

Agenda

Cabinet

Date: **Thursday 28 September 2017**

Time: **2.00 pm**

Place: **The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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Agenda for the meeting of Cabinet

Membership

Chairman **Councillor AW Johnson**
Vice-Chairman **Councillor JG Lester**

Councillor H Bramer
Councillor DG Harlow
Councillor PD Price
Councillor P Rone
Councillor NE Shaw
Councillor BA Durkin

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
2.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
3.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 14 September 2017.</p>	11 - 14
4.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive questions from members of the public.</p> <p>How to submit questions <i>Deadline for receipt of questions is 5:00pm Monday 25 September 2017. Accepted questions will be published as a supplement prior to the meeting. Please see https://www.herefordshire.gov.uk/getinvolved for information on how to submit a question.</i></p>	
5.	<p>QUESTIONS FROM COUNCILLORS</p> <p>To receive questions from councillors.</p>	
6.	<p>YOUTH JUSTICE PLAN 2017-2018</p> <p>To recommend the Youth Justice Plan 2017/18 for approval by full Council.</p>	15 - 60
7.	<p>TRAVELLERS' SITES DEVELOPMENT PLAN DOCUMENT</p> <p>To consider the Herefordshire Travellers Development Plan Document (DPD) for pre-submission publication, report the recommendations of General Scrutiny Committee in relation to the DPD and to refer the DPD to Council with a recommendation that, following the completion of the presubmission publication period and consideration of duly made representations, it be submitted to the Secretary of State for independent testing.</p>	61 - 178
8.	<p>THE RESCHEDULING OF DEBT REPAYMENT COSTS</p> <p>To recommend to full Council an amendment to the council's current Minimum Revenue Provision (MRP) policy to change the debt repayment calculation basis to an annuity method.</p>	179 - 192
9.	<p>THE INTRODUCTION OF AN OPEN FRAMEWORK FOR THE DELIVERY OF HOME CARE SERVICES (CARE @ HOME)</p> <p>To agree revised arrangements for the provision of commissioned home care services for adults within Herefordshire.</p>	193 - 210
10.	<p>HEREFORDSHIRE INTENSIVE PLACEMENT SUPPORT SERVICE (HIPSS) AND THERAPEUTIC INTERVENTION SUPPORT SERVICE (TISS)</p> <p>To approve a procurement exercise for the provision of the Herefordshire</p>	211 - 240

intensive placement support service (HIPSS) and therapeutic intervention support service (TISS).

11. HEREFORDSHIRE LOCAL FLOOD RISK MANAGEMENT STRATEGY

To approve the Herefordshire local flood risk management strategy.

241 - 320

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

RECORDING OF THIS MEETING

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Cabinet

The Executive or Cabinet of the Herefordshire Council consists of a Leader and Deputy Leader and six other Cabinet Members each with their own individual programme area responsibilities. The current Cabinet membership is:

Councillor AW Johnson (Leader) (Conservative)	Corporate Strategy and Budget
Councillor H Bramer (Conservative)	Contracts and Assets
Councillor DG Harlow (Conservative)	Economy and Corporate Services
Councillor NE Shaw (Conservative)	Financial Management and ICT
Councillor PM Morgan (Deputy Leader) (Conservative)	Health and Wellbeing
Councillor PD Price (Conservative)	Infrastructure
Councillor P Rone (Conservative)	Transport and Roads
Councillor J Lester (Conservative)	Young People and Children's Wellbeing

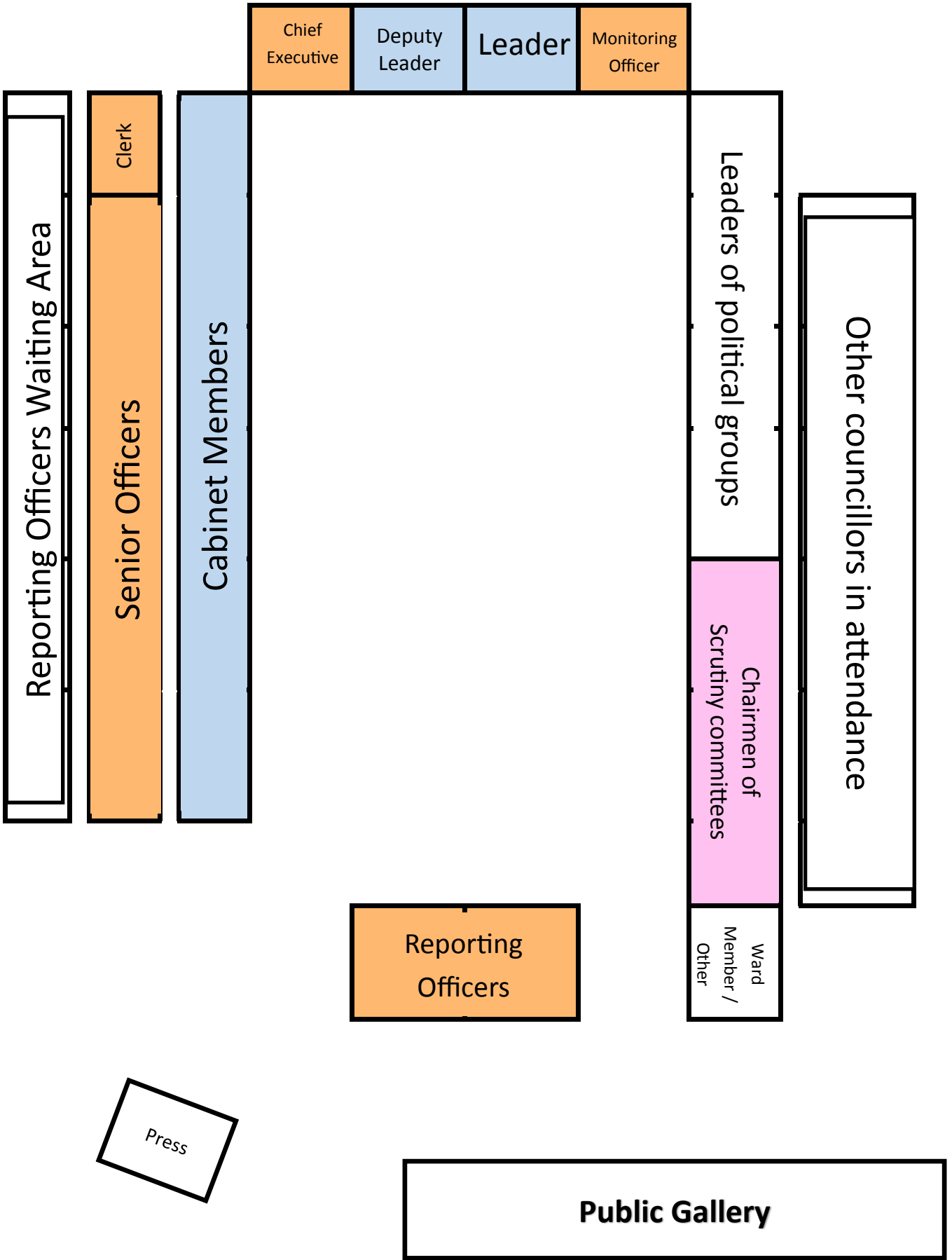
The Cabinet's roles are:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;
- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

Who attends cabinet meetings?

On the next page you will find a layout plan of the room showing who is sitting where. Coloured nameplates are used which correspond to the colours on the plan as follows:

Pale blue	Members of the cabinet, including the leader of the council and deputy leader – these are the decision makers, only members of the cabinet can vote on recommendations put to the meeting.
Orange	Officers of the council – attend to present reports and give technical advice to cabinet members
Pink	Chairmen of scrutiny committees – attend to present the views of their committee if it has considered the item under discussion
White	Political group leaders – attend to present the views of their political group on the item under discussion
	Other councillors may also attend as observers but are not entitled to take part in the discussion.



Herefordshire Council

Minutes of the meeting of Cabinet held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Thursday 14 September 2017 at 2.45 pm

Present: Councillor AW Johnson (Chairman)
 Councillor JG Lester (Vice-Chairman) *Arrived at 14:59, see note below
 Councillors H Bramer, BA Durkin, DG Harlow, PD Price, P Rone and NE Shaw

Cabinet support members in attendance Councillors JA Hyde

Group leaders in attendance Councillors WLS Bowen, JM Bartlett and AJW Powers

Scrutiny chairmen in attendance Councillors PA Andrews and CA Gandy

Other councillors in attendance: Councillors D Summers

Officers in attendance: Alistair Neill, Geoff Hughes, Martin Samuels, Chris Baird, Claire Ward, Andrew Lovegrove, Adam Scott and Natalia Silver

30. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Matthews and James.

31. DECLARATIONS OF INTEREST

None.

32. MINUTES

RESOLVED: That the Minutes of the meeting held on 27 July 2017 be approved as a correct record and signed by the Chairman.

33. QUESTIONS FROM MEMBERS OF THE PUBLIC

Question 1

Mrs V Wegg-Prosser, Breinton

To: Councillor Price, Cabinet Member Infrastructure

Hereford City Centre Transport Package: Costs Reporting

Herefordshire Council is contributing 60% (£24,651M) to the costs of the City Centre Transport Package (CCTP) with the Local Growth Fund via Marches LEP contributing 40% (£16M). The Council's website advertises that the CCTP has "funding secured from

the Marches Local Enterprise Partnership". The Marches LEP in its Annual Report quotes the total cost as being £33.5M. Could these contradictions please be corrected?

Response

The council's capital programme correctly identifies the total package cost of £40 million in line with the reporting quoted. The Marches LEP has confirmed there is an error in its annual report and will place a correction on their website.

Question 2

Mr R Palgrave, How Caple

To: Councillor Price, Cabinet Member Infrastructure

South Wye Transport Package

The 2017-18 Q1 Quarterly Monitoring Return for the Growth Fund Portfolio Scheme (South Wye Transport Package) gave an expected date of 14 Sept 2017 for the Cabinet decision to confirm Compulsory Purchase Orders for the Southern Link Road. As this matter is not on the agenda for Cabinet of 14 September, has there been a delay and if so, what is the revised forecast date?

Response

There has been a small delay to accommodate ongoing negotiations with directly affected landowners with a view to secure land by agreement; the item is currently scheduled for consideration by Cabinet on 12 October.

Supplementary to question 2

A key part of the South Wye Transport Package is the active travel measures which were consulted on in 2016. Can the cabinet member say when the details of these measures, including costs, will be available?

Response

An exact date cannot be given but it is anticipated this information will be available later this autumn or early winter.

Question 3

Mrs C Palgrave, How Caple

To: Councillor Bramer, Cabinet Member Contracts and Assets

Energy from Waste plant investment and income

At the Dec 2016 Cabinet meeting the Head of Corporate Finance reported that "the borrowing included investment in schemes such as the energy from waste plant which were expected to generate returns for the council in the future." What income from the EfW plant was recorded in accounts for the financial year 2016/17, what is the forecast income for this financial year and is the income in line with projections?

Response

The accounts for the financial year 2016/17 included accrued loan interest income of £2.3m from the EfW plant loan arrangement. The forecast income for this year is £2.7m, and is to date being received as profiled.

34. QUESTIONS FROM COUNCILLORS

No questions were received from councillors.

35. FUTURE USE OF CHILDREN CENTRE BUILDINGS

The cabinet member contracts and assets introduced the item.

Thanks were expressed to officers, members of the scrutiny committee and those who had responded to consultations for their input to the final recommendations.

The report recognised the important role of children's centres and the need to get best value from the buildings. The recommendations varied between the locations, reflecting the needs and circumstances of each area. The report dealt with the future of the buildings rather than services.

Councillor Gandy spoke as the chairman of the task and finish group which had undertaken a piece of work on early years provision and children's centres. She supported the recommendations put forward. The work done by scrutiny had been very thorough and identified that while the services provided at the centres were important, take up was not as good as it could have been. The services needed to be marketed better and centred within the community to reach those families that really needed them.

**Councillor Lester arrived at 14:59*

The assistant director communities spoke to the report. She noted that the work done by the scrutiny task and finish group had been influential in shaping the final recommendations and also the report presented to cabinet in October 2016 on the review of customer services and libraries. Many of the children's centre buildings had been established for some time but requirements and circumstances had changed over that period.

The report sought to take opportunities to create additional space for nursery places which would be needed to address the increased entitlement to free childcare. There would be a saving of about £100k per annum due to increased income from letting of spaces and efficiencies in servicing the buildings.

There had been extensive consultation, targeted on those actually using the centres. Very specific questions had been used to focus feedback. There was general support for the proposals. Where concerns had been expressed about 2 particular centres the proposals had been adjusted based on the feedback received.

In response to comments and queries from group leaders the following points were noted:

- the proposals sought ways to generate more income from those premises that were being retained;
- some services had free use of space in the centres as part of their contract with the council, an example of this was the health visitors arrangements;
- some premises costs would continue where buildings were retained but the council was looking at ways to reduce these;
- some premises costs were due to historic agreements from when the centres were set up;
- the change in building arrangements reflected the change in service delivery which had already taken place;
- where schools were taking over buildings it was expected that services would be available to all, not just to pupils of that school.

