

**Supplement to the agenda for**

# **Council**

**Friday 11 October 2024**

**10.00 am**

**Conference Room 1 - Herefordshire Council, Plough Lane  
Offices, Hereford, HR4 0LE**

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**Agenda item no. 5 - Questions from members of the public**

Question Number	Questioner	Question	Question to
PQ 1	Mr Martin, Hereford	<p>I would like to understand why the council do not hold public meetings to debate the major decisions for Herefordshire?</p> <p>We have venues that can hold good numbers of the public who can in person scrutinise decisions the council make and voice their opinions on what they want to happen.</p> <p>Everything seems to be done behind closed doors and via controlled methods just like this where questions have to be emailed.</p> <p>This is not how it should be and I (as a taxpayer) demand change to this.</p>	Chairman of the Council
<p><b>Response:</b> Thank you for your question. By law the council's formal meetings must be held in public, although there are some instances where the public and press can be excluded for discussions on confidential items (known as 'Part 2'). Council meetings, held in public, are open to the public to attend and, as you have pointed out, provided with the opportunity to ask questions. However, the scope of public questions is limited to and must relate to the function of the committee or a matter on the relevant agenda. Council meetings are primarily and principally meetings designed to transact council business.</p> <p>Once public questions have been concluded, there is no further provision for public involvement other than to witness the meetings as they happen. This is because there are limitations, set out in law, as to what business council committees can transact. The legislation regarding how local government operates allows only the elected representatives to take part in decisions and debate on items under consideration at formal council meetings. The relevant legislation, which also extend to the Parish tier of local government, can be found via the following link:  <a href="http://www.legislation.gov.uk/ukpga/2011/20/schedule/2/part/1">http://www.legislation.gov.uk/ukpga/2011/20/schedule/2/part/1</a></p> <p>There are distinctions, in law, that differentiate formal council meetings being 'held in public' to that of public meetings. Public meetings are ways for people to come together to express their opinions, hear a public speaker or proposed plan, engage in shared learning about a topic, or work together to develop solutions. Public meetings do not have to follow any specific script or agenda, unlike formal council meetings. In the case of public meetings, whilst councillors and council officers may be participants, the council has no jurisdiction or decision-making powers at such meetings.</p>			
PQ 2	Mr Hill, Hereford	Further to the imminent changes widely expected to the National Planning Policy Framework (NPPF) at the end of this year, including likely reimposition of mandatory housing targets, will the Cabinet Member be able to provide Herefordshire Councils full response to the recent NPPF consultation	Cabinet member environment

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		and Herefordshire Councils current five year housing land supply position for 2024 including implications for plan-making and decision-making?	
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**Response:**  
 A response to the *National Planning Policy Framework (NPPF) Reform Consultation* has been submitted to the Ministry for Housing, Communities and Local Government (MHCLG) on behalf of Herefordshire Council via their online form. Please find in the following link a compilation of all the questions and answers, collated into one document, that form the Council’s response; [NPPF Reform Consultation response](#).

The NPPF consultation set out proposed mandatory housing targets which takes a new approach based on a revised formula and data. This means the housing target for Herefordshire has increased from 773 dwellings per annum to 1,375 dwellings per annum. This would mean 27,500 dwellings over a 20-year plan period. The recent Draft Local Plan (March 2024) consultation set out a target for 16,100 homes over the plan period, so this is a significant proposed increase.

A significantly changed housing target for Herefordshire, of the magnitude proposed, means that it is highly likely that the Council would need to go back to the start of plan-making and consult on a new strategy. However, the implications will only be understood once MHCLG has considered all consultation responses received, and the NPPF has been formalised thereafter. This is anticipated to be in January 2025 at the earliest.

Work to determine the 5-Year Housing Land Supply is in progress and is due to be concluded shortly with a report expected to be published in the next 3-weeks.

