

# Herefordshire Housing Delivery Test Action Plan 2020

**September 2020**

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# Herefordshire Housing Delivery Test Action Plan 2020

## Introduction

The Housing Delivery Test was introduced by the Government through revisions to the National Planning Policy Framework (NPPF) in 2018. The test measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Government publishes the Housing Delivery Test results for each local authority in England annually. The 2020 results were published in February 2020.

The results indicated that Herefordshire Council had provided 80% of the housing required in the County over the three years from 2016 to 2019. This is an increase of 6% from last year. However, as the housing delivery fell below 95% of the requirement it is necessary for the Council to produce an Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years.

This Action Plan for Herefordshire sets out the national and local contexts relevant to the Housing Delivery Test before setting out the main issues for Herefordshire. It explains what measures have been implemented to date and identifies further actions for the Council to undertake which will, cumulatively, contribute to increased housing delivery.

## Section 1: The National Housing context

### Housing White Papers

- 1.1 The proposals for the Housing Delivery Test were introduced in the Housing White Paper 'Fixing our broken market'<sup>1</sup> in February 2017 which set out the Government's plans to reform the housing market and boost the supply of new homes in England. A further White Paper 'Planning for the Future'<sup>2</sup> was published for consultation on 6 August 2020. This draft paper proposes major changes to the planning system which, aim to increase the speed of housing delivery. At the time of writing the proposals are at a draft stage and therefore are not included in this paper. However if the proposals are formalised they will have significant implications for many aspects of this action plan and this is referred to below in relation to the Core Strategy.

### National Planning Policy and Guidance

- 1.2 The Government reinforced its objective to boost the supply of new homes and make local authorities more accountable for delivery in their area by publishing a revised

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<sup>1</sup> <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

<sup>2</sup> <https://www.gov.uk/government/consultations/planning-for-the-future>

National Planning Policy Framework<sup>3</sup> (NPPF) (July 2018 & further revised with minor updates in February 2019). The Housing Delivery Test Measurement Rule Book<sup>4</sup> (July 2018), updated Planning Practice Guidance<sup>5</sup> (PPG) (July 2019) and the Housing Delivery Test: 2018 Measurement Technical note<sup>6</sup> (February 2019).

- 1.3 The methodology for calculating the Housing Delivery Test is set out in the Housing Delivery Test Measurement Rule Book. It measures the number of net homes delivered against the number of homes required over a rolling three year period. The formula for the Housing Delivery Test Calculation is as follows:

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over three year period}}$$

- 1.4 The 'Housing Delivery Test' (HDT) has operated since the publication of the revised NPPF with transitional arrangements in place for the first three years. Once fully implemented the HDT will have the following consequences:

- The publication of an action plan if housing delivery falls below 95% of a local planning authority's adopted housing requirement over the previous three years;
- A 20% buffer on a local planning authority's five-year land supply if housing delivery falls below 85% of the adopted housing requirement (this in effect would require the Council to find additional sites for an additional 20% of the housing requirement); and
- The 'presumption in favour of sustainable development' in the NPPF would apply automatically if housing delivery falls below 75% of the adopted housing requirement, once transitional arrangements have ended in November 2020.

- 1.5 The transitional arrangements mean that, in respect of the Housing Delivery Test the presumption will apply if housing delivery falls below 45% of the housing requirement in November 2019 and 75% of the housing requirement in November 2020. As Herefordshire's result was 80% for 2019 it is above the transitional arrangement delivery target for this year.

- 1.6 It should also be noted that, due to the lack of a five year supply of housing land the presumption in favour has been in place in Herefordshire since 2016.<sup>7</sup>

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<sup>3</sup> NPPF 2019

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

<sup>4</sup> Housing Delivery Test Measurement Rule Book

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728523/HDT\\_Measurement\\_Rule\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf)

<sup>5</sup> Planning Practice Guidance Note: Housing supply and delivery

<https://www.gov.uk/government/collections/planning-practice-guidance>

<sup>6</sup> Housing Delivery Test: 2018 Measurement Technical Note

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779782/HDT\\_technical\\_note.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779782/HDT_technical_note.pdf)

<sup>7</sup> Five year housing land supply paper 2020

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/142/authority\\_monitoring\\_reports](https://www.herefordshire.gov.uk/info/200185/local_plan/142/authority_monitoring_reports)

- 1.7 In producing this Action Plan, regard has been had to the advice in National Planning Practice Guidance and Council officers have attended the Planning Advisory Service's workshops in relation to the housing delivery test and action plans.

