that need is the fundamental factor behind the existence or otherwise of 'exceptional circumstances', such evidence should place less emphasis on the length of time during which the road has been 'on the stocks' as a planned proposal and more upon the current perceived need for it. This would include (a) the specific evidenced reasons why the existing Ripley – Woodlinkin section of the A610 is unable to fulfil the particular role and purpose it is intended to serve as compared with the already improved sections of the route which, as I have seen, represent the greater part of its overall length, and b) the material improvements which the diverted route would bring in those respects.

It is not my role as part of the examination to consider the new road's design in great detail, as shown in the current planning applications. However, the new evidence should provide sufficient information about (c) whether or not the current intended design/width/specification of the new link (including the number and position of its junctions with roads serving the new areas of development) would allow the route to fulfil its intended purpose as an improved section of the A610, as identified under (a). It should also (d) demonstrate clearly that the associated developments will be able to generate the level of funding required to complete the new link, thereby providing assurance that the outcome expected by the identified 'exceptional circumstances' is capable of being delivered.

If such evidence can be clearly formulated, the Council would need to use it as a foundation for proposing changes to appropriate sections of the Core Strategy, identifying the 'exceptional circumstances' for altering the Green Belt boundaries for the housing/employment development and the bypass which it would enable.

4 Procedural matters

The Council will now need to take action to bring forward proposals for changes to the plan covering points 1-3 above. Such changes will of course require a revised sustainability appraisal and consultations including a period of advertisement for 6 weeks during which representations may be made for consideration at resumed hearings. It is not appropriate for me to set a precise date for those hearings now, although it was suggested at the hearing on 1 May that this should be no later than November, since 6 months is usually regarded as the maximum period for suspension.

I would be grateful if the Council can now draw up a draft timetable for the work to be undertaken. This will need to include sufficient time at the end for the Council to sort representations about the proposed changes into groups related to particular sites or policies, which will greatly facilitate my absorption of their contents. Sufficient time will also need to be included for me to prepare and circulate agendas before the hearings sessions. Please be in contact with the Programme Officer as soon as possible about this draft programme.

If they contribute to a sound plan the above changes will clearly have to be advertised after the hearings as Main Modifications. The Council has, of course, already prepared a schedule of Main Modifications concerning certain other matters raised in my initial soundness concerns and questions. Most of these would remain appropriate to be taken forward and advertised at the formal Main Modifications stage subject to the comments in brackets beneath*.

*[MM1 will need further change in the light of point 1 of this letter. However, the Council should also check whether any of the changes proposed as a result of this letter require other consequential amendments to the MMs.

MM12: It has been agreed that the words '...in the countryside unless....' should be replaced by '..if..'

MM13-MM14: I have agreed with the Council that these are unnecessary.

MM17 may not be consistent with the resolution to grant planning permission for part of the SG7 site fronting Nottingham Road. This will require checking.]

Two further matters arose from discussion of the Main Modifications on 2 May. Concerning MM24-25, it was agreed that the suspension provides an opportunity to review their current content in order to secure conformity of policy R1 with the Government's recent announcement of its conclusions on its review of housing standards. Similarly, concerning policy E6, the suspension gives time to put forward suitable new material on ecological networks. As these matters will cover totally new material the Council should include their proposals on both of the above matters in its revised sustainability appraisal and in their consultations so that they can, if necessary, be considered after the suspension.

Roy Foster

Inspector

Examination of the New East Devon Local Plan 2006-26

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By email only

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31 March 2014

Dear Mr Dickins,

At the last hearing I promised to write to you giving a date for my report or setting out what further work is required. Unfortunately I do not consider that the Local Plan is sound nor at this stage can it be made so by main modifications.

Housing Numbers

1. I do not consider that the 15,000 housing target is justified by the evidence submitted to the examination. The National Planning Policy Framework (NPPF) requires local planning authorities to ensure that Local Plans are based on adequate and up to date evidence¹ and to prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs over the plan period². The 2007 SHMA³ was updated in 2011⁴ and it was accepted by your consultant at the hearing that it was prepared before the most recent guidance was issued. The 2011 update is founded in part on survey work done in 2007 and so its reliability is questionable. Further, it only covers 2011 to 2016 and is criticised by your other consultants, Roger Tym and Partners who produced the 2011 Housing and Employment Study⁵.
2. In any event, it is clear from the hearing that the 15,000 target in Strategy 1 is not based on the SHMA but the low migration scenario figure for East Devon given in Table 6.3 of the Roger Tym report (10,800) plus about 4,000 for overspill from elsewhere (largely Exeter) which has no empirical evidential basis. The National Planning Practice Guidance (NPPG)⁶ advises that the starting point for estimating need should be the latest population and housing projections. I acknowledge that the 2011 projections should be used with caution but Roger Tym's estimates are based on the 2008 population and household projections. I could question the validity of choosing the low migration model given that the Roger Tym report

¹ Paragraph 158

² Paragraph 159

³ CD/Hsg019

⁴ CD/Hsg020

⁵ CD/Hsg002, paragraphs 6.29 to 6.33

⁶ Reference ID: 2a-015-20140306

leans towards a higher figure but there seems little point given the shortcomings in the evidence base overall.

