

3. STRATEGY

3.1 INTRODUCTION - PARAGRAPHS 3.1.1 TO 3.1.4

Objections

W323/2795	CTC Right to Ride, Ledbury
P668/1584	Advantage West Midlands
P830/2154	Herefordshire Friends of the Earth

Summary of Objections / Issues

- Terms such as “sustainable” and “adequate” are open to interpretation and should be more clearly defined. (323)
- Reference to the emerging Regional Planning Guidance and Economic Strategy should be included in this section. (668)
- A list of partner organisations should be included. (830)

Inspector's Reasoning and Conclusions

Definition of terms - 323

3.1.1 This objection applies generally to the use of non-specific terms throughout Chapter 3. In respect of sustainability, the explanatory material has been considerably expanded in the Revised Deposit Draft particularly in Section 3.3. I consider the revised draft is clear as to what is expected in this regard.

3.1.2 There is inevitably some scope for the interpretation of terms like “adequate” and “satisfactory”. I do not consider it is possible to eliminate this entirely in the framing of a general strategy. Greater precision can introduce unrealistic inflexibility. In my view, it is appropriate for the strategy to indicate that the matters to which reference is made are significant in the consideration of a proposal or scheme and that there will be a requirement to demonstrate that the concerns have been properly addressed. Greater precision is required in the Part 2 policies.

Regional context – 668

3.1.3 Reference to the Regional Economic Strategy has been included in Paragraph 6.1.5 of the UDP. With regard to RPG 11, the Deposit Draft UDP was prepared in the context of the 1998 version of RPG 11. New guidance was approved in 2004 and now forms the Regional Spatial Strategy. I consider that the Plan should be updated to refer to the latest version of RPG 11 and to include a summary of the main changes of emphasis and the issues to which this gives rise.

Partner organisations – 830

3.1.4 The organisations included in the Herefordshire Partnership are listed in The Herefordshire Plan (Document G 1) which is readily available. I do not consider that it is necessary to refer to them specifically in the UDP.

RECOMMENDATIONS

3.1/1 Modify Section 3.2 to explain that revised RPG 11 was approved in 2004 and is now the Regional Spatial Strategy. Itemise the main changes of emphasis in regional policy and the issues to which this gives rise for Herefordshire as well as explaining its status in relation to the UDP. Update Paragraph 1.2.2.

3.1/2 Do not make any other modification in response to the objections.

3.2 LOCATIONAL FRAMEWORK – PARAGRAPH 3.2.7

Objection

P1149/3659 Dr D Wilson

Summary of Objection / Issue

- The importance of economic centres beyond Herefordshire's boundaries should be recognised (eg Hay-on-Wye). (1149)

Inspector's Reasoning and Conclusions

Economic centres beyond Herefordshire's boundaries - 1149

3.2.1 The Plan does not suggest that there are no cross-boundary influences or movements. It would be unrealistic for it so to do. However, I do not consider it is necessary to include specific reference to centres such as Hay-on-Wye or the numerous other neighbouring settlements which provide services and draw trade from the county.

RECOMMENDATION

3.2/1 Do not make any modification in response to the objection.

3.3 A VISION FOR HEREFORDSHIRE - SECTION 3.3

Objections

P44/10040	National Farmers' Union
P635/1565	Campaign to Protect Rural England
P635/11426	Campaign to Protect Rural England
P635/11427	Campaign to Protect Rural England
P635/11428	Campaign to Protect Rural England
P635/11429	Campaign to Protect Rural England
P830/2156	Herefordshire Friends of the Earth

Summary of Objections / Issues

- Reduction in car trips is an unrealistic expectation in rural areas. (44)

- The vision should be more specific to Herefordshire with measurable indicators of what it expects to achieve. (635)
- Paragraph 3.3.6 should be revised to ensure that the use of non-renewable resources such as land and minerals should be restricted to uses which are reversible. (635)
- The meaning of the last sentence of Paragraph 3.3.9 is unclear. (635)
- The Plan places too much emphasis on the development of Hereford which will harm its character further. The balance should be moved towards the market towns. (635)
- Part 2 of the Plan does not reflect the aim of focussing more intensive and larger scale developments in or adjoining principal settlements. (635)
- Emphasis on sustainable development derived from the Vision for Herefordshire may conflict with the protection or enhancement of Herefordshire's unique characteristics. (830)

Inspector's Reasoning and Conclusions

General note

3.3.1 Several of these objections have also been made in relation to the identification of issues in Chapter 2.

Car use in rural areas - 44

3.3.2 I acknowledge that car use will continue to be important in rural areas and that the scale of new development in relation to the totality of existing development will have a limited affect on current patterns of car use. Nevertheless, I consider that it is appropriate that the distribution of new development should try to reduce dependence on the private car and support public transport, walking and cycling in accordance with national guidance.

Vision – 635, 830

3.3.3 The Plan's Vision for Herefordshire is set out in Section 3.3 and comprises three interlocking elements: Community, Environment and Economy. New material explaining the relationship of these strands with sustainability has been incorporated in Paragraphs 3.3.3 to 3.3.11. Several objectors consider that the protection and enhancement of Herefordshire's unique characteristics should have overriding priority.

3.3.4 In my view, the balanced approach adopted by the Council reflects the guidance in national and regional policy. PPS 1 refers to the four aims for sustainable development: social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment. Part 1 of the Plan contains a clear commitment to the achievement of sustainable development, much of which is welcomed by commentators.

3.3.5 Several commentators remain concerned that this emphasis is not carried through into the policies and proposals in Part 2. These are the subject of separate objections and the extent to which they comply with the strategy will be assessed in the relevant parts of this report.

3.3.6 With regard to the inclusion of measurable indicators of what the Plan expects to achieve, Chapter 14 of the Plan sets out arrangements for implementation and monitoring.

3.3.7 The Guiding Principles and Strategic Policies give expression to a wide range of policy objectives related to the achievement of sustainable development. The future pattern of land use is central to the achievement of some of these objectives, such as the location and type of housing provided, the prudent use of land resources, including recycling of previously developed land, and the location and distribution of employment land. Others, such as air quality and renewable energy, are influenced by a wide range of factors of which land use is only one element.

3.3.8 The interrelationship between regulatory and promotional regimes is recognised in Paragraph 3.3.6. In my opinion, the Plan strikes an appropriate balance between putting in place effective monitoring arrangements whilst avoiding the establishment of inflexible targets which could rapidly become out-of-date or irrelevant.

Clarification of Paragraph 3.3.9 - 635

3.3.9 I agree that the meaning of the final sentence of Paragraph 3.3.9 is unclear. The Council's response statement includes a clearer statement of the Council's intention and I recommend that this is substituted.

Use of non-renewable resources - 635

3.3.10 At the inquiry session, the Council accepted a proposed amendment to Paragraph 3.3.6 which would meet the objector's concerns.

Role of Hereford - 635

3.3.11 Whilst some objectors consider that the role of Hereford as a focus for new development is over-emphasised in the Plan, others consider that Hereford is by a long distance the most sustainable location for development in the county and that this should be recognised in the Strategy with consequences for the distribution of development in Part 2 of the Plan.

3.3.12 Paragraph 3.5.3 states that development will be concentrated in Hereford and the market towns, centres which are accessible to differing degrees by a choice of means of transport and which offer a wide range of employment, leisure, educational and community services and opportunities. Paragraph 3.5.4 says that urban extensions to these settlements are the next most sustainable option for development after previously developed and under-used land within the urban areas. The role of Hereford as the natural focus for the county, centrally located and at the hub of the existing road and public transport networks, is recognised in Paragraph 3.5.5.

3.3.13 Hereford is regarded as the most sustainable location for the majority of new development. However, constraints on transport capacity have led to an emphasis in the Plan on the re-use of previously developed land with only limited use of greenfield land.

3.3.14 RPG 11 (2004) identifies Hereford as one of five sub-regional foci for new development outside of the Major Urban Areas (MUAs). Outside of the MUAs and in areas including in Herefordshire, the revised RPG envisages a significant reduction in the proportion of housing development to meet demand arising from the MUAs. In these areas new development should primarily be aimed at meeting

locally generated needs at a level to support balanced sustainable communities, where housing needs should be satisfied in the sub-regional foci rather than the peripheral expansion of the other large settlements.

3.3.15 Notwithstanding the identified constraints on development in Hereford, I consider that its position as a focus of development for the sub-region should be explicitly recognised in the Strategy in accordance with RPG 11 (2004). Its size and role as a service and administrative centre and as a focus for transport routes are of a significantly higher order than the market towns. I recommend accordingly in Section 3.14 below.

RECOMMENDATIONS

3.3/1 Replace the last sentence of Paragraph 3.3.9 with the following: "An important function of the Plan is to provide a framework for residential and economic development to meet social needs in a manner that is properly balanced with environmental factors."

3.3/2 Modify Paragraph 3.3.6 (second bullet point) to read: "rates of use of non-renewable resources do not exceed rates at which sustainable renewable substitutes are developed."

3.3/3 Do not make any other modification in response to the objections.

3.4 GUIDING PRINCIPLE P1

Objections

P830/2160	Herefordshire Friends of the Earth
P864/2327	Transport 2000
P865/2395	Cyclists' Touring Club
P711/3058	Mr F Hemming

Summary of Objections / Issues

- "Sustainability" is not properly defined. A full discussion of the principles of sustainability should be included. (830, 864, 865)
- High growth is not compatible with sustainability. (711)

Inspector's Reasoning and Conclusion

Definition of sustainability – 830, 864, 865

3.4.1 In response to these objections, the discussion of sustainability and its implications for development in Herefordshire has been considerably expanded in the Revised Deposit Draft. The Guiding Principles and Strategic Policies give expression to these aims in appropriate policy criteria. I consider that the Revised Deposit Draft has satisfactorily met the criticisms of objectors and no further changes are necessary in this regard.

Compatibility of high growth – 711

3.4.2 Planning Policy Statement 1 requires planning authorities to recognise the needs and broader interests of the community to secure a better quality of life for the community as a whole. This element of Guiding Principle P1 derives from the national sustainability agenda which emphasises the maintenance of high and sustainable levels of economic growth.

RECOMMENDATION

3.4/1 Do not make any modification in response to the objections.

3.5 GUIDING PRINCIPLE P2

Objection

P809/2082 Hereford and Worcester Chamber of Commerce

Summary of Objection / Issue

- Guiding Principle P2 fails to give sufficient emphasis to areas of social deprivation, such as the South Wye area. (809)

Inspector's Reasoning and Conclusions

Areas of social deprivation - 809

3.5.1 Guiding principles are intended to apply generally throughout the Plan area. Paragraph 2.3.4 recognises the need to secure better access to facilities and services for all groups within the county and Guiding Principle P11 refers to the reduction of disparities between different areas of the county. I consider it would be inappropriate to single out specific areas as proposed.

RECOMMENDATION

3.5/1 Do not make any modification in response to the objection.

3.6 GUIDING PRINCIPLE P3

Objections

P635/1455 Campaign to Protect Rural England
P809/2083 Hereford and Worcester Chamber of Commerce

Summary of Objections / Issues

- The second sentence of Guiding Principle P3 is potentially inconsistent with Guiding Principle P2. (635)
- Guiding Principle P3 fails to give sufficient emphasis to areas of social deprivation and the need to provide facilities at locations which attract visiting members of the public. (809)

Inspector's Reasoning and Conclusions

Consistency with Guiding Principle P2 - 635

3.6.1 I do not agree that there is any fundamental inconsistency between these guiding principles.

Emphasis on social deprivation – 809

3.6.2 The guiding principle refers to making provision close to the point of need. I consider that the Plan gives sufficient general guidance on the location of new facilities and services, including reference in Guiding Principle P1 to achieving progress towards greater social equity, and it is unnecessary to include reference to areas of social deprivation in Guiding Principle P3.

RECOMMENDATION

3.6/1 Do not make any modification in response to the objections.

3.7 GUIDING PRINCIPLE P4

Objections

P677/11521	Brasenose College (Conditionally Withdrawn)
P790/1960	West Midlands RSL Planning Consortium
P830/2167	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P711/3059	Mr F Hemming

Summary of Objections / Issues

- The word "adequate" should be changed to either "appropriate" or "acceptable". (677)
- Guiding Principle P4 should be amended to ensure affordable housing is seen as a material consideration in accordance with Paragraph 1 of Circular 6/98. (790)
- "Energy-efficient" location should be defined. (830)
- Guiding Principle P4 should be amended to permit low-energy homes away from centres of population and transport routes. (711)

Inspector's Reasoning and Conclusions

The word "adequate" - 677

3.7.1 The Council has recommended changing Guiding Principle P4 by substituting "appropriate range of housing" for "adequate range of housing" in the Revised Deposit Draft. I support this change which signals an intention of addressing a wider range of housing issues, including affordable housing, in the Part 2 policies.

Affordable housing - 790

3.7.2 The provision of affordable housing is addressed in Policy S3. A full discussion of affordable housing is set out in Section 5.5 and Policy H9. Objections to this aspect of the Plan are dealt with in the corresponding sections of this report. However, in general terms, I consider that the Plan contains policies and explanatory material which satisfactorily address the concern of this objection and there is no need to modify Guiding Principle P4.

Energy-efficient location - 830

3.7.3 In the Revised Deposit Draft, the Plan makes clear that housing should be energy efficient in terms of design and use, location and transport requirements. The objection has been conditionally withdrawn and no further action is necessary.

Low-energy homes - 711

3.7.4 I have considered the issue of low-energy homes outside of settlements in Paragraphs 2.3.13 to 2.3.16 of my report (above). For the reasons set out there, I consider that there should be no special regime for the consideration of such dwellings outside of the general distributional strategy for residential development.

RECOMMENDATIONS

- 3.7/1 Modify Guiding Principle P4 in accordance with Proposed Change No 1.
3.7/2 Do not make any other modification in response to the objections.

3.8 GUIDING PRINCIPLE P6

Objections

P635/1458 Campaign to Protect Rural England
P830/2172 Herefordshire Friends of the Earth

Summary of Objections / Issues

- Guiding Principle P6 should be phrased more positively. Reference to mitigation for environmental damage should be omitted. (635)
- The environmental capacity of Herefordshire is not defined. (830)

Inspector's Reasoning and Conclusions

Omit reference to mitigation - 635

3.8.1 Guiding Principle P6 is expressed in positive terms, as favouring forms of land use which work within environmental capacity. Whilst in no sense giving encouragement to development which would be environmentally harmful, it does give pragmatic recognition to circumstances where adverse effects are unavoidable and where mitigation or compensatory measures may be appropriate. This accords with national guidance in Planning Policy Statement 1 at Paragraph 19.

Definition of environmental capacity – 830

3.8.2 The Plan contains many principles and policies which resist development that would result in significant adverse impacts on the environment. I consider that this lies at the heart of the Council's approach to the drafting of policies and is in accordance with the advice in Paragraph 19 of PPS 1.

3.8.3 Whilst I understand the objector's concerns regarding the lack of a definition of the environmental capacity of Herefordshire, any attempt to reach an agreed assessment of environmental capacity would in practice be elusive and give rise to extended controversy. It may, for example, be possible for environmental capacity to be increased by the provision of infrastructure or by changes in the way in which land is used or managed.

3.8.4 The policies of the Plan establish criteria for the assessment of proposals which give clear guidance on types of development which would be environmentally acceptable and conversely circumstances where development would result in environmental harm. Inevitably, the extent to which a proposal is seen to accord or conflict with these criteria is a matter for judgment, supported by clear reasoning having regard to the particular circumstances of the case.

3.8.5 The Plan gives much information on circumstances where development is constrained by environmental capacity issues. I conclude that an attempt to define environmental capacity on a county-wide basis would not be practicable.

RECOMMENDATION

3.8/1 Do not make any modification in response to the objections.

3.9 GUIDING PRINCIPLE P7

Objection

P1071/3263 English Nature (Conditionally Withdrawn)

Summary of Objection / Issue

- The wording should be amended to read "protect, restore and enhance." (1071)

Inspector's Reasoning and Conclusions

Amended wording - 1071

3.9.1 The Council has satisfied this objection in the Revised Deposit Draft. No further changes are necessary in response to the objection.

RECOMMENDATION

3.9/1 Do not make any modification in response to the objection.

3.10 GUIDING PRINCIPLE P8

Objection

P809/2084 Hereford and Worcester Chamber of Commerce

Summary of Objection / Issue

- Guiding Principle P8 should recognise that there may be a range of appropriate uses for previously developed land. (809)

Inspector's Reasoning and Conclusions

Range of appropriate uses for previously developed land - 809

3.10.1 The Council has satisfied this objection in the Revised Deposit Draft. No further changes are necessary in response to the objection.

RECOMMENDATION

3.10/1 Do not make any modification in response to the objection.

3.11 GUIDING PRINCIPLE P9

Objections

W280/500180	Mr R Gill
W323/4881	CTC Right to Ride, Ledbury (Conditionally Withdrawn)
P830/2175	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P846/11216	Country Land and Business Association
P864/2328	Transport 2000
P865/2397	Cyclists' Touring Club

Summary of Objections / Issues

- Guiding Principle P9 should give greater recognition to the use of private cars, especially in rural areas. (280, 846)
- Guiding Principle P9 should be clarified to remove the opportunity for misinterpretation as to “unnecessary” travel. (323, 864, 865)
- Reference should be made to a road user hierarchy which prioritises transport modes in accordance with inherent sustainability. (830)

Inspector's Reasoning and Conclusions

Private cars in rural areas – 280, 846

3.11.1 I acknowledge that car use will continue to be important in rural areas and that the scale of new development in relation to the totality of existing development will have a limited affect on current patterns of usage. Nevertheless, I consider that it is appropriate that the distribution of new development should try to reduce dependence on the private car and provide support for public transport, walking and cycling in accordance with national guidance. Guiding Principle P9 is generally in accord with advice in PPG 13 and I do not consider that any modification is necessary in response to these objections.

