

Latham, James

From: Programme Officer
Sent: 13 January 2015 11:40
To: Latham, James
Subject: FW: Herefordshire Core Strategy - Pre-submission consultation
Attachments: HC response - 8 Jul 2014.pdf

From: Richard Stow
Sent: 21 October 2014 18:26
To: Programme Officer
Subject: Fwd: Herefordshire Core Strategy - Pre-submission consultation

Begin forwarded message

From: Richard Stow
Date: 21 October 2014 17:54:34 GMT+01:00
To: programme.officer@herefordshire.gov.uk
Subject: Herefordshire Core Strategy - Pre-submission consultation

Email to Planning Inspector Christine Thorby DipTP MRTPI IHBC

Dear Ms Thorby,

Please see attached below my formal complaint dated 30th June 2014 to Herefordshire Council regarding the Core Strategy pre-submission consultation, which ran from 22nd May to 3rd July 2014.

Also attached as a PDF file is the Council's inadequate response, a letter from Andrew Ashcroft dated 8th July 2014.

My complaint is that this pre-submission core strategy consultation was unfair to the public (and Councillors) because insufficient and out of date information was provided on the central issue of housing supply. This meant that it was impossible for consultees to make a meaningful response on the soundness of the plan.

Housing supply is critical to "soundness", yet the Ashcroft letter astonishingly admits that the housing supply information was out of date and inadequate exactly as I set out in my complaint. However, he sees nothing wrong with this, and just says that up to date information will be provided for the examination. This means the situation is much worse. Mr Ashcroft is saying that the plan which will be submitted to you is not the plan we have been consulted on, or to put it another way, the representations that I and others have made on the core strategy, and forwarded to you, are not representations on the actual plan that will be received by you.

The public who took the time to respond (and the Councillors who care about this) have been duped. This was a statutory consultation, and it was unlawful.

Please note that point 3 in my complaint is absolutely critical. I find it incomprehensible, at this stage in the process - 7+ years after the core strategy started up - that zero dwelling units from the "strategic sites" in the core strategy, and zero dwelling units from the SHLAA sites, passed the test of deliverability for inclusion in the 5 year Housing Land Supply. If this is the case, the pre-submission consultation should have included detailed explanations of the barriers to delivery for these sites, and how and when they will be overcome. All of this information was withheld by the Council.

Mr Ashcroft's response on this point is unacceptable: " There is no reason why the Council in its pre submission consultation on a local plan should explain its defence of a recent planning appeal". Yes there is - the Home Farm Appeal decision (and report) instantly destroys the soundness of the pre submission core strategy.

I believe that there needs to be another public consultation before the core strategy examination, which would include:


- updated information on the 5 yr HLS and SHLAA
- a full explanation of the deliverability of all the strategic sites and SHLAA sites, and of how and when specific barriers will be addressed.

Yours sincerely,

Richard Stow



Begin forwarded message:



From: Richard Stow
Date: 30 June 2014 09:03:36 GMT+01:00
To: accesstoinformation@herefordshire.gov.uk
Subject: **Complaint - Core strategy consultation is unlawful**

Dear Information Access Team,

I am writing to you to complain that the current Core Strategy pre-submission consultation, which is running from 22nd May to 3rd July 2014, is unlawful because it is materially unfair for the reasons given in my email dated 28th June attached below.

The pre-submission consultation must be re-run when "adequate, up-to-date and relevant" evidence about the central and critical issue of housing supply has been provided in the consultation documents.

Yours sincerely,

Richard Stow



Begin forwarded message:

From: Richard Stow
Date: 28 June 2014 16:11:06 GMT+01:00
To: ldf <ldf@herefordshire.gov.uk>
Subject: Core strategy - inadequate & out-of-date housing supply evidence

Dear Local Plan Team,

I am writing to object to the inadequate and out-of-date housing supply evidence in the Core Strategy (CS) consultation, which is both contrary to national policy and renders the consultation materially unfair to the public.

National Planning Policy Framework paragraph 158 states that: "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".

1. The 5 year Housing Land Supply (HLS) evidence is over one year out of date

The evidence base only contains 5yr HLS calculations up to 1st April 2013, over one year out of date at the start of the consultation in May 2014. For at least the last 12 months, the absence of a 5yr HLS has resulted in numerous approvals of housing applications, either immediately or on appeal. The Conservative Council's negligent or deliberate failure to provide a 5 year HLS has destroyed localism and neighbourhood planning across the county, and removed local democratic control of planning applications for housing.

The 5 yr HLS is a critical issue for the soundness of the core strategy, and it is unacceptable to provide the public with out of date information during the final consultation before the core strategy is submitted for examination, during a period when the HLS may have increased significantly.

2. The SHLAA is over two years out of date

Government guidance from the Planning Advisory Service on the 5 year HLS says that local planning authorities should ensure that they have an up-to-date Strategic Housing Land Availability Assessment (SHLAA) in place. The SHLAA provided in this pre-submission consultation is dated March 2012, so it was over two years out of date at the start of this consultation in May 2014.

3. No explanation of the Council's extraordinary HLS position at the Home Farm Appeal (APP/W1850/A/13/2192461, decision date 10th January 2014)

The Inspector at this Appeal stated: "Sites do not have to have the benefit of planning permission to be deliverable and it is possible to include proposed strategic sites within

assessments of HLS."

However in paragraphs 24 and 25 of the Appeal Decision, Herefordshire Council completely abandoned their own previous case from October 2013, stating that no dwelling units from the strategic sites in the Core Strategy, and no dwelling units from the SHLAA sites, passed the NPPF test for inclusion in the HLS. This immediately meant that there was (and is) no 5yr HLS.

If it is the Council's position that no units from the core strategy sites, and no units from the SHLAA sites can be included in the 5yr HLS, why has the Council gone ahead with the pre-submission consultation?

As the Core Strategy has been under development and gone through several consultations since 2007, how is this total failure regarding deliverable dwellings possible? Why do all the strategic sites and all the SHLAA sites provide zero deliverable units for the 5 yr HLS?

How can a CS be sound if no units from proposed strategic sites, such as Hereford's "strategic urban expansions", are deliverable within 5 years?

Through what process and over what timescales will the CS strategic sites and SHLAA sites generate deliverable units?

All of this essential information/evidence is missing.

4. There is no Council plan or commitment to deliver a 5 yr HLS

The absence of a 5 yr HLS makes a Local Plan unsound, so in order to properly consider the CS the public need to see precisely how and when the 5 yr HLS will be provided.

There is no statement of commitment to achieve a 5 yr HLS by the Council, and no plan with milestones and timetable to achieve this. Localism is a priority for Conservatives in Parliament, yet Herefordshire Council's (so-called) Conservatives have completely undermined localism by their massive failure regarding the HLS. The public in Herefordshire is entitled to a firm commitment and detailed plan to correct this failure as quickly as possible. There is no such commitment or plan in the consultation documents.

My conclusion from:

- the length of time with no 5 yr HLS
- the extent of the shortfall (the Council says the HLS is only 2.09 - 2.61 years)
- the continuing absence of a commitment or plan to address this failure

is that the lack of a 5 year HLS is a deliberate policy to destroy localism, and create a developer "free for all" across the County.

The current pre-submission consultation is materially unfair to the public, and therefore unlawful, as the Council's serious failure to provide sufficient and up-to-date information has made it impossible for consultees to make a meaningful response on the critical issue of housing supply.

The pre-submission consultation must be re-run when "*adequate, up-to-date and relevant*" evidence about housing supply has been provided in the consultation documents.

Yours sincerely,

Richard Stow (LDF reference 1997)