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PQ3	Ms Martin, Hereford	The traffic model produced for the Southern Link Road by JMP Consultants in 2014 is now well beyond the five year threshold regarded as robust for Base Year validation and forecasting purposes and updated trip data and forecasting commissioned by AECOM is not yet available. With no up to date trip data, no updated modelling or forecasts, no up to date benefit/cost ratio, no business case and a clear lack of understanding among Members of the fundamental principles of transport planning science in relation to the effects of peri-urban road building on congested local networks, on what basis was the decision made to justify Herefordshire Council's £300m road building strategy as offering best value for money for the residents of Herefordshire?  If AECOM's anticipated report is now available, where can it be accessed?	Cabinet member transport and infrastructure
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**Response:**  
 In its decision of 28 March 2024, Cabinet agreed to recommence progress of the Hereford Western Bypass to the west and south of Hereford. As part of this work the council will develop a revised business case for the western bypass to reflect contemporary legislation and needs.

The business case will consider a variety of options, including comparison with a do nothing and eastern crossing, to ensure that the proposal offers value for money before proceeding to the next stage and will reflect updated traffic modelling and consideration of the needs arising from a review of the masterplan for Hereford, local housing and employment requirements and Local Transport Plan such that any proposals progressed to the next stage for the western route reflect the holistic needs of the City and broader strategic transport demands.

It should be noted that the Aecom Commission for an updated model was for a tool that would enable all new infrastructure and development proposals to model their impacts upon rather than a report. A report on the traffic impact of the western bypass will be produced utilising this model as part of the development of the business case.

PQ 4	Mr Milln, Hereford	<p>In 2016 the proposed Southern Link Road was budgeted at £27m out of a £35m project to include £8m complementary improvements to public and active travel known as the South Wye Transport Package.</p> <p>At Council on 26<sup>th</sup> July, Mrs Morawiecka, mindful of the c.£8m overspend on the City Link Road, asked how the inevitable overspend on the SLR would be addressed. The response claims the road could still be delivered at between £31 and £35m, though clearly without the package elements. Given it was the sustainable transport elements which provided the value for money when it was a 'package', how does the Council propose to convince anyone it has a business case supported by a robust cost benefit ratio (BCR) for the poorly performing, cost-spiralling SLR as a stand-alone road?</p>	Cabinet member transport and infrastructure
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**Response:** The Council continues to see any new road as part of a broader package of transport schemes that work together holistically to improve the way that people are able to move in and around Hereford and enable economic growth within the City. In January 2023, the council was successful in its bid for £19.9m of funding from the Levelling Up Fund to help deliver a broad package of transport and active travel measures within the City which will see many elements of the South Wye Transport Package delivered in parallel with the progression of the Southern Link Road.

Costs for the delivery of the road have understandably risen in line with inflation since the initial proposal in 2016, in line with all national infrastructure works, however the benefits associated with a road will also have risen by a proportional amount and therefore increased costs are not anticipated to have a meaningful impact on the BCR.

PQ 5	Mr McGeown, Weobley	<p>Cabinet Member Children and Young People Responded to PQ2, 17 Sept 2024, C&amp;YPSC, regarding doubling and then tripling of Section 47 investigation enquires between 2020 and 2022 to an eye watering 1,393 then continuing 1,000+ annually:</p> <p>“During 23/24 the Herefordshire rate of S47 was 75 per 10,000 children. The regional average rate being at 67 and rates of the other Inadequate local authorities being 83 and 71, so Herefordshire rates are reflective of this pattern.”</p> <p>But:  <a href="https://www.gov.uk/government/publications/local-authority-interactive-tool-lait">https://www.gov.uk/government/publications/local-authority-interactive-tool-lait</a>  Shows that the rate of S47s is much higher in Herefordshire (255.40 per 10,000 children) than its Statistical Neighbours.</p> <p>A most concerning number and one that’s been 250+ per 10,000 children for the last few years.</p> <p>So why such a fundamental difference between numbers perceived by Cabinet Member C&amp;YP and real world data?</p>	Cabinet member children and young people
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**Response:**

Dear Mr McGeown, thank you for your further question and challenge.