Resolved that:

- (a) Greencroft, Broadlands and Ledbury children centre buildings be operated by the schools on site under agreements with each school to deliver 0-5 year services including hosting health and midwife clinics;**
- (b) subject to provision being made in the 2018/19 capital programme and to reaching appropriate agreement with Ross Town Council, Ross children centre services be provided from Ross Library and the Old Chapel;**
- (c) Kingstone children centre building operated by Kes Childcare for 0-5 year services based upon reaching appropriate agreement with Kes Childcare for lease of the land and building;**
- (d) Coningsby children centre services in Leominster to be relocated to the underutilised space at the council's multi agency office (next door) and additional activity at Leominster library;**
- (e) further to d) above, Honeybees nursery be granted a ten year lease at a rent of £16k per annum for use of Coningsby children centre;**
- (f) subject to appropriate procurement and agreement of lease terms enable part of the ground floor of Widemarsh centre for child care services; and**
- (g) the chief finance officer be authorised to take all operational decisions necessary in consultation with director children's wellbeing to implement the above recommendations within approved budgets and in accordance with the council's corporate property strategy.**

The meeting ended at 3.19 pm

Chairman



Meeting:	Cabinet
Meeting date:	Thursday 28 September 2017
Title of report:	Youth Justice Plan 2017-2018
Report by:	Cabinet member young people and children's wellbeing

Classification

Open

Decision type

Budget and policy framework

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an areas comprising of one or more wards in the county.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To recommend the Youth Justice Plan 2017/18 for approval by full Council (appendix a).

The Youth Justice Plan (the plan) forms part of the council's budget and policy framework and is therefore reserved to full Council to approve.

The plan is prepared on an annual basis on behalf of Herefordshire, Shropshire, Telford and Wrekin and Worcestershire councils. The basic plan preparation is undertaken by the West Mercia Youth Justice Service according to the deadlines and content requirements set by the Youth Justice Board for England and Wales (YJB).

The plan sets out how youth justice services across West Mercia are structured and resourced and identifies key actions to address identified risks to service delivery and improvement.

Under section 40 of the Crime and Disorder Act 1998, each council has a duty to produce a plan

Further information on the subject of this report is available from
 Keith Barham, head of service West Mercia Youth Justice Service (YJS) 01905 732200 or
 Chris Baird, interim director for children's wellbeing Tel: 01432 260264or cbaird@herefordshire.gov.uk

setting out how youth justice services in their area are provided and funded and how the youth offending service for the area is funded and composed, the plan is submitted to the YJB.

The plan for 2017/18 was prepared in May 2017 in line with the guidance issued by the YJB. A copy is appended.

Recommendation(s)

That:

- (a) the Youth Justice Plan (at appendix A) is recommended to full Council for approval.**

Alternative options

1. The Youth Justice Plan is required to be produced on an annual basis and has been approved by the West Mercia Youth Justice Service management board; one alternative option would be to amend the contents of the plan prior to approval being sought by full council. However, this is not recommended as any amendments would also require approval from the WMYJS management board and the councils of the other West Mercia local authorities.
2. In addition the council could choose not to endorse the adoption of the youth justice plan 2017/18; however, this is not recommended as it is a statutory requirement for the plan to be approved by full council; therefore there are no practical alternative options.

Key considerations

3. The effectiveness of the youth offending service is measured by three national indicators. Performance against the indicators is outlined in the plan and actions identified to address risks to performance improvement. The Herefordshire specific information is set out on pages 25 to 38 of the plan.
4. The first time entrant (FTE) indicator, which is expressed as the number of first time entrants to the youth justice system per 100,000 youth population, was 486 for Herefordshire for the period October 2015 to September 2016 This represents a reduction of 18% from the previous year, when the FTE rate was 596. There has been a general downward trend since 2009, when the Herefordshire rate was 1,119 per 100,000 youth population. However, the Herefordshire rate is higher than the average rate for West Mercia (422) and England (344).
5. The second indicator is the use of custody indicator, which is measured as the number of custodial sentences per 1,000 youth population. The use of custody performance for the year 2016 was 0.19. This is an improvement in performance from 2015/16 when the rate was 0.25. The current rate compares favourably against the West Mercia (0.22) and national (0.37) rates.
6. The third indicator is re-offending. There are two measures both of which measure re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency rate, is the average number of re-offences per offender in the cohort. The second is the percentage of young people in the cohort who have re-offended. Due to the way the Ministry of Justice measure this indicator, there is a time delay in publishing the results. The most recent data that could be included in the plan was for the cohort identified in the

period April 2014 to March 2015, whose re-offending was tracked for a 12 month period until March 2016.

7. The frequency measure for this cohort in Herefordshire for 2014/15 is 3.47. The rate is slightly better than for West Mercia (3.49) and worse than England (3.27).
8. The percentage of young people who have re-offended in Herefordshire for 2014/15 is 40.8%. This is an improvement on the previous year when the rate was 42.1%. However, the performance is worse than for West Mercia (34.8%) and nationally (37.7%).
9. The service implemented a tool during 2015/16, which tracks re-offending of current cases in real time, allowing for the review of interventions at the earliest point where re-offending occurs. The YJS management board intends to focus on re-offending during 2017/18 and has commissioned a report to form the basis of a themed meeting to identify further actions.
10. The plan outlines key actions to further improve service provision in 2017/18 under seven main priorities:
 - (i) Reducing first time entrants to the youth justice system:
 - Undertake a comprehensive analysis of first time entrants
 - Review and revise the out of court disposal joint decision making arrangements
 - Review the assessment arrangements for out of court disposals
 - (ii) Reduce custody and young people entering the adult criminal justice system:
 - Review and revise the service's management of risk arrangements
 - Develop a remand management strategy
 - Review the transition to adult services protocol
 - (iii) WMYJS interventions are of a consistently good quality:
 - Develop a revised performance reporting framework
 - Review the reparation, mentoring and attendance centre offers
 - Work with the University of Worcester to develop learning mentoring
 - (iv) We have systems in place to understand young people's journey through our services:
 - Re-establish the looked after children reference group
 - Develop an approach to case auditing which involves the YJS management board
 - Re-establish arrangements to contribute to NDTMS (national drug service database)
 - (v) The voice of service users directly impacts on service delivery:
 - Further develop current processes of feedback to ensure it informs service development
 - Develop the process of receiving feedback from victims
 - Develop a strategy for use of the survey tool ViewPoint

- (vi) Team morale is good, staff feel enabled and have the tools required to do their job effectively:
 - The review and revision of identified working practices, policies and protocols
 - Development of a staff learning and development framework
 - Review and clarify the role of identified staffing groups in the service
- (vii) The YJS management board and operational staff are working together with clear collective responsibility for improving outcomes for young people:
 - Arrange for YJS management board members to visit the teams

Community impact

11. The principal aim of the youth justice system is the prevention of offending and re-offending by children and young people. The plan sets out an action plan to address the significant risks identified to future service delivery and improvement.
12. The plan supports the council's Children and Young People's Plan 2015 - 2018, by planning actions to improve the outcomes for children and young people who are in the youth justice system and working to minimise the risks associated with any harm they may pose to others and any harm posed to them.
13. The plan supports priority two of the council's Health and Wellbeing Strategy, in working to reduce offending, anti-social behaviour and re-offending by young people. A multi-agency protocol to reduce the offending by and the criminalisation of looked after children was agreed at the beginning of 2017. The youth justice board has agreed that further focus on looked after children who are in the youth justice system is required and the looked after children reference group will be re-established in 2017/2018.

Equality duty

14. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
15. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
16. The plan will support the council in its overall duty to promote equality. In particular, the plan makes proposals to improve the outcomes of children and young people who are in

Further information on the subject of this report is available from
 Keith Barham, head of service West Mercia Youth Justice Service (YJS) 01905 732200 or
 Chris Baird, interim director for children's wellbeing Tel: 01432 260264 or cbaird@herefordshire.gov.uk

conflict with the law, by ensuring their diversity factors are assessed and assisting them in accessing services that meet their needs.

Resource implications

17. The council's 2017/18 financial contribution to the Youth Offending Service is £197.4k. This is budgeted for in the Medium Term Financial Strategy.

Legal implications

18. This is a budget and policy framework item, which requires Cabinet to make a recommendation to full Council in line with the Part 4, Section 3 of the council's constitution and requires the scrutiny committees to include such items in their work programmes. Part 3.4.5 of the constitution provides that all budget and policy framework items are included within the remit of the general scrutiny committee.
19. The council has a statutory duty, as set out under Section 40 of the Crime and Disorder Act 1998, to formalise and implement for each year a Youth Justice Plan, following consultation with the relevant persons (police, probation and health services) as set out in Section 38(2) of the Act. The plan must set out how youth justice services in the local council area are to be provided and funded; and how the youth offending team established by the local council are composed, funded, how they are to operate and what functions they are to carry out. Plans must be submitted to the Youth Justice Board for England and Wales in a form and by a date set by the Secretary of State.
20. The plan appended to this report, has been submitted to the Youth Justice Board, and meet this statutory duty.

Risk management

21. The risks are identified in the plan, together with the actions to mitigate them.

Consultees

22. Herefordshire Council, Shropshire Council, Telford and Wrekin Council, Worcestershire County Council, West Mercia Police, the National Probation Service and the Office of the West Mercia Police and Crime Commissioner have been consulted through their YJS management board representatives and agreed the plan in May 2017.
23. The Youth Justice Management board received positive feedback from service users who were surveyed through Viewpoint, with 86% of young people saying that the work with the service had made them less likely to offend. Further work is planned in 2017/18 to ensure that the voice of the service user is used to inform service development and planning.
24. General scrutiny committee have reviewed the report and the Youth Justice Plan 2017/18 (appendix a) and provided their endorsement at their meeting on 11 September 2017 and made the following resolutions for the cabinet member young people and children's wellbeing to consider as the plan is developed for 2018/19 by:-
 - asking the West Mercia Youth Justice Service Management Board to review the process for preparing the Youth Justice Plan in order to permit the scrutiny committee to comment on next year's plan at an earlier stage so that its comments can be taken into account in the plan's preparation;

- requesting that an evaluation of informal disposals be included in next year's plan;
- requesting that next year's plan be drafted so as to enable performance year on year to be compared;
- requesting that the information presented within the plan is shown in a way that enables the circumstances of the Herefordshire cohort of offenders and performance of the service in addressing their needs to be assessed and compared year on year.

Appendices

Appendix A - West Mercia Youth Justice Plan 2017/18

Background papers

- None identified

WEST MERCIA YOUTH JUSTICE PARTNERSHIP



YOUTH JUSTICE PLAN

2017/18



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1.0 INTRODUCTION

Introduction from the Karen Bradshaw, Chair of West Mercia Youth Justice Service Management Board and Director of Children Services, Shropshire Council



West Mercia Youth Justice Service (WMYJS) is partnership between the Local Authorities, National Probation Service, West Mercia Police, NHS organisations across West Mercia and the Office for the West Mercia Police and Crime Commissioner. The service is accountable to the WMYJS Management Board, comprised of senior officers from each partner agency. The service is hosted, on behalf of the Local Authorities and the partnership by the Office of the West Mercia Police and Crime Commissioner (OPCC).

During 2016/17 the service went through three significant change processes, firstly the replacement of the YOIS+ case management system with ChildView, the implementation of the AssetPlus assessment and planning framework and the transfer of the service to the OPCC, which accompanied a restructure which included staff being appointed to new posts and on new terms and conditions. Work is ongoing to embed AssetPlus in practice.

There is a mixed picture in respect to the service's performance against the national outcome indicators. Performance in relation to the rate of young people receiving a custodial sentence has slightly improved between 2015 and 2016 from 0.23 to 0.22 custodial sentences per 1,000 youth population, and this rate is significantly below the national rate of 0.37. The first time entrant (FTE) for the year ending September 2016 is at 422, which is above the national rate of 344, however the performance is an improvement on the previous year where it was 481. Reducing FTEs has been adopted as one of the seven main priorities for 2017/18. The proportion of young people re-offending (2014/15 cohort) is 34.8% which although lower the national rate at 37.7%, is 1 percentage point higher than the previous year.

Although the FTE rate is to a large extent outside of the direct control of the youth justice service the service will be undertaking analysis during 2017/18 to identify the main factors affecting the rate. The service has been piloting a bureau approach to out of court decision making in Shropshire during 2016/18 and this will be evaluated during 2017/18 to inform a full review of the joint decision arrangements.

The re-offending rate is volatile and varies year on year in a range between 30% and 35% with no real overall trend either upward or downward. Re-offending will be one of a series of deep dive reports that have been commissioned by the management board.

The management board is pleased to have received the positive feedback from service users who were surveyed through ViewPoint. Some summary feedback is given in section 2.4, but the headline statistic from the ViewPoint survey was that 86% of young people said that the work with the service had made them less likely to offend. Further work is planned in 2017/18 to ensure that the voice of the service user is used to inform service development and planning.

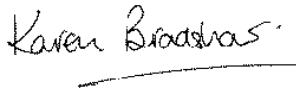
The priorities for 2017/18 are a result of joint management board and management team workshop, where a joint work plan and working together agreement agreed. A further workshop is planned in 2017/18, as well as scheduling board member visits to teams and scheduling case audits.

The service and management board do not work in isolation in reducing offending by children and young people and improving the outcomes for children and young people who have entered or at risk of entering the youth justice system. The board are committed to promoting better joint work between the service and other agencies at a local level. A particular focus has been in relation to looked after children and the board is pleased that during 2016/17 a multi-agency protocol to reduce the offending by and the criminalisation of looked after children was agreed. The LAC reference group, which worked on the protocol, will be reconvened in 17/18 to continue to provide a focus on looked after children who are in the youth justice system.

1.1 Approval of the Plan

This plan was approved at the West Mercia Youth Justice Service Management Board held on 26th May 2017

Signed:



Date: 26th May 2017

Karen Bradshaw
Chair – West Mercia Youth Justice Service Management Board

2.0 REVIEW OF 16/17

2.1 Changes in Service Delivery Arrangements

The hosting of the service was transferred to the Office of the West Mercia Police and Crime Commissioner on 1st April 2016. Following transfer a consultation was undertaken on a new structure and revised job roles within the structure with staff being appointed to new structure in October 2016. A structural diagram is included in appendix 2.