Other objections – 864, 865, 323, 830

3.11.2 The Council has introduced changes in the Revised Deposit Draft which clarify the intention of the policy along the lines proposed by the objectors and include reference to a road user hierarchy. No further modification is needed in response to these objections.

RECOMMENDATION

3.11/1 Do not make any modification in response to the objections.

3.12 GUIDING PRINCIPLE P10

Objection

P864/2329 Transport 2000

Summary of Objection / Issue

- Guiding Principle P10 should be clarified to make clear that “energy efficiency” refers to transport considerations. (864)

Inspector's Reasoning and Conclusions

Reference to energy efficiency - 864

3.12.1 The Council has introduced a change in the Revised Deposit Draft which clarifies the intention of the policy along the lines proposed by the objector. No further modification is needed in response to the objection.

RECOMMENDATION

3.12/1 Do not make any modification in response to the objection.

3.13 GUIDING PRINCIPLE P12

Objections

P602/11211	Herefordshire Nature Trust
P830/2179	Herefordshire Friends of the Earth (Conditionally Withdrawn)
W280/500182	Mr R Gill

Summary of Objections / Issues

- The phrase “environmentally and energy efficient” should be defined. (830)
- The term “environmentally” in Guiding Principle P12 should be reinstated. (602)
- Guiding Principle P12 should make explicit reference to economic development which reduces the need for long car journeys. (280)

Inspector's Reasoning and Conclusions

Definitions – 830, 602

3.13.1 The Council has introduced changes in the Revised Deposit Draft which go some way to meet this issue, making clear that energy efficiency refers also to transport considerations. The Plan as a whole sets out many policies which aim to ensure that development does not result in a loss of environmental quality and I do not consider it is necessary to modify this guiding principle further to address this point.

Reduction in car journeys - 280

3.13.2 Whilst the objective is to be supported, it is referred to elsewhere in the Plan, including in Guiding Principle P9. I do not consider it is necessary to repeat the point specifically in relation to economic development opportunities.

RECOMMENDATION

3.13/1 Do not make any modification in response to the objections.

3.14 DEVELOPMENT STRATEGY – PARAGRAPHS 3.5.1 TO 3.5.14

Objections

P358/691	Environment Agency
P415/858	Crest Strategic Projects Ltd
P415/11276	Crest Strategic Projects Ltd
P635/1566	Campaign to Protect Rural England
P746/1828	Bloor Homes Ltd
P830/2181	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P1016/6536	Bromyard and District Chamber of Commerce and Industry
P1149/3660	Dr D Wilson
W463/958	Ross-on-Wye Town Council
W503/1029	S & A Davies

Summary of Objections / Issues

- There is no evidence that the strategy is firmly based on a sequential test of flood risk in line with PPG 25. (358)
- The development strategy does not give sufficient priority to Hereford as the principal settlement in the county and the most sustainable location for development. (415, 746)
- The strategy will not produce a sustainable Herefordshire. (635)
- Objection is raised to the absence of sustainability criteria. (830)
- The development strategy should direct more development to Bromyard in support of regeneration. (1016)
- The development strategy should recognise the role of economic centres beyond the boundaries of Herefordshire, for example Hay-on-Wye. (1149)
- Development at Ross-on-Wye should not be at the expense of air quality or the environment. (463)
- The development strategy fails to acknowledge the importance of agriculture and to take account of the development needs of large scale agricultural businesses. (503)
- Reference to Withy Brook (Bullinghope, Hereford) should be included in the context of flood risk assessment. (415)

Inspector's Reasoning and Conclusions

Flood risk - 358

3.14.1 In response to the objection, a flood risk assessment was undertaken of sites allocated in the Deposit Draft Plan and was a consideration in the deletion of the allocations at Causeway Farm, Hereford and Hatton Gardens, Kington. It was also proposed to delete the allocation at land south of The Dales, Leominster as the site has planning permission for retail use. Changes were also made at revised deposit stage to Policy DR7 (Flood risk) in order to meet the Environment Agency's concerns and bring the Plan into line with guidance in PPG 25.

3.14.2 Whilst the Agency has welcomed the risk based approach, it considers that the approach should be applied to the release of sites, in accordance with Paragraph 30 of PPG 25.

3.14.3 Paragraph 30 of PPG 25 expects local planning authorities to apply a risk based approach to the preparation of development plans through a sequential test. In drawing up or revising policies in development plans, LPAs should give priority in allocating or permitting sites for development in descending order to the flood zones set out in Table 1, including the sub-divisions in Zone 3. When allocating land in development plans, those responsible for the decision would be expected to demonstrate that there are no reasonable options available in a lower-risk category, consistent with other sustainable development objectives.

3.14.4 Paragraph 35 of PPG 25 addresses the issue of previously developed land, on which the Government places great emphasis, to minimise the need for development of greenfield land. Because much past industrial development took place alongside rivers on suitable flat land, some previously developed land will be vulnerable to flooding.

3.14.5 If a site is not sufficiently well defended to make it suitable for housing over its whole area, consideration could be given to incorporating housing within a mixed use scheme, utilising part of the site at higher risk of flooding for open space or recreational provision. The guidance states that, "A balanced flexible approach is required which addresses the risks of flooding whilst recognising the benefits of recycling previously developed land and the damage to urban regeneration caused by under-investment and urban blight."

3.14.6 The Council draws attention to criterion 5 of Policy S2 which requires that, where development is proposed in locations at risk of flooding, it should be demonstrated that there are no other reasonable options available in a lower risk category, consistent with other sustainable development objectives. Policy DR7 has been altered in response to the EA's concerns. In areas of high flood risk, it now requires that proposals will be required to demonstrate through a sequential test that there are no reasonable alternative locations available on land of a lower flood risk, taking account of other environmental considerations.

3.14.7 The Revised Deposit Draft now shows areas of high flood risk on the Proposals Maps. Objections relating to specific sites are considered below in the relevant sections of my report but I summarise here the current status of allocations in respect of flood risk.

3.14.8 The flood risk assessment concentrates on sites which lie within Zone 3. The majority of sites proposed do not fall within Zone 3 areas. I consider that this reflects the adoption of a sequential approach based on the guidance in PPG 25. Of those that fall within Zone 3, a number fall within the 3a category of developed areas which may be suitable for residential, commercial and industrial development provided the appropriate minimum standard for flood defence can be maintained for the lifetime of the development. Given the historical patterns of development, many brownfield opportunity sites lie in such areas. The need to use brownfield sites in preference to greenfield sites, and to locate new development in transport nodes, are strategic factors to be taken into account.

3.14.9 On some sites within Zone 3, only a small part of the site lies within an area of high flood risk and there is no reason associated with flood risk why the site should not be developed if these high risk areas are excluded. Sites in this

category include Whitecross School, Hereford (housing), Moreton on Lugg Depot (employment) and north and west of Lower Road Trading Estate (Ledbury).

3.14.10 Planning permission has been granted on sites that include the General Hospital, Hereford (housing), land south of The Dales, Leominster (retail), Leominster Industrial Estate extension (employment) and Tram Inn, Much Dewchurch (employment). In these cases, events have overtaken concerns on flood risk and the allocations should be confirmed in the Plan.

3.14.11 I accept that there is a strong case based on urban regeneration arguments for the inclusion of urban brownfield sites which would include Widemarsh Street, Hereford, Blackfriars Street, Hereford and the former Alton Court Brewery, Ross-on-Wye. Further work on flood risk assessment will be needed to determine an acceptable distribution of uses on these important sites and appropriate flood defence works.

3.14.12 I agree with the objector that the assumptions on site selection should be made transparent in documents supporting the site selection process. This should be done as early as possible in the Plan making process. The flood risk assessment carried out in respect of sites included in the Deposit Draft Plan has supplied some of this information. Objections to individual sites based on flood risk are considered in the relevant section of the report below.

3.14.13 In general terms, whilst issues remain to be resolved in respect of individual sites, I consider that the Council has had sufficient regard to the need for a sequential approach to the identification of sites, having regard to other key strategic considerations.

3.14.14 With regard to the inclusion of a policy designed to prioritise the release of sites according to flood risk, I do not consider that this is necessary. Subject to my conclusions and recommendations on individual sites, I consider that the flood risk issues of sites proposed for inclusion are capable of satisfactory resolution.

3.14.15 The site-specific information provides the basis for applying the precautionary principle so that risk is avoided where possible and managed elsewhere. Risks have now been recognised and acknowledged. In some instances development proposals have been deleted and in others the types of development which would be acceptable on a particular site have been re-assessed. Prioritising the sequence of development of sites according to flood risk would potentially delay the redevelopment of sites within Zone 3a where other strategic considerations support redevelopment.

3.14.16 Subject to my conclusions on individual sites, I consider that the level of information provided is sufficient for the purposes of deciding whether it is appropriate to allocate sites in the Plan. Where issues remain to be resolved, a flood risk assessment carried out in relation to a planning application will be required to determine the extent of development that may be acceptable and any remedial measures needed to manage the degree of risk to an acceptable level.

Role of Hereford – 415, 746

3.14.17 Whilst some objectors consider that the role of Hereford as a focus for new development is over-emphasised in the Plan, others consider that Hereford is by a long distance the most sustainable location for development in the county and that this should be recognised in the Strategy, with consequences for the distribution of development in Part 2 of the Plan.

3.14.18 Paragraph 3.5.3 of the Revised Deposit Draft states that development will be concentrated in Hereford and the market towns, centres which are accessible to differing degrees by a choice of means of transport and which offer a wide range of employment, leisure, educational and community services and opportunities. Paragraph 3.5.4 says that urban extensions to these settlements are the next most sustainable option for development after previously developed and under-used land within the urban areas.

3.14.19 The role of Hereford as the natural focus for the county, centrally located and at the hub of the existing road and public transport networks, is recognised in Paragraph 3.5.5. It is regarded as the most sustainable location for the majority of new development. However, constraints on transport capacity have led to an emphasis in the Plan on the re-use of previously developed land, with only limited use of greenfield land.

3.14.20 RPG 11 (2004) identifies Hereford as one of five sub-regional foci for new development outside of the Major Urban Areas (MUAs). Outside of the MUAs and in areas including Herefordshire, the revised RPG envisages a significant reduction in the proportion of housing development to meet demand arising from the MUAs. New development should primarily be aimed at meeting locally generated needs at a level to support balanced sustainable communities, where housing needs should be satisfied in the sub-regional foci rather than the peripheral expansion of the other large settlements.

3.14.21 Notwithstanding the identified constraints on development in Hereford, I consider that its position as a focus of development for the sub-region should be explicitly recognised in the Strategy in accordance with RPG 11 (2004). Its size and role as a service and administrative centre and as a focus for transport routes are of a significantly higher order than the market towns.

A sustainable Herefordshire - 635

3.14.22 The objector and the Council have differing views on the components of a sustainable county and how sustainability would be achieved through the provisions in the Plan. Many of the detailed concerns are addressed elsewhere in my report. However, to my mind, the Plan has an appropriate emphasis on land use matters rather than on the development of sustainable techniques.

3.14.23 In this regard, I support the Council's development strategy. I consider that this reflects the guidance in PPG 3 on the location of development and the choice of sites as well as the context provided by RPG 11. As such, the strategy recognises the role of Hereford and the market towns whilst at the same time making provision for the local needs of rural areas. In my opinion, this is a sustainable framework for future development that would not inhibit the development of appropriate sustainable techniques.

Absence of sustainability criteria - 830

3.14.24 Following changes in the Revised Deposit Draft, the objection has been conditionally withdrawn. No modification is necessary.

Role of Bromyard – 1016

3.14.25 Though identified as a market town, Bromyard is a relatively small settlement with limited accessibility where it is proposed that development will continue at similar rates to the past. It is appropriate that the scale of development should be related to locally generated need. The higher rates of

development proposed by the objectors could not be justified in the context of a sustainable distribution of development in Herefordshire.

Role of centres beyond the county boundary - 1149

3.14.26 The Plan does not suggest that there are no cross-boundary influences or movements. It would be unrealistic for it so to do. However, I do not consider it is necessary to include specific reference to centres such as Hay-on-Wye or the numerous other neighbouring settlements which provide services and draw trade from the county.

Role of Ross-on-Wye - 463

3.14.27 I do not consider that the scale of development proposed at Ross-on-Wye will have any significant adverse effect on air quality. Policy DR9 contains criteria for the assessment of development proposals which may have an impact on air quality, together with requirements for mitigation.

Needs of large scale agricultural businesses - 503

3.14.28 Changes in agricultural practice can have a significant effect on the landscape, generating controversy particularly in areas where the traditional landscape is highly valued. Such changes have been a feature of the late 20th century and consumer led demand is driving further change, for example, in the intensification of horticultural production. Many such changes occur outside of the influence of the planning system.

3.14.29 The objection is particularly concerned with the need to provide on-site workers accommodation and associated premises to meet standards required by the Home Office Migrant Workers' Scheme. Any requirement for such provision would mostly occur in the open countryside and would not generally accord with a sustainable pattern of distribution of residential development.

3.14.30 Development of this nature arises in response to particular circumstances of individual businesses. Whilst the importance of an efficient and productive agricultural industry is recognised by the Council, I do not consider it would be appropriate for the Plan to include reference to a form of accommodation which is at odds with the sustainable distribution of residential development or as an exception to the development strategy for rural areas set out in Paragraphs 3.5.12 to 3.5.14 of the Plan.

3.14.31 I agree with the Council that Policy E13 provides an appropriate policy context for the consideration of agricultural development for which planning permission is required. It sets out criteria which aim to minimise the landscape impact of such development and I do not consider that large scale agricultural businesses should be exempted from this requirement. Similar considerations should apply to proposals for accommodation for seasonal migrational workers where they can be justified by the needs of the business and cannot be provided in any other way.

Withy Brook - 415

3.14.32 This section deals with flood risk in general terms. Specific reference to particular sites / catchments would be inappropriate.

RECOMMENDATIONS

3.14/1 Modify Paragraphs 3.5.3 to 3.5.5 to reflect Hereford's unique status in the county and role as the primary focus for new development as referred to in RPG 11 (2004).

3.14/2 Do not make any other modification in response to the objections.

3.15 RURAL REGENERATION - PARAGRAPHS 3.6.1 TO 3.6.2

Objections

P635/4096	Campaign to Protect Rural England
P830/500208	Herefordshire Friends of the Earth
P846/2224	Country Land and Business Association
W280/500183	Mr R Gill

Summary of Objections / Issues

- The development strategy will not produce a sustainable Herefordshire. It is not derived from a proper study of the problems which face the county in moving towards sustainability. It purports to concentrate development in major settlements but fails to give the necessary support to small towns which are the key to sustainable conditions for the 113,000 people who live in them and the rural areas. It also fails to focus economic development on the potential of the county's agriculture. The Plan should aim to play to the county's rural strengths, to make Herefordshire a centre of excellence for the development of sustainable techniques and address means of incorporating these into traditional landscapes. (635)
- Objection is raised to the absence of a full list of sustainability criteria within the UDP. (830)
- The strategy should give greater emphasis to the diversification of rural land use and the rural economy. The linking of rural diversification to public transport will be unworkable. "Small-scale" employment growth may be too restrictive and should be amended to read "appropriate scale". (846)
- The Council's changes miss the opportunity to encourage rural regeneration within the service sector. (280)

Inspector's Reasoning and Conclusions

Sustainability – 635, 280, 830

3.15.1 The Revised Deposit Draft broadly reflects the sustainability agenda set out in national and regional guidance. Whilst it may not go as far as some commentators would wish, it is necessary to be realistic about what the Plan can achieve in the context of past developments and patterns of social and economic activity.

3.15.2 The Plan emphasises the role of Hereford and the market towns in pursuing a sustainable pattern of development. Whilst I acknowledge that a

substantial proportion of development will still occur outside of these principal settlements, this is a reflection largely of existing commitments rather than new allocations. It will clearly take time before the changes in direction of policy promoted in the Plan will achieve their full impact.

3.15.3 I consider that the strategy also gives sufficient emphasis to the potential for agriculture to contribute to a more sustainable future. A change has been introduced in the Revised Deposit Draft to Paragraph 3.6.2 which now refers to support for the revival of agriculture and rural land management.

3.15.4 Paragraph 6.5.14 of the Revised Deposit Draft recognises the importance of diversification including rural enterprises, tourism and recreational activity and Policy E12 provides an appropriate context for the consideration of proposals. Such activity could well encompass the service sector. Notwithstanding the importance of agriculture, sustainable prosperity in Herefordshire is dependant on a wider range of factors to which the Plan gives recognition.

Scale of development in rural areas - 846

3.15.5 The Plan gives support to rural diversification in Paragraph 6.5.14 and Policy E13 where reference is made to a proposal being consistent in scale with its rural location. Though it may cumulatively have a significant effect on rural prosperity, it is appropriate that individual proposals should be small scale to avoid harm to the rural environment.

RECOMMENDATION

3.15/1 Do not make any modification in response to the objections.

