

PINS LDF Frontloading Visit

Herefordshire Council

8 March 2010

Inspector's Note

Preamble

The purpose of the frontloading visit was to consider what has been done so far in the preparation of the Core Strategy (CS) and to identify those matters and questions that seem potentially problematic at this stage in terms of the soundness of the CS. The purpose of the visit was not to test material or confirm the adequacy of the CS or endorse any part of it as sound. This note sets out specific advice for the Council based on the particular circumstances and questions raised and it should not be taken as pre-judging the outcome of the examination of the submitted CS in any way. It does not seek to replicate published guidance or advice and it should be read in conjunction with Planning Policy Statement (PPS) 12, the advice published by the Planning Inspectorate on the Local Development Framework (LDF) examination process and procedures, and the Planning Advisory Service's Plan Making Manual. I would draw particular attention to the Planning Inspectorate publication, Local Development Frameworks: Examining Development Plan Documents: Learning from Experience (September 2009) which addresses a number of issues that are relevant to the Council's questions.

Current Position and Overall Timetable leading up to Submission

1. At the time of my visit public consultation on the Place Shaping Paper, January 2010 was underway. There has been some slippage against the Local Development Scheme (LDS) programmed dates. Latest information suggests that while it is hoped to reach publication stage around November of this year and submission stage in January 2011, this is probably no longer achievable. My overall assessment concurs with the Council's most up-to-date view that it would be wise to programme for a publication date in January 2011, with consequent revision of the CS submission date to approximately three months later. The Council remains committed to bringing forward the CS at the earliest possible date and I encourage it to maintain this drive. It has made good progress to date and I was impressed by the scope and quality of the Place Shaping Paper consultation document.
2. I have read the report from POS Enterprises¹ following its recent assessment of the work on the CS. I fully endorse the conclusions and recommendations of the report and will not go over the same ground in this note. It is clear that the recommendations provide a positive way forward and that the Council is taking them on board. As a result,

¹ POS Enterprises, Herefordshire Council, Critical Friend Support for the LDF: Report following a Workshop with the LDF Team on 27 January 2010.

my note concentrates only on the important new points that arose from my frontloading assessment.

Key Issues

The Relief Road for Hereford

3. The Place Shaping Paper sets out two broad spatial options (east or west of the city) for a relief road for Hereford and further testing is underway to select the preferred route. The Council considers that the evidence, including a multi-modal study, strongly supports the case for the relief road and demonstrates that it is an integral part of a sustainable transport solution for the significant increase in growth required in/around Hereford by the emerging Regional Spatial Strategy (RSS). As far as I can tell, the difference between the housing provision figures in the draft RSS and in the Panel's report of the Examination in Public (EiP) does not affect the case for the relief road. I understand that there is a high level of political and community support for the RSS housing requirement for Hereford and that this is rooted in the expectation that a relief road will be constructed during the CS period. This is viewed locally as essential for improvements in public transport, walking and cycling provision that will address existing problems of congestion and air quality, as well providing a sustainable transport package for the RSS growth requirement in the longer term.
4. The Panel's report specifically recommends a relief road for Hereford. However the scheme is not currently included in the Regional Funding Allocation and this will not be reviewed before 2014. It is expected that about 50% of the cost would have to come from public funding and this raises doubt about whether the relief road proposal is deliverable. Deliverability is a key component of the soundness of a development plan document and therefore the difficult questions raised by the relief road proposal for Hereford need to be addressed openly and fully in taking forward the CS to publication stage.
5. It seems to me that there are a number of issues that still need to be resolved in regard to the justification for, and deliverability of, the relief road proposal and, in turn, in considering reasonable alternatives if it were not to come forward. Firstly, the Council will need to take account of the outcome of the Delivering a Sustainable Transport System (DaSTS) study. The interim report is due to be submitted next month, April 2010. As the name makes clear, the overarching objective of this approach is sustainability and there is an emphasis on low-cost affordable solutions. In bringing forward any proposal for a relief road in the CS, it will be important to demonstrate how this will help to make the shift towards more sustainable, lower emissions transport and facilitate initiatives that may influence travel behaviour in the area. While the interim report is unlikely to be definitive about the future of the relief road proposal², it should provide a strong indication of the benefits of the sustainable measures in supporting the growth agenda and inform consideration of the need for the relief road.