2.2 Review of Key Developments

The Youth Justice Service Management Board agreed four main priorities for 16/17, the following developments were achieved during the year:-

Priority 1 - Improving Performance and Developing Practice

- Continued improvement against service set assessment and planning quality standards
- Implementation of the ChildView case management system
- Implementation of the AssetPlus assessment and planning framework
- Piloting a bureau approach to out of court disposal decision making in Shropshire

Priority 2 - Understanding our Young People

- Refreshed needs assessment
- The first of a series of deep dives planned by the Management Board, focussing on education issues
- Re-launch of the "Tell Us" comments, compliments and complaints process

Priority 3 - Improved Joint Working and Integration

- Agreement of a multi-agency protocol to reduce the offending by and need to criminalise looked after children
- Supporting the roll out of Police led decision making forums for looked after children

Priority 4 - Governance and Communication

- Transfer of the service to the Office for the Police and Crime Commissioner
- Service restructure
- Joint workshop between the Management Board and Management Team to agree working together principles and the key priorities and actions for 17/18

2.3 Thematic Inspections

During 2016/17 the Management Board considered the findings from the Desistence and Young People thematic inspection. A number of planned actions have been agreed to address the recommendations of the thematic inspection and form part of this youth justice plan for 2017/18.

2.4 Views of Young People

The following data is taken from a ViewPoint survey of 84 young people who were subject to court orders managed by WMYJS undertaken during the last five months of 2016/17.

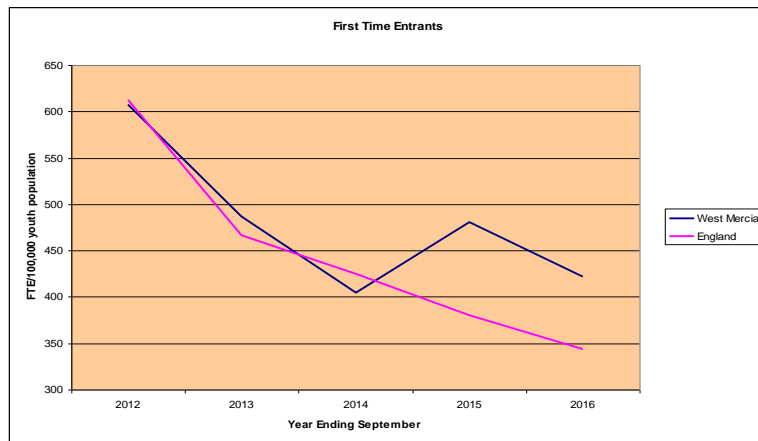
- 91% said that someone at WMYJS asked them to explain what they thought would help them stop offending.
- 89% said WMYJS took their views seriously all or most of the time
- 93% said their WMYJS worker did enough to help them take part in the WMYJS work
- 90% said that the work with WMYJS made them realise change is possible
- 86% said that since they started work with WMYJS they are less likely to offend
- 94% said that they had been treated fairly by the people who had worked with them most or all of the time
- 94% said the service provided to them by WMYJS was either good, or good most of the time

2.6 Performance

Youth Justice Partnerships are subject to three national outcome indicators;

- First Time Entrants (FTE) to the Youth Justice System
- Use of Custody
- Re-Offending

(i) First Time Entrants to the Youth Justice System (FTE)



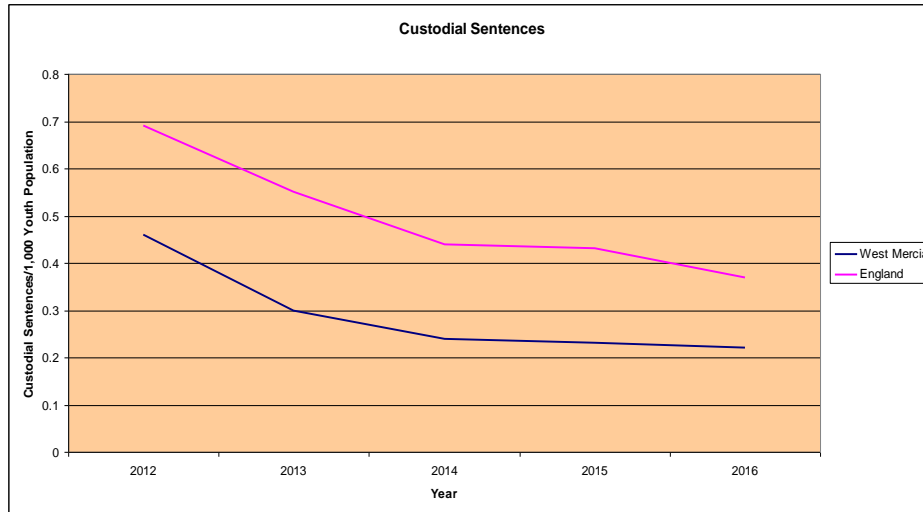
The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (Youth Caution, Youth Conditional Caution or Conviction). A lower figure denotes good performance.

The rate of FTEs across West Mercia for the year October 2015 to September 2016 was 422, which is an improvement on the performance for the previous year when the FTE rate was 481. The rate in West Mercia is higher than the national rate of 344.

The percentage reduction in the rate of FTEs in West Mercia over the period 2012 to 2016 has been 30.4%.

Within West Mercia there are differing FTE rates between the four Local Authority areas, with the highest being 515 and the lowest 303. The first time entrant rate is to a great extent outside of the control of the WMYJS, however WMYJS, jointly with West Mercia Police have been piloting a bureau approach to out of court decision making in Shropshire which aims to divert low level offenders from formal justice sanctions through the use of restorative processes, and this is due for evaluation during 2017/18.

(ii) Use of Custody



The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year old population. West Mercia has, historically, had a low rate of custodial sentences. A lower figure denotes good performance.

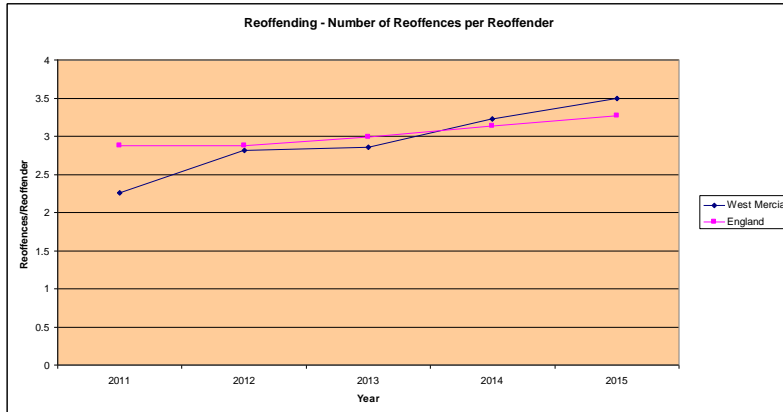
For 2016 the use of custody rate for West Mercia was 0.22 against the rate for England of 0.37, West Mercia performance is, therefore, significantly better than the national performance. The West Mercia rate for 2016 has slightly improved from 2015 when it was 0.23.

Over the five year period to 2012 to 2016 the rate has reduced from 0.41 to 0.22, a reduction of 46.3% which is comparable to 46.4% for England over the same period

The actual fall in custodial sentences was from 46 in 2012 to 24 in 2016, a reduction of 47%.

(iii) Re-Offending

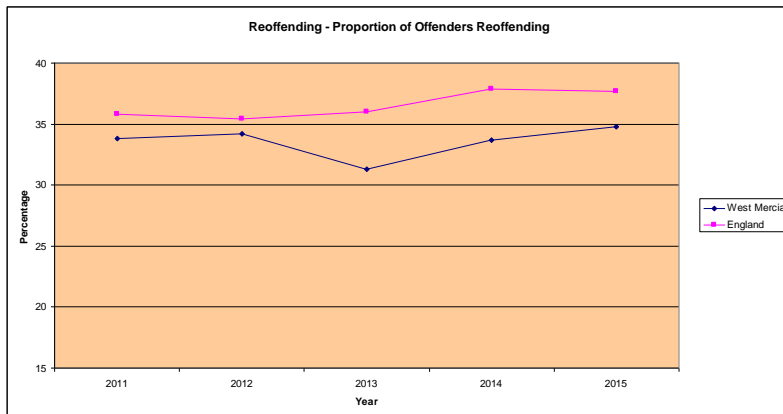
There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per re-offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. The most recent data for the re-offending measure is for the cohort identified in the year 2014/15. In both measures a lower figure denotes good performance.



For the year 2014/15 the frequency measure performance for West Mercia was 3.49, compared to national performance 3.27.

The binary measure performance for the year 2014/15 for West Mercia is 34.8% compared with national performance of 37.7%.

A comparison over a five year period shows that this measure is volatile varying year on year in a range between 31% and 35%. The national rate also shows a year on year variation over the same period but within the range of 35% and 38%.



It should be noted that the cohort size is falling, from 1352 young people in 11/12 cohort compared to 817 young people in the 14/15 cohort. The number of re-offences has also decreased over the same period from 1296 to 991 a decrease of 24%.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs. Early information from the tracker tool has identified that only a small proportion of young people re-offend leading to a further conviction whilst subject to a WMYJS intervention, between September and December 2016 only 3.6% of young people subject to WMYJS interventions were reconvicted of a further offence.

3. SERVICE PRIORITIES AND RISKS TO FUTURE DELIVERY AGAINST NATIONAL OUTCOME MEASURES – 2017/18

3.1 Priorities for 2017/18

Seven key priorities were identified at a joint Management Board and Management Team workshop held at the end of 2016.

Priority: Reducing First Time Entrants to the Youth Justice System

Three of the four local authority areas, and therefore West Mercia as a whole experienced a rise in the first time entrant rate between the years ending September 2014 and 2015, although the rate decreased the year after. There are differential rates across West Mercia from 303 in Shropshire to 515 in Telford and Wrekin. The reasons for the previous increases in the rates and also differences in the rates between the areas are not fully understood. Some initial analysis in 2014/15 in one particular area indicated that a higher detection rate combined with lower proportional use of community resolutions partly explained the reason why there was a higher rate in one area, but did not completely explain the extent of the difference.

It is, therefore, planned to undertake a more comprehensive analysis during 2017/18 in order to identify the key drivers of the differential rates of FTEs across West Mercia, but also to determine the profile of the FTE cohort. As part of this work a tracking tool has been developed which will be used to better understand the journey of the child into the youth justice system. The analysis will form one of the thematic deep dives to be considered by the Management Board.

During 16/17, in conjunction with West Mercia Police WMYJS has been piloting a bureau approach to out of court disposal decision making based on the South Wales model. One of the potential outcomes of this approach is the possibility of appropriately diverting more young people from formal justice sanctions through offering a wider range of options to support informal resolutions. The bureau will be evaluated during 17/18 as part of a review of joint decision making with the intention of putting in place a new joint decision making model at the pre-court stage. This work will additionally look at developing a model of quality assuring and promoting consistency in decision making, standardising recording, and also revising the screening and assessment tools for this stage of the system.

Priority: Reduce custody and young people entering the adult criminal justice system

This priority includes the national outcome indicators of re-offending (reducing young people entering the adult criminal justice system) and custody, however work planned within other priorities will additionally contribute towards these outcome areas.

The custody rate in West Mercia is low and has been reducing consistently since the establishment of the service in October 2012. Currently the custody rate is at 0.22 custodial sentences per 1,000 youth population, 24 actual custodial sentences during 2016, In 2012 there were 46 custodial sentences. Although the rate of custodial sentences is low the National Standards audit on bail and remand conducted in the last quarter of 2016/17 identified the need for improvements to ensure that the service is fully compliant to those standards. In the main this will involve the development of new remand management strategy and practice guidance for the service.

Staff will be involved in the process of informing a new resettlement framework to be completed during 2018/19. During 17/18 a register of local pathways to services for each area will be developed which will not only support the future resettlement framework but will also aid exit planning for young people ending orders and for sign posting purposes for young people receiving informal pre-court disposals.

The service implemented the use of a re-offending tracking tool during 2016/17, this has shown that very few young people are re-offending whilst subject to WMYJS interventions. It is planned to undertake further analysis of the re-offending cohort during 2017/18, and this will form another one of the Management Board's thematic deep dives which will inform further action planning for the board, or individual board members.

There are inconsistencies in the application of the service's management of risk process (MOR) across the service, and the MOR policy requires updating due to the implementation of AssetPlus. A new MOR policy and processes will be developed and implemented during 2017/18.

Although a transition protocol is in place with the National Probation Service, it pre-dates the most recent national protocol. The protocol will be reviewed to ensure that it reflects the most recent national protocol and provide for better transition planning where cases are transferred. The implementation of the use of the Y2A portal for information exchange at transition will be further explored.

Priority: WMYJS Interventions are of a consistently good quality

A revised quality assurance framework and tools for assessment and planning have been implemented following the move to the AssetPlus assessment and planning framework. AssetPlus is still being embedded into practice and it is recognised that further staff development and revisions to the performance and quality framework will be required throughout 2017/18 to achieve this. The service will be investigating the feasibility of developing a balanced scorecard approach to identifying and reporting on locally defined performance measures. The effectiveness of the tracking tools, developed during 2016 will be evaluated, in particular the ETE tracking tool.

Further development of the Attendance Centre curriculum is planned and the service will be establishing ways of recognising young people's achievements including, where appropriate, accreditation.

