

Report of Cllr. Elissa Swinglehurst Llangarron Ward Member

Cabinet Member for Young People and Children's Wellbeing

Local News.

There has been a significant level of local concern regarding the Neighbourhood Development Plan (NDP) process. The following comments are not aimed at any particular NDP but at the process in general and the role the NDP plays in planning development.

It is my strongest recommendation that anyone who finds themselves taking an interest in the planning system becomes acquainted with the National Planning Policy framework (NPPF), which is a fifty-something page document that sets the strategic, national, policy for planning. All other planning policies must conform to the NPPF. I think of it like a set of Russian Dolls which have to fit one within the other, they are to different scales and with different levels of detail, but they are all, basically, the same shape. So, 'the largest doll' is the NPPF, the middle one is the Local Plan (in Herefordshire this is called 'the Core Strategy') and the final one is the NDP. The outer two can work without this layer and, in its absence, planning permission will be determined in line with the existing policy. I would also recommend to anyone who is taking an interest in planning that they have a good look at the Core Strategy (particularly policies RA1,RA2,RA3,MT1,SD4) which is available on line at the council website

https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

All NDPs have to go through a process before they can be used to determine planning permission. A draft NDP is submitted for consultation at 'regulation 14', consultation responses are then assessed and the plan may or may not be revised and submitted to 'regulation 16' consultation. It is only once the plan has passed 'regulation 16' that it can carry limited weight in the decision making process. It is only once the plan has passed regulation 16, examination, referendum and adoption that it becomes a fully functioning part of the planning process. At that point it will sit alongside the other plans; it will have to be in general conformity with those plans and will be a detailed expression of how a community wishes to see development in their area.

So, until an NDP has gone past the reg 16 stage it carries no weight whatsoever – it may be referenced but it is not part of the policy framework that planners or the planning committee use to determine applications.

In the absence of an adopted (or at the very least post reg 16) NDP, planning is determined in line with the NPPF and the Core Strategy. The NPPF carries as its central message 'a presumption in favour of sustainable development' – in other words, if the development can be said to be 'sustainable' then the application should be supported. One of the ways that Herefordshire Planning Authority interpreted 'sustainable' in the context of rural areas was to draw up lists of villages that they felt, due to available services, existing population, location etc. were 'sustainable' locations. These villages are therefore covered by policy RA2 and are the locations for proportionate growth – applications for housing either 'within or adjacent' to the villages would be considered as having met the criteria for sustainability and the 'presumption in favour of sustainable development' would be engaged. This is not to say that all applications will be granted but it does mean that unless there is 'significant and demonstrable harm' to outweigh the 'presumption in favour' then a refusal would be hard to defend at appeal.

Hope that helps.

Other news

At the Cabinet meeting on the 10th of May it was all about me! There was a single item on the agenda and it was from the Young People and Children's wellbeing directorate. I was a bit nervous having to make my first presentation and also having to answer questions from the public but it all went well and the Cabinet supported the proposal. The result was that Herefordshire Council will be investing a total of 5.1m into an expansion of Marlbrook School in South Wye. This is a significant event – it will ensure a great future for the school and pupils, support parental choice and enable the school to continue to deliver its Ofsted rated 'outstanding' education. I am going into some detail about this decision because it is important, it matters. I was disappointed the following week to find that, although a brief exchange between the leader of the Independents and the Council Leader disinterring the smallholdings sale (which incidentally has grossed over 46m – well over the estimated sale price) was reported in the Hereford Times and a third of a page given over to the sale of a shepherd's hut in Bromyard there was no mention, none at all, not a word, about the 5.1m invested in Marlbrook School. This is disappointing for me but for the school, pupils and parents it is a real shame. Their hard work and achievements should be acknowledged and I, for one, am happy and proud to do that. After speaking to the local democracy reporter I am hopeful that the story will appear at some point....fingers crossed.

Now you see it.....transparency.

I hate to hark on but if you read some of the stories in the Hereford Times you would think that the Council are all determined to hide misdeeds, corruption and wrong doing by quashing any attempt to 'name and shame' breaches of the code of conduct, there has even been an online petition. I would like to clarify some of this story for any of you who are concerned and who want to know what has actually happened. The transparency issue has come up as a result of the review of the constitution undertaken by the Audit and Governance Committee. The committee set up a working group to inform the decision and it was this group (where the Conservatives were in the minority) that, by majority, decided to leave this bit of the constitution as it was and not to name councillors who were found to be in breach of the code of conduct. The Chairman of the Audit and Governance Committee took the view that the views of the cross party working group should form the basis of the recommendations to full council. So, whilst there had been recommendations forthcoming from the working group and reiterated in the audit and governance committee the actual decision was made on Friday 25th at a Full Council meeting where all the members were able to express an opinion and this, it seems to me, is the right place to have such an important debate. Anyway, an amendment was proposed by Cllr. Shaw, added to by Cllr Powers and then subsequently altered by Cllr Shaw which resulted in the requirement for the code of conduct to include the naming of councillors in breach of the code once any appeal process has been concluded. This change will also effect parish and town councillors who have adopted the Herefordshire Council code of conduct. A great deal of thought went into the debate with several people mentioning the potential effect on the volunteers on parish and town councils but it was felt that, overall, the desire for openness and transparency was the stronger case and the amendment was passed unanimously.

The impression that had been created was that the Council were trying to keep their skeletons in the cupboard. However, it is a matter of public record that last year the code of conduct complaints system has dealt with 54 complaints, 9 against county councillors and 45 against parish and town councillors. Of these 1 complaint was upheld against a county councillor and 6 were upheld against parish and town councillors. There are 1229 parish council seats, 53 county council seats so these numbers should be seen in context.

A second amendment requiring councillors (parish, town or county if covered by the Herefordshire Council Code of Conduct) to declare any membership of organisations that lobby (like, for example CPRE, NFU, RSPB etc), or are charitable or not open to the general public (like golf clubs, fishing clubs) should be declared on the register on interest (available to the public). The argument was that because our officers have to declare such memberships then we should too. Of course the officers are paid employees and councillors are not (paid or employed) – county councillors receive an allowance but parish and town councillors do not. Also the information held on employees is not publicly available. There are arguments on both sides. Personally I think it is a bit of virtue signalling window dressing since any element of a councillor's private life that might prejudice or affect their decision taking would need to be declared in any case as part of the code of conduct. Having said that I didn't want to send a message that Conservative councillors are all being secretive so I supported the amendment and will be declaring my membership of Tregate Anglers in order to preserve the currency of integrity in my decision taking.

A briefing note will be issued to town and parish councils to explain the detail of these constitutional changes.

Anyway – I could go on and had other things I wanted to tell you about but this report is long enough! I hope you find it interesting and thank you for reading it.

If you need to get in touch with me:

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