² Subject to Department for Transport approval, the interim report will be followed up by Stage 2 work, which includes sifting and comparing options, identifying possible packages, and appraising the most promising options and packages to arrive at a preferred solution.

6. Secondly, the on-going technical work on the scheme should inform decision making about whether there are realistic options to deliver the relief road and/or other solutions in phases that relate to the housing trajectory, proposed phasing of other development and the distribution of development. The relationship between relief road phasing and other 'softer' transport measures to accommodate growth should be made clear, and realistic alternatives should be tested, so that the chosen option is properly justified. All of this will require close working with the Highways Agency and other partners, with the aim of seeking an agreed position.
7. Thirdly, given the importance of the transport solution for the implementation of the CS as a whole, there needs to be sound answers to the key delivery questions about any proposed relief road (who will provide it, when it will be provided, how it will be funded and which, if any, sections of it will be prioritised). While the housing growth will take place mainly towards the end of the CS plan period, these questions need to be addressed now and as much certainty as possible should be built into the CS.
8. As the Council is fully aware, if it is accepted that the relief road proposal is not justified and/or deliverable, the implications for the proposed strategy will require careful consideration. In these circumstances I would advise the Council to seek reasonable, sustainable means of accommodating growth at Hereford to comply with the RSS requirement. The DaSTS work should be able to assist in this task.

Other Infrastructure and the Infrastructure Delivery Plan (IDP)

9. There are concerns about the difficulty of obtaining information from some of the infrastructure providers and the implications for the level of detail required to support the CS. The POS Enterprises report gives good advice on this point. I can confirm that the examining Inspector will expect the Council to take all reasonable steps to secure agreement with the infrastructure providers so that, at least for the earlier part of the plan period, there can be reasonable certainty that the key items of infrastructure will be available when required. I emphasise the words 'reasonable' and 'key' in this context and I would not expect the Council to delve to the same level of detail about all items of infrastructure, nor that the Council should have to go to extraordinary lengths to obtain the cooperation of other parties. I suggest that the Council takes the initiative by drawing up statements of common ground wherever possible and seeking the agreement of the infrastructure providers. In answer to the Council's question, there is no need for a sustainability appraisal of the IDP since this is part of the supporting evidence base, not an LDF document in its own right.

Strategic Locations and Strategic Sites

10. We discussed the Council's thinking about whether it would be more appropriate to treat some or all of the major development sites as 'strategic sites' in terms of PPS 12, with the necessary level of detailed policy in the CS and an underpinning evidence base, or whether to rely on future site-specific or Area Action Plan (AAP) DPDs to bring forward

these sites. If the strategic site approach is selected, the implementation detail could be set out in a supplementary planning document. However the Council would need to consider carefully whether the necessary policy specificity and supporting evidence that would be required for a strategic site approach could be achieved within the timescale for publication of the CS. This would require that the site is clearly defined on the Proposals Map, including any proposed boundary changes to existing designations.

11. The Council's preference at this stage is for the alternative approach, which entails identifying 'broad locations' (sometimes called 'strategic locations') in the CS for particular uses, giving as much detail as possible about the quantum/siting/phasing of particular elements, and making clear that the detailed proposals and detailed changes to the Proposals Map, including the precise alteration to any policy designations, would be brought forward through a subsequent DPD. The only consequential amendment to the Proposals Map that would be required at CS stage would be a symbol or other general notation identifying the broad location, cross-referenced to the CS policy. I agree that the broad location approach seems appropriate in Herefordshire's circumstances, especially given the complex issues that remain to be resolved and the timescale for delivery of housing. Whichever approach is selected, the general advice applies that a CS should be realistic and deliverable, acknowledging any significant risks and setting out contingency measures where appropriate.