The mentoring scheme run within the service will be developed to include assisting young people in developing links in their own community. The service is currently working with Worcester University to develop learning mentoring to assist young people improving their basic skills using students at the University as learning mentors.

It is planned to review the reparation offer to ensure that activities are more outcome based and placements are individualised to meet the needs of the young person.

Priority: We have systems in place to understand young people's journey through our services.

The Management Board have agreed a number of deep dive analyses to inform further action planning for the service, the board, or individual board members. The first of these on education, training and employment was held in March 2017. A further deep dive on mental health is due in quarter 2 of 17/18. Both FTEs and re-offending are also on the schedule of deep dive themes.

The Management Board had a focus on looked after children, and during 15/16 had a looked after children reference group. Work of the group included developing a multi-agency protocol to reduce to offending by and the criminalisation of looked after children which was agreed at the beginning of 2017. It is agreed that further focus on looked after children who are in the youth justice system is required and the looked after children reference group will be re-established in 17/18.

It is planned to implement a schedule of case audits in involve Management Board members to enhance the oversight of practice by the Management Board.

Priority: The voice of service users directly impacts on service delivery

The service has had an active service user engagement group, who developed the services comments, compliments and complaints process and designed the service feedback forms. There is, however, inconsistency between the teams in collecting service user feedback, and the service need to better use the information collected to inform service development and planning. The group will continue throughout 2017/18 to further develop the service's approach to service user engagement, including assessing the feasibility of using ViewPoint as tool for collecting feedback.

It is additionally planned to improve the service's processes for collecting the views of victims.

Priority: Team morale is good, staff feel enabled and have the tools required to do their job effectively.

2016/17 was a year of significant change in service, with the implementation of a new case management system the implementation of the AssetPlus assessment and planning framework and the transfer of the service to the Office of the PCC. Perhaps most significant was a service restructure which resulted in staff being appointed into new jobs, with new job descriptions, new salary grades and revised terms and conditions. It is recognised that the changes have negatively affected morale within the service. It is planned to undertake a staff survey to establish from staff how they feel and establish actions to improve morale and ensure staff are communicated with and better involved.

A new post of Senior Practitioner was established in the new structure, part of the role of this post is service wide quality assurance and staff development. The management team will be working with the senior practitioners to better define and implement their cross service functions.

A key aspect of staff having the tools required to do their job effectively is learning and development. The service will be developing a new learning and development framework based on the 70:20:10 principles, and develop the learning plan for 17/18. This will be informed by a staff survey. A new communication strategy will also be put in place.

There are a number of protocols and working guidance which require reviewing and revising including protocols with mental health services and children services. The roles of certain specialist workers within the service will also be reviewed.

The arrangements for the delivery of the AIM2 assessment and intervention programmes for young people who are demonstrating harmful sexual behaviour will also be reviewed during 2017/18.

Priority: The Management Board and operational staff are working together with clear collective responsibility for improving outcomes for young people

The majority of the work planned under this priority has been undertaken prior to 1st April 2017, including agreeing a working agreement between the management board and management team, appointing lead board members and management team members for each of the priorities and agreeing a method of communicating key board decisions to staff.

During 2017/18 management board members will be visiting each of the teams to improve communication between the board and staff in the service.

3.2 Safeguarding

Safeguarding remains a key area of focus for the service. WMYJS has a key role in safeguarding young people, in terms of assessing and reducing the risk of harm to young people either from their own behaviour or the actions of others and reducing the risk of harm they may pose to others.

During 2016/17 the service undertook critical learning reviews (CLRs) as part of the YJB safeguarding and public protection reviewing process. Learning from these review has informed action planning and been shared with the LSCBs. WMYJS will continue to undertake CLRs, even though these are not now mandatory. During 2017/18 the service will review the arrangements for the provision of specialist interventions for young people demonstrating harmful sexual behaviour. Directly related to safeguarding, the delivery plan for 2017/18 also includes a review of the management of risk arrangements and the development of a strategy on domestic abuse, in particular peer domestic abuse and young person to parent abuse. The management board have commissioned a deep dive on mental health and the service will be working with the national youth justice SEND (special education needs and disabilities) project.

3.3 Risks to the Future Delivery against the National Outcome Measures

The current performance against the national outcome measures are contained in section 2.6 of this plan. As the section notes although the FTE rate is higher than the national rate, the most recent performance is an improvement on the previous year. There are however differential rates between the four LA areas and the reasons for these differences are not fully understood. The rate of custodial sentences remains low, at 0.22 per 1,000 population, but as noted in the commentary on the priorities our key area of risk in relation to custody is with custodial remands, and this is an area that will be focussed on during 2017/18. Re-offending performance is volatile and rises and falls within a range of 30% to 35%. As part of the learning and development plan it is intended to provide training on desistance for practitioners. The review and revision of the management of risk arrangements will also consider the management of the likelihood of re-offending.

Outcome Measure	Performance Indicator	Risk	Key Mitigating Actions	Other Relevant Delivery Plan Actions
First Time Entrants	The number of first time entrants to the youth justice system per 100,000 youth population	Lack of understanding of the drivers behind differing rates could mean that improvement actions focus on wrong factors	Comprehensive analysis of FTE cohort	1.1
		Inconsistencies in out of court decision making contributing to differential rates of FTEs across the area	Review and revise the OoCD joint decision making arrangements	1.2, 1.3, 1.5 and 2.3
Custody	The number of custodial sentences per 1,000 youth population	Absence of a remand management strategy may lead to an increase in young people being remanded	Development of a remand management strategy	2.2
Re-Offending	(i) The average number of re-offences per re-offender (ii) The proportion of offenders (%) re-offending within 12 months	Management of risk policy out of date and inconsistently applied	Revision of the Management of Risk policy and guidance	2.1
		Poor quality assessments, plans and delivery against local/national standards	Continued work on embedding AssetPlus. Developing a balanced scorecard approach to performance reporting	3.1 and 6.2
		Interventions are not focussed on the most significant factors or are not delivered with integrity	Review and development key intervention delivery arrangements including AIM2, reparation, mentoring, AC curriculum and use of ETE trackers	2.3, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 4.2, 5.1, 6.9 and 7.1
		Staff do not have an understanding of desistance theory	Ensure that desistance theory is incorporated in the 2017/18 training plan	6.2, 6.5 and 6.4
		Lack of understanding of the characteristics of the re-offending cohort	Deep dive analysis	

3.4 Delivery Plan

Ref	Action	Owner	Timescale (by end of quarter)
Priority: Reducing First Time Entrants to the Youth Justice System			
1.1	Undertake a comprehensive analysis of FTEs to identify characteristics of the cohort, and the development of a tracking tool to identify young peoples journey into the youth justice system	TM – T	2
1.2	Evaluate the Shropshire Youth Bureau pilot	TM – T	2
1.3	Review Joint OoCD decision making arrangements, taking into account Youth Bureau evaluation and decision making processes for LAC and develop a joint decision protocol with West Mercia Police to include putting in place an audit and scrutiny process in respect of OoCD decision making	TM – T	3
1.4	Developing Standardised recording of CRs	TM – T	3
1.5	Review assessment arrangements for OoCD	TM – T	3
Priority: Reduce custody and young people entering the adult criminal justice system			
2.1	Review and revise management of risk policy, procedure and guidance including considering how other agencies (where involved) can be better engaged in the process.	TM – S	3
2.2	Development of Remand Management Strategy	TM – H	3
2.3	Development of registers of services and pathways in each area for step down (exit strategies) and referral for support of community resolutions/simple cautions.	Team Managers	4
2.4	Review and revise transition arrangements and protocol with NPS	HoS	3
2.5	Development of Service Resettlement Framework		Deferred 17/18
Priority: Youth justice service interventions are of a consistently high quality			
3.1	Development of a balanced scorecard for in service performance reporting.	HoS/TM- S	3
3.2	Develop QA process for stand down and progress reports	TM – H	3
3.3	Review use and effectiveness of the ETE tracking tool.	TM – W	3
3.4	Establish ways of recognising young people's achievements within intervention including exploring the possibility of accreditation	VDO	3
3.5	Developing the mentoring offer to include assisting young people developing links in their community	VDO	3

Ref	Action	Owner	Timescale (by end of quarter)
Priority: Youth justice service interventions are of a consistently high quality			
3.6	Review of the reparation offer to ensure restorative activities are outcome based and activities are individualised and age related.	TM – T	3
3.7	Development of the AC curriculum to ensure compliance with the operating model	TM – T	3
3.8	Investigate with the University piloting a learning mentoring scheme using students.	VDO	4
Priority: We have systems in place to understand young people's journey through our services and to evaluate impact and Effectiveness			
4.1	Arrange schedule and format for joint management team and management board member case audits	TM – S	4
4.2	Review YJS SM provision , including the arrangements to input to NDTMS	TM – S	3
4.3	Re-establish a LAC reference group	TM – W	2
Priority: The voice of service users directly impacts on service delivery			
5.1	Develop the current feedback process to ensure the information is used to inform practice development	TM – W/SP	4
5.2	Develop and implement strategy for service's use of ViewPoint	TM – W/SP	3
5.3	Develop a process of receiving feedback from victims which is used to inform service	TM – T/SP	2
Priority: Team morale is good, staff feel enabled and supported and have the tools required to do their job effectively			
6.1	Conduct staff survey	HoS	2
6.2	Developing and defining the role of senior practitioners in undertaking learning reviews and cross service auditing	HoS	2
6.3	Development of service communication plan	HoS	3
6.4	Arrange a staff conference	HoS	2
6.5	Development of Learning and Development framework and a training plan which is informed by audit/survey of training needs and learning and development needs identified in annual appraisals	TM – S	3
6.6	Review arrangements for covering weekend and public holiday courts.	TM – H	2
6.7	Developing a policy to ensure that parents/carers and fully involved in compliance and engagement arrangements	TM – T	2
6.8	Put in place process to ensure that parental and young people's assessments are initiated in court	TM – H	3
6.9	Review AIM2 arrangements	TM – W/SP	3
6.10	Review role of the police officers	TM – H	2
6.11	Review information sharing arrangements with ChSC and ensure joint planning	Team Managers	4

Ref	Action	Owner	Timescale (by end of quarter)
Priority: Team morale is good, staff feel enabled and supported and have the tools required to do their job effectively			
6.12	Redefine role of CAMHS secondees and amend protocols with CAMHS	HoS	4
6.13	Define minimum standards with respect to re-allocating cases	TM – H	4
6.14	Development of a service domestic abuse strategy	VDO	3
6.15	Review and revise young people moving between areas guidance	TM – T	2
Priority: The management board and operational staff are working together with clear collective responsibility for improving outcomes for young people			
7.1	Schedule of management board visits to teams	ChMB	2

Key to owners:

TM – H	Team Manager, Herefordshire
TM – S	Team Manager, Shropshire
TM – T	Team Manager, Telford and Wrekin
TM – W	Team Manager, Worcestershire
VDO	Volunteer Development Officer
HoS	Head of Service
SP	Delegated Senior Practitioner
ChMB	Chair of the Management Board

Appendix 1

West Mercia Youth Justice Service Resources 2017/18

Income

The Youth Offending Service has a complex budget structure comprising of partner agency cash, seconded staff and in kind contributions and the Youth Justice (YOT) Grant from the Youth Justice Board for England and Wales. The table below outlines the agreed contributions for 2017/18.

Agency	Staffing costs Secondees (£)	Payments in kind – revenue (£)	Other delegated funds (£)	Total (£)
Local Authorities ¹			1,212,499	1,212,499
Police Service	237,892		63,000	300,892
National Probation Service	126,066		15,000	141,066
Health Service	129,860		36,894	166,754
Police and Crime Commissioner			180,293	180,293
YJB Youth Justice (YOT) Grant			1,195,802	1,195,802
Total	493,818		2,703,488	3,197,306

The grant to run the Attendance Centres, £50,519, is included in the total for the YJB Youth Justice Grant in the table above

¹ Where YOTs cover more than one local authority area YJB Youth Justice Plan guidance requires the totality of local authority contributions to be described as a single figure.

The YJB Youth Justice (YOT) Grant

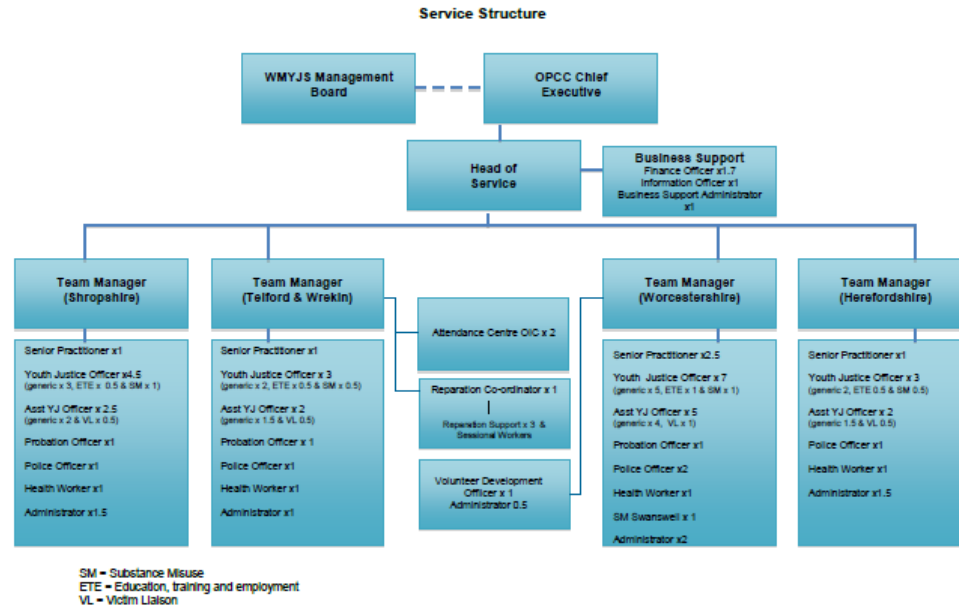
The YJB Youth Justice (YOT) Grant is provided for the provision of youth justice services with an aim of achieving the following outcomes; reducing re-offending, reducing first time entrants, reducing the use of custody, effective public protection and effective safeguarding. The grant will form part of the overall pooled partnership budget for WMYJS, which is used to deliver and support youth justice services across West Mercia. The outline draft budget for 2017/18 is provided below; the expenditure against the Youth Justice Grant is included in this budget.