3.16 SUSTAINABLE DEVELOPMENT – POLICY S1

Objections

P44/10041	National Farmers' Union
P44/10042	National Farmers' Union
P356/677	J V Harding
P373/802	Sonnic Ltd
P388/832	D Boynton & Son
P415/859	Crest Strategic Projects Ltd
P415/11277	Crest Strategic Projects Ltd
P436/902	Future Energy Solutions
P605/3017	Three Counties Planning
P616/1369	Mr A Choppen
P653/1473	Mr B McIlwrick
P711/3061	Mr F Hemming
P754/1844	Taylor Woodrow Developments Ltd
P754/10556	Taylor Woodrow Developments Ltd
P826/2131	John Gabb Associates
P830/2183	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P864/2330	Transport 2000
P865/2398	Cyclists' Touring Club
P898/2543	Herefordshire Green Party
P898/11028	Herefordshire Green Party

P923/2652	Messrs D, R and J Ewens
P973/2860	George Wimpey South West
P977/2885	Taylor Woodrow Developments Ltd (Conditionally Withdrawn)
P1120/3607	Mr B and Ms M Richardson
P1181/11024	Mr F Hanbury
P1193/3780	Collier & Brain Ltd
W280/500184	Mr R Gill
W280/500185	Mr R Gill
W323/2809	CTC Right to Ride, Ledbury (Conditionally Withdrawn)

Summary of Objections / Issues

- Concentrating development in towns will not necessarily reduce commuting to work. (44)
- Reference to land use and management in rural areas should be clarified. (44)
- Development should be located where there is the physical and social infrastructure to sustain it. (280)
- Greater recognition should be given to the use of the private car in rural areas. (280)
- The term "sustainable development" should be rigourously defined. (323)
- Greater emphasis should be placed on the avoidance of environmental destruction. (356)
- The strategy should not allow the timing of development to be dictated by utility companies. (373)
- Development of previously developed land, including former farmyards, should be given greater priority. (388)
- Criterion 6 should be redefined to concentrate the majority of new development in Hereford. (415, 973)
- Reference to greenfield sites on the periphery of Hereford should be deleted from criterion 7. (415)
- Policy S1 should specifically support renewable sources of energy. (436)
- Greenfield locations other than those on the edge of Hereford and the market towns should be considered where they act as a focus for local services, eg St Owen's Cross and Burley Gate. (605)
- The Plan should set out longer term objectives for development. (616)
- Rural regeneration should be the first priority of the UDP. (711)
- The list of main villages where housing may be permitted is too inclusive, and should be restricted to larger villages. (754, 977)
- The word "strategic" should be deleted from criterion 7. (754)
- Greater priority should be given to development in Ross-on-Wye. (826, 1193)
- Objection is raised to the lack of definition and discussion on sustainable development. (830)
- The sequential approach to the identification of sites should be clarified and strengthened. (864, 865)

- Policy S1 should allow consideration of developments based on holistic ecological principles with a high degree of self-sufficiency in rural areas. (898)
- Criteria 1, 2 and 3 from the Deposit Draft Plan should be reinstated in the policy. (898)
- Reference to second priority being greenfield land on the periphery of Hereford should be deleted. (923)
- The strategy will distort land values and make it hard for self-build sites to be acquired. (1120)
- There should be reference to directing development to locations that include appropriate greenfield sites at the periphery of Hereford. (1181)

Inspector's Reasoning and Conclusions

Commuting and private car use – 44, 280

3.16.1 I recognise that travel to work patterns are complex and it cannot be assumed that people will always choose to live close to their places of work. The Plan cannot immediately alter historic travel to work patterns to produce a more sustainable pattern. Nevertheless, by seeking to locate most new development in larger settlements with good accessibility by public transport, it can help to reduce the need for commuting by car in the longer term. The Plan does not suggest that the private car will not remain an important means of transport, particularly in rural areas.

Land use and management – 44

3.16.2 The explanation for this is set out in Paragraph 3.7.11 of the Revised Deposit Draft which refers to the scope for encouraging smaller scale economic activity such as the local production and distribution of products and services derived from indigenous resources.

Role of Hereford – 415, 973, 923

3.16.3 Criteria 6 and 7 of the first deposit version of Policy S1 (to which these objections relate) have been deleted in the Revised Deposit Draft. Policy S1 now sets out the means by which sustainable development will be achieved. The actual distribution of proposed development is set out in Policy S3 of the revised deposit version. It takes account of existing commitments and the likely supply of dwellings arising from windfall sites. Priority is given to maximising the use made of previously developed, vacant and under-used land and buildings, which is expected to contribute over 50% of the total supply. This distribution reflects a de facto hierarchy of settlements.

3.16.4 I have recommended above (Recommendation 3.14/1) that special recognition should be given to the status of Hereford as one of the identified sub-regional foci.

3.16.5 Section 3.7 and Policy S1 of the Revised Deposit Draft now give a robust definition of sustainable development and the means by which it can be achieved. In my view, the deletion of Criteria 6 and 7 from Policy S1 is appropriate. However, I consider that the hierarchy of settlements previously set

out in the deleted criteria 6, 7 and 8 should be set out in Policy S3 albeit in slightly different terms.

3.16.6 I agree that the re-use of previously developed land in the urban areas and the more sustainable rural settlements should be the first priority. Only then should greenfield land in sustainable locations be released, if necessary, to maintain viable communities, meet local needs or, in Hereford, accommodate longer term strategic housing development.

3.16.7 I recognise that the actual distribution of development has been strongly influenced by existing commitments which has resulted in development in the rural parts of the district being disproportionate to what is proposed in the urban areas. Whilst this is a pragmatic recognition of past grants of permission, it is important that the Plan sets a clear strategy for the distribution of development in future.

Development in rural areas – 605, 653, 711, 754, 977

3.16.8 Rural regeneration is in my view sufficiently emphasised in the Revised Deposit Draft. The Plan aims to promote the economic and social well-being of both urban and rural areas.

3.16.9 The hierarchical approach to settlement strategy has now been deleted from Policy S1 and elements of it are incorporated in Policy S3. Policy S1 now sets out a general requirement that necessary new development should be directed to settlements that best meet the appropriate sustainability criteria.

3.16.10 A number of objectors are concerned that the Plan distributes too great a proportion of the housing requirement to the main villages and rural areas. Related to this is the question of the criteria used to identify "main villages". It is suggested that size should be the main determinant and that allocations should not be made in villages of less than 1,000 population.

3.16.11 In response, the Council argues that size is a crude measure of sustainability and would result in development being concentrated in a smaller number of larger rural settlements within close reach of Hereford. This would not reflect the diversity of the county or the patterns of activity and housing need.

3.16.12 I accept that limiting development to settlements of over 1,000 would produce an unrealistically concentrated pattern of development. Away from larger urban areas PPS 7 advises that local planning authorities should focus most new development in or near to local service centres where employment, housing, services and other facilities can be provided close together. They should also consider provision for limited development in, or next to, rural settlements that are not designated as local service centres and support small scale development where it provides the most sustainable option in villages that are remote from, and have poor public transport links with, service centres.

3.16.13 In a county of the size and scarcity of population of Herefordshire, I consider that it is appropriate for a greater spread of development to be considered.

3.16.14 Settlements have been categorised in the housing chapter. Away from the main urban areas, development is to be directed to 48 main villages which have been selected according to the criteria set out in the Housing Background Paper (Document J 8). These settlements have defined development boundaries within which windfall development will be permitted. The Plan also

makes allocations totalling some 301 dwellings in main villages with a target of one-third to be provided as affordable dwellings.

3.16.15 I acknowledge that the list of main settlements includes some very small villages, with few services. I have some sympathy with the view that the distribution places too great an emphasis on development in the rural areas and particularly the area described in Policy S3 as the wider rural area. However, an effective moratorium on development outside of Hereford and the market towns would not be consistent with PPS 7 which recognises that some development is needed to support rural communities and provide for local needs.

3.16.16 In the wider rural area the Plan identifies 34 smaller settlements, considered to be the next most sustainable. No allocations are proposed, but Policy H6 allows for infill subject to strict criteria that include the meeting of local needs in terms of lower cost market and affordable housing.

3.16.17 Whilst the gross amount of development anticipated in the main villages and rural areas appears high as a proportion of the county total, this is in part a reflection of the large number of small settlements in a county which, outside the urban areas, remains sparsely populated and relatively unaffected by urbanisation. A substantial proportion is accounted for by existing commitments. Relatively few dwellings are proposed on allocated sites and the loss of greenfield land would not be significant in aggregate.

3.16.18 The majority of windfalls within defined boundaries will represent previously developed land. PPS 7 also allows for housing to meet local needs in smaller settlements and I consider that this is reflected in Policy H6. Subject to my conclusions in respect of specific sites, I do not consider overall that the proposed distribution of development, having regard to existing commitments, is unduly skewed towards settlements in the rural areas.

3.16.19 Site specific objections relating to villages which have not been identified as suitable to accommodate development are considered below under housing Policies H4 to H6. However, in respect of the specific locations in which objections have been made to this policy (St Owen's Cross and Burley Gate), I do not consider that either of these settlements would score sufficiently highly in sustainability terms or exhibit a concentration of local services to justify the consideration of new greenfield development.

Availability of infrastructure - 280

3.16.20 I consider that the strategy aims to make effective use of available infrastructure by adopting a sequential approach to the distribution of development. The majority of new development is directed to the larger and more sustainable settlements. Elsewhere, the availability of infrastructure is one of the factors which have been used to assess the suitability of the rural settlements to accommodate some development needed to provide for local needs and to support existing services and facilities.

Avoidance of environmental damage – 356, 898

3.16.21 There are many guiding principles and policies in the Plan designed to achieve this aim. Paragraph 3.7.3 and Policy S1 already place a strong emphasis on the protection and enhancement of the environment and I consider it is unnecessary for it to be reinforced. The principles underlying Criteria 1 to 3 of the Deposit Draft Plan remain prominent in the revised deposit version and reinstating them would result in unnecessary duplication. At the inquiry, the Council accepted

an amendment to Paragraph 3.3.6 which would meet the objectors' concerns. This is addressed above in Recommendation 3.3/2.

Role of Utilities - 373

3.16.22 The achievement of sustainable development requires that necessary infrastructure is provided in a timely manner. Smaller schemes may be able to make use of existing provision, subject to any necessary improvements. For major developments, where infrastructure is lacking, it will need to be provided either directly by the developer or as part of a joint scheme involving the utility companies. This is recognised in specific allocations under the housing policies.

3.16.23 Whilst land allocated in the Plan should be realistically available for development within the plan period, this does not necessarily mean that the timing of development will be dictated by the utility companies. The priority given to improvement schemes will be influenced by the availability of contributory funding from particular developments. It is, however, important for the Plan to ensure that development does not proceed in advance of the capacity of infrastructure to accommodate it.

Re-use of farmyards - 388

3.16.24 I consider that the Plan gives satisfactory priority to the re-use of previously developed land in sustainable settlements. Paragraph 31 of PPS 7 provides support for the re-use or replacement of appropriately located and suitably constructed existing buildings in the countryside where feasible, particularly for economic development purposes. It also states that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Paragraph 20 requires that the replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG 3.

3.16.25 Whilst some former farmyards may be suitable for re-use for residential purposes, they are often found in remote or isolated locations and I consider that their re-use should be considered in the context of the general strategy for development.

Renewable energy – 436

3.16.26 Policy S1 of the Revised Deposit Draft includes reference to renewable energy. I consider this meets the objection.

Role of Ross-on-Wye - 826, 1193

3.16.27 The level of housing and employment proposed for Ross-on-Wye is set out in Policies S3, H2 and E3. Site specific objections to these policies are considered in the relevant part of this report. The context for proposals in the town is set out in Paragraph 3.5.6 which recognises that physical constraints, committed developments and the need to protect valued landscapes limit the potential for significant new development. Nevertheless, housing development is expected to keep pace with recent rates.

3.16.28 Subject to my conclusions on individual sites, I consider that the Revised Deposit Draft places an appropriate degree of emphasis on the role of Ross-on-Wye.

Definition and discussion on sustainable development - 830

3.16.29 Following changes in the Revised Deposit Draft, the objection has been conditionally withdrawn. No modification is necessary.

Need for long term objectives - 616

3.16.30 The Plan addresses planning issues of long-standing concern as well as establishing sustainable principles for development which are likely to endure beyond the current plan period. In general terms, I consider that the Plan sets out a vision for a sustainable future for Herefordshire which will remain relevant in the long term.

Strategic sites - 754

3.16.31 The objector is concerned that the use of the term strategic implies that large scale strategic development may be preferred to a more balanced distribution of development across Herefordshire. I do not consider that inclusion of the term "strategic" adds to an understanding of how development will be distributed. The key consideration is that the locations, settlements and sites chosen should be those which best meet the sustainability criteria. I recommend deletion of the word "strategic" from criterion 7.

Sequential approach to development – 864, 865

3.16.32 The criteria to which these objections were addressed were deleted from Policy S1 in the Revised Deposit Draft. Elements of a hierarchy have been incorporated into Policy S3. I agree that, as noted above, this should be strengthened and clarified. However, there is no need for further modification to Policy S1 to achieve this.

Self-sufficient development in rural areas – 898, 1120

3.16.33 Policy S1 sets out principles for sustainable development which could include development of the type to which reference is made. However, I have concluded above that it would be inappropriate to relax normal policies for the control of development in the countryside to allow for self sufficient dwellings or low impact development to be considered as exceptions.

3.16.34 I acknowledge that restrictive planning policies may make it difficult for individuals to buy sites at a price which would make such development viable. Nevertheless, I consider that an exceptions policy could be abused and could result in a proliferation of sporadic development in the countryside. National advice in PPS 7 requires strict control of new house building (including single dwellings) in the countryside.

Directing development to greenfield sites at the periphery of Hereford - 1181

3.16.35 The objector would wish to make specific reference, in Policy S1, to the role of appropriate greenfield sites at the periphery of Hereford. However, I do not consider that this would be appropriate. To my mind, Policy S1 is all about the broad ways in which sustainable development is to be promoted. As such, revised criterion 7, as modified, is about directing necessary new development to strategic locations, settlements and sites that best meet the appropriate sustainable development criteria. What this means in housing terms is, in my opinion, best left to Policy S3.

Definition of sustainable development – 323

3.16.36 Section 3.7 and Policy S1 of the Revised Deposit Draft were substantially altered in response to objections to the first deposit version which have enabled this objection to be conditionally withdrawn.

RECOMMENDATIONS

- 3.16/1 Modify criterion 7 of Policy S1 by the deletion of the word “strategic”.
- 3.16/2 Do not make any other modification in response to the objections.

3.17 DEVELOPMENT REQUIREMENTS – POLICY S2

Objections

W323/4914	CTC Right to Ride, Ledbury
W323/4915	CTC Right to Ride, Ledbury (Conditionally Withdrawn)
W323/500036	CTC Right to Ride, Ledbury (Conditionally Withdrawn)
W501/3096	Friends of the Golden Valley and the Friends of the Black Hill
P373/803	Sonnic Ltd
P415/11276	Crest Strategic Projects Ltd
P415/11278	Crest Strategic Projects Ltd
P799/10834	The Countryside Agency
P826/2136	John Gabb Associates
P864/2332	Transport 2000
P865/2400	Cyclists’ Touring Club
P890/2585	Government Office for the West Midlands
P890/2594	Government Office for the West Midlands
P1193/3781	Collier & Brain Ltd

Summary of Objections / Issues

- Use of terms such as “significant” is ambiguous. Appropriate criteria should be specified to allow independent assessment of environmental impact. (323)
- The phrase “is fully taken into account” should be reinstated in criterion 3. (323)
- The strategy should not allow timing of development to be dictated by utility companies. (373)
- There is a conflict between this policy and the proposed housing allocation at Bullinghope. (415)
- In sensitive upland areas the policy should specify a threshold where EIA is required, particularly for borderline cases. (501)
- The original wording of criterion 6 should be reinstated. (799)
- The requirement for developers to provide a range of benefits will prevent sites from being developed. (826, 1193)
- Criterion 3 should be more specific with regard to the provision of facilities which encourage a choice of walking, cycling and public transport. (864, 865)

- Criterion 6 should be clarified and assessment criteria set out. (864, 865)
- Policies are not clearly and unambiguously expressed or sufficiently precise to enable them to be readily implemented and performance measured. Not all policies are land use policies and some are covered by other legislative regimes. (890)
- A fuller strategic policy on flood risk is to be expected. (890)

Inspector's Reasoning and Conclusions

Clarity and performance assessment – 323, 864, 865, 890

3.17.1 A general criticism aimed at this section of the Plan by objectors is that policies are not clearly expressed or sufficiently precise to enable them to be performance measured; many are not relevant to the determination of planning applications or are covered by other control regimes.

3.17.2 Whilst it is the case that, for example, air quality and water pollution are subject to other control regimes, they also have land use dimensions and in the public mind are perceived as planning issues. In some cases the Plan has limited influence on these matters. In others patterns of land use can have substantial effects.

3.17.3 Preparation of a UDP offers one of few opportunities for a synoptic view to be taken of these issues and for public involvement in the process. I consider that it is reasonable for such matters to be referred to in the strategic policies of the Plan and I accept the Council's view that the policies are generally focussed on the land use implications of such matters.

3.17.4 With regard to the assessment of environmental effects, particular circumstances and types of development which require formal environmental impact assessment are set out in regulations. Where full EIA is not necessary, the Plan contains many policy criteria which require the environmental effects of a proposal to be evaluated in the decision making process.

3.17.5 For individual proposals, the consultation process is an effective means of determining the significance of potential impacts. Degrees of harm may vary according to the scale of development, the type of development proposed or the sensitivity of the environment to change. Such considerations are addressed by many policies of the Plan. It is always necessary for anyone making an assessment to give reasons for their conclusions. I consider that the attempt to achieve greater precision in a strategic policy would be unproductive.

Wording of criterion 3 - 323

3.17.6 Proposed Change No 2 would meet this objection.

Role of utilities - 373

3.17.7 The achievement of sustainable development requires that necessary infrastructure is provided in a timely manner. Smaller schemes may be able to make use of existing provision, subject to any necessary improvements. For major developments, where infrastructure is lacking, it will need to be provided either directly by the developer or as part of a joint scheme involving the utility companies. This is recognised in specific allocations under the housing policies.

3.17.8 Whilst land allocated in the Plan should be realistically available for development within the plan period, this does not necessarily mean that the timing of development will be dictated by the utility companies. The priority given to improvement schemes will be influenced by the availability of contributory funding from particular developments. It is, however, important for the Plan to ensure that development does not proceed in advance of the capacity of infrastructure to accommodate it.