## **Section 2: Local Planning Policy Context**

### **The Local Plan - Core Strategy**

- 2.1 The Core Strategy<sup>8</sup> was adopted in 2015 and has an overall housing target of 16,500 new homes to deliver between 2011 and 2031 via a stepped trajectory. The Core Strategy identifies eight strategic housing proposals anticipated to deliver around 5,875 new homes. An update on progress of the strategic sites is set out in Appendix 1 where it can be seen that the sites have not progressed at the required rate. Reasons for this are explained later in the report.
- 2.2 The Core Strategy includes actions to address under performance of housing delivery. Policy SS3<sup>9</sup> provides the policy framework for when dwelling completions are below the target figure. The policy indicates that priority will be given to increasing housing supply using appropriate mechanisms including:
- a. A partial review of the local plan; or
  - b. The preparation of new development plan documents (DPDs); or
  - c. The preparation of an interim position statement utilising evidence from the strategic housing land availability assessment.
- 2.3 However, it is nearly five years since the Core Strategy was adopted and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy require a review of local plans be undertaken at least every five years. This is in order to determine whether the plan policies and spatial development strategy is in need of updating, and if so they should then be updated as necessary.
- 2.4 In the case of the Herefordshire Core Strategy there is likely to be a need to update all three areas of the Plan and therefore a full update will be required which will include a range of strategic matters. In anticipation of the need to update the Core Strategy, work has commenced to prepare for some of these studies, including the housing needs assessment, call for sites and transport strategy review. These areas of work will also inform other strategies in addition to providing key elements of evidence to support the Core Strategy update.
- 2.5 However in August 2020 the Government published the White Paper: Planning for the Future. The White Paper sets out a package of proposals for reform of the planning system in England, including plan-making, to streamline and modernise the planning

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<sup>8</sup> [https://www.herefordshire.gov.uk/downloads/download/123/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

<sup>9</sup> Core Strategy Policy SS3, Pg.31

[https://www.herefordshire.gov.uk/download/downloads/id/1788/core\\_strategy\\_sections\\_combined.pdf](https://www.herefordshire.gov.uk/download/downloads/id/1788/core_strategy_sections_combined.pdf)

process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.

- 2.6 The White Paper proposes to introduce new style Local Plans that are significantly different from both the existing Core Strategy and the comprehensively updated Core Strategy that had previously been envisaged. In order to ensure local plan progress continues over the period until the new system is enshrined in legislation, it is proposed that work will continue on evidence base studies which are likely to be required to support the local plan irrespective of the outcome of the white paper consultation.

### **Affordable Housing Supplementary Planning Document (SPD)**

- 2.7 An affordable housing SPD<sup>10</sup> is being prepared and was the subject of public consultation between June and August 2020. The purpose of this Supplementary Planning Document (SPD) is to assist the Council in meeting its objective of delivering affordable housing and securing the right tenures. The SPD will provide supplementary guidance on the Herefordshire Local Plan Core Strategy affordable housing policies in the adopted plan and will be a material consideration in the determination of planning applications.

### **Neighbourhood Development Plans**

- 2.8 Herefordshire Council have been successful in promoting the preparation of Neighbourhood Development Plans in the County as a tool to help deliver housing. A dedicated Neighbourhood Planning Team has been established within the Council and Herefordshire currently has more “made” plans than any other English County.
- 2.9 To date there are a 113 designated neighbourhood plan areas with 72 NDPs ‘Made’ / adopted. A further 20 have ‘material weight and 5 of these have reached the referendum stage. However referendums are postponed until May 2021 in accordance with government legislation in response to the Covid 19 situation.
- 2.10 Many rural parishes are producing or have produced Neighbourhood Plans with the majority setting out housing allocations and these are beginning to deliver new housing across the rural parts of the County. The market towns of Leominster and Ledbury have ‘made’ Neighbourhood Plans. The neighbourhood plan for Ross on Wye has undergone examination and a referendum will be held when the Covid 19 related restrictions are lifted. At Kington, a referendum upon a Neighbourhood Development Plan received a negative result. So although a plan was prepared, and underwent examination, it has not been ‘made’. Kington Town Council are currently considering their next steps and the Council is working with them on this. No neighbourhood plan has been progressed for Bromyard, and Herefordshire Council will include strategic planning policies for Bromyard within its update of the Core Strategy.

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[https://www.herefordshire.gov.uk/download/downloads/id/20909/draft\\_affordable\\_housing\\_spd\\_june\\_2020.pdf](https://www.herefordshire.gov.uk/download/downloads/id/20909/draft_affordable_housing_spd_june_2020.pdf)

- 2.11 There is no requirement in NPPF for NDPs to be reviewed on a regular basis as is the case for local plans. However, the housing policies of those NDPs adopted over 2 years ago are deemed to be out of date, particularly given the lack of five year supply in the county. There may be other reasons that mean a review is required. For example, changes in local circumstances or issues with policy wording. The council will continue to work closely with neighbourhood planning groups advising on the need to review and through the review process itself.

## **Section 3: Other Plans and Strategies**

### **Housing Strategy**

- 3.1 The Council's Interim Herefordshire Housing Strategy<sup>11</sup>, is an overarching document that provides the framework for the Council's housing related priorities. This plan is under review and public consultation was due to take place in spring 2020 but this has been delayed due to the Covid-19 restrictions.

### **County Plan**

- 3.2 The County Plan 2020-24<sup>12</sup> sets out the council's ambitions for the next four years. These include a commitment to work with housing associations and developers to enable them to build more homes for sale and for long-term rent. There will also be a drive to deliver affordable housing, with the council looking to develop its own housing stock to provide over 1,000 additional genuinely affordable homes for local people in Herefordshire.

### **Economic Development**

- 3.3 The Council's Economic Vision<sup>13</sup> was published under the previous administration. The current administration is considering the approach towards the economic development and investment for Hereford and the market towns. A new specialist university, the New Model Institute for Technology and Engineering<sup>14</sup>, was inaugurated in October 2018. This new university is helping to raise the profile of Herefordshire nationally. Other proposals for an enterprise park at Ross-on-Wye as well as River and Business Quarters for Hereford city also help to put Herefordshire 'on the map' regionally.