Category	Budget (£)
Employee Costs	2,044,495
Other Employee Costs	1,878
Training	30,000
Premises	169,322
Supplies and Services	61,103
ICT	111,374
Third Party Payments	161,191
Transport	124,125

Appendix 2

West Mercia Youth Justice Service Structure and Staffing Information

The West Mercia Youth Justice Service comprises four multi-agency service delivery teams, aligned to the Local Authority areas to deliver the majority of services. The reparation service and volunteer services are co-ordinated centrally across the whole service, as are the finance and data and information functions.



WMYJS is compliant with the minimum staffing requirements outlined in the Crime and Disorder Act 1998, as can be seen from the structural diagram above. There are four HCPC registered Social Workers within the staffing group.

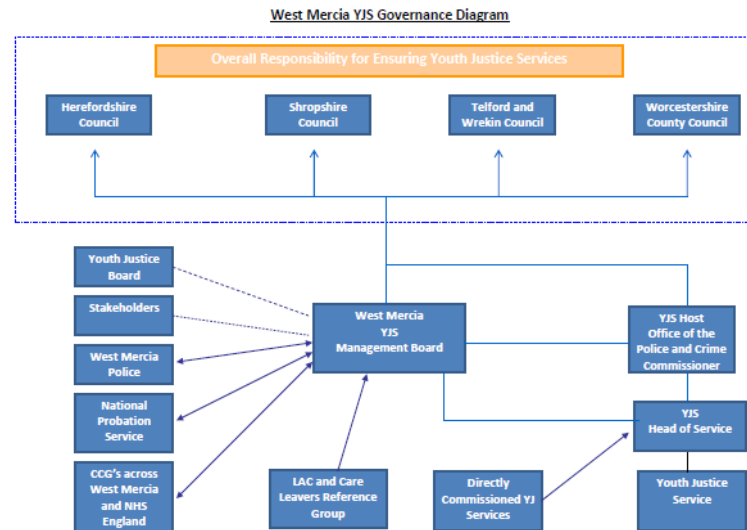
Appendix 3

West Mercia Youth Justice Service Governance and Partnership Information

Governance

WMYJS is managed on behalf of the Local Authorities and the WMYJS partnership by the Office for the West Mercia Police and Crime Commissioner (OPCC). Day to day management of the Head of Service is provided by jointly the Chief Executive of the OPCC and the Chair of the Management Board (DCS Shropshire). The Youth Justice Service is accountable to the WMYJS Management Board and the Management Board is accountable to each of the Local Authorities for the commissioning and delivery of youth justice services.

The partnership Youth Justice Plan is approved by the Management Board and by each of the four top tier Councils. The diagram below outlines the governance arrangements of West Mercia Youth Justice Service.



The Youth Justice Service Management Board is currently chaired by the Director of Children Services for Shropshire Council. The Membership of the Board at 1st April 2017 is outlined in the table below:

Agency	Representative	Role
Worcestershire County Council	Jake Shaw	Assistant Director
Shropshire Council	Karen Bradshaw	Director of Children Services
Telford and Wrekin Council	Clive Jones	Director of Children, Family and Adult Services
Herefordshire Council	Chris Baird	Director of Children's Wellbeing
National Probation Service	Tom Currie	Head of West Mercia
West Mercia Police	Debra Tedds	Assistant Chief Constable
West Mercia Clinical Commissioning Groups	Helen Bayley	Lead Nurse for Integrated Clinical Care and Safety, Shropshire CCG
Office for the West Mercia Police and Crime Commissioner	Andy Champness	Chief Executive

The Management Board meets every two months and monitors the performance and quality of the service through regular reporting. Where necessary the Management Board will monitor compliance with the YJB Grant conditions through exception reports. There is an agreed process of reporting community safeguarding and public protection incident reviews into the Management Board and the Board monitors the progress of critical learning review action plans as a standard agenda item.

The Management Board has a schedule of thematic deep dives, the purpose of which is to identify any issues, in particular with regards to provision of services and multi-agency working, and agree actions for the Management Board or individual board members in order to improve services for young people in the youth justice system.

The Management Board ensures that, where relevant, commissioning across partner agencies take account of the needs of young people in or at risk of entering the youth justice system, and where appropriate explore joint commissioning arrangements.

Partnerships

The Youth Justice Service only has one outsourced service, the provision of Appropriate Adults for young people in Police custody. The service is provided by a local voluntary sector organisation YSS.

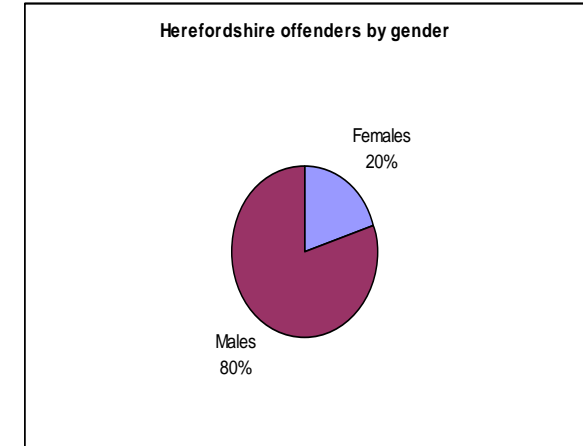
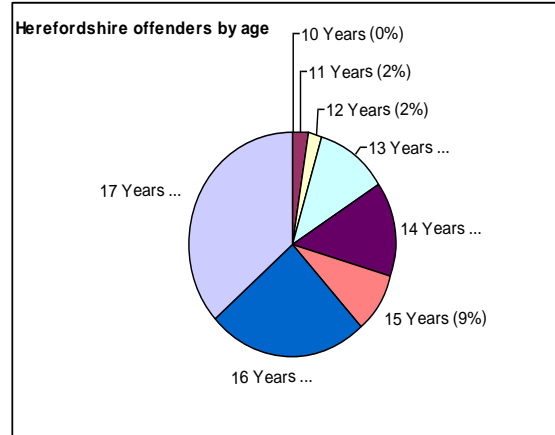
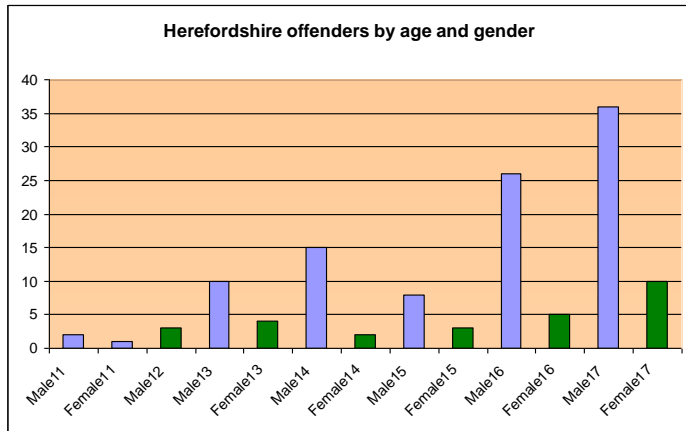
WMYJS is a member of the four Safeguarding Children Boards and several of the board's sub groups and the Children's Trusts or equivalent partnerships. WMYJS is represented on the Crime and Disorder reduction partnerships at the unitary or top tier authority level. WMYJS is an active member of the West Mercia Criminal Justice Board, the West Mercia Reducing Offending Board, the West Mercia Victim and Witness Board and the MAPPA Strategic Management Board.

WMYJS is represented on the Channel Panels across West Mercia established as part of the Prevent strategy. WMYJS staff have undertaken WRAP training in most areas. Further work is required to ensure that the WMYJS is able to respond in delivering appropriate programmes of intervention to young people who are at risk of extremism.

APPENDIX 4 - AREA PROFILE – HEREFORDSHIRE

Youth Offending Population – all Young People

There are 16,101 young people aged 10 to 17 in Herefordshire. In 2016/17 there were 179 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Herefordshire young people. A total of 125 individual young people accounted for these 179 outcomes, 0.78% of the youth population.

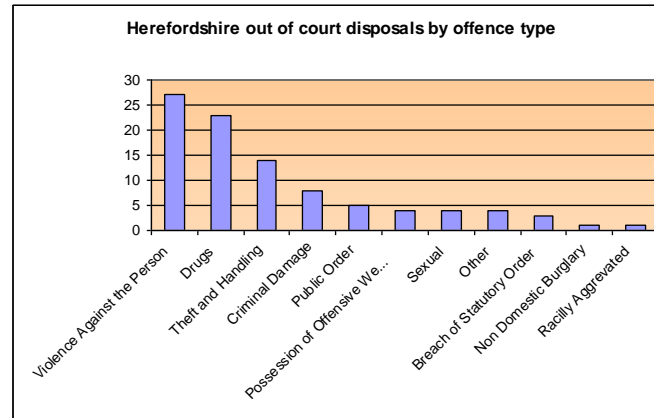


Of the 125 young people entering or in the youth justice system in 2016/17, 80% were male. The majority, 70%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 17 years.

Youth Offending Population – Young People Subject to Out of Court Disposals

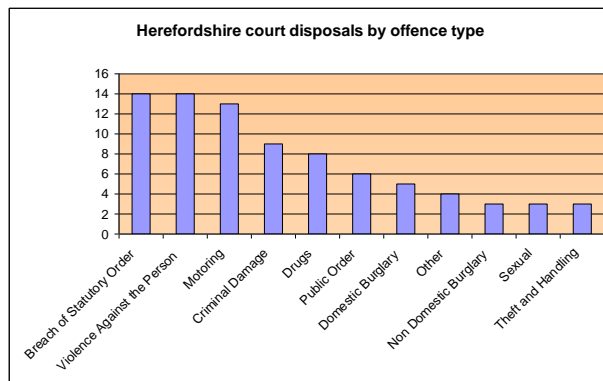
During 2016/17 there were a total of 95 pre-court disposals made on 76 Herefordshire young people, 83 of these were Youth Cautions and 12 Youth Conditional Cautions. WMYJS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in

2016/17 intervention programmes were provided for 26 pre-court disposals.



The most frequently occurring primary offences for out of court disposals were violence against the person, 28% drug offences, 24% followed by theft and handling, 15% and criminal damage, 8%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 49 Herefordshire young people accounted for 84 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 53 of the 85 court outcomes.

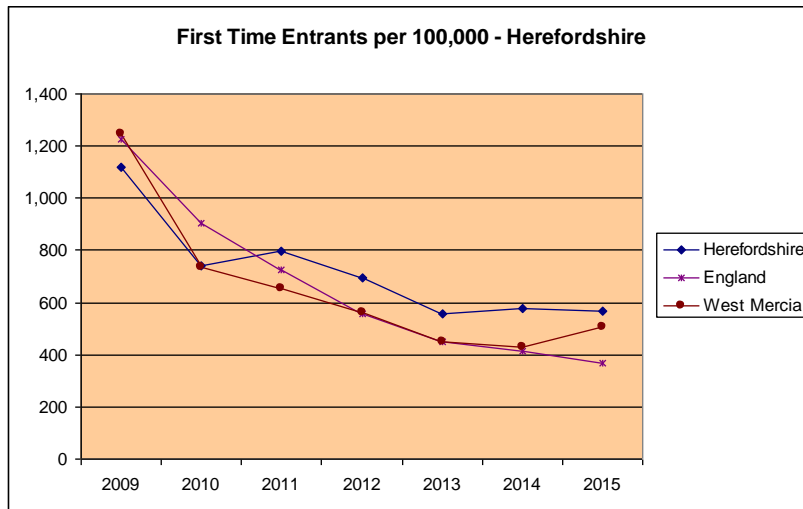
The majority, 83% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 40% of young people receiving a court sentence.

The most frequently occurring primary offence for court sentences was violence against the person, accounting for 17% of all offences. Motoring offences were the next frequently occurring offence, 15%, followed by criminal damage, 11% and drugs 10%. 17% of court outcomes were in respect of breach of a statutory order.

Performance against the National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year October 15 to September 16 there were 486 first time entrants per 100,000 youth population in Herefordshire, representing a reduction of 35% since 2012. This compares with a reduction for England of 41% and for West Mercia of 30% over the same period. The actual number of first time entrants in year ending September 2106 is 79, compared to 131 in the year ending September 2012. The rate of 486 is an improvement in performance on the previous year when the rate was 596.