Proposal at Bullinghope – 415

3.17.9 My conclusions on the housing proposal at Bullinghope are set out in Section 5 of my report where the issue of site drainage is considered. Policy S2 is a general policy and no change is needed to it in response to this objection. It would be inappropriate to include specific reference to Withy Brook in a strategic policy.

EIA requirements in upland areas - 501

3.17.10 Particular circumstances and types of development which require formal environmental impact assessment are set out in regulations. At the margins there is some discretion as to whether EIA will be required, for example, small scale wind-energy proposals. The objector seeks the inclusion of a specific height threshold above which EIA would always be required. I do not consider that it would be acceptable to introduce a policy which fetters the discretion which is given to planning authorities to determine whether EIA is necessary in a particular case. In sensitive areas, visual and other environmental impacts are likely to be identified as material planning considerations in any event.

Wording of criterion 7 (formerly criterion 6) – 799

3.17.11 The objector considers that the amended wording of criterion 7 in the Revised Deposit Draft represents a weakening of the concept of “net gain” where a development results in unavoidable harm. The policy emphasises the avoidance of negative effects, but requires the provision of mitigation or compensation measures which provide benefits at least equal to any loss. The amendment was introduced in response to an objection in order to clarify the intent of the policy. I consider that its provisions as regards mitigation deal with the issue in an appropriate manner.

Development requirements – 826, 1193

3.17.12 It is well established that contributions to infrastructure, mitigation requirements or other matters such as affordable housing sought by way of condition or obligation should be fairly and reasonably related in scale and kind to the development proposed, and reasonable in all other respects. For example, infrastructure improvements may be necessary before a development can proceed. These principles will always apply to the consideration of specific proposals. I consider that it is appropriate for Policy S2 to draw attention to the range of potential requirements.

Walking, cycling and public transport – 864, 865

3.17.13 I consider that Policy S1 sub-heading 13 and Policy S2 sub-heading 3 give satisfactory emphasis to the encouragement of non-car transport. Policy DR3 also promotes sustainable transport. There is no need for further emphasis in Policy S2. The objectors also sought reference in the policy to Guiding Principles P9 and P10, which was accepted and included in the Revised Deposit Draft.

Flood risk - 890

3.17.14 In response to this objection an additional sub-paragraph was included in the revised deposit version and Policy DR7 was rewritten. The objector has indicated that these changes satisfactorily meet the objection.

RECOMMENDATIONS

3.17/1 Modify Policy S2 in accordance with Proposed Change No 2.

3.17/2 Do not make any other modification in response to the objections.

3.18 HOUSING – POLICY S3, PARAGRAPHS 5.3.1 TO 5.3.7 AND TABLE 1 IN CHAPTER 5

Objections

P15/2942	Mr J Spreckley
P15/2943	Mr J Spreckley
P15/2944	Mr J Spreckley
P33/31	Leominster Civic Trust
P40/196	W J Baber
P373/804	Sonnic Ltd
P373/10078	Sonnic Ltd
P415/860	Crest Strategic Projects Ltd
P415/863	Crest Strategic Projects Ltd
P415/11279	Crest Strategic Projects Ltd
P444/915	Robert Hitchins Ltd
P444/916	Robert Hitchins Ltd
P444/10724	Robert Hitchins Ltd
P472/974	Mr J Lloyd
P520/1071	Bromyard and Winslow Town Council
P605/3019	Three Counties Planning
P605/3022	Three Counties Planning
P635/1471	Campaign to Protect Rural England
P635/11430	Campaign to Protect Rural England
P653/1475	Mr B McIlwrick
P653/10357	Mr B McIlwrick
P673/11026	D H Waterhouse and others
P677/11522	Brasenose College
P684/1679	Mr B Harrison
P689/1695	Mrs M Bailey
P692/11508	Jennings Estates Ltd
P692/11520	Jennings Estates Ltd
PX692/1714	Jennings Estates Ltd
P711/3066	Mr F Hemming
P711/3069	Mr F Hemming
P746/1826	Bloor Homes Ltd
P746/1827	Bloor Homes Ltd
P754/1845	Taylor Woodrow Developments Ltd
P754/10557	Taylor Woodrow Developments Ltd
P790/1976	West Midlands RSL Planning Consortium
P790/1977	West Midlands RSL Planning Consortium
P790/1978	West Midlands RSL Planning Consortium

P826/2133	John Gabb Associates
P830/2186	Herefordshire Friends of the Earth
P830/500211	Herefordshire Friends of the Earth
P864/2333	Transport 2000
P865/2402	Cyclists' Touring Club
P866/2437	Church Commissioners for England
P866/2439	Church Commissioners for England
P866/10887	Church Commissioners for England
P890/2593	Government Office for the West Midlands
P917/2627	Camanoe Estates Ltd
P921/2640	P Hill
P923/2654	Messrs D, R and J Ewens
P923/2662	Messrs D, R and J Ewens
P973/2861	George Wimpey South West
P975/2868	Persimmon Homes (South Midlands) Ltd
P975/2869	Persimmon Homes (South Midlands) Ltd
P975/2870	Persimmon Homes (South Midlands) Ltd
P975/11169	Persimmon Homes (South Midlands) Ltd
P975/11610	Persimmon Homes (South Midlands) Ltd
P977/2886	Taylor Woodrow Developments Ltd
P977/2887	Taylor Woodrow Developments Ltd
P977/2888	Taylor Woodrow Developments Ltd
P977/11000	Taylor Woodrow Developments Ltd
P977/11612	Taylor Woodrow Developments Ltd
P995/2972	George Wimpey Strategic Land
P995/11513	George Wimpey Strategic Land
P995/11519	George Wimpey Strategic Land
P1000/3002	National Federation of House Builders (Midlands)
P1000/3003	National Federation of House Builders (Midlands)
P1016/3117	Bromyard and District Chamber of Commerce and Industry
P1087/3445	S Walters and Partners
P1098/3492	Mr G F M Dawe
P1102/3508	H P Bulmer Ltd
P1102/10792	H P Bulmer Ltd
P1107/10796	H P Bulmer Ltd and Jennings Estates
P1115/7087	Bovale Ltd
P1120/3608	Mr B and Ms M Richardson
P1158/3680	E T Owen
P1181/3731	Mr F Hanbury
P1181/11025	Mr F Hanbury
P1193/3782	Collier & Brain Ltd
W321/937	Mrs E Newman
W414/852	Mr and Mrs J M Rodgman
RP1424/10461	Mr and Mrs Rodgman

Summary of Objections / Issues

- Whether the housing requirement should be set at 11,700 dwellings in the plan period. (15, 321, 635, 653, 689, 692, 746, 754, 830, 864, 865, 921, 923, 973, 975, 977, 995, 1000, 1158)
- Whether the phasing set out in the Plan is appropriate. (635, 692, 754, 923, 975, 977, 995, 1000)
- Whether, in making allowance for housing commitments, appropriate discounts have been made. (15, 415, 444, 866, 973, 1000)

- Whether the windfall figure should be subject to a discount. (15, 415, 444, 605, 635, 754, 866, 890, 917, 921, 923, 973, 975, 977, 1000, 1087, 1115, 1193)
- Whether a discount should be applied to allocations and more allocation sites identified. (15, 415, 444, 472, 684, 754, 866, 973, 975, 977, 995, 1000)
- Whether there should be amended reference to provision on brownfield land. (635, 923)
- Whether there should be greater clarity in Policy S3. (444, 754, 973, 975, 977, 1102, 1181)
- Whether greater emphasis should be given to Hereford. (414, 415, 692, 746, 866, 973, 975, 977, 995, 1087, 1102, 1115, 1424)
- Whether amended provision should be made within the market towns. (415, 975, 977, 1115)
- Whether sufficient provision has been made for housing in Ross-on-Wye. (826, 917, 1193)
- Whether appropriate emphasis has been given to the role of Bromyard. (520, 1016, 1087)
- Whether Leominster should be allocated a higher number of housing units. (677)
- Whether appropriate provision is being made in the main villages and the wider rural area. (415, 444, 472, 635, 653, 673, 684, 692, 830, 866, 921, 975, 995, 1087, 1115, 1424)
- Objection is raised to the proposed release of housing land at Barons Cross Camp, Leominster. (33)
- Whether future growth would be dictated by the provision of infrastructure by private utility companies. (373)
- The overriding principle of developing previously developed land in preference to other sites should be retained. (373, 635)
- The contribution that can be made from greenfield urban extensions should be recognised. (415)
- The Plan overestimates the number of dwellings likely to be built on previously developed, vacant and under-used land. (444)
- The number of dwellings to be provided should be regarded as a minimum requirement. (605)
- The “wider rural area” should be defined. (605)
- Reference to the environmental suitability of sites should be retained in Policy S3. (635)
- There should be reference to demolitions and replacements. (673)
- Whether sites should be allocated for mixed use purposes. (635, 684)
- Storage for cycles should be required. (864, 865)
- Reference to Guiding Principle 9 should be added. (864, 865)
- The estimated provision on previously developed, vacant and under-used land is too prescriptive. (866)

- Vacant land can play an important part in providing for nature and green space in urban areas. (1098)
- Policy S3 should make it clear that affordable housing will be sought from the development of appropriate housing sites. (444)
- There should be reference to low cost market housing. (605)
- Sole reliance should not be placed on housing needs surveys in determining the distribution of need. (790)
- Whether, in assessing housing needs, adequate account has been taken of RPG 11 and PPG 3. (790)
- Whether the affordable housing target is inadequate. (790, 923, 975, 977)
- The affordable housing figure is too prescriptive. (866)
- Whether greater encouragement should be given to the release of land for affordable housing. (1120)
- Whether affordable housing should be located in the market towns. (711)
- Whether residential development associated with land-based activities should be encouraged in the wider rural area. (711)
- The affordable housing requirement is questioned. (1000)
- The affordable housing requirement is based on unreliable assumptions. (635)
- Whether there is enough rented housing to meet future needs. (40)

Inspector's Reasoning and Conclusions

Housing requirement - 15, 321, 635, 653, 689, 692, 746, 754, 830, 864, 865, 921, 923, 973, 975, 977, 995, 1000, 1158

3.18.1 Policy S3 states that provision will be made for 11,700 dwellings in the period 1996-2011. However, this figure is derived from the April 1998 version of regional planning guidance (Document F 1), since superseded. Many objectors consider that the current version of RPG 11 should now be used (Document F 3). For its part, the Council argues that the figures are sufficiently well aligned for a modification not to be necessary.

3.18.2 RPG 11 now expresses the housing requirement in terms of annual average rates of provision. For Herefordshire, provision should be made for a maximum of 800 dwellings a year to 2007; and for 600 dwellings a year in the periods 2007-2011 and 2011-2021. In my opinion, it would be reasonable to take the period "to 2007" as relating to 2000-2007. This is the period that was set out in the draft replacement regional planning guidance (Document F 2) and which I would expect to have guided preparation of the Herefordshire Unitary Development Plan.

3.18.3 Completions for the period 1996-2001 are a known quantity. At the inquiry, this figure was agreed at 4,993 (approximately 5,000). Following RPG 11, provision would be needed for a maximum of 4,800 dwellings over the period 2001-2007 (6 years at 800 dpa) and for 2,400 over the period 2007-2011 (4 years at 600 dpa). The resultant figure would be 12,193. I consider that it would be reasonable to round up this figure to 12,200.

3.18.4 For the CPRE, it is argued that even the figure of 11,700 dwellings is unmanageably high. There has been a failure to look at the environmental capacity of the county and how little new housing could be built on previously developed land. For my part, I consider that direction should be taken from regional planning guidance including its guidance on housing development on previously developed land. In this regard, I would expect matters such as tranquillity, infrastructure and brownfield targets to have been taken into account in confirming the housing requirement.

3.18.5 The difference between 11,700 dwellings and 12,200 dwellings is potentially significant. Bearing in mind that the figures are to be applied as maxima, I consider that the Plan should be updated to reflect the very latest regional planning guidance. This was published before the opening of the inquiry and has been open to debate by all. In terms of a residual requirement, the figure would be about 7,200 dwellings (12,193 minus 4,993).

3.18.6 A further consideration is the advice that there should be a supply of housing land for 10 years from the forecast adoption date. This would suggest extending the housing requirement period to 2016. To my mind, this is not necessary. I anticipate that the housing provisions in the UDP will be superseded by related local development documents before 2011. More particularly, if the figures are expressed as an annualised requirement as provided for in RPG 11, the on-going quantitative needs of Herefordshire would be recognised beyond 2011.

3.18.7 I conclude that the housing requirement amounts to about 12,200 dwellings over the period 1996-2011; that the residual requirement is about 7,200 dwellings; and that the required provision should be expressed in terms of an annual requirement.

Phasing – 635, 692, 754, 923, 975, 977, 995, 1000

3.18.8 The Plan makes provision for dwelling completions in two distinct phases, 2001-2006 and 2006-2011. However, bearing in mind that the Plan could not be adopted until 2006, the Council has conceded that the identification of these two phases is not necessary.

3.18.9 I discuss the implication in terms of managing the release of housing sites in Section 5 of my report. With regard to Policy S3, it will no longer be appropriate to give priority to the release of previously developed land given that there is, in effect, only one remaining phase of house building.

Appropriate discounting of housing commitments - 15, 415, 444, 866, 973, 1000

3.18.10 Part of the housing requirement will be met by completions on sites that already have planning permission or that are allocated in adopted local plans. However, the Council recognises that not all these "commitments" will be translated into completions. As such, it has applied a lapse rate of 5%.

3.18.11 Some objectors question whether implementation levels will reach those anticipated by the Council. They feel that a rate of 10% should be applied. They point to factors such as:

- difficulties associated with brownfield sites, an increasing proportion;
- sites becoming unviable following a downturn in the housing market;

- fewer permissions being implemented following a reduction in the period for commencement of development; and
- other delays in implementation.

3.18.12 I note that, over the years 1997 to 2004, less than 4.3% of housing permissions expired. I appreciate that the percentage may increase as a consequence of factors that include those identified by objectors. However, Herefordshire is not known for difficult brownfield sites; and there is no evidence of a fall in completions consequent upon any downturn in the housing market. Further, in terms of lapsed permissions, there could be a compensatory increase in the number of renewals of planning permission.

3.18.13 Existing allocations have, in effect, been reviewed as part of my examination of objections to the UDP. I do not see the need for any discounting additional to the 5% lapse rate that has been applied by the Council.

3.18.14 In my opinion, there is inadequate justification for raising the discount to 10%. The appropriate response would be to keep monitoring the situation and to adjust the housing supply, in the future, should this prove to be appropriate.

Windfalls - 15, 415, 444, 605, 635, 754, 866, 890, 917, 921, 923, 973, 975, 977, 1000, 1087, 1115, 1193

3.18.15 A further part of the housing requirement will be met on windfall sites. The Plan assumes that there will be 2,829 such completions over the period 2001-2011 (283 a year). However, objectors point out that virtually no large sites should come forward as windfall sites in the future; that there should be fewer windfalls in rural areas as a result of more restrictive policies; and that there will be fewer brownfield sites available in the future. In addition, there is concern that inappropriate allowance has been made in respect of greenfield sites; also that there may have been an element of double counting.

3.18.16 I acknowledge these various points of concern. However, the robustness of the Council's figure can be tested in relation to two factors. First, an examination of past trends; and secondly, likely future windfall potential as assessed in a capacity study.

3.18.17 The Council's analysis of windfall completions for the period 1996-2004 indicates that some 4,207 completions took place on non-allocated sites. This is the equivalent of 526 completions a year. However, only 2,548 (318 a year) were on previously developed land and therefore fall within the definition of windfalls as envisaged in Paragraph 36 of PPG 3. A further 345 dwellings (43 a year) are classed as "greenfield conversions" such as dwellings resulting from the conversion of agricultural barns.

3.18.18 The windfall assumption made in the Plan (2,829 completions) is some 11% lower than the figure that would be derived from the trend for windfall completions on previously developed land as revealed by the Council's analysis. Further, in addition to these true windfalls, a considerable number of greenfield conversions and other types of "unplanned" completions are also taking place.

3.18.19 With regard to the capacity study, I appreciate that the methodology has been subject to criticism. Nevertheless, monitoring during the period 2001-2003 indicates that windfalls on capacity sites are coming forward at rates generally consistent with those anticipated in the UDP. This is a trend that also continued for the period up to April 2004.

3.18.20 All in all, I have concluded that there is sufficient "slack" in the Council's estimates and that there is no need to reduce further the windfall figures.

Allocations - 15, 415, 444, 472, 684, 754, 866, 973, 975, 977, 995, 1000

3.18.21 Having made an allowance for windfalls and for commitments, the Council is aiming to meet the residue of the housing requirement through allocations. However, objectors consider as unrealistic an assumption that all the allocated sites will be developed by 2011. Reference is made to infrastructure constraints, the increasing complexity of the planning system and long lead-in times. It is also argued that "the Barker Review" supports generous allocations.

3.18.22 A general point of concern relates to constraints imposed by public sewerage capacity. In this regard, I recognise that developers may need to fund improvement works. For example, the prospective developers of the Tanyard Lane housing site at Ross-on-Wye are working with Welsh Water to secure the necessary upgrading of the existing drainage system prior to development. However, there is no evidence to indicate that completions on any particular allocated site will be delayed or not achieved as a result of such infrastructure constraints.

3.18.23 Reference has also been made to difficulties of funding the Rotherwas Access Road and related implications in respect of housing completions at Bullinghope. As indicated elsewhere in my report, I do not support the housing allocation at Bullinghope. In any event, the Council has promises of funding from the prospective developer such that there would be no overriding constraint in this regard.