## **Section 4: Key Issues affecting housing delivery and the Council's response.**

- 4.1 This section identifies the headline strategic issues that are affecting housing delivery and the Council's current or proposed responses to them. Table 1 provides a more detailed breakdown of the numerous actions that are proposed to address these and other issues. It should be noted that these issues are not mutually exclusive and that

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<sup>11</sup> Herefordshire Housing Strategy

[https://www.herefordshire.gov.uk/download/downloads/id/8436/interim\\_housing\\_strategy\\_2016-2020.pdf](https://www.herefordshire.gov.uk/download/downloads/id/8436/interim_housing_strategy_2016-2020.pdf)

<sup>12</sup> [https://www.herefordshire.gov.uk/download/downloads/id/1500/county\\_plan\\_2020-24.pdf](https://www.herefordshire.gov.uk/download/downloads/id/1500/county_plan_2020-24.pdf)

<sup>13</sup> Economic Vision [https://www.herefordshire.gov.uk/info/200145/business/754/invest\\_herefordshire/1](https://www.herefordshire.gov.uk/info/200145/business/754/invest_herefordshire/1)

<sup>14</sup> <https://nmite.ac.uk/about-us/>

some sites may be affected by multiple issues. It also should be borne in mind that some issues that affect delivery rates are outside of the control of the local planning authority or indeed the Council. Therefore this action plan focuses on the issues that the Council can influence

- 4.2 Appendix 1 sets out the progress of the delivery of the strategic sites showing that there are significant issues in these sites coming forward. Furthermore, 2020 monitoring data indicates that, setting aside the number of house completions, just 13% of all sites with planning permission were under construction whilst the larger proportion had not commenced. The 2020 Five Year Supply Papers <sup>15</sup> provides a detailed account of issues faced by the strategic sites and other sites with outline planning permissions for 10 or more dwellings.
- 4.3 An overarching response to many of these issues is the update of the Core Strategy. The update process will provide the opportunity for these issues to be addressed in the longer term. The nature of this update will be determined by the outcome of the Housing White Paper proposals as discussed in paragraphs 2.1 onwards. However this plan also includes a number of shorter term actions that can be implemented immediately to help resolve some concerns.

#### **Issue: Review of Hereford and South Wye Transport Packages**

- 4.4 A decision to pause and review the Hereford and South Wye Transport Packages has implications for some of the Core Strategy's strategic and other sites. A decision on this is expected in autumn 2020, having been delayed by the Covid 19 situation. The five-year supply paper provides detailed information on how this has affected the delivery strategic sites in and around Hereford. If the decision is taken not to proceed with the transport package as currently included in the Core Strategy this will have significant implications in relation to the capacity of Hereford to accommodate growth as previously anticipated.

#### **Action: Core Strategy Update**

- 4.5 To undertake a comprehensive update of the Core Strategy which will take into account the decision reached from the Pause and Review process. A revised or new spatial strategy as appropriate will be developed that will take this decision into account.

#### **Issue: River Wye SAC Constraints**

- 4.6 Herefordshire Council as the 'competent authority' under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017) is legally required to assess the potential impacts of projects and plans, on internationally important sites which include the River Wye SAC (Special Area of Conservation). The River Lugg is a tributary of the River Wye SAC, and forms part of the SAC from Hope under Dinmore.

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<sup>15</sup><https://www.herefordshire.gov.uk/local-plan-1/authority-monitoring-reports?documentId=142&categoryId=200185>

The River Lugg is currently exceeding its limits for phosphates, as a result of water pollution from both 'point' source (in particular sewage outlets) and 'diffuse' source (in particular agricultural run-off). In its role as competent authority, the council must carry out a 'Habitat Regulations Assessment' (screening opinion) on any relevant planning application that falls within the River Wye SAC catchment area within Herefordshire. Where there is a 'Likely Significant Effect', the council must carry out an 'Appropriate Assessment' in order to determine, with scientific certainty, that there would be no 'Adverse Effect on Integrity' on the designated site from the plan or project, either alone or in combination with other plans and projects. The council takes this into account when considering whether planning permission can be granted. If it cannot be proven that there would not be an adverse effect on integrity, then planning permission cannot be granted without further stringent consideration under the Habitats Regulations.

- 4.7 To address this issue a Nutrient Management Plan partnership (NMP) was developed to reduce phosphate levels in the River Wye SAC to achieve good ecological status set by the Water Framework Directive. The NMP is managed by the Nutrient Management Board (NMB), comprising; Herefordshire Council, Powys Council, Natural England, Natural Resources Wales, the Environment Agency, Dwr Cymru Welsh Water, Wye and Usk Foundation, National Farmers' Union, Farm Herefordshire and the County Land and Business Association. The work that went into producing the NMP established that target phosphate levels were achievable, including when considering growth plans across the catchment. The NMP established that a combination of discharge reductions from wastewater treatment works, land use change and changes to agricultural practice would be required to meet the target. Improvements to waste water treatment works were to be included in Welsh Water's work plans, whilst land use changes and changes to agricultural practice were to be progressed on a voluntary basis with support from schemes such as Catchment Sensitive Farming. At the time, this was adequate to allow the council to adopt its Core Strategy and to allow development proposals to proceed. However this is no longer the case.
- 4.8 The River Lugg which is a tributary of the River Wye SAC, and forms part of the SAC from is currently exceeding its limits for phosphates, as a result of water pollution from both 'point' source (in particular sewage outlets) and 'diffuse' source (in particular agricultural run-off). The River Lugg catchment<sup>16</sup> covers predominantly the north, and approximately half of the Herefordshire administrative area. The approach initially taken by Herefordshire Council was to permit development in the River Lugg catchment even when it would add to the existing phosphate levels in the river, because they were in the context of the NMP. However, subsequent European case law<sup>17</sup>, referred to as the Dutch judgment means that this approach can no longer be taken.