With my apologies the data provided to your original question was a quarterly rate not the annual rate. The data reported was taken from the West Midlands Children's Services Regional Performance Update which presents information by quarter, the data provided was for quarter 1 2024/25. This report does not provide the annualised rate.

The explanations regarding the increased rate of section 47 enquiries in the original question remain valid.

The inclusion of the comparator information was also quarterly data and sought to show how rates of section 47 per 10,000 in Herefordshire compared to regional local authorities who are in a similar position.

For clarity in quarter 1 2023/24 the rate of section 47 enquiries per 10,000 in Herefordshire was 100, the West Midlands regional average was 67 and the comparator authority rates were 88 and 106 respectively.

The rate in quarter 1 2024/25 in Herefordshire was 72. The West Midlands regional average was again 67 and the comparator authority rates were 71 and 83 respectively. As stated previously " Herefordshire rates are reflective of this pattern" (given within the narrative of the original answer to PQ2 at CYPSC on 17 September 2024).

PQ 6	Mrs McGeown, Weobley	At 30 July 2024, C&YPSC meeting The Corporate Director Children and Young People explained the 'Think Family' approach: "Think Family was a term applied to an existing practice, which involved widening focus from, for example, just a parent and their child, to bringing in the wider extended relatives and considering the impact they had on an individual's life. It involved using knowledge of an individual's wider family/network..." Now many loving Herefordshire families of good standing resent interference in their right to family life (Article 8,...there shall be no interference by a public authority with the exercise of this right...) and are horrified at this widening to extended relatives and the potential blighting of their lives. What checks and balances will be in place to prevent Herefordshire Council overreach and unwanted imposition of this on wider family networks?	Cabinet member children and young people
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**Response:**

Thank you for your question.

The "Think Family" approach is two way. It is one intended to ensure we support parent's and carers through their own networks to meet the needs they may have and/or to provide care for and meet the needs their child/children may have.

It also seeks to understand the needs of individuals in those networks that might be impacting on the parents or carers ability to parent, and as such identifying what support might be offered directly to that individual and/or the parent.

Only where we are involved in a statutory child protection or care proceedings process and acting on our duty to identify who and how best to meet a child's/children's needs would we engage wider family without the consent of a parent.

Specifically, but not exclusively, this will relate to where a child may be at risk of being received into care and where we need to ensure we have identified and considered alternative family members. Even then we would seek the views of the parent as to whether they feel this wider family engagement is appropriate or not and whether they feel it is in their child's best interest or not, and these views would be taken into account'.

You can also find further information on the Herefordshire Children Safeguarding Partnership website via the following link:

[Think Family - Herefordshire Safeguarding Boards and Partnerships](#)

PQ 7	Ms Price, Hereford	Following months of unresolved complaints to Hereford Council about the effect of LED lighting outside my home I need to re-attend the issue Environmental light pollution contributes to a range of adverse health outcomes including heart disease and premature death. Yet light remains a neglected pollutant, poorly understood and regulated. It can impact negatively on human health through disrupting sleep and circadian rhythms, which also leads to negative social and economic impacts DEFRA has the lead for regulating light pollution, but many of the levers to act on these pollutants lie in other departments eg the Department for Transport and the Department for Levelling Up, Housing and Communities (DLUHC). Responsibility for acting on light pollution lies with local authorities, which come under DLUHC. When will Herefordshire Council step up and at least acknowledge complaints?	Cabinet member environment
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**Response:**  
Thank you for your question, however, the Council's complaints team have reviewed our records and we do not appear to have received any formal complaints on this matter in the last 5 years from you. Please can you clarify if there is a specific question you would like Council to respond to?