3.18.24 In other cases, where there have been site specific objections, I have been able to consider whether there is any impediment to completions on allocated housing sites within the plan period. Irrespective of the complexities of the planning system and long lead-in times, I have not identified any particular problems. The various sites have gained developer support through two rounds of formal consultation. I consider that the allocations are soundly made and that discounting would not be in order. The appropriate response would be to monitor the on-going situation and, if necessary, make additional provision through adjustments in policy and implementation.

3.18.25 With regard to "the Barker Review", I appreciate that this supports the generous allocation of housing land. However, the Council will be able to put forward an appropriate response in future development plan documents once Government policy in this matter has been determined.

3.18.26 Following my consideration of specific sites, some adjustment of the "UDP allocation" figure in Table 1 of the Plan will be necessary; also to the distribution of housing figures in Policy S3. These figures will be higher as a result of greater provision now anticipated on certain allocated sites. The total increase is some 178 dwellings.

3.18.27 Other sites have also been identified, in Section 5 of my report, as potentially suitable for housing. These are Broomy Hill (36 dwellings); The Greyfriars (22 dwellings); Yazor Road and north of Whitecross School (148 dwellings); Whitecross Road (47 dwellings); and Merrivale (21 dwellings). In order not to delay adoption of the Plan, I have not recommended allocation of the sites under the UDP. They would be the subject of development plan documents under the forthcoming Local Development Framework. Nevertheless, I anticipate that completions on these sites will count towards the strategic housing requirement.

3.18.28 Taking into account all the identified provisions, account can be made for 12,152 housing completions. This can be compared with a strategic requirement of about 12,200 dwellings. However, bearing in mind that the rates for the provision of additional dwellings are to be treated as maxima, I consider that the strategic housing requirement will be met. There is no necessity to make additional housing allocations.

Brownfield land - 923

3.18.29 Policy S3 indicates that priority will be given to maximising the use of previously developed, vacant and under-used land; also that, under the housing strategy, an estimated 6,100 dwellings will be located on such sites during the plan period. However, in the light of the latest provisions in RPG 11, consideration needs to be given to up-dating the policy.

3.18.30 The re-use of land and buildings for housing purposes is addressed in Table 3 and Policy CF4 of RPG 11. In the period 2001-2011, the target for development on previously developed land in Herefordshire is 68%. I take this figure to relate to previously developed land as defined in PPG 3. As such, vacant and under-used land would be excluded from the provisions. In my opinion, the UDP should reflect this up to date position. I recommend accordingly.

Greater clarity in Policy S3 - 444, 754, 973, 975, 977, 1102, 1181

3.18.31 In seeking greater clarity in Policy S3, a number of specific points have been made. First, it is suggested that there should be reference to a need for 7,800 completed dwellings during the period April 2004 to April 2016. In this regard, I have already determined that the appropriate period for consideration should be 1996-2011 with dwelling completions being stated for 1996-2001 and provision for the residual requirement being made over the period 2001-2011. Given also that Policy S3 specifically refers to "dwelling completions", I see no need for a related modification of the policy.

3.18.32 A second objection is that there should be a robust and clear calculation to identify all the sources of housing land supply. I have commented in the foregoing discussion on the robustness of the elements of housing supply, details of which are clear from the various background papers and the Council's evidence all as available to and tested at the inquiry. As to allocations, the contributing sites are, to my mind, clear from an examination of Chapter 5 of the Plan. No modification is necessary.

3.18.33 A third objection under this heading is that there should be a four tier housing location strategy. I have already accepted that Hereford, as one of the sub-regional foci, should be separately identified. It follows that Hereford's pre-eminence should be identified in a slightly revised housing location strategy under Policy S3. This matter is considered below in a discussion on the distribution of housing.

3.18.34 The housing location strategy is set out in Policy S3. Amendment of this strategy will be necessary in the light of my acceptance of various objections. However, I do not consider that it is necessary to give percentages for the provision that would be achieved within each tier of the hierarchy. This information is essentially informative rather than central to the policy. More particularly, the percentages imply a degree of precision that is inappropriate.

3.18.35 H P Bulmer Ltd has suggested that greater emphasis should be made of previously developed land in and adjacent to urban area. To my mind, this is

slightly at odds with the Council's strategy which aims to distribute housing development, proportionately, across the county. Be that as it may, I consider that the point is adequately addressed in Policy S1 (Sustainable development), sub-paragraph 7, and in Paragraphs 3.5.3 to 3.5.5 on the role of Hereford and the market towns. There is no need for additional reference, in Policy S3, to the objective of creating sustainable patterns of development.

3.18.36 For the same reasons, I do not consider that it would be appropriate to state, in Policy S3, that greenfield sites on the periphery of Hereford are both appropriate for development and are of a higher priority in sustainability terms than the main villages.

Emphasis to Hereford - 414, 415, 692, 746, 866, 973, 975, 977, 995, 1087, 1102, 1115, 1424

3.18.37 It appears to me that the Council is aiming to make balanced provision across the whole of the county. The main emphasis is upon Hereford and the market towns with Hereford itself being seen as the most sustainable location for the majority of new development. Elsewhere, the provision of sufficient housing to meet local needs is a fundamental issue. The Plan aims to divert this development into the main villages, and to a lesser extent other named smaller settlements, which are seen as relatively more sustainable. New development in the wider rural area is to be strictly controlled.

3.18.38 I support the Council's approach. It relates to a hierarchy of settlements. At the same time, the strategy aims to ensure that adequate provision is made at each level of the hierarchy. Provision at the highest or a higher level of the hierarchy would not be appropriate if lower-order settlements were then deprived of an appropriate share of future housing. This begs the question of whether the Council, in planning future housing provision, has achieved a satisfactory balance.

3.18.39 Before examining this question, I shall consider whether the Council's approach is consistent with regional planning guidance. In this regard, I note a number of important provisions in RPG 11:

- First of all, Hereford is specifically identified as one of five sub-regional foci where new development outside the Major Urban Areas (MUAs) of the West Midlands is to be focussed.
- Secondly, the function that each of the foci would be expected to fulfil should be determined through further study.
- Thirdly, the function of the market towns should not generally be to accommodate migration from the MUAs.
- Fourthly, in rural areas, the provision of new housing should generally be restricted to meeting local housing needs and/or supporting local services.
- Fifthly, priority should be given to improvements in traffic management and public transport within the A49 transport corridor to support economic and social regeneration and to improve accessibility.

3.18.40 To my mind, an important proviso in regional planning guidance is the need for further study. The ultimate role of Hereford has not yet been determined. In the interim, there may be differences in emphasis. Nevertheless, and as the context for future planning, the future intentions of regional planning guidance

should be reflected in the UDP. In addition, it will be important to ensure that the strategy adopted by the Council is not at odds with future intentions.

3.18.41 Returning to the question of whether sufficient emphasis has been given to Hereford, it is argued that despite having some 33% of the county's population only 29% of the housing would be accommodated within the city. For my part, I acknowledge that this would be true. However, in terms of residential development over the period 2001-2011, some 36% of planned development and over half of the allocations would be in Hereford.

3.18.42 In my opinion, having regard to the Council's quest for balanced provision across the county, the proposed level of allocations in Hereford is entirely appropriate and would not be at odds with regional planning guidance. Similarly, I do not consider that excessive provision for in-migration would be made outside of Hereford. Ways of accommodating significantly more development in the city should await the outcome of the studies referred to in RPG 11.

Market towns – 415, 975, 977, 1115

3.18.43 Objectors have specific concerns in respect of the levels of provision in Leominster, Ross-on-Wye and Bromyard. These matters are dealt with below. For many objectors, however, the role of the market towns in general is not a significant issue. Such concerns as have been expressed are part of a wider wish to see more development in Hereford and the market towns.

3.18.44 The Plan anticipates that around 29% of new housing will be built in the five market towns over the plan period (in addition to the 29% at Hereford). Almost half of that was built in the period 1996-2001. Future allocations have been identified having regard to the Council's overall strategy, pre-deposit consultations and identified constraints.

3.18.45 In my opinion, a balanced amount of development has been allocated to the market towns. The provision is not unduly excessive. It reflects the appropriateness of making provision in a variety of sustainable locations across the whole of the county; also the move against in-migration from the Major Urban Areas. At the same time, the level of allocated development will support the on-going role of the market towns as service centres, in rural regeneration and in meeting local housing needs.

Leominster - 677

3.18.46 I appreciate that Leominster has a major employment allocation at the Leominster Enterprise Park. In addition, the town lies on the A49 transport corridor as referred to in RPG 11. Nevertheless, under the Plan, 8.3% of new housing would take place in Leominster. This is in circumstances where the town houses 6.5% of the population. In these terms, I do not consider that there is any strategic case for allocating a higher number of housing units to the town.

Ross-on-Wye – 826, 917, 1193

3.18.47 The gist of objections relating to Ross-on-Wye is that more housing allocations are needed. The Plan fails to recognise the potential economic role of the town and the total quantum of housing development should be higher. In addition, allocated sites are not going to come forward; and there is too great an emphasis on windfalls.

3.18.48 For my part, I recognise that Ross-on-Wye has a special position. It is strategically well placed to benefit from employment growth being located at the

end of the M50. More particularly, it is at the southern end of the A49 transport corridor as referred to in RPG 11.

3.18.49 I note that Ross-on-Wye has 5.3% of the county's population (at 1999) and 5.8% of the housing provision intended in the UDP. To this extent I would say that provision is reasonably well balanced and generally in accordance with the intentions of regional planning guidance. Nevertheless, recognising the potential and special position of the town, there would be scope to increase housing allocations should suitable opportunities arise. However, this is not an imperative.

3.18.50 As to the sites that have been allocated, I recognise that various constraints apply. However, where appropriate, I have been able to consider the likelihood of development taking place within the plan period. These site specific objections are dealt with in Section 5 of my report. I have concluded that there is no overriding reason why completions should not be achieved as envisaged in the Plan. Affordable housing would be forthcoming as part and parcel of those completions.

3.18.51 With regard to the likely contribution from windfalls, I have examined recent trends as well as the Council's capacity study. I consider that there is future potential in Ross-on-Wye and that there is no reason to suppose that completions will not continue as envisaged by the Council.

Bromyard – 520, 1016, 1087

3.18.52 The central message of the Bromyard objectors is that more houses are needed in the town. Herefordshire Council is supposed to be promoting fair and thriving communities but at the same time it is saying that Bromyard has limited potential. The results of the housing needs study for Bromyard, taking only a 1% sample, are unreliable. Provision should be made for housing development at a rate comparable with the period 1996-2001. As such, a further 200 houses should be provided over and above the numbers intended by the Council.

3.18.53 For my part, I note that, of the market towns, only Kington is smaller than Bromyard. In addition, Bromyard is well away from the A49 transport corridor. In such terms, I would expect future provision for housing to be relatively modest. This can be contrasted with a situation where, although Bromyard has only 2.3% of the county's population (1999), some 4.1% of housing development would take place in the town over the plan period.

3.18.54 Whilst I do not consider that the Council's proposals would be at odds with RPG 11, I would be concerned if additional allocations were made. I appreciate that local services would benefit from more custom. However, there is no evidence to suggest that viability is threatened. More particularly, in-migration could be encouraged if housing provision was out of balance with local needs. In this regard, objectors have already commented upon relative accessibility to Worcester and to the M5 motorway. I have concluded that there are no overriding arguments in favour of enhanced provision.

Main villages and the wider rural area - 415, 444, 472, 635, 653, 673, 684, 692, 830, 866, 921, 975, 995, 1087, 1115, 1424

3.18.55 For many who would wish to see more development in Hereford and the market towns, the reverse side of the coin is the intended provision in the main villages and the rural areas. However, there are two main issues. The first is the sustainability of the identified main villages as locations for allocated development.

The second is whether the main villages and the rural areas would be catering unacceptably for growth other than for local needs.

3.18.56 In earlier parts of this section, I have discussed the Council's strategy of identifying main villages and the criteria that are used. In addition, in Section 5 of my report, I examine the case for additions to or deletions from the list of identified main settlements. I support the Council's approach. Provision would be made for market housing (and for affordable housing) to meet the needs of the rural areas in a reasonable spread of sustainable "delivery points" across the county. Further, there would be additional support for existing services.

3.18.57 As to the amount of housing that would be directed to the rural areas, first indications suggest a rather high figure. For example, 26% of provision would take place in the main villages and a further 16% would take place in the remainder of the rural area. Total provision outside Hereford and the market towns would therefore amount to some 42% of the housing requirement. However, these figures fail to reflect historic commitments.

3.18.58 Out of the total contribution envisaged from the main villages (3,044 over the plan period), I note that there were 1,933 completions in the period to 2004. In addition, commitments amounted to 457 dwellings. Taking into account the standard lapse rate for commitments, and the likely contributions from windfall sites, the actual 2004 figure for allocations without planning permission is 276 dwellings. The equivalent figure for the rural areas is 234.

3.18.59 It could be argued that, in the past, generous provision has been made for new housing development in the main villages and the remaining rural areas. The strategy now should be to reign back on provision outside the urban areas to redress the balance. However, bearing in mind the various objectives of the Council, I do not consider that future provision, distributed essentially across 48 main villages and 34 smaller settlements, would be excessive. Nevertheless, where appropriate for other reasons, the opportunity could be taken to reduce the rural provision and to remove specific allocations.

Barons Cross Camp, Leominster - 33

3.18.60 I have dealt with site specific objections to the Baron Cross Camp site in Section 5 of my report. I support the allocation. An adjustment to reflect the latest capacity of the site will be necessary. However, no modification is necessary in relation to Leominster Civic Trust's objection.

Provision of infrastructure by private utility companies - 373

3.18.61 I have examined this objection in Sections 3.16 and 3.17 of my report in relation to Policies S1 and S2. I do not consider that future growth is being dictated by private utility companies. Where infrastructure is lacking, provision can be made by developers or as part of a joint scheme involving the utility companies. This is recognised in specific allocations under the housing policies.

Preference for previously developed land – 373, 635

3.18.62 The objectors are concerned that reference to maximising the use of previously developed land has been removed from Policy S3. For my part, I note that, in the Revised Deposit Draft, this matter is no longer identified as a numbered item. Nevertheless, priority to maximising the use made of previously developed land is referred to earlier in the policy. I do not see the necessity of

repeating the point. Further, and in accordance with PPG 3, reference to vacant and under-used land is not appropriate.

Contribution from greenfield urban extensions – 415

3.18.63 To my mind, Policy S3 rightly emphasises the use of previously developed land. Urban extensions are mentioned in Paragraph 3.5.4 as “the next most sustainable option”. Bearing in mind also related guidance in PPG 3, I see no need for reference to greenfield urban extensions in Policy S3.

Number of dwellings to be built on previously developed land - 444

3.18.64 In response to other objections, I am recommending that, in line with RPG 11, completions on previously developed land are expressed as a target. No other related modification of the Plan is necessary.

Treating dwellings provision as a minimum requirement - 605

3.18.65 Policy CF3 in RPG 11 indicates that the rates of housing provision are to be treated as maxima. I have responded accordingly in relation to the UDP.

Defining “wider rural area” - 605

3.18.66 From a reading of the Plan I consider that the meaning of “wider rural area” is very clear. No definition within Policy S3 is necessary.

Environmental suitability of sites - 635

3.18.67 I do not consider that it is necessary within Policy S3 to refer to the environmental suitability of sites. This matter is adequately covered under Policy S2 (Development requirements).

Reference to demolitions and replacements - 673

3.18.68 Paragraph 6.14 of RPG 11 makes clear that the rates for housing provision include the need for new dwellings together with the replacements for demolished stock. The actual numbers are small in Herefordshire and I do not see the need for specific reference within the strategic policy.

Allocating mixed use sites – 635, 684

3.18.69 I do not consider that it is necessary to allocate sites specifically for mixed use purposes. Mixed use developments are already encouraged under policies that include S2, DR2, H8 and E9. No modification is necessary.

Storage for cycles – 864, 865

3.18.70 The objectors would wish Policy S3 to require space which could be used for convenient and secure storage of cycles at home as well as at work. However, this is a detailed, non-strategic matter unrelated to the thrust of the policy. No modification of the Plan is appropriate.

Reference to Guiding Principle P9 – 864, 865

3.18.71 Guiding Principle P9 is concerned with reducing the need to travel and promoting the use of non-car based transport. However, this is in the context of accessibility to work, services and facilities. The principle is not addressed at housing and no modification of the Plan is necessary.

Prescriptive provision on previously developed, vacant and under-used land - 866

3.18.72 In response to other objections, I am recommending that reference should be made only to previously developed land. Further, in accordance with

RPG 11, the figure should be expressed as a target. No other modification of the Plan is necessary.

The importance of vacant land in urban areas - 1098

3.18.73 I appreciate that vacant land has an important role to play in providing for nature and green space in urban areas. Where this has been an issue (as at Unity Garden, Hereford), I have been able to consider the matter in relation to site specific objections. However, maximising the use of brownfield land, where appropriate, is of fundamental importance in the allocation of housing sites. No modification of Policy S3 is necessary in this regard.

Seeking affordable housing from appropriate housing sites - 444

3.18.74 Justification for the numbers of affordable houses that are being sought is contained in the Council's statement and related documentation. Policy H9 sets out the circumstances under which affordable housing will be sought. It is not necessary to include further reference to the matter in Policy S3.

Low cost market housing - 605

3.18.75 I do not consider that it is appropriate for a strategic policy to deal with detailed matters such as self-build affordable housing and other forms of low cost market housing. No modification of the Plan is necessary.

Distribution of need - 790

3.18.76 Paragraph 5.5.7 of the Plan indicates that more detailed housing needs surveys will be necessary in support of planning applications for affordable housing. I would expect these surveys to deal with any outstanding distributional matters. No modification of the Plan is necessary.

Account of RPG 11 and PPG 3 - 790

3.18.77 As stated by the Council, the Plan limits its estimates of affordable housing to emergent households. This is primarily because a considerable number of households are located in sparsely populated rural areas where it is not practical to adjust unmet need by additional dwellings. This would lead to a further increase in rural housing contrary to advice in RPG 11 and PPG 3.