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[https://www.herefordshire.gov.uk/download/downloads/id/20536/map\\_showing\\_river\\_wye\\_and\\_river\\_lugg\\_sac\\_catchment\\_area\\_in\\_herefordshire.pdf](https://www.herefordshire.gov.uk/download/downloads/id/20536/map_showing_river_wye_and_river_lugg_sac_catchment_area_in_herefordshire.pdf)

<sup>17</sup> Following the judgment in the case of *Cooperatie Mobilisatie* handed down in November 2018 by the Court of Justice of the European Union (Joined Cases C-293/17 and C-294/17) (known as the Dutch Case),

4.9 In the light of this judgment, there is limited scope for the approval of planning applications that give rise to additional damaging effects where a site is failing its water quality objectives. Furthermore, the future benefit of mitigation measures cannot be relied upon in an appropriate assessment, where those benefits are uncertain at the time of the assessment. Natural England has advised that for any plans or projects in the River Lugg catchment which require an appropriate assessment, the effects are currently uncertain. This is because there is reasonable scientific doubt as to whether the NMP provides adequate mitigation and can be relied upon to underpin a conclusion of no adverse effects on integrity. This situation has clearly had a significant impact on the delivery of housing in this large area of the county. An interim approach<sup>18</sup> was adopted in March 2020 to create a positive appropriate assessment to enable development to proceed, on Natural England's advice, where it can be demonstrated that development is nutrient neutral (where avoidance/mitigation measures included in the plan or project counterbalance any phosphate increase from the plan or project) or would lead to 'betterment'.

#### **Action: Nutrient Management Plan**

4.10 Herefordshire Council has been working with the other members of the Nutrient Management Board to find a longer-term solution as follows:

- 1) It is leading on a Memorandum of Understanding (MoU) between itself and stakeholder partners. The MoU will ensure that all regulators for the Wye and Lugg are aware of their legal responsibilities and obligations. Discussions are currently taking place between partners on the MoU with a view to finalise it by later summer 2020.
- 2) The Council is commissioning consultants on behalf of the NMB to produce an Interim Plan. This Plan will highlight the condition of the Lugg, ascertain the agriculture: sewage ratio, explore the different ways phosphate can be mitigated and propose a phosphate calculator for use by both farmers and developers. It will also include proposals for integrated wetlands that have the potential to provide nutrient neutrality for development proposals. It is likely to take up to 12 months before the first wetland is created and operational. Additionally other schemes that enhance biodiversity are being assessed for their potential to lock in phosphates and prevent future additional phosphates entering the river system and the Council has been successful in securing funding towards the development and implementation of these schemes.
- 3) Herefordshire Council have been working closely with Natural England who are very supportive of the proposals outlined above. However, the moratorium on development will not be released until significant progress has been made on the Interim Plan and the wetlands have achieved planning approval.

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[https://www.herefordshire.gov.uk/download/downloads/id/19059/current\\_development\\_in\\_the\\_river\\_lugg\\_attachment\\_area\\_position\\_statement.pdf](https://www.herefordshire.gov.uk/download/downloads/id/19059/current_development_in_the_river_lugg_attachment_area_position_statement.pdf)

## **Issue: Infrastructure Provision**

4.11 At times there are constraints to development resulting from particular elements of infrastructure e.g. sewage and water supply. Infrastructure providers have included new/upgraded infrastructure in their future asset management plans to provide the required infrastructure but the timescales of these may potentially result in delays in some sites coming forward. Therefore it is essential that the Council liaises with the infrastructure providers to address this.

### **Action: Ongoing liaison with Stakeholders**

4.12 The council will engage in ongoing dialogue with infrastructure providers to ensure that the new infrastructure is implemented on time to enable the delivery of housing.

## **Issue – Need to update Strategic Housing Land Availability Assessment information**

4.13 The Council has carried out a number of Strategic Housing Land Availability Assessments (SHLAA) since 2009. However it is highly likely that potential new information or circumstances could subsequently have altered the suitability, achievability and/or availability of a number of sites since the last time the land was assessed. There is therefore a clear need to provide updated information for these areas. Although previous SHLAA exercises have gathered a wide range of information there is a need to ensure that, where possible, this is broadened to enable an accurate assessment as possible of the deliverability of sites.

### **Action: Revised Housing and Economic Land Availability Assessment (HELAA)**

4.14 Herefordshire Council is carrying out a countywide review of the SHLAA in 2020. This will also examine sites for their potential to accommodate employment uses, where appropriate. Hence, this exercise has been retitled to Housing and Economic Land Availability Assessment (HELAA) accordingly. A call for sites has recently taken place to identify any previously unassessed available land, and for the purposes of ascertaining the continued availability of sites that have been already assessed in previous SHLAAs.

4.15 Differently to previous call for sites processes, more detailed information has been sought on the land being submitted regarding its availability, ownership status and the landowner's intentions. This will help to provide greater clarity and certainty on the prospect of a site coming forward for development.