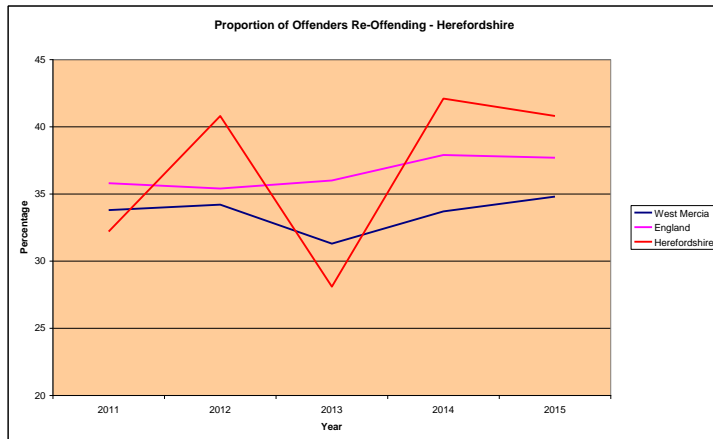
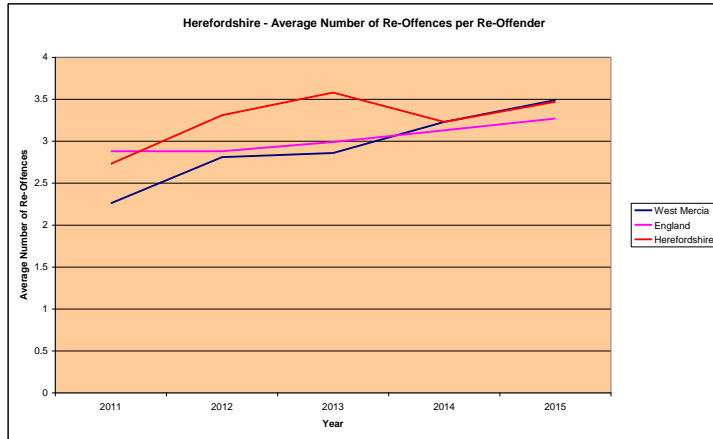
At 486 Herefordshire has the second highest rate of FTEs across West Mercia, the range in rates across the West Mercia authorities is 303 to 515. Some analysis into reasons for the high rate in Herefordshire was undertaken in 14/15, and it found that in part it is due to a higher detection rate and a lower proportional use of informal disposals. Further analysis is planned for 17/18.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Herefordshire has, historically, had a low rate of custodial sentences.

There were 3 custodial sentences during 2016, equating to a rate of 0.19 custodial sentences per 1000 youth population this represents a reduction in custodial sentences from 2015/16 where there were 4 custodial sentences equating to a rate of 0.25. The 2016 rate of 0.19% compares to a West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per re-offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year 2014/15. This is the year where the cohort is identified, they are then followed for re-offending for a 12 month period, hence to March 2016.

The frequency measure performance for Herefordshire for 2014/15 is 3.47, compared to the West Mercia performance of 3.49 and national performance of 3.27. Herefordshire is, therefore, performing less well than for England but slightly better than for West Mercia as a whole. Although the performance has slightly deteriorated from 13/14 when it was 3.23, it is better than for 12/13 where it was 3.53.

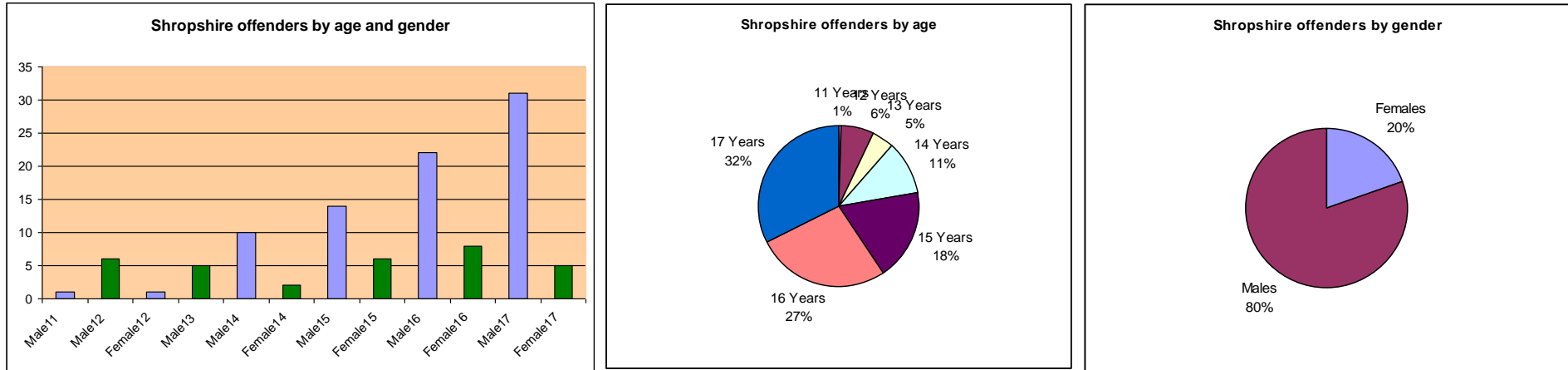
For 2014/15 the binary measure for Herefordshire is 40.8 compared with a West Mercia performance of 34.8% and a national performance of 37.7%. For 2014/15, therefore, there were a greater proportion of the cohort re-offending than for West Mercia, but they were, on average, re-offending with less frequency. The 2014/15 performance of 40.8% represents an improvement on the performance for the previous year when it was 42.1%. It should also be noted, that the overall cohort sizes are decreasing year on year. In 2011/12 there were 255 offenders in the cohort and 344 re-offences and compared to a cohort size of 157 and 222 re-offences in 2014/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

APPENDIX 5 - AREA PROFILE – SHROPSHIRE

Youth Offending Population – all Young People

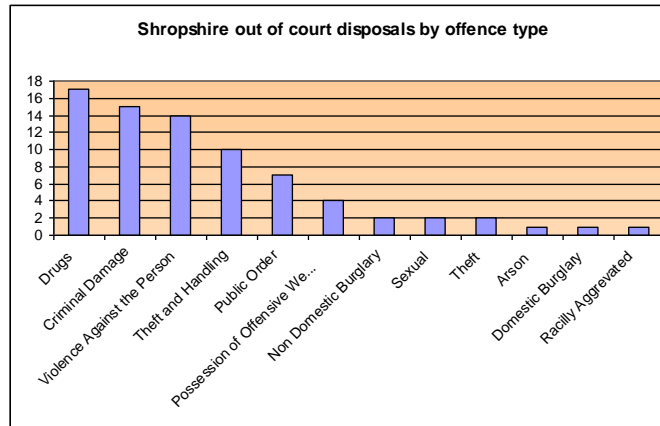
There are 27,663 young people aged 10 to 17 in Shropshire. In 2016/17 there were 146 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Shropshire young people. A total of 111 individual young people accounted for these 146 outcomes, 0.40% of the youth population.



Of the 111 young people entering or in the youth justice system in 2016/17, 80% were male. The majority, 77%, were aged 15 to 17 years. The peak age of offending for young males was 17 years and young females 16 years.

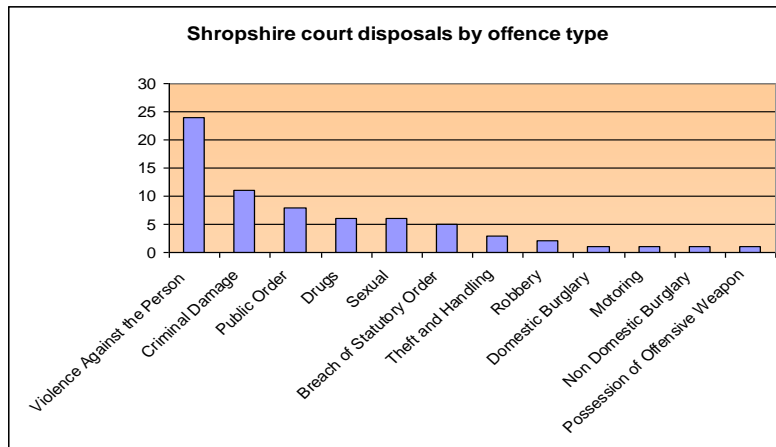
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2016/17 there were a total of 76 pre-court disposals made on Shropshire young people, 70 Youth Cautions and 6 Youth Conditional Cautions. The youth justice service is required to assess all young people made subject to second or subsequent Youth Caution and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2016/17 intervention programmes were provided for 34 pre-court disposals.



The most frequently occurring primary offences for out of court disposals were drug offences, 22%, followed by criminal damage, 20%, violence against a person, 18%, and theft and handling 13%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 48 Shropshire young people accounted for 70 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 59 of the 70 court outcomes.

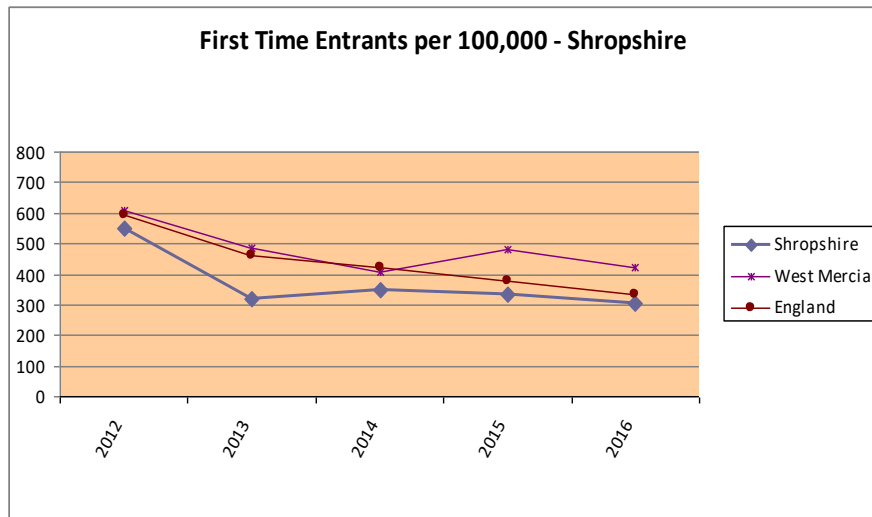
The majority, 91% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 50% of young people receiving a court sentence.

The most frequently occurring offence for court sentences was violence against the person, accounting for 34% of all outcomes. Criminal damage was the next frequently occurring offence, 16%, followed by public order 11%, and drug offences and sexual offences, both accounting for 9%.

Performance against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate



In the year October 2015 to September 2016 there were 303 first time entrants per 100,000 youth population in Shropshire, representing a reduction of 45% since 2012. This compares with a reduction for England of 41% and for West Mercia of 30% over the same period. The actual number of first time entrants in the year ending September 2016 is 85, compared to 166 in 2012.

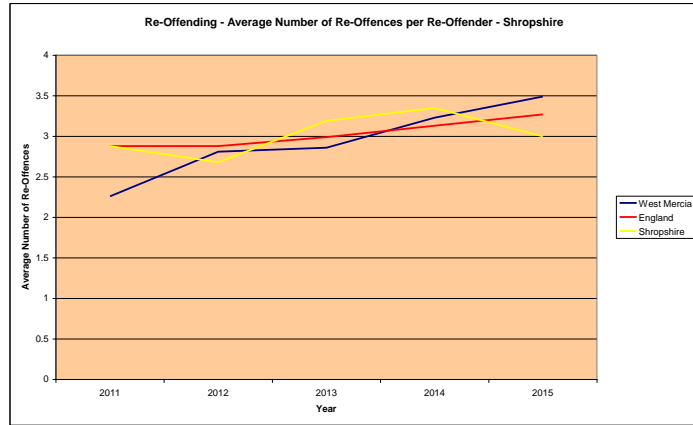
At 303 Shropshire has the lowest rate of FTEs across West Mercia, the next lowest rate being 432 and the highest 515. The Shropshire rate is lower than the national rate, 344 and significantly lower than West Mercia, 422. The September 2016 rate of 303 represents an improvement on performance from the previous year when the rate was at 332. A bureau approach to joint decision making for out of court disposal has been piloted in Shropshire throughout 16/17. This is due to be evaluated in 17/18.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Shropshire has, historically, had a low rate of custodial sentences.

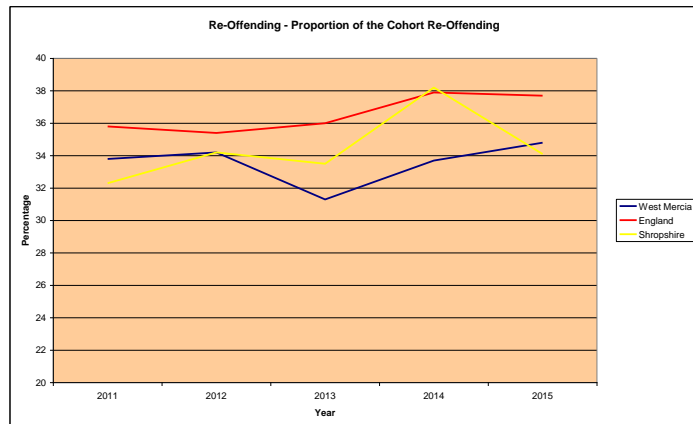
There were 8 custodial sentences during 2016, equating to a rate of 0.29 custodial sentences per 1000 youth population this represents an increase in custodial sentences from 2015/16 where there were 3 custodial sentences equating to a rate of 0.11. The 2016 rate of 0.29% compares to a West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for cohort identified in 2014/15.

The frequency measure performance for Shropshire for 2014/15 is 3.0, compared to the West Mercia performance of 3.49 and national performance of 3.27. Shropshire is, therefore, performing better than for West Mercia and for England and the 14/15 performance represents an improvement on the previous year when it was at 3.35.