Adequacy of affordable housing target – 790, 923, 975, 977

3.18.78 As indicated above, justification for the numbers of affordable houses that are being sought is contained in the Council's statement and related documentation. I am not aware of any inconsistency with the guidance in RPG 11. There is inadequate justification for any related modification of the Plan.

Prescription in the affordable housing figure - 866

3.18.79 I appreciate that there are many uncertainties concerning the delivery of affordable housing. However, in the Deposit Draft Plan, the need is factually expressed as being "about 2,300 dwellings". I do not consider that this is unduly prescriptive or that any modification of the Plan is necessary.

Encouraging the release of land for affordable housing - 1120

3.18.80 The objectors would wish restrictions on building in the open countryside to be eased so as to encourage the release of land, at low cost, for affordable housing. In this regard, I appreciate that restrictions could be imposed to ensure that such housing was affordable in perpetuity; that the housing could be

accommodated appropriately in certain types of landscape; and that sustainable, environmentally conscious building could take place. However, to my mind, there are other important considerations.

3.18.81 Government guidance already makes provision for affordable housing in the countryside on what are called "rural exception sites". However, these are expected to be "within and adjoining existing small rural communities" (PPG 3, Annex B, Paragraph 1). This reflects advice in PPS 7: "New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all."

3.18.82 In addition, PPS 7 states that, away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together.

3.18.83 In my opinion, Government guidance is reflected in the UDP notably in Policy H10. To allow affordable housing in the locations envisaged by the objectors would be at odds with the aim of protecting the countryside for the sake of its intrinsic character and beauty. Equally, in a spatial sense, locations away from the rural settlements would not be sustainable.

Locating affordable housing in the market towns - 711

3.18.84 The objector is concerned that locating affordable housing in market towns would encourage commuting from town to country. In this regard, whilst Paragraph 5.3.5 of the Plan envisages that a "significant proportion" of demand would be met in market towns, related policies still allow for affordable housing within or adjoining established rural settlements.

3.18.85 Be that as it may, I consider that settlements such as the market towns are still going to be a preferred location for affordable housing. There may be an element of commuting if occupiers are employed in the rural areas. At the same time, there would be a reduction in the number of trips to shops, schools and other services that tend to be concentrated in the market towns. In addition, the intrinsic character and beauty of the countryside would be safeguarded. No modification of the Plan is necessary.

Residential development associated with rural land-based activity - 711

3.18.86 Through Policy H8, the Plan already allows for dwellings in the open countryside that are associated with rural businesses. This reflects the guidance in Annex A of PPS 7 with its strict functional and financial tests. Agriculture, horticulture and forestry would come within the scope of the policy. However, I see no special case for widening the policy to include a wide variety of land-based activities including, for example, small scale agro-forestry potentially generating a small income.

3.18.87 In my opinion, the objector's proposal would undermine the special protection that is given to the intrinsic qualities of the countryside and the objective of concentrating housing in sustainable locations. It would be beyond Government advice and could give licence to building in the open countryside on the back of the most unjustified of projects and in circumstance where workers could well live in existing settlements. A special case needs to be made out for

housing in the open countryside. The appropriate criteria are set out in Policy H8 and no modification of the Plan is appropriate.

Affordable housing requirement - 1000

3.18.88 At the round table session on affordable housing, it was confirmed that affordable housing already provided in the plan period has been deducted from the requirement figure. Following this clarification, there were no related points of concern and no further action is necessary in relation to the objection.

Basing the affordable housing requirement on unreliable assumptions - 635

3.18.89 The CPRE's criticisms of the Housing Needs Study were not pursued in its evidence to the round table session on affordable housing. Bearing in mind the explanation in the Council's statement, I consider that there is inadequate justification for any modification of the Plan.

Sufficiency of rented housing to meet future needs - 40

3.18.90 The objector poses the question of whether there is enough council rented housing to meet the needs of redundant agricultural workers previously housed in tied housing. However, no specific change to the Plan is sought. For my part, I would expect all relevant affordable housing needs to have been taken into account in the Housing Needs Survey and in the related provisions in the UDP. There is inadequate justification for any modification.

RECOMMENDATIONS

3.18/1 Substitute the following for the third, fourth and fifth sentences of Paragraph 5.3.1:

"Approximately 5,000 dwellings (4,993) were built in the period 1996-2001. Having regard to the provisions of RPG 11, a maximum of 7,200 dwellings will need to be completed between 2001 and 2011. This requirement is expressed in terms of annual average rates of housing provision. The total provision for the plan period is therefore a maximum of 12,200 dwellings. The allocatable element will mainly go to Hereford and the market towns on the grounds of sustainability and maximising the use of previously developed land."

3.18/2 Substitute the following for the opening paragraph of Paragraph 5.3.2: "In addition to completions in the period 1996-2001, housing provision over the plan period will arise from the following elements:". In sub-paragraph ii), delete: "the conversion of rural buildings and from". In sub-paragraph iii), delete the whole of the third sentence and the words "under used and vacant" from the second sentence. Add two new sub-paragraphs under "iv)":

"Other housing development. During the inquiry into the UDP, a number of sites were identified as being potentially suitable for housing development. These are Broomy Hill, Hereford (36 dwellings); The Greyfriars, Hereford (22 dwellings); Land off Yazor Road and north of Whitecross School, Hereford (148 dwellings); Land at Whitecross Road, Hereford (47 dwellings); and land at Merrivale, Ross-on-Wye (21 dwellings). In order not to delay adoption of the Plan, these sites have not been allocated under the UDP. They would be the subject of development plan documents under the forthcoming Local

Development Framework. Nevertheless, it is anticipated that completions on these sites will count towards the strategic housing requirement."

"As can be seen from Table 1 below, the provision to which reference has been made amounts to some 12,152 dwellings against a "requirement" of about 12,200 dwellings. Given that 12,200 dwellings is to be regarded as a maximum figure, it is considered that the strategic housing requirement will be met though the various identified provisions."

3.18/3 Change the title of Table 1 to: "Dwelling completions 1996-2011, Herefordshire." Amalgamate the columns "2001-2006" and "2006-2011" into a single column headed "2001-2011". Change the figures for the 2001 commitments to "1,217". Change the figure for windfalls to "2,829". Change the figure for UDP allocation to "2,839". Add a new row "Other" – "274". Change the total for 2001-2011 to "7,159". Change the total in the column 1996-2011 to "12,152".

3.18/4 Substitute the following for the third sentence in Paragraph 5.3.3: "The strategy sets out the priorities for locating development. The aim had been to make a proportionate distribution of housing across the county. The highest number of houses on allocated sites would be achieved in Hereford, then the market towns and finally the main villages. As well as ..."

3.18/5 Insert a new paragraph before Paragraph 5.3.4: "For the future, RPG 11 identifies Hereford as one of five sub-regional foci where longer term strategic development should be located. The function to be fulfilled is to be determined through further study. The function of the market towns should not generally be to accommodate growth from the Major Urban Areas of the West Midlands. In the rural areas, the provision of new housing should generally be restricted to meeting local needs and/or to support local services."

3.18/6 Replace the first paragraph of Policy S3 with the following: "Provision will be made for additional dwellings to be built at an annual rate of 800 dwellings a year for the period 2001-2007 and for 600 dwellings a year beyond 2007. Having regard to existing commitments and the likely supply of dwellings arising from windfall sites, a maximum of about 12,200 dwellings would thereby be built over the period 1996-2011." Follow this paragraph with a new paragraph saying the following:

"Priority will be given to the use of previously developed land, ahead of urban extensions, including making the most effective use of existing buildings through conversion and bringing vacant property back into use. The target is for 68% of housing completions in the period 2001-2011 to be on previously developed land."

3.18/7 In Policy S3, under the heading "Dwelling completions", change "4993 dwellings" to "- approximately 5,000 dwellings". Change the row commencing "2001-2006" to "2001-2007 - approximately 4,800 dwellings at 800 dwellings a year". Change the row commencing "2006-2011" to "2007-2011 – approximately 2,400 dwellings at 600 dwellings a year".

3.18/8 For the paragraph in Policy S3 commencing "A three tier housing location strategy", substitute the following:

"A four tier housing location strategy has been adopted. Most provision will be concentrated in Hereford (the first tier) and the market towns (the second tier) principally from a combination of allocated sites, urban capacity sites and some urban extensions. The third tier locates housing on

allocation sites in the more sustainable main villages. In addition, there will be some windfall development mainly on capacity sites in these villages. The fourth tier of the strategy caters for other rural housing needs essentially through windfall developments on infill plots in named smaller settlements."

3.18/9 In Policy S3, adjust the figures for the distribution of housing to reflect the recommendations in Sections 5.9, 5.19 and 5.24 of my report (increase the Hereford total by 100 to 3,481; the Leominster total by 65 to 1,037; and the Ross-on-Wye total by 13 to 687).

3.18/10 In Policy S3, after the amended figures for the distribution of housing, add the following paragraph: "In addition, it is anticipated that approximately 274 dwellings (253 in Hereford and 21 in Ross-on-Wye) will be built on other sites not allocated at this stage."

3.18/11 In Table 2, add a new row for Hereford: "Other 253"; also for Ross-on-Wye: "Other 21". Reference the new entries to a footnote saying: "See Paragraph 5.3.2 iv)". Adjust the figures to reflect the increased capacity of the Bradbury Estate, Barons Cross Camp and former Alton Court Brewery sites. Adjust the totals accordingly.

3.18/12 Do not make any other modification in response to the objections.

3.19 EMPLOYMENT – POLICY S4 AND PARAGRAPHS 6.3.2 TO 6.3.3

Objections

W323/4920	CTC Right to Ride, Ledbury
P472/976	Mr J Lloyd
P616/1370	Mr A Choppen
P605/3020	Three Counties Planning
P635/1535	Campaign to Protect Rural England
P653/1476	Mr B McIlwrick
P864/2334	Transport 2000
P865/2403	Cyclists' Touring Club
P866/2438	Church Commissioners for England

Summary of Objections / Issues

- Reference to Guiding Principle P9 should be added. (323, 864, 865)
- Mixed use proposals should be encouraged in some villages, eg Weobley and Burley Gate, to take advantage of local community facilities and services and foster a greater degree of self-containment. (472, 653)
- Other sites, eg at Withington, should be allocated under this policy. (605)
- Aims for economic strategy to counter sectoral vulnerabilities should be identified and quantified. (616)
- The policy does not deal comprehensively with employment. Sustainability should be addressed. The employment allocation is too large. (635)
- Employment allocations should be focussed on Hereford. (866)

Inspector's Reasoning and Conclusions

Guiding Principle P9 – 323, 864, 865

3.19.1 In my opinion, Guiding Principle P9 with its references to accessibility to work and the location of new development is relevant to Policy S4. I consider the cross-reference should be included.

Site specific proposals – 472, 653, 605

3.19.2 Policy S4 is a general policy which establishes the overall requirement for land for employment purposes. It would not prevent the consideration of mixed uses at appropriate locations. Policy S2 (Development requirements) promotes land use patterns and developments which favour mixed uses subject to amenity considerations. Matters which relate to site specific objections are considered in the relevant sections of the report, below.

Sectoral vulnerabilities – 616

3.19.3 In Section 2.2, the Plan includes an analysis of economic issues facing the county which draws on the Herefordshire Economic Assessment 2000 - 2002. Guiding Principles P11 and P12 address the aim of creating a strong, competitive and innovative economy. Policies S4, S5 and S8 in particular set out strategic approaches to economic development.

3.19.4 Whilst there is a role for an in-depth sectoral analysis, together with initiatives and programmes to address vulnerabilities, the UDP is primarily concerned with influencing land use. Policy S4 deals with this in an appropriate manner. Other documents, including the Herefordshire Partnership's Economic Development Strategy, are able to adopt the broader approach advocated by the objector.

Comprehensiveness, sustainability and allocations - 635

3.19.5 The UDP's approach to sustainability is comprehensively set out in Section 3.7 and Policy S1. It is unnecessary for this to be repeated in policies dealing with specific issues. As regards comprehensiveness, I consider that the UDP deals with rural regeneration and the potential contribution of sustainable agriculture in a satisfactory manner. Policies E10, E11, E12, and E13 are particularly relevant to the promotion of employment in rural areas.

3.19.6 As to making provision for employment development, the Council's methodology assumes that, for each hectare of land required for development, 20% would be for employment and 80% would be for housing. The objector has suggested ways in which the calculation should be considerably refined. However, bearing in mind the historic position, I consider that the Council's approach provides a reasonable basis for approximating demand.

3.19.7 In Paragraph 6.3.5 of the Plan, the approach is expressed as one based on a ratio of 1 hectare of employment land per 100 households. However, this is now acknowledged to be a mistake. At 30 dph, 100 dwellings would occupy 3.33 ha of land. Using the 80:20 ratio, this is the equivalent of 0.83 ha of employment land per 100 dwellings.

3.19.8 When applied to a housing requirement of 11,700 dwellings, 390 ha of residential land would be required together with 97.5 ha of employment land. With a housing requirement of 12,200 dwellings, nearly 102 ha of employment land

would be required. In these terms, I consider that 100 ha is a reasonable approximation of the necessary provision for employment development.

3.19.9 On an additional point, I can see no justification for including a notional 30 ha allowance aimed at reducing 1996 unemployment levels when these levels are no longer current or relevant irrespective of the absence of objections from regional planning bodies to the level of provision proposed in the Plan. All in all, I conclude that the headline figure in Policy S4 should be reduced to 100 ha. Amendments to Paragraph 6.3.5 are also needed. Site specific objections to particular allocations or omission sites are considered in Section 6 of my report.

Role of Hereford – 866

3.19.10 The aim of directing the majority of new development to Hereford and the market towns is set out in Paragraph 6.2.2. This is in broad accordance with Policy PA6 of Regional Planning Guidance (RPG 11 2004) which refers to the provision of second tier, locally-significant employment sites including sub-regional employment sites and other locally significant employment sites.

3.19.11 Be this as it may, in terms of employment land that is already available, I calculate that nearly 40% of the supply lies within Hereford. This may be compared with a situation where, over the plan period, under 30% of housing provision is to be made within the city. On the face of it, and in accordance with the Council's approach of balancing housing and employment land provision, there would appear to be no quantitative need for a greater focus on Hereford.

3.19.12 There are, however, a number of qualitative issues. These include questions over the distribution of employment land within the city; also the fact that less than 7% of the employment land in Hereford is classed as readily available. In this regard, I do not have comprehensive information on the quality and distribution of the existing land that makes up the employment land supply.

3.19.13 I have concluded that, in terms of new allocations, there would appear to be no pressing need to increase allocations in Hereford. Indeed, I perceive the opportunity to reduce the amount of allocated land concentrated at Rotherwas. However, bearing in mind the importance of Hereford as one of the sub-regional foci, I consider that detailed consideration should be given to the employment needs of the city. Further, the potential role of the city should be recognised in Paragraph 6.2.2. I recommend accordingly. Objections which relate to specific sites are dealt with in Section 6 of my report.

RECOMMENDATIONS

3.19/1 Modify Policy S4 by including reference to Guiding Principle P9.

3.19/2 In Policy S4, substitute "100 hectares" for "150 hectares".

3.19/3 Substitute the following for the second, third and fourth sentences of Paragraph 6.3.5: "The approach assumes that, for each hectare of land required for development, 20% would be for employment uses and 80% would be for housing. Applying these figures to the UDP housing requirement suggests a need to make provision for approximately 100 hectares of employment land."

3.19/4 Subject to the Council's priorities in preparing development plan documents as part of its local development framework, carry out a detailed

assessment of the quantitative and qualitative need for employment land in Hereford in a development plan document.

3.19/5 In Paragraph 6.2.2, substitute the following for the first bullet point: "To direct most new employment development to Hereford and then the market towns having regard to Hereford's sub-regional role and the aim of balancing population and employment".

3.19/6 Do not make any other modification in response to the objections.

3.20 TOWN CENTRES AND RETAIL – POLICY S5 AND PARAGRAPHS 7.3.1 TO 7.3.4

Objections

P635/1550	Campaign to Protect Rural England
P635/4082	Campaign to Protect Rural England
P743/1803	Ledbury Town Council
P790/1993	West Midlands RSL Planning Consortium
P809/2091	Hereford and Worcester Chamber of Commerce
P864/2335	Transport 2000
P865/2405	Cyclists' Touring Club
P890/2587	Government Office for the West Midlands
P959/2765	Hereford City Partnership Ltd
P1059/3202	Prudential Property Investment Managers Ltd
P1171/3713	Safeway Stores Ltd
P1185/3761	Tesco Stores Ltd
RP1483/10853	RLUK

Summary of Objections / Issues

- The implementation proposals fail to address any of the strategic vision. (635)
- The retail hierarchy should include the full range of rural settlements. (635)
- The support given to village shops is questioned. (743)
- Particular priority should be given to affordable housing in mixed use developments. (790, 809)
- Emphasis should be given to the benefits of retail development in areas of social deprivation. (809)
- It should be made clear that "choice of means of transport" means alternatives to the private car. (864, 865)
- Bullet point 4 should contain reference to need as in Policy TCR9. (890)
- Greater emphasis should be given to Hereford and the market towns. (959)
- Reference should be included to greater flexibility of format. (1059)
- The Safeway store at Leominster should be identified as a local or neighbourhood centre. (1171)
- Belmont should be allocated as a district centre. (1185)
- It is misleading to imply that a needs test should always be applied first. (1483)

Inspector's Reasoning and Conclusions

Implementation proposals and strategic vision - 635

3.20.1 No details are given of the way in which it is felt the implementation proposals in Chapter 7 fail to address any of the strategic vision. There is inadequate justification for any modification of the Plan.