## **Issue – Understanding the reasons for under delivery.**

4.16 There are a variety of other reasons why planning permissions are not being implemented as anticipated in addition to those outlined above. These may include:

- Prioritisation of site delivery outside Herefordshire
- Lack of available finance for delivery
- Changing personal circumstances
- Legal restrictions on land
- Permission sought to achieve higher land values for sale.
- Viability in a particular area may have altered.

### **Action: Improved Monitoring**

4.17 A key element is to gain a better understanding of what sites are stalling and if possible to understand the reasons why. An in-house analysis of our annual site surveying processes has already taken place and as a result, a more detailed monitoring system is planned to start later this year. This will involve some interim monitoring of sites that were identified as being near completion earlier in the year as well as collating more detailed standardised categorisation of the stage of build. This will enable officers to monitor the progress of sites in more detail and to gain a better understanding whether there is a correlation between type and size of site and delivery. This information base will allow us to engage further with developers/landowners to identify any proposed mechanisms for moving sites forward.

### **Issue - Requirement for 12 months marketing of moderate and poor employment land**

4.18 Policy E2 of the Core Strategy requires that planning applications for redevelopment of existing employment land and buildings are supported by evidence of appropriate and active marketing of at least 12 months and that this marketing has been unsuccessful. It is considered that in the case of employment land that is categorised as either moderate or poor, this may sometimes be a too onerous requirement that may delay the delivery of housing.

### **Action: a more flexible approach to requirement for 12 months marketing**

4.19 The Council will consider taking a more flexible approach to the requirement for 12 months marketing in relation to proposals to redevelop moderate and poor employment land for housing on a case by case basis. Applicants will be required to provide a detailed assessment as part of the pre-application process to justify the release of this employment land rather than evidence of 12 months marketing of the land. This approach will only apply to:

- moderate and poor employment land,
- small scale housing proposals for 1-2 dwellings.

It will not be applied to any employment land that is allocated in neighbourhood plans.

4.20 Planning Officers will take into account advice from the economic development team on a case by case basis regarding the availability of other employment land in the area that may affect the suitability of releasing employment land for housing.

### **Issue: Covid 19 and its long term effect on the construction industry in Herefordshire**

4.21 Broadly, the construction industry was not able to continue operating between 23 March and 11 May 2020, a seven-week period. This had varying effects on the industry. Like many businesses, risk assessments were required to be put in place that would have temporarily delayed work on sites due to rearrangements for workers. Building materials were low in stock due to the cessation of work of many suppliers as only essential businesses were operating. Due to new health and safety measures, sites are required to have limits on the number of trades working within each house which may have slowed down operations. However, based on communication with house builders and developers they have been adapting reasonably well to this

situation and rates are expected to continue as planned. Therefore at this stage, the temporary lockdown is considered to have a minimal impact on housing delivery. However, the full effects are not understood at this stage and although the more restrictive lockdown measures are now lifted, there may be an ongoing impact relating to supply of building materials as well as the availability of the construction workforce, which may be reduced if workers are required to self-isolate for 2 weeks or become ill. Also given the financial uncertainties people are facing with job losses and furlough schemes, there may be a decline in the buying or selling of properties. Although at this stage it would appear that this is not having a significant effect, the full impact on housing delivery may not be evident at this stage and there may be a longer-term impact. Furthermore, a number of council staff were redeployed to assist in the Council's response to Covid 19 in helping all sectors of the community face the associated challenges. This inevitably affected the Council's normal service at this time.

**Action: Engagement with Stakeholders**

- 4.22 The council will engage with stakeholders on this matter in the next 12 months to gain an understanding of the longer-term impact of the Covid 19 pandemic on housing delivery.

**Table 1 Action Plan**

<b>Issue</b>	<b>Action</b>	<b>How</b>	<b>Who</b>	<b>Start</b>	<b>Timescale</b>
Strategic sites progress	Update the Core Strategy to consider the development requirements for an extended period up to 2041.	Reviews delivery of strategic sites and considers options for further sites. Also will address any changes in approach to infrastructure provision since CS adoption 2015	Strategic Planning Policy	Some Preliminary evidence base commenced 2020.	Dependent on outcome of the white paper consultation.
Strategic Site progress	Reinstatement of Core Strategy Strategic Sites Group	To enable further information gathering as to why strategic sites are not going forward and to identify any actions that might address these	Assistant Director for Growth and lead officers from Planning Transport, Economic Development and Housing	Autumn 2020	Ongoing as required.
Delivery of strategic and non-strategic sites	Countywide HELAA to include revisiting sites that have either not come forward or that were considered as having no potential for development. To give weight to the HELAA in determining planning applications.	To identify suitable, available and achievable sites for housing to meet requirement with greater emphasis on working with the parish councils and landowners.	Strategic Planning and Neighbourhood Planning Teams Working with Parish Council's neighbourhood planning	2020	Spring 2021

Issue	Action	How	Who	Start	Timescale
			groups, landowners and developers.		
River Wye Special Area of Conservation Constraints	To agree a Memorandum of Understanding between stakeholders	Memorandum of understanding. The MOU will demonstrate agreement between the stakeholders on a number of issues relating to the emerging Interim Plan. It will ensure that all stakeholders are aware of responsibilities in relation to addressing the phosphates issue in the River Wye SAC.	Herefordshire Council, Natural England, Welsh Water, Environment Agency and other stakeholders. Economic Development in relation to bids for financial support	Summer 2020	Late Summer / early Autumn 2020
River Wye SAC constraints	Implementation of Interim Plan	The interim plan will set out how the Nutrient Management will be implemented and will include a phosphate calculator and possible mitigation measures, such as Integrated wetlands	Herefordshire Council, Natural England Welsh Water Natural Resource Wales Environment Age Economic Development	End 2020	The Interim Plan will be finalised by early 2021. The implementation of integrated wetlands to address the issues is likely to