PQ 8	Mr Morawiecka, Hereford	In the Leader's report Appendix 2 One of the Milestones for the year is "Complete "heads of terms" on land acquisition for phase 1 (Southern section of the western bypass)". Herefordshire Council went significantly over budget on land purchases for the City Link Road scheme. How much land and how many agreements with landowners will the Council need to secure to make the target and how much budget for the Southern Link Rd has been allocated for achieving it?	Cabinet member transport and infrastructure
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**Response:**  
In order to construct the southern bypass the council would need to acquire 22.09Ha of land in agreements with 6 landowners.

Earlier in the year Cabinet approved an estimated budget for land purchase. The council has subsequently procured a land agent who has been able to confirm that the budget is more than sufficient and enabled the council to revise the budget to a more realistic contemporary figure. It would be inappropriate to reveal the current available budget ahead of commercially sensitive negotiations.

PQ 9	Ms Reid, Hereford	<p>The Chief Executive's report to the full Council meeting on 11 October 2024 includes:</p> <p>"The new plan [Children's Services Improvement Plan Phase 2] ... is supported by audit, performance indicators and more opportunities for children and families to tell us about their experiences, so we can clearly see where our actions are making a difference."</p> <p>The terms of reference for Parents for Change includes:</p> <p>"To gather the views and experiences of parents in specific areas of focus"</p> <p>"They [attendees] must not have an open complaint or ongoing issues relating to Childrens Services."</p> <p>By excluding parents with an open complaint or ongoing issues, is Herefordshire Children's Services really receiving comprehensive feedback which is necessary to improve?</p>	Cabinet member Children and young people
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**Response:**

The Parents for Change Group members were originally gained from people who had made a complaint to the Local Authority in the last two years and they co-produced the Terms Of Reference. The core aims and objectives were defined by the parents to foster an active partnership between parents and Children's Services. There was an expectation and commitment from all that no individual children or circumstances will be discussed and they must not have an open or ongoing complaint with the Service.

The exclusions of parents with an open complaint has the intention to stop such meetings being consumed by individual cases rather than the wider aims of the group. There were also concerns that it could impact or duplicate the complaint process in this open forum. Once the issues are resolved parents who have made a complaint can join.



**Agenda item no. 6 - Questions from members of the Council**

Question Number	Questioner	Question	Question to
MQ 1	Cllr Dan Hurcomb, Bircher	<p>A number of areas in my Ward are prone to flooding. One, Orleton, has through the hard work of volunteers, undertaken proactive clearance work on the local brook to keep the water flowing and reduce potential for flooding. They have also developed a solution for flooding from the highway which I am pleased to say the Council's Highways Team have helpfully assisted. The work of these volunteers shows that there is no substitute for good proactive maintenance work and collaboration. Whilst the £445k the Council has allocated to local drainage work this year is welcomed, can the Leader confirm that under his leadership this Council will, where budgets allow:</p> <ul style="list-style-type: none"> <li>• Continue to invest additional money in drainage works;</li> <li>• Prioritise works in areas prone to flooding; and</li> <li>• Switch the emphasis from reactive clearing of assets to a schedule of proactive maintenance?</li> </ul>	Leader

**Response:**

Thank you for your question Cllr Hurcomb.

In response to your first point, the Council recognises the importance of highway drainage and for 2024/25 a further £1 million has been allocated to this area as part of the Highway Infrastructure Investment programme, alongside the £445k Drainage Grant that you reference and that the Council has recently invited Parish and Town Councils to apply for so as to undertake small improvement schemes. I understand that the Highway Infrastructure Investment programme continues for a further two years and I will be supportive of the use of this money to continue improving drainage assets around the county.

In response to your second point, whilst it is obviously important to maintain and improve existing assets where possible to ensure that they perform as well as they can, there is recognition that there will be rainfall events that lead to the capacity of drainage systems simply being exceeded, leading to flooding. In response to this, there is a role that the Council plays in helping to better protect properties that are at risk from flooding across Herefordshire, working with partners such as the Environment Agency to bid for funding from DEFRA to help introduce new flood defences or natural flood management techniques, or to install property flood resilience measures. The Council is committed to working with such partners to secure any available funding for schemes that will benefit residents and businesses in Herefordshire.