Full range of rural settlements - 635

3.20.2 It appears to me that the full range of rural settlements is included in the retail hierarchy. Thus villages such as Peterchurch come within the "local shopping centre" category; and I would expect Dorstone to come under the "village shop" category. Settlements with no facilities would not be categorised. Bearing in mind also that there is inadequate information on which to consider the position of particular rural settlements within the hierarchy, I do not consider that there should be any related modification of the Plan.

Support for village shops - 743

3.20.3 Ledbury Town Council asks how the Council intends to implement a policy to support village shops. However, no further information is given by the objector. In the circumstances, there is inadequate justification for any modification of the Plan.

Affordable housing – 790, 809

3.20.4 Affordable housing is covered by Policy S3, which also aims to maximise the use of previously developed, vacant and under-used land and buildings. Policy H2 sets out a target for affordable housing for individual sites, including mixed use proposals. Sub-paragraph 2 of Policy S5 encourages mixed uses including housing in existing centres. I do not consider that it is necessary to include a specific reference to affordable housing in Policy S5.

Areas of social deprivation - 809

3.20.5 Policy S5 is a strategic policy which sets out the Council's broad spatial approach to town centres and retail development. Social inclusion is a key aim of national policy and I consider that a reference to investment in deprived areas could usefully be included in sub-paragraph 4.

Transport choices – 864, 865

3.20.6 Sub-paragraphs 3 and 4 of Policy S5 refer to the importance of transport choice in assessing the suitability of sites. It is made clear elsewhere in the Plan that the aim is to promote accessibility which reduces reliance on the private car and I consider that it is unnecessary to repeat this detail in strategic Policy S5.

Need – 890, 1483

3.20.7 The Revised Deposit Draft has been amended to include a test of need, in response to an objection at the first deposit stage. It requires need to be demonstrated in areas "away from existing centres". I consider that it should be amended to read "in edge of centre or out of centre locations ..." to reflect national advice in Planning Policy Statement 6 more closely.

3.20.8 I do not consider that the requirement to consider need as expressed in the policy is misleading. In accordance with the advice in PPS 6, qualitative considerations can be assessed as material considerations in the site selection

process. I do not consider that the suggested amendment to Policy S5 is necessary.

Role of Hereford and the market towns - 959

3.20.9 Sub-paragraph 1 of Policy S5 refers to “protecting and enhancing the vitality and viability of Hereford city centre, market town centres and local, neighbourhood and village centres with particular reference to maintaining the county’s retail hierarchy and the role of Hereford as a sub-regional shopping centre.” Further detail is set out in Chapter 7 (Town Centres and Retail) which fully reflects the hierarchical approach. Policies TCR1 and 2 emphasise the importance of Hereford and the market towns. I consider that this hierarchy gives an appropriate degree of emphasis to the role of Hereford and the market towns.

Flexibility of format - 1059

3.20.10 Whilst I agree that flexibility of format is a key consideration in assessing the availability of sites, this would be an inappropriate level of detail in a strategic policy.

Retail hierarchy – 1171, 1185

3.20.11 The approach to the retail hierarchy is set out in Section 7.3 of the UDP. The terminology is different from that used in PPS 6. However, I consider that the strategy and general policy broadly reflect the approach to retail and town centre policy set out in the Government guidance. The Council will have the opportunity to bring the terms and definitions into line with PPS 6 in subsequent development plan documents.

3.20.12 With regard to Barons Cross Road, Leominster, with its Morrison’s (was Safeway) store, I do not feel that this falls into the category of “neighbourhood shopping centres”. Within the Plan, neighbourhood shopping centres are only to be found within the urban areas of Hereford. More particularly, I do not consider that this locality has the range of facilities that are to be found in the other neighbourhood shopping centres or that are identified in PPS 6 under the district centre category.

3.20.13 Nevertheless, there is a case for defining Barons Cross Road as a local shopping centre. I appreciate that it is slightly different from the other listed centres but it does include at least three of the functions typically associated with local centres as identified in PPS 6. I recommend accordingly.

3.20.14 In terms of Belmont, and as suggested above, the Plan does not use the term “district centre”. However, the Council agrees that Belmont should be defined as a neighbourhood shopping centre, the equivalent category in the UDP. What is not agreed is the extent of such a centre. To my mind, the neighbourhood shopping centre at Belmont should include the Tesco store and the library and other community buildings on the opposite side of Belmont Road. The extensive car parks and petrol filling station should not be shown as part of the defined centre.

RECOMMENDATIONS

- 3.20/1 Modify sub-paragraph 4 of the Policy S5 to read:
“in edge of centre or out of centre locations, applying first a test of need and then, if need can be demonstrated, a sequential approach to retail and other proposals that generate and attract many trips. The likely impact of proposals on the plan’s strategy and on the vitality and viability of existing centres will also be considered, as will the accessibility of the site by a choice of means of transport, the likely effect of development on overall travel patterns and car use and the scope to encourage investment to regenerate deprived areas.” Make consequential amendments to Paragraph 7.1.6.
- 3.20/2 Add “Barons Cross Road” to the list of local shopping centres in Paragraph 7.3.2.
- 3.20/3 Include Belmont as a neighbourhood shopping centre in Paragraph 7.3.2. On the Proposals Map define the centre as comprising the Tesco store and the area of the community buildings on the opposite side of Belmont Road.
- 3.20/4 Do not make any other modification in response to the objections.

3.21 TRANSPORT – POLICY S6 AND PARAGRAPHS 8.3.1 TO 8.3.6

Objections

W323/4921	CTC Right to Ride, Ledbury (Conditionally Withdrawn)
P635/1570	Campaign to Protect Rural England
P600/1292	Mr R Wheeler
P616/1372	Mr A Choppen
P766/1902	Shobdon Parish Council
P830/2191	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P830/2294	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P830/500214	Herefordshire Friends of the Earth
P830/500232	Herefordshire Friends of the Earth
P846/2225	Country Land & Business Association
P864/2336	Transport 2000
P865/2406	Cyclists’ Touring Club
P959/2780	Hereford City Partnership Ltd
P1058/3198	Eaton Bishop Parish Council (Conditionally Withdrawn)
P1090/3459	Network Rail Infrastructure Ltd
P1090/11141	Network Rail Infrastructure Ltd
P1114/3582	Hereford City Cycle Forum

Summary of Objections / Issues

- There should be added reference to the provisions of the Transport Hierarchy. (323)
- Reference should be made to “county’s” rather than “whole” road network; also to implementation of transport schemes in the Local Transport Plan. (830)
- Objection is raised to the safeguarding of routes of new roads. (635)
- The Plan fails to recognise the importance of car use in rural areas and to include policies which address the needs of car drivers. (600, 846)

- Hereford's role as a transport hub should be emphasised. (959)
- Objection is raised to the safeguarding of rail and road schemes only. Proposals for park and ride and other schemes to resolve congestion, including pedestrian and cycle networks, should be included. (616, 830, 1114)
- Section 9 ignores effects of additional traffic on rural roads. (766)
- There should be redrafting of the Plan. (1058)
- The role of the rail industry in assessing need for schemes should be highlighted. Blanket safeguarding of land if rail schemes do not come forward should be avoided. (1090)
- A clear hierarchy of transport users should be shown giving highest priority to walkers and cyclists. (864, 865)

Inspector's Reasoning and Conclusions

Road schemes – 830, 635

3.21.1 Reference to the whole road network was introduced at the revised deposit stage to make clear that the requirement for traffic and transportation assessment applies equally to trunk roads. I do not consider that the policy would be improved by changing it to refer to the county's road network as suggested.

3.21.2 Paragraphs 8.2.1 and 8.3.2 of the Revised Deposit Draft have been amended to include a reference to the hierarchy of transport modes set out in the LTP. The LTP is a related but free standing document with its own implementation and monitoring arrangements. Land use implications of LTP schemes are covered in the Part 2 transport policies. It is unnecessary to duplicate reference to the implementation of schemes in Policy S6.

Safeguarding of schemes – 616, 635, 830, 1114

3.21.3 Sub-paragraph 5 of Policy S6 was amended at revised deposit stage to refer to safeguarding of appropriate walking and cycling schemes. The issue of park and ride is addressed in Paragraph 8.4.5 and Policy T2. I consider objections to the safeguarding of individual road schemes in Section 8 of my report below. However, as indicated in Chapter 5 of PPG 12, there is no objection in principle to the safeguarding of land for road schemes for which there is a reasonable prospect of implementation within the plan period. I consider it is unnecessary to make any further changes to Policy S6 in respect of these objections.

Cars in rural areas - 600, 846, 766

3.21.4 The UDP cannot immediately alter historic travel patterns to produce a more sustainable pattern and there is no suggestion in the Plan that the private car will not remain an important means of transport, particularly in rural areas. Nevertheless, I consider that it is appropriate for the emphasis in Policy S6 to be on locating most new development in settlements with reasonable accessibility by means other than the car and the encouragement of alternative modes of transport in order to reduce dependence on the car in the longer term.

Role of Hereford – 959

3.21.5 The role of Hereford is satisfactorily addressed in Section 8.3 and elsewhere in the UDP. I consider it is unnecessary to modify Policy S6 in response to this objection.

Role of rail industry - 1090

3.21.6 Changes were made to sub-paragraph 5 of Policy H6 and Paragraphs 8.5.2/8.5.2a at revised deposit stage which satisfy these objections.

Hierarchy of users – 864, 865

3.21.7 A reference to the hierarchy of transport modes set out in the LTP has been included in Paragraphs 8.2.1 and 8.3.2 of the Revised Deposit Draft. In addition, in Section 8.2 of my report, I recommend that the hierarchy of transport modes should be set out in the UDP. I consider that this satisfies the objection.

Other objections – 323, 1058

3.21.8 Changes made at the revised deposit stage have enabled other objections to be conditionally withdrawn.

RECOMMENDATION

3.21/1 Do not make any modification in response to the objections.

3.22 NATURAL AND HISTORIC HERITAGE – POLICY S7

Objections

P668/1589	Advantage West Midlands
P846/2226	Country Land & Business Association
P864/2337	Transport 2000
P865/2410	Cyclists' Touring Club
P939/2728	The National Trust
P1036/3156	Tarmac Western Ltd
P1058/3193	Eaton Bishop Parish Council (Conditionally Withdrawn)
P1156/3670	Mr J B Nash
W501/3097	Friends of the Golden Valley and the Friends of the Black Hill

Summary of Objections / Issues

- The importance of other landscapes including the fringes of the Brecon Beacons National Park should be recognised. (501)
- The policy may conflict with rural regeneration policies elsewhere in the Plan unless clarified. (668)
- The hierarchy of protection for designations should be clarified. (846)
- Reference to Guiding Principle P9 should be included. (864, 865)
- Reference to protection of historic landscapes, parks and gardens should be included. (939)

- It should be made clear that local nature designations carry less weight than statutory designations. (1036)
- The policy should be strengthened so as to give greater protection to natural landscapes. (1058)
- A statement and explanation of how Herefordshire Council will manage its smallholdings should be included. (1156)

Inspector's Reasoning and Conclusions

Protection of natural landscapes – 501, 1058

3.22.1 Reference to natural landscapes was added to Policy S7 in the Revised Deposit Draft. Whilst I support the addition, which meets some of these objections, I do not consider it would be appropriate to introduce an additional local designation referring to the fringes of the Brecon Beacons National Park. Planning Policy Statement 7 emphasises strict control of new building development in the open countryside with the aim of protecting the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Policy S7 reflects this aim.

3.22.2 Policy LA2 provides for the consideration of Landscape Character Assessment. In accordance with the advice in Paragraphs 24 and 25 of PPS 7, I consider this to be a more fruitful approach to landscape protection outside the designated areas.

3.22.3 The Council accepts that the addition of the word “landscape” at the start of criterion 4 of the policy would clarify the intent as regards landscape protection and I recommend accordingly.

Conflict with rural regeneration - 668

3.22.4 I do not consider there is any inherent conflict with the protection of the natural and historic heritage and policies aimed at regenerating the rural economy. The basis of national advice is that all development in rural areas should be well designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness. This approach should help to ensure that development is appropriate in scale and can be successfully integrated in the countryside in a manner which protects its intrinsic character and beauty.

Hierarchy of protection – 846, 1036

3.22.5 The hierarchy of protection is detailed in the policies and supporting justification to Chapter 9. I consider that it is unnecessary for this material to be highlighted in the broad strategic policy.

Other objections – 864, 865, 939, 1156

3.22.6 Guiding Principle P9 is of limited relevance to Policy S7 and I see no purpose in including a cross-reference. I consider that reference to “the historic heritage” in Policy S7 can be taken to include historic parks and gardens. Paragraphs 9.4.18 to 9.4.20 and Policy LA4 cover these matters in detail. Appendix C contains a detailed list of registered and unregistered historic parks

and gardens. Detailed policies for land management, including county smallholdings, are not appropriate for inclusion in the UDP. I consider there is no need to modify the Plan in response to these objections.

RECOMMENDATIONS

- 3.22/1 Modify Policy S7 by the addition of "landscape" at the beginning of criterion 4.
- 3.22/2 Do not make any other modification in response to the objections.

3.23 RECREATION, SPORT AND TOURISM – POLICY S8 AND PARAGRAPHS 10.3.1 TO 10.3.5

Objections

W323/2819	CTC Right to Ride, Ledbury
W408/841	Herefordshire Leisure Trust
W501/3100	Friends of the Golden Valley and the Friends of the Black Hill
P602/1318	Herefordshire Nature Trust
P605/3021	Three Counties Planning
P635/1618	Campaign to Protect Rural England
P846/2258	Country Land & Business Association
P864/2338	Transport 2000
P865/2411	Cyclists' Touring Club
P1118/3602	Herefordshire Sports Council

Summary of Objections / Issues

- Reference to Guiding Principle P9 should be included. (323, 864, 865)
- The first bullet point should be amended to include reference to leisure providers. (408, 1118)
- Reference to importance of landscape protection to tourism should be included. (501)
- The potential of adverse impact of tourism on biodiversity resource should be acknowledged. (602)
- The policy should allow for the development of new tourism facilities, particularly on the A49. (605)
- Tourism should be the subject of a separate section, given its importance to the economy and potential for conflict with environmental objectives. A new section on sports and recreation should set out land use policies for the arts and entertainment. (635)
- Greater flexibility in respect of facilities in the open countryside should be included. (846)

Inspector's Reasoning and Conclusions

Guiding Principle P9 – 323, 864, 865

3.23.1 The transport policies of the Plan apply to all forms of development including recreation, sport and tourism. However, I do not consider it is necessary to include a cross-reference to underline this in Policy S8. Paragraph 10.3.5 recognises that the development of a sustainable transport network is a precondition for the sustainable development of tourism.

Leisure providers - 408, 1118

3.23.2 Changes were made to the Revised Deposit Draft which met these objections.

Importance of landscape protection - 501

3.23.3 The Plan recognises the economic importance of tourism at Paragraph 10.3.2. It also gives a strong emphasis to landscape protection in Policies S7 and LA1 to 6. I do not consider there is any need to underline this in Policy S8.

Adverse impact on biodiversity – 602

3.23.4 Policy NC1 requires that effects on biodiversity are fully taken into account in considering development proposals. This applies equally to tourism development and I consider that it is unnecessary to cross-reference Policy S8 to other policies.

Greater emphasis on tourism and policies for the arts - 635

3.23.5 There is tension between the quest for comprehensiveness and keeping the Plan to a reasonable length. Tourism, recreation and sport are related areas and I consider that it is reasonable for them to be grouped together as they are in Policy S8 and Chapter 10 of the UDP. The economic importance of tourism is recognised in Paragraph 10.3.2.

New tourism facilities in the countryside – 605, 635, 846

3.23.6 Policy S8 requires that tourism developments should reflect the character of the countryside. Section 10.6 and Policies RST12 to 14 set out more detailed policies which emphasise provision of new facilities related to settlements, or where it would support farm diversification. I do not consider that the identification of sites for hotels and motels, or other facilities unrelated to the existing settlement pattern, would be compatible with a sustainable development strategy.

RECOMMENDATION

3.23/1 Do not make any modification in response to the objections.

3.24 MINERALS – POLICY S9 AND PARAGRAPHS 11.3.3 TO 11.3.6

Objections

W283/965
W283/967

Gloucestershire County Council
Gloucestershire County Council

W283/11077	Gloucestershire County Council
W283/11078	Gloucestershire County Council
W323/4925	CTC Right to Ride, Ledbury (Conditionally Withdrawn)
P350/650	RMC Western
P350/651	RMC Western (Conditionally Withdrawn)
P350/661	RMC Western
P350/10803	RMC Western
W323/500038	CTC Right to Ride, Ledbury (Conditionally Withdrawn)
P357/730	English Heritage
P677/1651	Brasenose College (Conditionally Withdrawn)
P830/2195	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P864/2339	Transport 2000
P865/2412	Cyclists' Touring Club
P897/10719	Quarry Products Association (Conditionally Withdrawn)
P1036/3157	Tarmac Western Ltd
P1090/3457	Network Rail Infrastructure Ltd

Objection to Proposed Change

W283/20266 Gloucestershire County Council

Summary of Objections / Issues

- Sub-paragraph 2 should be amended to refer to the maintenance of landbanks using the sub-regional apportionment. Mineral requirements should be defined more clearly in terms of defined annual need. (283, 350, 677)
- Objection is raised to Proposed Change No 16. Column 2 of the tables on page 232 should be updated to reflect the new base year of 2004. The annual productive capacity figure as at 2011 should be clarified. The source of the revised reserve and landbank data in Paragraph 11.5.3 should be made explicit. (283)
- Paragraph 5 of the policy should be clarified so that minerals proposals are not subject to additional tests relating to landscape and nature conservation measures. (350, 1036)
- Whether additional sand and gravel reserves should be identified. (350)
- Whether a contribution from re-cycling has been taken into account inappropriately. (350)
- Whether the reference to the landbank of sand and gravel reserves has been appropriately worded. (350, 897)
- Whether areas of search should be established. (350)
- Whether the table of sand and gravel productive capacity should be deleted from Paragraph 11.3.4. (350)
- Reference to areas of historic value should be included. (357)
- Landscape / nature conservation effects should be considered before identifying sites. (677)
- Reference to sustainability considerations should be included in the policy. (830)

- Reference to Guiding Principle P9 should be included. (323, 864, 865)
- Reference to the role of the rail network in mitigating transport impacts should be included. (1090)

Inspector's Reasoning and Conclusions

Maintenance of landbanks – 283, 350

3.24.1 Extensive revisions have been made to Chapter 11 (Minerals) in response to objections to the Deposit Draft Plan. The strategy and general policy context for Policy S9 is set out in Section 11.3. Paragraphs 11.3.2, 11.3.4 and 11.3.5 set out how the requirement has been calculated, based on the sub-regional apportionment for Herefordshire derived from the West Midlands Regional Aggregates Working Party.