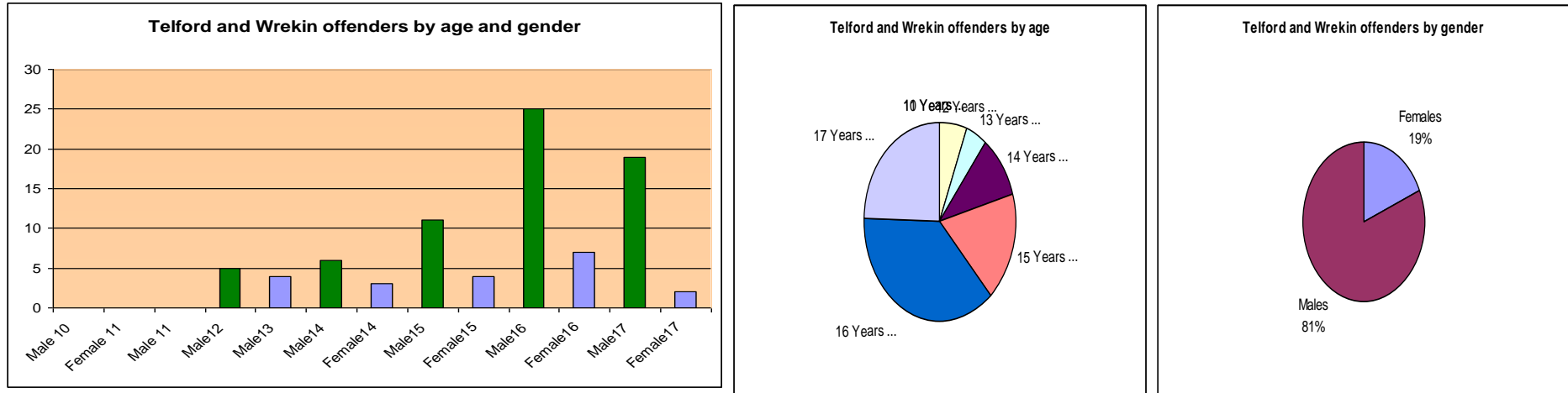
For 2014/15 the binary measure for Shropshire is 34.1% which is in line with the West Mercia performance of 34.8% and better than the national performance of 37.7%. It should also be noted that the overall cohort sizes are decreasing year on year, in 2011/12 there were 304 offenders in the cohort and 279 re-offences compared to a cohort size of 179 with 183 re-offences in 2015/16. The number of actual re-offences has therefore decreased by 34% between 2011/12 and 2014/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

APPENDIX 6 - AREA PROFILE – TELFORD AND WREKIN

Youth Offending Population – all Young People

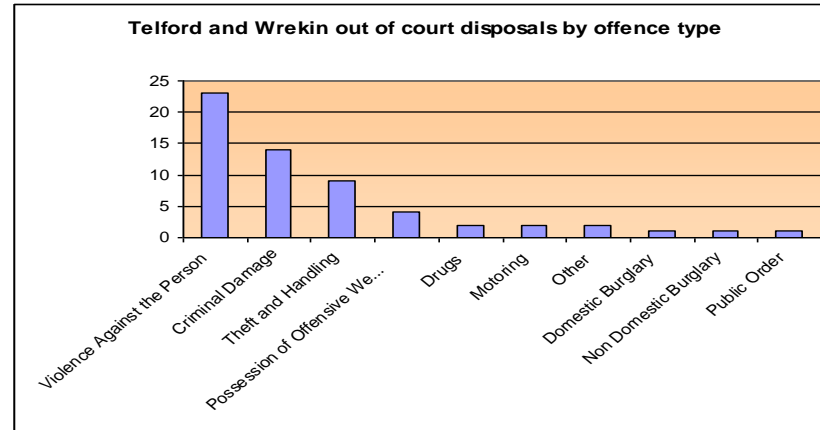
There are 16,444 young people aged 10 to 17 in Telford and Wrekin. In 2016/17 there were 139 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Telford and Wrekin young people. A total of 86 individual young people accounted for these 139 outcomes, 0.52% of the youth population.



Of the 86 young people entering or in the youth justice system in 2016/17, 81% were male. The majority, 79%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 16 years.

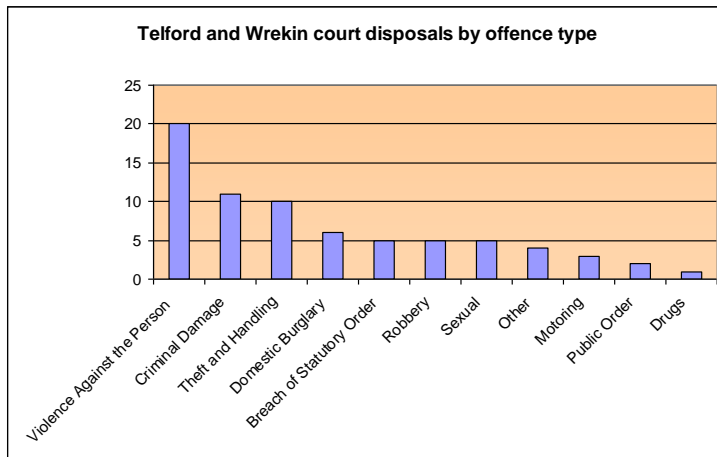
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2016/17 there were a total of 67 pre-court disposals made on Telford and Wrekin young people, 57 of these were Youth Cautions and 4 Youth Conditional Cautions. WMYJS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2016/17 intervention programmes were provided for 33 pre-court disposals.



The most frequently occurring primary offence for out of court disposals was violence against the person, 38%, followed by criminal damage, 23%, theft and handling, 15%, and possession of an offensive weapon 7%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 44 Telford and Wrekin young people accounted for 72 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 49 of the 72 court outcomes.

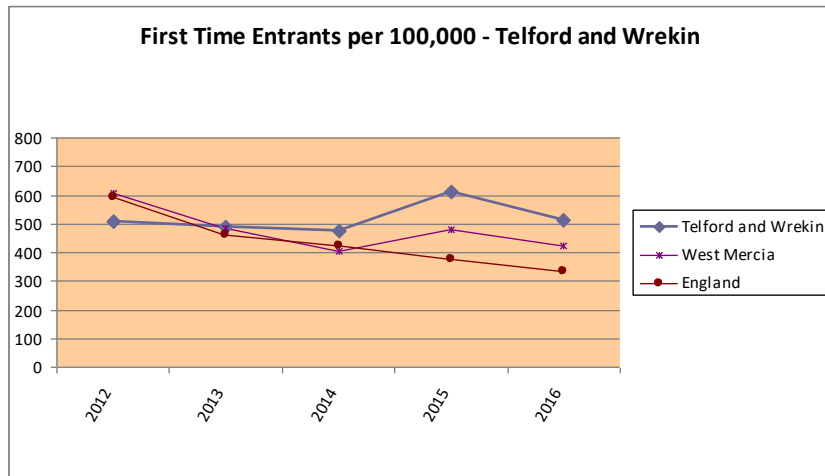
The majority, 89% of young people receiving court sentences were aged 15 to 17, with 16 and 17 year olds accounting for 78% of court outcomes.

The most frequently occurring offence for court sentences was violence against the person, accounting for 25% of all outcomes. Sexual offences were the next most frequently occurring offences, 15%, followed by breach of a statutory order, 13% and motoring offences 11%. These four categories of offences accounted for 64% of all sentencing outcomes.

Performance against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year October 2015 to September 2016 there were 515 first time entrants per 100,000 youth population in Telford and Wrekin. There is very little change in the rate since 2012 where it was at 509, however the rate did fall between 2012 and 2014 when it was 475. The actual number of first time entrants in the year ending September 2016 is 85, compared to 90 in 2012.

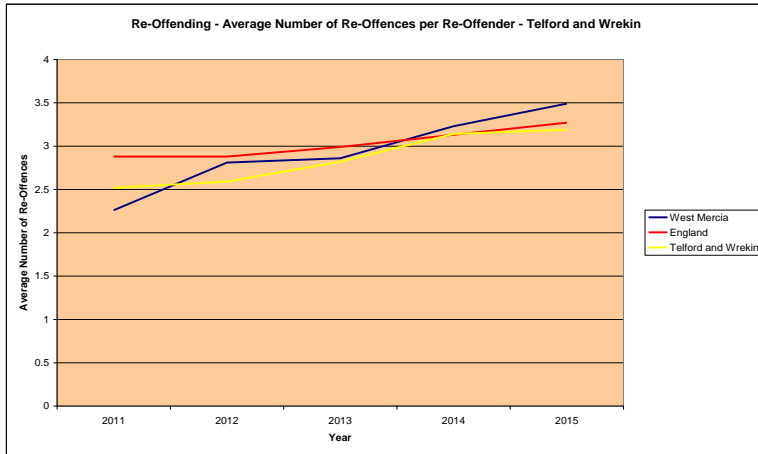
At 515 Telford and Wrekin has the highest rate of FTEs across West Mercia, the range of rates across West Mercia being 303 to 515. The rate in Telford and Wrekin has decreased from the previous year when it was significantly higher at 613. The number of FTEs has reduced from 103 to 85 between the two years, a decrease of 17%. Further analysis is planned to establish the drivers for the differential rates across West Mercia.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Telford and Wrekin has, historically, had a low rate of custodial sentences.

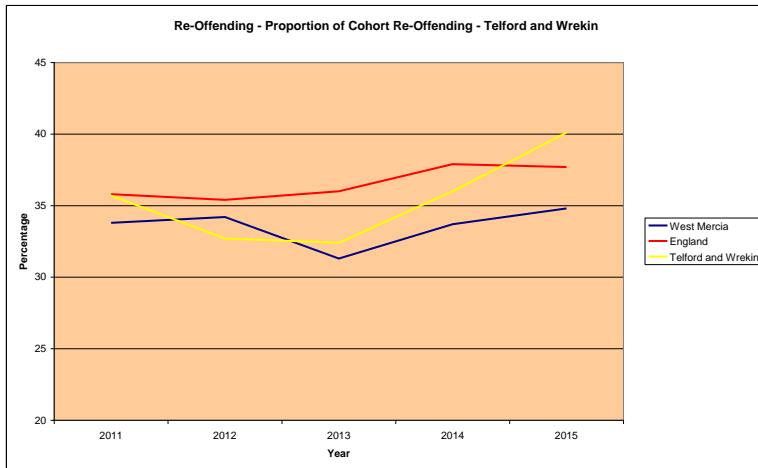
There were 2 custodial sentences during 2016, equating to a rate of 0.12 custodial sentences per 1000 youth population this represents an increase in custodial sentences from 2015/16 where there was 1 custodial sentence equating to a rate of 0.06. The 2016 rate of 0.12 compares to a West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for cohort identified in 2104/15.

The frequency measure performance for Telford and Wrekin for 2014/15 is 3.19, compared to the West Mercia performance of 3.49 and national performance of 3.27.



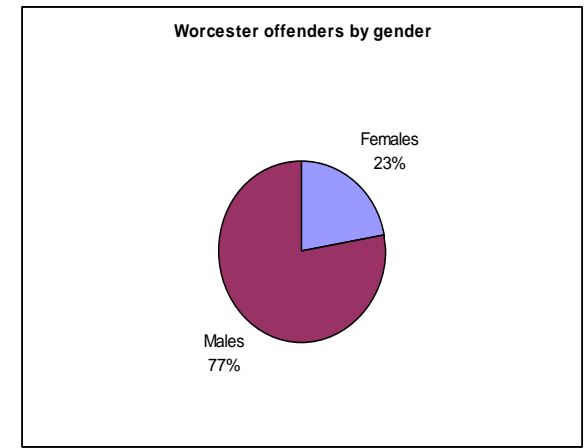
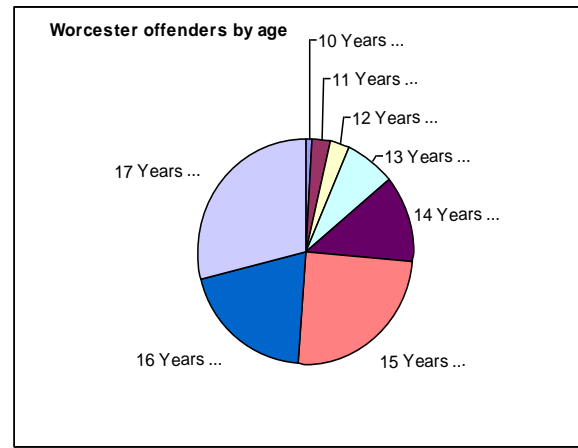
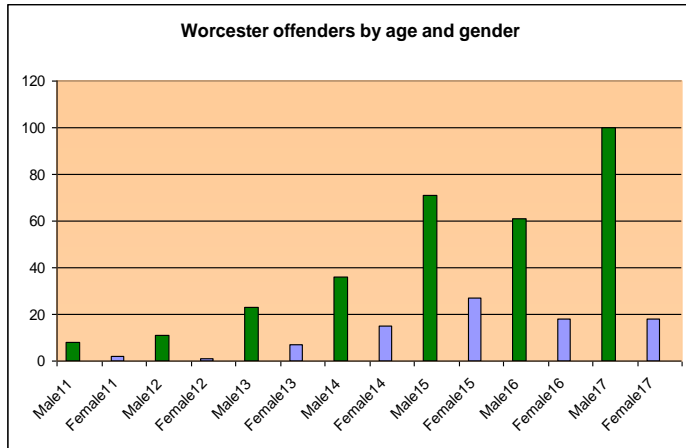
For 2014/15 the binary measure for Telford and Wrekin is 40.1% compared with a West Mercia performance of 34.8% and a national performance of 37.7%, Telford and Wrekin is therefore performing less well than West Mercia and England. The 2014/15 performance has slightly deteriorated from 2013/14 where the performance was 36%. It should be noted the overall cohort sizes are decreasing year on year. In the year 10/11 there were 266 offenders in the cohort and 239 re-offences compared to a cohort size of 142 with 182 re-offences in 2014/15. The number of actual re-offences have therefore decreased by 24% between 2010/11 and 2014/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

APPENDIX 7 - AREA PROFILE – WORCESTERSHIRE

Youth Offending Population – all Young People

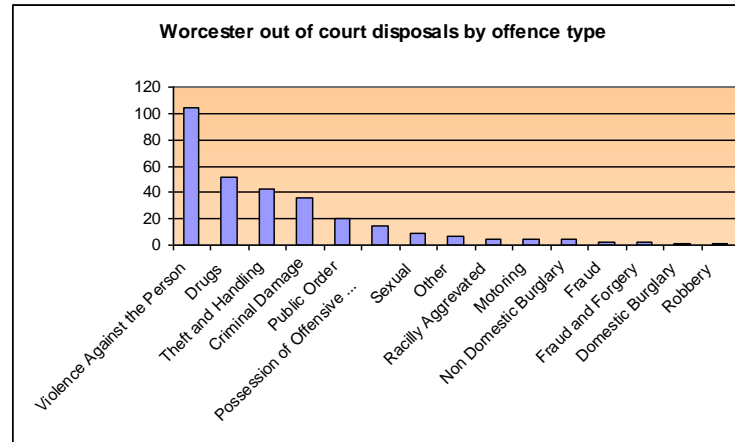
There are 50,812 young people aged 10 to 17 in Worcestershire. In 2016/17 there were 561 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Worcestershire young people. A total of 403 individual young people accounted for these 561 outcomes, 0.79% of the youth population.