<b>Issue</b>	<b>Action</b>	<b>How</b>	<b>Who</b>	<b>Start</b>	<b>Timescale</b>
			in relation to bids for financial support		take a further 6-12 months.
Infrastructure provision issues	Work with key stakeholders	Ensure ongoing dialogue with infrastructure providers to identify and address any issues at an early stage.	Strategic Planning Housing Strategy Infrastructure Providers	Immediate	Ongoing
Understanding reasons for under delivery	Review of monitoring system to enable information on site progress to be available on ongoing basis to provide the opportunity to identify and if possible address reasons for delay...	To enable further information gathering as to why sites are not going forward and to identify any actions that might address these.	Strategic Planning	Autumn 2020	Ongoing
Requirement for market testing of poor and moderate employment proposed for housing.	To take a more flexible approach to the requirement for 12 months marketing assessment as required by Core Strategy Policy E2.	Applicants and agents will be expected to provide an assessment of the factors that they consider justify relaxing the requirement for 12 months marketing for employment sites classified as of	Development Management and Economic Development Officers	Autumn 2020	Ongoing

<b>Issue</b>	<b>Action</b>	<b>How</b>	<b>Who</b>	<b>Start</b>	<b>Timescale</b>
		moderate or poor quality that are not allocated for employment use within neighbourhood plans.			
Covid 19	Engage with stakeholders to gain a full understanding of the longer-term impact of Covid 19 on housing delivery and respond to findings.	Send survey to stakeholders including agents, construction companies, estate agents	Strategic Planning	Winter 2020	Winter 2020
Neighbourhood Plans over 2 years	Work with neighbourhood planning groups and parish councils.	Discussions with neighbourhood planning groups and provide advice on various options to review made plans in light of Core Strategy update.	Neighbourhood planning team and parish councils	Ongoing	Ongoing
Consider opportunities for further improvement to planning performance	Review of Development Management and Planning service	Identify opportunities for more effective working in the planning teams	Senior Management Team Herefordshire Council	Summer 2020	Winter 2020

## **Section 5: Ongoing measures to encourage housing delivery.**

- 5.1 Further to the above actions, the Council has taken steps to look at ways of increasing both housing supply and delivery in the County prior to the requirement to produce an Action Plan in 2019. The following are examples of measures that are ongoing and/or already implemented.

### **Implementation of an interim position statement**

- 5.2 The Council approved an Interim position statement in September 2016<sup>19</sup>. The position statement was a response to the absence of a five-year supply and lower rates of housing delivery than anticipated in the Core Strategy. The statement accorded with the actions set out in policy SS3 of the plan (see section 2 above). The statement made clear that Herefordshire Council positively encourages developers to come forward with proposals for suitable and sustainable developments to meet the county's housing needs.
- 5.3 It also indicated that in determining sustainable planning applications for new housing developments, the evidence available on sites identified in the strategic housing land availability assessment (SHLAA) process are given weight as a material consideration.

### **Development Management processes:**

- 5.4 An action relating to this was included in the 2019 Plan. Assessment of the speed of determining applications between April 2019 and March 2020 indicates that 95% of major dwelling applications and 80% of non-major dwelling applications are being determined within target times. In the same period 594 pre-applications were received which indicates a high take up of this process. Although the time taken to process planning applications is meeting the minimum requirements the council will continue to undertake monitoring to ensure that any pattern of delay is identified and addressed quickly and to ensure that the performance meets the required targets. In addition, the Council will continue to consider ways of improving speed of decisions, including streamlining its internal communications to prevent unnecessary delays. Performance data will continued to be reviewed on a monthly basis to ensure timely decisions are made.
- 5.5 A Major Applications Team was specifically set up to deal with the strategic urban extensions and other major applications. The team has been in place since 2013 and continues to work effectively in dealing with major applications. There has been further recruitment of development management officers across the development management service to ensure that there is sufficient resource to process planning applications in a timely and effective manner, workloads of officers will continue to be

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<sup>19</sup> Interim Position Statement upon housing delivery 2016  
<http://councillors.herefordshire.gov.uk/documents/s50040415/Appendix%201%20-%20Interim%20statement%20upon%20housing%20delivery.pdf>

monitored. A review of the planning service is planned for the autumn/winter 2020 the findings of which will identify where further recruitment/investment is required.

- 5.6 The Planning Department continues to be proactive in promoting pre-planning application discussions with developers within Herefordshire. This approach significantly reduces uncertainty for developers and lowers the initial cost of exploring development options.
- 5.7 The Council has been running an Agents' and Developers' Forum, which meets every six months to share important information and feedback from those building homes in the county. This provides a forum for the identification of problems affecting housing delivery. The opportunity for the group to meet has been impacted by the Covid 19 situation but the commitment to biannual meetings remains. The agents' forum also provides the opportunity for dialogue between all parties regarding any issues and possible resolutions within the development management process.
- 5.8 Every week, all the planning applications validated and approved is shared with a mailing list to anyone who signs up to receive the list. The links for both validated<sup>20</sup> and approved<sup>21</sup> lists are available online. This is a helpful means of identifying opportunities for those interested in sites to develop.