As to your third point around gully cleansing, the Council already operates a cyclical inspection and cleansing programme of its highway drainage assets on the county's A and B road network and on a reactive basis on other roads. It is likely that the UK will see more frequent, intense weather

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events in future years, which is something that the Council recognises and that forms part of its recently published Climate Change Adaptation Plan. As part of the preparation for the new Public Realm Contract, Officers are reviewing the arrangements that are required in the future, including gully emptying and drainage to ensure the service is fit for the future. As part of this work, I will ask Officers to explore the practical and financial implications of your suggestion.

Finally, I understand that details of known highway drainage assets are routinely captured and mapped on the Council's highway asset management system. Such assets include highway gullies (the pots on the side of the road), including the pipework associated with them that then leads to water company owned and maintained sewers. Examples of other assets that are captured and mapped include headwalls, trash screens and culverts.

As you have stated, the Council has recently invited Parish and Town Councils to apply for funding through a £445k Drainage Grant to review the existing drainage map of their area and use their local knowledge to log any assets which need adding to our system. Officers have been making arrangements for how this will happen and Parish and Town Councils who have applied for funding will be provided with this information when they are contacted with the outcome of their application.

MQ 2	Cllr Oliver, Saxon Gate	In respect of a planning permission granted to Herefordshire Council in 2010/11. The Council included a provision to carry out road improvements to Holme Lacy Road. Despite Amey drawing up outline proposals this provision has not been carried out. Will the Leader of the Council state that the current administration will bring forward proposals to rectify this omission.	Leader/Cabinet member transport and infrastructure
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**Response:**  
I can confirm that the Council has completed detailed design and intends to seek construction tenders for the improvement measures on the Holme Lacy Road. It has taken some time to do this given the need to tie these improvements into the wider local transport plan for the area but construction of the further active travel improvements funded from the Levelling Up Fund is planned to start in 2025/26 with an approximate 12 months construction period. We will communicate with residents as we get closer to the start of construction around the details of how the works will be delivered.

MQ3	Cllr Engel, Golden Valley South	I can find no reference in the Leaders' Report to a discussion that has been taking place in private. This is the notion to merge Herefordshire with a larger county in order to be granted more money – with the accompanying threat that otherwise Herefordshire might “be left behind”.  This would not necessarily mean a reunion with our old masters in Worcestershire, but one that would be likely to become known – officially or not – as Shropfordshire or maybe Slopfordshire. I realise this is in the very early stages. But bad ideas thrive in secret and we have seen this bad idea before.  Before a county with a history that predates the Domesday Book disappears again can we have a written assurance that any such decision would be taken by the full unwhipped council after meaningful consultation with the population of Herefordshire.	Leader
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**Response:** Thank you for your question, Cllr Engel.

Firstly, I want to address the suggestion that conversations are taking place privately. Categorically and for the public record this is not the case. There are clearly conversations happening across the upper tier of local authorities across England in response to the Government's new devolution policy initiative, which as Leader of this Council you would rightly expect me to be listening to. Every local authority, without a deal in place, is in the same position as Herefordshire Council; awaiting further details from Government before we proceed any further.

Crucially, we await further details of the devolution framework but what we do know about devolution is that it is not about the merging of local authorities as you describe in your question.

The Council will be tracking developments of the Devolution Bill as it passes through parliament and considering what opportunities devolution could mean for Herefordshire. As soon as further details are received, we will arrange for further all-member briefings to consider the options open to the Council.

The chief executive's response, to the deputy prime minister, also confirmed that progress to further stages of Devolution will be subject to Full Council or Cabinet approval as appropriate.