3. I give little weight to the County Council's work given that it is county wide and is based in part on demand rather than objectively assessed need. I cannot, therefore, conclude that the figure of 15,000 is justified by up to date and appropriate evidence. The absence of an up to date SHMA is a serious failing and makes a full assessment of need difficult. To rectify this, the Council should produce an up to date SHMA to assess the need for housing and affordable housing. If an updated SHMA indicates levels of need greater than provided for by the Plan you should test the impact of higher levels of growth through SA/SEA. Subject to the results of that exercise, you should consider making provision for an increased number of dwellings and/or set out results of discussions with neighbouring authorities in relation to meeting any un met need in the District.
4. As discussed at the hearing it seems most unlikely to me that parts of West Dorset and East Devon do not fall into the same housing market area. I see that according to the 2007 SHMA and 2011 update the Coastal Towns sub market area includes part of West Dorset and Lyme Regis in particular. However, none of the survey work appears to include any parts of West Dorset. As you know the Inspector examining the West Dorset, Weymouth & Portland Local Plan has indicated that further work needs to be done with regard to assessing housing needs. There would, therefore, seem to be an opportunity to work with West Dorset in preparing evidence.

5 year housing land supply

5. The NPPG states that; '*Local planning authorities should aim to deal with any under-supply within the first five years of the plan period where possible*'⁷. That and the aim of the NPPF to significantly boost the supply of housing weighs against the Liverpool approach to meeting your backlog. Turning to the arguments in favour of Liverpool in Topic Paper 1; whilst adopting Sedgefield may result in a marked drop in the rate of provision after 5 years this is an argument that could be repeated many times and the high rate is due to past failures in delivery. To accept a longer period to address the shortfall is counter to the aim of significantly boosting housing supply and would run the risk of leaving households in need for longer.
6. Dangers of overdevelopment, directing development to the best sites and where it is needed, sustainability and matching development to infrastructure should all be addressed through planning i.e. the Local Plan. As you say in the Topic Paper, plan led provision lies at the heart of the NPPF and I see nothing in the Sedgefield approach which would prevent this in East Devon.
7. The '5 year land supply update - Sedgefield Approach' assessment produced by you at my request shows a housing land supply of 4.04 years as of October 2013. Paragraph 49 of the NPPF warns that relevant polices for the supply of housing

⁷ Reference ID: 3-035-20140306

should not be considered up to date if a 5 year supply cannot be demonstrated. The District Council needs to be able to demonstrate a 5 year supply on adoption of the Local Plan and I look forward to hearing how you intend to ensure this will be the case.

Housing Distribution

8. No doubt any work on a new SHMA will consider distribution and I would expect, in accordance with the objective of achieving sustainable development, that new development would be directed to settlements that have the capacity to accommodate and sustain new development. I am aware that the numbers allocated for villages in Strategy 27 are based on consultations with local communities. However, I am concerned that these figures are not based on an assessment of the ability of the small towns and villages to accommodate growth and that the blanket application of a 5% minimum growth is too crude a tool. Further, the post submission changes to Policy 27 strongly imply that the 5% will be treated as a maxima. I suggest, therefore, that you revisit Strategy 27 in light of the Settlement Appraisals which, if applied consistently, do not support some of the figures in Strategy 27.

Plan period

9. The NPPF advises that plans should preferably have a life of 15 years⁸. This is not fixed in stone but if adopted in 2014, the plan would only have a life of 12 years. I am aware that provision is made for development beyond the plan period at the West End. However, I consider that this approach offers less certainty and a longer plan period would give developers, landowners and you greater confidence in the long term delivery of the Growth Point. Further, it leaves less time to deliver and react to changes that may threaten delivery in the rest of the District, particularly as it is envisaged that the Villages Development Plan Document and Neighbourhoods Plans are to follow, all of which will take time to produce, examine and adopt before they become effective.
10. The 2011 Housing and Employment Study⁹ projects housing and employment requirements to 2031. Should any further work/studies to address my concerns regarding evidence of housing need cover a period beyond 2026 then I would ask that you give serious consideration to extending the plan period.

Gypsies and travellers

11. The last assessment of the accommodation needs of gypsies and travellers was carried out in 2006 and only addressed provision up to 2011. I was informed at the hearing that you sought to work with some of your neighbours to produce a new assessment in time to inform the Local Plan but, for reasons outside your control, that did not prove possible. I agree that rather than commission an independent assessment it would be better to pursue a joint approach and I

⁸ Paragraph 157

⁹ CD/Hsg002

understand that a new assessment has just been commissioned and that it should be completed by this summer of 2014.

12. It is proposed that, should a need be identified, you would then produce a Gypsy and Traveller Plan. This is not ideal and runs counter to the advice in the NPPF which discourages multiple plans. A suspension of the examination to allow you to produce additional housing evidence may provide an opportunity for any need identified through a gypsy and traveller needs assessment to be addressed through the Local Plan rather than a separate plan.

I would now ask you to give careful consideration to the above matters. The production of a new SHMA may take some time and I would appreciate an indication of how long you consider you will need to produce this information in order that we can plan ahead with regard to the length of any suspension and any further hearings that may be required. I will do all I can to help the Council in relation to the way forward, although you will appreciate the restricted nature of my role in this regard and that any advice given is without prejudice.

Yours faithfully

A Thickett

Inspector