### **Brownfield register**

- 5.9 Local Planning Authorities have a duty to prepare and publish a register of previously developed land that would be suitable for residential development. Herefordshire Council's Brownfield Register<sup>22</sup> comprises sites that it has assessed as suitable for residential development. This includes sites that have been granted planning permission for this purpose.
- 5.10 In the latest update, the register also now holds appropriate sites that have been assessed as suitable and available for residential development in council-produced Housing Land Availability Assessments (for instance, the latest SHLAA and Hereford Area Plan Site Options report).
- 5.11 The register comprises two sections. Part 1 comprises sites that cover an area of 0.25ha or more and capable of supporting at least 5 dwellings, suitable for housing, available for development, and where residential development is achievable. Part 2 comprises brownfield land that has been allocated for residential development by Herefordshire Council following mandatory consultation procedures. Sites entered into this part of the register will be granted Permission in Principle, subject to meeting all the relevant criteria, under section 59A of the Town and Country Planning Act 1990. Currently, there are no sites in Herefordshire entered into Part 2. However, this may change where brownfield sites are allocated for residential development in adopted

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<sup>20</sup> [https://www.herefordshire.gov.uk/info/200142/planning\\_services/79/planning\\_weekly\\_lists/2](https://www.herefordshire.gov.uk/info/200142/planning_services/79/planning_weekly_lists/2)

<sup>21</sup> [https://www.herefordshire.gov.uk/info/200142/planning\\_services/79/planning\\_weekly\\_lists/3](https://www.herefordshire.gov.uk/info/200142/planning_services/79/planning_weekly_lists/3)

<sup>22</sup> [https://www.herefordshire.gov.uk/downloads/download/1832/brownfield\\_sites\\_register](https://www.herefordshire.gov.uk/downloads/download/1832/brownfield_sites_register)

Neighbourhood Development Plans, or any additional sites of this type identified in the future revised Core Strategy.

### **Self-build register**

- 5.12 The Council's Self and Custom build register was established in April 2016 in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
- 5.13 The Act requires the Council as a relevant authority to grant suitable development permissions in respect of serviced plots of land to meet the demand on the register. In order to monitor the Council's performance in relation to self and custom build legislation, planning permissions for single dwellings have been assessed to determine whether they meet the definition of a serviced plot of land that is provided in the Self-build and Custom Housebuilding Regulations 2016. Those that meet the definition have been counted towards meeting the requirement on the register. Additionally, the number of planning permissions that include Self or Custom build in the planning application description have also been counted. Since 2016 there have been 542 entrants on the register. The registrants are seeking to acquire serviced plots of land within Herefordshire to build houses for themselves to occupy as homes. There is no fee for joining the register and there is no local connection test. The council is of the view that from its analysis of planning permissions, that enough suitable permissions have been granted to meet the demand on the register.
- 5.14 The Core Strategy was adopted prior to the publication of the Self-build and Custom Housebuilding legislation and therefore there is no specific policy on this matter. However the council will consider including an appropriate policy for self and custom build housing in the Core Strategy update.

### **Herefordshire Development and Regeneration Partnership**

- 5.15 Whilst many of these issues are outside the direct influence of the Council, it seeks to boost housing delivery by setting up its own Development and Regeneration Partnership in 2018 when it appointed Keepmoat Ltd and Engie Regeneration Ltd as their development partners to deliver ambitious growth plans for Hereford City and the wider county. Whilst Keepmoat focus on the housing side of delivery, Engie support the delivery of regeneration construction projects, such as business units, student accommodation and commercial development, as well as affordable, and retirement housing. The premise of the partnership was a joint risk and reward with the Council able to offer up its land. As the sites are located in areas with different land values the aim was for more "profitable" sites to fund development in areas where viability was a lot more challenging. To date, the partnership has achieved planning permission for 178 student bed accommodation in the city, which is currently under construction, as well as securing planning permission for residential accommodation. There are still several sites left to develop. Some of these sites are within areas where suitability is challenging and substantial issues such as flooding close to the new link road must be overcome.

## **Working in partnership with Homes England and Registered Providers**

5.16 The Council will continue to work in partnership with Homes England and Registered Providers to identify opportunities to unlock the development potential of housing sites and to develop affordable housing projects. Homes England are a non-departmental public body, sponsored by the Ministry of Housing, Communities and Local Government. Their role is to accelerate the delivery of housing across England, except in London where much of this role is devolved. Homes England have made a large amount of funding available to a strategic partnership made up of a group of local Housing Associations including: Stonewater, Fortis, West Mercia and Herefordshire Housing. A large amount of affordable housing is expected to be delivered for this funding. Therefore the housing associations are focussing on the larger sites within the county where no progress has been made since the grant of outline planning permission.

## **Developer contributions on sites of ten dwellings or less dwellings**

5.17 In November 2014. The Government published a Written Ministerial Statement (WMS) indicating that residential development proposals of ten or less units would not be required to make developer contributions. This was echoed in the updated Planning Practice Guidance (NPPG) of 2016 and has been applied in Herefordshire since this time. However, it should be noted that the Housing White Paper published in August 2020 increases the threshold significantly (for an 18 month period) for the requirement for affordable housing.