3.24.2 Current reserves, for both sand and gravel and crushed rock, are sufficient to provide a landbank at the end of the plan period equivalent to at least 7 years supply (substantially higher for crushed rock), providing for continuity of supply well beyond the plan period, in accordance with Government policy.

3.24.3 Additional changes to Chapter 11 have been proposed by the Council in Proposed Changes Nos 15 and 16, giving revised information on how the landbanks have been calculated. These changes, which are recommended below, address the substance of the objections. I consider that no further modification to Policy S9 is required.

Objections to Proposed Change No 16 - 283

3.24.4 There is an error in the tables in Paragraphs 11.3.4 and 11.3.5. The heading to columns 2 should read "Reserves at 31/12/03". Subject to appropriate correction, and read in conjunction with the text, it is clear that reference is being made to reserves at the end of 2003 and the beginning of 2004.

3.24.5 The objector also seeks clarification of changes in productive capacity from mineral sites in the county. I appreciate that Gloucestershire County Council has prescribed the productive capacity of some of its mineral workings. However, Herefordshire Council states that this is not the common practice in Herefordshire. In the circumstances, I do not consider that any further changes are necessary.

3.24.6 With regard to the revised reserve and landbank data included in line 3 of Paragraph 11.3.5 as proposed to be changed, I note that the figures are explained in the General Statement on Minerals (Document J 20). It is not necessary to clarify the source within the Plan.

Additional sand and gravel reserves and areas of search - 350

3.24.7 In Section 11.2 of my report, I conclude that there is clear capability of supply; that there is no need to identify additional preferred areas or areas of search; and that, in any event, new workings could be approved under Policy M3. As such, additional reserves and areas of search do not need to be addressed in Paragraph 11.3.4.

Contribution from recycling - 350

3.24.8 Contributions from recycling are referred to in Paragraph 11.3.4 of the Deposit Draft Plan. However, the reference is omitted from later versions of this

paragraph notably that set out in Proposed Change No 16 which I hereby recommend. As such, this part of the objection has been met and no further related modification of the Plan is necessary.

Landbank of sand and gravel reserves – 350, 897

3.24.9 Under Proposed Change No 16 (and in the Revised Deposit Draft), Paragraph 11.3.4 would make reference to a landbank equivalent to at least 7 years' supply being maintained. A similar reference would be included in Paragraph 11.3.1 under Proposed Change No 15 which is hereby recommended. No further modification is necessary.

Table of sand and gravel productive capacity - 350

3.24.10 Under Proposed Change No 16, there would be reference to actual amounts of productive capacity as identified in the original planning application. I appreciate that proper interpretation of the figures would be necessary. Nevertheless, potentially subjective terms such as high or low capacity have now been omitted. I do not consider that any further change is necessary.

Criteria for minerals proposals – 350, 357, 677, 730, 1036

3.24.11 The strategy for minerals establishes that it is unnecessary to identify new sites during the current plan period. In the event of permitted reserves proving insufficient due to unforeseen circumstances, Policy M3 is a criteria-based policy against which new proposals would be considered. Objections to this policy are considered in Section 11 of my report.

3.24.12 Landscape and nature conservation are issues of particular concern in the consideration of minerals proposals and I consider that it is appropriate to identify them in Policy S9. Sub-heading 5 of the policy was amended in the Revised Deposit Draft to exclude an unintentional reference to minerals proposals having to satisfy a public interest test. With this amendment, I do not consider the policy imposes additional tests on minerals proposals.

3.24.13 Protection of historical resources is satisfactorily covered by Section 9.7 of the UDP. Policy S2 also incorporates a requirement to ensure that development respects historic character. The Council has made changes to Policy M3 in the Revised Deposit Draft which would include reference to natural and cultural assets. I do not consider it is necessary to incorporate further specific reference to areas of historic value in Policy S9.

Sustainability considerations – 830

3.24.14 Sustainability considerations underlie the UDP strategy, as set out in Paragraphs 3.3.3 to 3.3.11. Sustainability is further emphasised in the first bullet point of Paragraph 11.3.1. Policy S9 seeks to minimise the impact of proposals for the winning, working, storage and transportation of minerals. The Regional Aggregates Working Party report from which the strategy derives recognises the contribution of recycling to the supply of aggregates and it has been unnecessary to identify any new minerals sites in the UDP in order to comply with the sub-regional apportionment. I consider that the policy and supporting material satisfactorily reflect the sustainability agenda.

Other objections – 323, 864, 865, 1090

3.24.15 In general terms I consider that transportation issues, including the scope for rail transport, are satisfactorily addressed in Chapter 8 (Transport).

However, the Council accepts that it would be appropriate to include cross-referencing to Guiding Principle P9 in accordance with Proposed Change No 3.

RECOMMENDATIONS

3.24/1 Modify the Plan in accordance with Proposed Change No 16 subject to amending the heading in column 2 of the tables in Paragraphs 11.3.4 and 11.3.5 to read "Reserves at 31/12/03".

3.24/2 Modify Paragraph 11.3.1 in accordance with Proposed Change No 15.

3.24/3 Modify Policy S9 in accordance with Proposed Change No 3.

3.24/4 Do not make any other modification in response to the objections.

3.25 WASTE – POLICY S10 AND PARAGRAPHS 12.3.1 TO 12.3.12

Objections

W198/1153	Hereford Civic Society (Conditionally Withdrawn)
W283/11083	Gloucestershire County Council
P535/1166	Kington Town Council
P602/1319	Herefordshire Nature Trust
P635/1628	Campaign to Protect Rural England
P635/11444	Campaign to Protect Rural England
P830/2198	Herefordshire Friends of the Earth (Conditionally Withdrawn)
P830/10998	Herefordshire Friends of the Earth
P830/10999	Herefordshire Friends of the Earth
P830/11001	Herefordshire Friends of the Earth
P830/11002	Herefordshire Friends of the Earth
P830/500217	Herefordshire Friends of the Earth
P864/2340	Transport 2000
P865/2413	Cyclists' Touring Club
P890/2642	Government Office for the West Midlands
P890/2643	Government Office for the West Midlands
P1090/3458	Network Rail Infrastructure Ltd

Summary of Objections / Issues

- The policy should emphasise waste reduction and the waste hierarchy; also introduce a sustainable waste policy. (198, 535, 635, 830)
- The potential for waste to affect nature conservation adversely should be recognised. (602)
- Reference to Guiding Principle P9 should be included. (864, 865)
- Clear guidance on locations which may be acceptable for the required range of waste facilities should be included. (283, 890)
- Reference to reclamation proposals meeting the required standard for the after-use of the site should be included. (890)
- The revised policy remains too vague and imprecise. (635)

- Insufficient justification is given for thermal treatment as the Best Practicable Environmental Option. (830)
- Reference to the role of the rail network in mitigating transport impacts should be included. (1090)

Inspector's Reasoning and Conclusions

Sustainable waste policy – 198, 535, 635, 830

3.25.1 Chapter 12 (Waste) has been extensively revised in response to objections at the first deposit stage and to respond to the national policy in the shape of the Waste Strategy 2000 and Landfill (England and Wales) Regulations 2002. The Waste Strategy requires a step change in the management of waste. In July 2005, DEFRA published revised guidance in a document entitled Changes to Waste Management Decision Making Principles in Waste Strategy 2000. It requires that waste is managed in ways that protect human health and the environment and seeks the disposal of waste at the nearest appropriate installation by means of the most appropriate methods and technologies. In taking decisions, there should be consideration of alternative options in a systematic way.

3.25.2 The Council recognises that available waste statistics are problematic, but considers that the Environment Agency Strategic Waste Management Assessment for the West Midlands and a report on BPEO prepared by consultants on behalf of Herefordshire Council and Worcestershire County Council provide a sound information base on which to proceed.

3.25.3 The volume of municipal solid waste continues to increase. Most waste is currently disposed of outside of Herefordshire itself. Paragraphs 12.2.1 and 12.2.2 of the Revised Deposit Draft set out aims and objectives which, if achievable, would be consistent with a sustainable approach to waste disposal, with increased emphasis on recycling, composting, recovery of value from waste and protection for the environment.

3.25.4 Policy S10 has been altered at revised deposit stage. Sub-paragraph 1 relates the management of waste to the BPEO assessment prepared for Herefordshire Council and Worcestershire County Council (June 2003). It explicitly recognises the waste hierarchy of reduction and minimisation, re-use, recovery and recycling. It includes ambitious targets for the reduction of landfilling, as the final method of disposal, and increasing recycling. There would also be a significant role for thermal treatment although the Plan is not specific about the location of facilities for the treatment of this element.

3.25.5 I consider that the changes to the Plan in the Revised Deposit Draft establish a clear commitment to a sustainable waste strategy.

Effect on nature conservation – 602

3.25.6 Policies S1, S2 and W1, amongst others, give a high level of importance to the protection of nature conservation interests. I consider it is unnecessary for this to be specifically referred to in Policy S10. Logic would dictate that all other particular interests should then be mentioned, resulting in unnecessary duplication.

Guidance on locations and lack of precision – 283, 635, 890

3.25.7 I acknowledge the concerns of those objectors who say that the Plan should give clearer guidance for the location of treatment facilities. Document F 4 refers to a need for a partial review of the Regional Spatial Strategy to accommodate the Regional Waste Strategy, which will set out specific apportionments for the constituent areas.

3.25.8 At present, the apportionments for authorities are not in place. The RSS qualifies the need to identify sites by the use of the words “where possible”. Pending the review, there is as yet no certainty as to what facilities to serve the sub-region would be required, the appropriate location for such facilities having regard to the advice in Changes to Waste Management Decision Making Principles in Waste Strategy 2000 and whether they would be economically viable on the basis of the volumes of waste arising in Herefordshire.

3.25.9 In the absence of more robust information or consensus between stakeholders as to the most effective means of managing the disposal of waste, I do not have the information before me which would justify a recommendation that specific sites should be identified through a modification to the UDP. This would almost certainly delay the adoption of the UDP, with the result that uncertainty would remain over a wide range of other important policy matters.

3.25.10 I recognise that the high dependence on the export of municipal waste to a landfill site in Worcestershire is unlikely to prove the most sustainable option in the long term, though, on the evidence set out in the Council’s General Statement on Waste (Document J 30), no immediate capacity problems arise which would justify the identification of further landfill sites in Herefordshire at the present time.

3.25.11 Rapid progress is needed on waste minimisation to reduce the volumes which find their way to landfill in line with advice in Planning Policy Statement 10: Planning for Sustainable Waste Management (July 2005). In the immediate future, this is largely a matter to be addressed through better waste management. The Council entered into a 25-year contract for sustainable waste management in 1998. It is intended to put greater emphasis on recycling, composting, recovery of value from waste and environmental protection than has applied previously. The use of a site in Worcestershire for the disposal of waste from Herefordshire is influenced by the terms of this contract.

3.25.12 The Council’s approach is that waste management and treatment facilities should essentially be seen as employment uses. Subject to other planning considerations any requirement for new facilities can therefore be sited within existing or proposed industrial areas.

3.25.13 Paragraph 6.4.33 of the Revised Deposit Draft states that employment land and premises will be reserved for uses within Part B of the Use Classes Order, or on appropriate sites, other acceptable sui generis employment uses which would otherwise be difficult to locate such as “... recycling facilities.” The approach of safeguarding industrial land for purposes which could include recycling facilities was noted by the Regional Planning Body in determining that the waste policies are in general conformity with the RSS.

3.25.14 I accept the general principle that many waste treatment uses will be acceptable on industrial sites. However, I note that this approach has proved to be

controversial, particularly in regard to a planning application for an autoclaving facility for the treatment of 100,000 tonnes a year of municipal waste at Madley.

3.25.15 Whilst I do not consider it would be in the public interest to delay adoption of the UDP by recommending potentially highly controversial site specific allocations at this stage, I recommend that the Council gives consideration to an early review of policy through the preparation of a local development document addressing the need for specific sites for waste recycling, treatment and disposal.

3.25.16 This would accord with the view of the West Midlands Regional Assembly (Document F 4) that the Council should make a commitment to review the waste chapter when the partial review of the Regional Spatial Strategy to accommodate a Regional Waste Strategy is approved. Subject to this request the waste policies are considered to be in conformity with the RSS.

Justification for thermal treatment - 830

3.25.17 The BPEO assessment (Document U 22) recommendation for the municipal solid waste stream was 33% recycling, 45% energy from waste and 22% direct disposal to landfill. Assumptions regarding the recovery of energy from waste were based on the proposed construction of a waste to energy plant at Kidderminster, which has since been refused planning permission on appeal.

3.25.18 It is considered by the Council that the distribution and volume of waste produced in Herefordshire alone would be insufficient to maintain an energy from waste plant. No evidence has been put to the inquiry to contest this and there is accordingly no basis for me to recommend the identification of a site in Herefordshire.

3.25.19 Thermal treatment may yet prove to be the best means of achieving the objectives of Planning Policy Statement 10 and the Waste Strategy 2000 (as amended in July 2005), but the construction of any facility would require a robust justification and environmental assessment. This could be undertaken in the context of the preparation of a local development document as referred to above. In the interim, the priority for waste management will continue to be on reduction, minimisation and re-use.

3.25.20 The main immediate scope for reducing the pressure for landfill is the composting of green waste which the Council is seeking to progress as required by the Integrated Waste Management Contract. Section 12.4 and Policy W1 have been amended in the Revised Deposit Draft to establish criteria against which proposals for new waste management facilities would be judged and objections to the policy are considered in Section 12 of my report below. Subject to my recommendations on that policy, I consider that there is satisfactory guidance for the consideration of specific proposals.

After-use - 890

3.25.21 Reference to reclamation to a standard suitable for the proposed after-use was included in sub-paragraph 3 of the Policy S10 and Policy W9 in the Revised Deposit Draft. I consider this meets the objection.

Other objections – 864, 865, 1090

3.25.22 Guiding Principle P9 is now referred to in the Revised Deposit Draft and no related modification is necessary. Other aspects of transport, including the potential of the rail network, are satisfactorily covered in Chapter 8 and there is no need for it to be referred to here.

RECOMMENDATIONS

- 3.25/1 Include reference to the need to consider bringing forward a local development document addressing the need for specific sites for waste recycling, treatment and disposal following the partial review of the Regional Spatial Strategy in respect of waste matters.
- 3.25/2 Do not make any other modifications in response to the objections.

3.26 COMMUNITY FACILITIES AND SERVICES – POLICY S11 AND PARAGRAPHS 13.3.1 TO 13.3.3

Objections

W325/613	Mr P Loncharic
P602/1320	Herefordshire Nature Trust
P799/2079	Countryside Agency
P864/2341	Cyclists' Touring Club
P865/2414	Transport 2000

Summary of Objections / Issues

- Policy S11 should incorporate reference to further and higher education services to the community. (325)
- The potential for the provision of facilities to affect nature conservation adversely should be recognised. (602)
- Renewable energy resources should be included in Policy S1. (799)
- Reference to Guiding Principal P9 should be included. (864, 865)

Inspector's Reasoning and Conclusions

Reference to specific services – 325

3.26.1 Policy S6 was amended at the revised deposit stage to include reference to education facilities. The Council has added a new paragraph, 13.5.6a, which makes specific reference to further development at Folly Lane Campus. I consider that this meets the objection in respect of higher and further education services.

Other objections – 602, 799, 864, 865

3.26.2 The policy aims to ensure that the environmental consequences of such development is minimised. Nature conservation is satisfactorily addressed elsewhere in the Plan, particularly in Policies NC1 to 9. The policy is supported by English Nature. Policy S1 has been amended to include reference to renewable energy. Guiding Principle P9 informs all aspects of land use. However, I consider there is no need to emphasise this in respect of community facilities and services.

RECOMMENDATION

- 3.26/1 Do not make any modification in response to the objections.

3.27 ENVIRONMENTAL APPRAISAL - PARAGRAPHS 3.8.1 TO 3.8.3

Objections

P33/11086	Leominster Civic Trust
P33/11087	Leominster Civic Trust
P33/11088	Leominster Civic Trust
P830/2200	Herefordshire Friends of the Earth (Conditionally Withdrawn)

Summary of Objections / Issue

- Objection is raised to the deletion of Section 3.8. (33, 830)

Inspector's Reasoning and Conclusions

Deletion of section on environmental appraisal – 33, 830

3.27.1 The Council has undertaken a sustainability appraisal of the Revised Deposit Draft, published in a separate document in May 2004. It is one of a suite of similar documents prepared at each stage of the Plan. It presents complex information that is sensitive to changes in policy and site selection. I consider that it is appropriately treated as a self-contained exercise. The assessment is readily available to the public and I consider that treating it as a separate document avoids introducing additional complexity into the UDP itself.

RECOMMENDATION

3.27/1 Do not make any modification in response to the objections.