Appropriate Assessment

12. The legal requirement for Appropriate Assessment (AA) is important in this case given the potential effects of the CS proposals on sites of European importance for nature conservation. For example, notwithstanding its New Growth Point status, Hereford is bisected by a Special Area of Conservation (SAC) along the River Wye. Other locations, including Ross-on-Wye, have sites of European importance that may be affected by the CS growth proposals. While the AA process has already started and results have been published alongside the Place Shaping Paper, there is no doubt that further steps need to be taken, given the potential effects of CS proposals on these sites. I understand that the work is being undertaken in-house but that a peer review is proposed at an early stage and I recommend that this should be prioritised. The requirement for growth in Hereford has been 'handed down' from the RSS but nonetheless, as the Council is aware, as plan making authority it needs to ensure that it has fully satisfied the requirements for AA of the CS. A useful source of guidance is *Planning for the Protection of European Sites: Appropriate Assessment* (DCLG August 2006) <http://www.communities.gov.uk/documents/planningandbuilding/pdf/160442.pdf>
13. In terms of timing of this work, it should be clear how the findings of the AA, which is an iterative process, have influenced the selection of options in the CS. As paragraph 5.2 of the above guidance makes clear, it is not open to authorities to undertake a retrospective assessment of decisions in a plan. Therefore the AA should be completed (i.e. the process should be followed through to Step 3 of the above guidance as necessary) and published for consultation along

with the Sustainability Appraisal and the CS publication document or, as necessary, with any interim consultation document that is intended to inform the final selection of options. This has implications for the level of detail and commitment that can be obtained from infrastructure providers about schemes that may be necessary to mitigate potentially harmful impacts on the SACs. Therefore I encourage the Council to continue its efforts to seek early agreement with the providers/regulators on these matters.

Accommodation for Gypsies, Travellers and Travelling Showpeople

14. I understand that the Council does not accept that the Gypsy and Traveller Accommodation Assessment (2008) is sound and this has implications for the level of provision to be set in the CS. If the Council can justify its case with substantive evidence on this point it should not give rise to a finding of unsoundness. Nonetheless the CS should set out the scale of provision that will be made over the plan period, as well as including a criteria-based policy to deal with windfall applications, and it should be clear how any requirement for new sites will be brought forward i.e. within which DPD they will be identified.

Scope to Reduce the Size of the CS Document

15. The Council recognises the need for a readable, concise document with strong visual appeal. The Place Shaping Paper contains much detail that will not be required in the publication and submission CS documents (for example, the detail about the emergence and characteristics of the various options for growth). There is also likely to be scope in my view to tighten up the thematic policies, both in terms of their coverage and their length. For example, there is no need to repeat higher level policy in the CS. Also, it is often possible to devise a concise, overarching strategic policy in the CS that provides the 'policy hook' to draw upon national or regional policies on, for example, design and place shaping, conservation, and other such thematic policy issues. I agree with the Council that good use of photographic and other illustrative material is important to convey messages in an attractive and easily understood way. It is also usually very helpful in reducing the length of the final document and cutting out repetition if one editor has overall control of its content.

Need for a Further Round of Public Consultation

16. Following the advice in the POS Enterprises report, the Council is proposing to undertake a further, limited round of consultation on detailed policies on certain matters that have been covered only in very general terms in the Place Shaping Paper. I agree that this is the right approach.

Revision of the Local Development Scheme (LDS).

17. Partly as a result of the slippage that has already occurred in the preparation of the CS the Council is proposing a formal revision of the LDS. This seems appropriate and will help to ensure that there is

consistency between the CS at examination stage and the published LDS. It will, for example, provide greater clarity about how minerals planning will be taken forward, since the Council anticipates that there may be a need for a minerals DPD within the lifetime of the CS.

Mary Travers

Inspector