5.18 However, in the revised NPPG of March 2019 the specific reference to no tariff based contributions being required for developments of ten or less units is no longer included (reference to the threshold in relation to affordable housing provision remains as in the WMS). Herefordshire Council sought clarification from the Ministry of Communities, Housing and Local Government on this matter. It was confirmed that though there is no specific reference to it in the wording of the NPPF, it does take into account the WMS. It was also made clear, however, that it is for Local Planning Authorities to set their own thresholds in Local Plans for seeking developer contributions.

5.19 The threshold for financial contributions will therefore remain as currently operated at least until the matter can be considered as part of the Core Strategy review. The current approach results in fewer delays in negotiations for developer contributions on sites of ten and less helping with both the supply and delivery of new housing. Therefore no tariff based contributions system for financial contributions will be required for sites of ten or less dwellings recognising that this matter will be changed as part of the recent White Paper proposals.

## **6. Conclusion**

6.1 The actions identified in this document should stimulate delivery, but as stated above action will also be required by others, particularly landowners, house builders and registered providers, to respond to this challenge and significantly increase the level of house building. Therefore this Action Plan should be seen as part of a wider response

on areas that the Council can influence. The identified actions will need to be implemented in conjunction with those planned by house builders, developers, registered providers, land agents, communities and Government departments. The outcome of the Housing White Paper, Planning for the Future, is likely to have a significant impact on some of the proposed actions. However at this stage it is not possible to determine that impact until the consultation process is completed and the detail of the proposed changes are understood.

## Appendix 1 Progress on Strategic Housing sites

Location	Capacity	Current status	Pre app or Application lodged	Completions to Date	Decision	Progress
<b>Hereford</b>						
Northern Urban Expansion (Holmer West)	500	Under construction and part complete. 150478 for 460 dwellings	Feb-15	Total completions to date: 149	Outline May 2017. Reserved Matters decision July 2017	150478 was for 460 dwellings. 27 months for an outline decision. Reserve Matters permission on 171073 for 82 dwellings complete. Commencement on site immediately afterwards by Bloors. 182712 for 221 dwellings underway. Valid undetermined app 201445/RM for 77 dwellings.
Western Urban Expansion (Three Elms)	1000	Planning application 162920 for 1,200 dwellings	Jul-16		awaiting	There were objections from two nearby food and drink industries who raised concerns about impacts of housing development on the ground source water supply where abstraction takes place, aquifers and potential flood risk. This led to a 12 month long study being commissioned which was completed summer 2018. The study is currently with the Environment Agency. The LPA are awaiting the submission of a Drainage Strategy from the applicants. The Pause and Review of the bypass decision has meant traffic modelling is required to assess options with regard to the bypass to satisfy Highways England concerns. This has led to a revised masterplan which will require further consultation. No house builder on board.

Location	Capacity	Current status	Pre app or Application lodged	Completions to Date	Decision	Progress
Southern Urban Expansion (Lower Bullingham )	1000	Planning application 194402 for 1,300 dwellings	Dec-19		awaiting	Hybrid planning application validated December 2019. The Pause and Review of the bypass decision has meant traffic modelling is required to assess options with regard to the bypass to satisfy Highways England concerns. This has led to a revised masterplan which will require further consultation. The application has been made by Bloors who are a housebuilder.
Hereford City Centre	800	Part permission	ongoing	372	underway	Various sites have achieved planning permission. Link road in place for more sites to come forward. Average completions are 40 dwellings per annum
<b>Bromyard</b>						
Land at Hardwick Bank	250	Planning application 163932 for 500 dwellings	Apr-17		awaiting	Application is for 500 dwellings even though the SUE capacity was for 250. The site is affected by the phosphate pollution issue in the Lugg catchment and will be dependent on a solution to reducing this if it is going to come forward. There are issues with obtaining an adequate water supply and foul sewage capacity for future developments in the area. Solutions to this are being looked at with Welsh Water. The site is currently being considered by the district valuer to determine the viability issues. Depending on the length of time this takes, a decision on the outline application is expected later in 2020.

Location	Capacity	Current status	Pre app or Application lodged	Completions to Date	Decision	Progress
<b>Ledbury</b>						
North of the Viaduct	625	Planning application 171532 for 625 dwellings	Apr-17		at appeal	The application was refused at planning committee in December 2019. The council withdrew its reasons for refusal shortly afterwards. An appeal has been made and the inquiry commenced in July 2020. Ledbury Town Council are participating as a Rule 6 party. The remainder of the appeal is taking place 22nd September. The Inspector's report is likely to be issued mid November 2020. As the Secretary of State has called in the site, a decision on the appeal is anticipated after this.
<b>Leominster</b>						
Leominster Urban Extension	1500	no action	no			A critical element of this is the provision of a link road from east to west at the southern limit of the urban extension to serve the new development. The Leominster relief road corridor is identified in the Adopted Local Plan Core Strategy. However, to date no further work on the identification of the actual Leominster Southern Link road route has been carried out. No funding for the road has been identified. The site owners have not come forward with any proposals for the whole site either. The site is also affected by the River Wye SAC constraints issue.
<b>Ross on Wye</b>						

Location	Capacity	Current status	Pre app or Application lodged	Completions to Date	Decision	Progress
Land at Hildersley	200	Outline planning permission 150930 for 212 dwellings	Mar-15		Outline March 2018.	There is house builder interest in the site. A suitable easement across council owned land for infrastructure is being looked at. Once a decision on this has been made then there is expected progress on the sale of the land to be made with a reserved matters application anticipated thereafter.
<b>Total</b>	<b>5875</b>			<b>521</b>		