MQ 4	Cllr Harvey, Ledbury North	<p>Please would the Cabinet Member confirm:</p> <ul style="list-style-type: none"> <li>• Whether or not he has now received a reply from Government confirming that government funding will be provided to undertake all the works necessary to complete the Southern Link Road (SLR)</li> <li>• Whether or not government and both MPs have confirmed their support for the works he has in train to progress the SLR and the Western Relief Road;</li> <li>• What his latest spend figures are for the money taken from council reserves that he is using to progress his plans, and their date; and</li> <li>• To what extent has he personally been, and continues to be, involved in the purchase of land blocks on and adjacent to his proposed route for the roads?</li> </ul>	Cabinet member transport and infrastructure
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**Response:**

- The council has received a response from DfT however, at this stage, they are unable to provide further clarification on the mechanism for drawing down upon the Local Transport Fund that was awarded to Herefordshire Council by the previous government. It is hoped that further information will be received before the end of the financial year.
- Government have previously confirmed that it would be for local politicians to determine how to spend the money allocated within the Local Transport Fund and therefore have not indicated support one way or the other for the Southern Link Road. The Council has not yet sought explicit approval from the MPs for the scheme but will be doing so upon completion of a revised business case for a western by-pass. The MP for North Herefordshire has previously stated that they are not supportive of the scheme.
- The council has currently spent £88,000 to progress the scheme since it was restarted.

- I have had informal conversations with property owners. However and for the public record negotiations are quite properly only taking place between officers of the council or their land agent and property owners along the route of the Southern Link Road.

MQ 5	Cllr Hitchiner, Stoney Street	<p>The greedy and desperate tactics of previous Conservative administrations to housing growth have seen areas of the county hammered by predatory and unplanned development, while the county was unable to deliver on its unnecessarily high growth promises.</p> <p>Now the new Labour Government's clumsy one-size-fits-all approach to calculating housing targets has Herefordshire facing the grim prospect of an utterly undeliverable increase of more than 10,000 in the houses it is expected to magic up by 2041 to over 26,000.</p> <p>Is the Cabinet Member responding 'How high?' to this instruction to 'Jump', or is she squaring up to defend our communities?</p> <p>Please would the Cabinet Member inform this council and the public of her intentions as regards these damaging proposals?"</p>	Cabinet member environment
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**Response:**

Thank you for your question. The 'predatory and unplanned development' to which you refer is most likely in reference to developments that have come forward as result of a planning appeals and sites that have come forward due to the Council being unable to demonstrate a 5-year housing land supply. The Council has demonstrated a 5-year housing land supply for the last 3-years. This council remains in favour of plan led development as non-plan led development inevitably jeopardises the delivery of infrastructure and completely undermines the plan led system. As a result, in response to the NPPF consultation, the Council has made clear that where mandatory 'aspirational' targets are enforced, the 5-year housing land supply requirement should no longer apply.

The mandatory housing targets as set on in the government's NPPF Consultation takes a new approach to setting housing targets based on a revised formula and data. This means the housing target set for Herefordshire has increased from 773 dwellings per annum to 1,375 dwellings per annum. This would mean 27,500 dwellings over a 20-year plan period. The recent Draft Local Plan (March 2024) consultation set out a target for 16,100 homes over the plan period, so this is a significant proposed increase.

The Council's NPPF consultation response makes clear that this mandatory housing target is set too high for Herefordshire and does not reflect past build rates nor market demand. The response makes clear that the target set is 'highly aspirational' on the part of the government and raises concerns around the delivery of infrastructure to support such levels of growth, in addition to concerns in relation to environmental capacity and the ability to allocate further land for future growth.

Furthermore, the response makes clear that should high mandatory targets be imposed, then the 5-year housing land supply requirement should be abolished as this should not be used against Council's for non-delivery when the targets have been set far in excess of anything that has been achieved

previously. This is important and enforces the Council's view that we should not support changes to national planning guidance that would ultimately undermine plan-led decision making.