Of the 403 young people entering or in the youth justice system in 2016/16, 77% were male. The majority, 73%, were aged 15 to 17 years. The peak age of offending for young males was 17 years and young females 15 years.

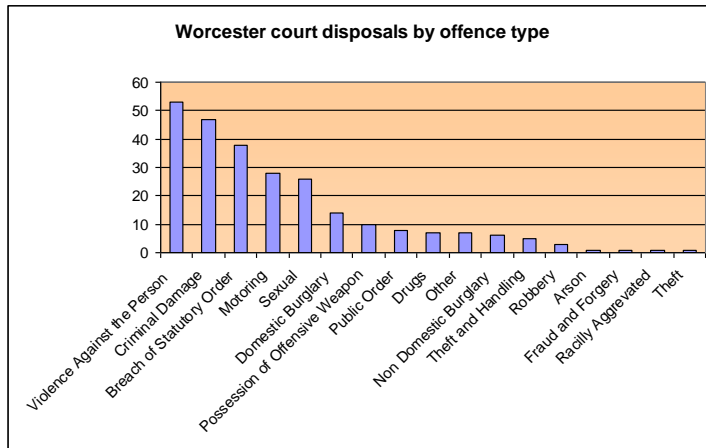
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2016/17 there were a total of 305 pre-court disposals made on Worcestershire young people, 299 of these were Youth Cautions and 6 Youth Conditional Cautions. WMYJS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2016/17 intervention programmes were provided for 76 pre-court disposals.



The most frequently occurring primary offence for out of court disposals were violence against the person, 34%, followed by drug related offences, 17%, theft and handling, 14% and criminal damage 12%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 135 Worcestershire young people accounted for 256 court outcomes. Orders requiring WMYJS interventions (Referral Orders, YROs and Custodial sentences) accounted for 198 of the 256 court outcomes.

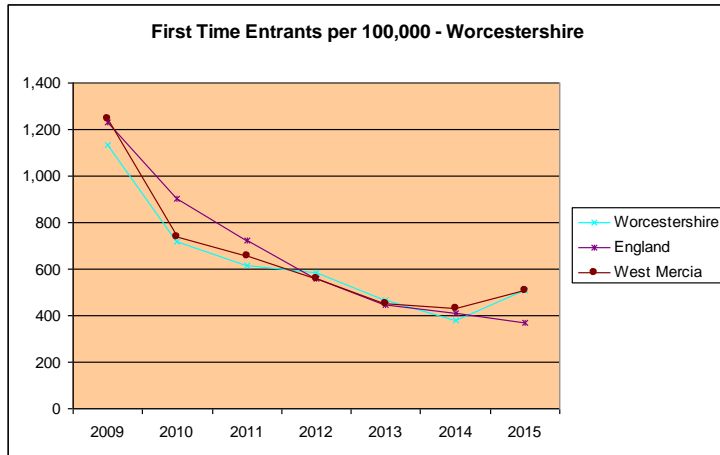
The majority, 88% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 52% of young people receiving a court sentence.

The most frequently occurring primary offence for court sentences was violence against the person, accounting for 21% of all outcomes. Criminal damage was the next frequently occurring offence, 18%, followed by breach of a statutory order, 15% and motoring offences, 11%.

Performance against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year October 2015 to September 2016 there were 432 first time entrants per 100,000 youth population in Worcestershire, representing a reduction of 21% since 2012. This compares with a reduction for England of 41% and for West Mercia of 30% over the same period. The actual number of first time entrants in the year ending September 2016 is 220, compared to 299 in 2012.

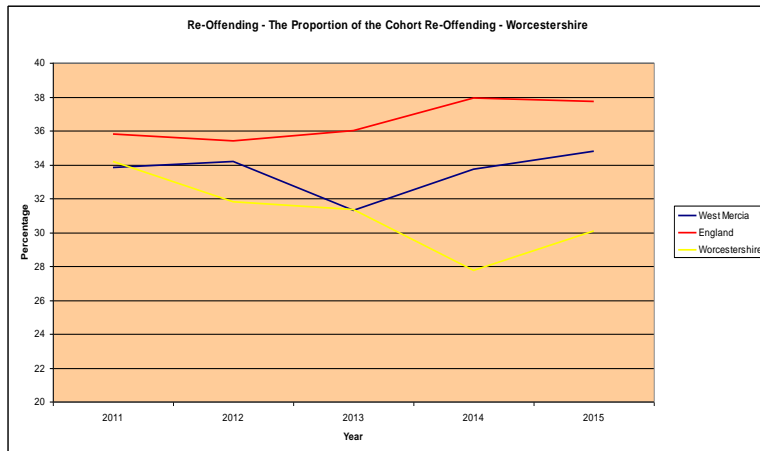
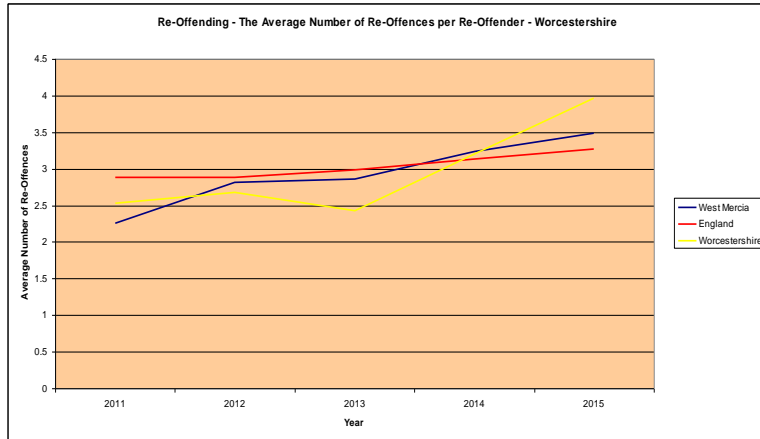
At 432 Worcestershire has the second lowest rate of FTEs across West Mercia, with the highest rate at 515 and lowest at 303. The rate in Worcestershire has decreased from the previous year when it was 471. The number of FTEs has reduced from 243 to 220 between the two years, a decrease of 10%. Further analysis is planned to establish the drivers for the differential rates across West Mercia.

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance.

There were 16 custodial sentences during 2016, equating to a rate of 0.31 custodial sentences per 1000 youth population this represents an increase in custodial sentences from 2015/16 where there were 10 custodial sentences equating to a rate of 0.20. The 2016 rate of 0.31% compares to the West Mercia rate of 0.22 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the cohort identified in 2014/15.

The frequency measure performance for Worcestershire for 2014/15 is 3.96, compared to the West Mercia performance of 3.49 and national performance of 3.27. Worcestershire has, therefore, a lower performance than for West Mercia and England for this measure.

For 2014/15 the binary measure for Worcestershire is 30.1% compared with a West Mercia performance of 34.8% and a national performance of 37.7%. Worcestershire is therefore performing better than West Mercia and England for this indicator. It should also be noted that the overall cohort sizes are decreasing year on year. In 2011/12 there were 585 offenders in the cohort and 497 re-offences compared to a cohort size of 339 with 404 re-offences in 2014/15. The number of actual re-offences has therefore decreased by 19% between 11/12 and 14/15.

In 2015/16 WMYJS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.



Meeting:	Cabinet
Meeting date:	Thursday 28 September 2017
Title of report:	Travellers' sites development plan document
Report by:	Cabinet member infrastructure

Classification

Open

Decision type

Budget and policy framework item.

Wards affected

Countywide

Purpose and summary

To consider the Herefordshire Travellers Development Plan Document (DPD) for pre-submission publication in accordance with regulation 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 (as amended) prior to its consideration at full Council on 13th October 2017; and

To report the recommendations of General Scrutiny Committee of 11 September in relation to the Travellers Development Plan Document; and

To refer the DPD to Council with a recommendation that, following the completion of the pre-submission publication period and consideration of duly made representations, it be submitted to the Secretary of State for independent testing in accordance with section 20(3) of the Planning and Compulsory Purchase Act 2004 and regulation 22 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.

Recommendation(s)

That:

- (a) the responses at paragraph 35 to the recommendations made by General Scrutiny Committee be agreed; and**

(b) the following be recommended to full Council:

- i. the draft Travellers Sites Development Plan Document 2011 – 2031 at appendix 1 be approved for pre-submission consultation;**
- ii. authority be delegated to the Programme Director Housing and Growth, following consultation with the Cabinet Member Infrastructure, to make any technical amendments required to the draft Travellers Development Plan Document and supporting documents resulting from the completion of ongoing technical work before pre-submission consultation begins;**
- iii. authority be delegated to the Programme Director Housing and Growth, following consultation with the Cabinet Member Infrastructure, to make any minor textual or graphical amendments, prior to the submission to the Secretary of State and**
- iv. following completion of the pre-submission publication of the Travellers Sites Development Plan Document and its supporting documents, the documents be submitted to the Secretary of State for Examination in Public.**

Alternative options

1. Not to produce a Travellers' Sites DPD. This is not recommended because the document is a required element in the local development scheme and when adopted will form part of the Herefordshire Local Plan. The inspector's report to the core strategy examination stated that the council must make the submission and adoption of a Travellers' Sites DPD a key priority in order to plan effectively for the needs of the travelling community, meet the requirements of National Planning Policy for Traveller Sites and comply with the public sector equality duty.
2. Not to delegate authority to make necessary and minor amendments. This is not recommended because it would be impracticable to await a further meeting of full Council to address such issues.

Key considerations

3. There has been a travelling community in Herefordshire for the last 500 years. Travellers live in different ways including permanently 'on the road' in caravans or mobile homes or in settled accommodation (for part or all of the year). Within the county there are six local authority sites with a total of 53 pitches as well as a number of small authorised private sites across the county totalling 84 pitches. There are also privately owned Showman's Yards in Ross-on-Wye with a total of 10 plots. Additionally there are a number of traveller families living in bricks and mortar housing in Herefordshire.
4. Nationally travellers face inequality in terms of access to a range of services and this can affect the life outcomes of travellers' families including traveller children. In Herefordshire, improvements have been made in terms of educational progress and sites refurbishment, yet the traveller community continue to face inequalities. This can be addressed in a number of ways but the availability of sufficient and suitable pitches and

plots to enable decent accommodation is a key factor in helping to address these inequalities.

5. The Travellers' Sites DPD will identify locations where new pitches may be sited to provide a five year supply of pitches and includes policies against which planning applications for further pitches and plots will be determined. Once adopted it will form part of the Herefordshire Local Plan. National government planning guidance on this matter is set out in its Planning Policy for Traveller Sites (PPTS) August 2015. This states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. The 2015 PPTS introduced the revised definition of travellers and travelling show people for the purposes of planning. This definition excludes those travellers who have stopped travelling permanently due to ill health or old age. This new definition is currently the subject of a legal challenge with final hearings anticipated in the autumn.
6. The preparation of the Travellers' Sites DPD is informed by a Gypsy and Traveller Accommodation Assessment (GTAA) which is an important part of the evidence base for the Travellers' Sites DPD. A GTAA was finalised in November 2015 which set out the number of new pitches that would be required during the plan period up to 2031. An update to this has recently been carried out to ensure that the evidence is up to date and robust as we move forward to the examination stage.
7. The GTAA update has made assessments of the requirement for new pitches based on both the PPTS definition and also by applying 'cultural need' – i.e. based on ethnicity. This allows for flexibility of approach should the legal challenge referred to in paragraph 4 be successful.
8. The 2017 GTAA update identifies a requirement of 33 additional pitches between 2011 and 2031 based on the PPTS definition and 91 pitches using the cultural definition. The GTAA includes consideration of how turnover on council sites (the effect of a pitch being vacated by one resident and then becoming available for another occupant), may impact on the supply of pitches. The GTAA applies an anticipated average annual turnover of six pitches on council sites during the remainder of the plan period (2017/18 to 2031/32). This is based on average trends over two years. This turnover rate equates to 84 pitches becoming available. The GTAA concludes that therefore that the PPTS shortfall is likely to be addressed through turnover and the cultural need shortfall is nearly met.
9. However even taking into account turnover there is still a requirement to identify a five year supply of pitches in accordance with PPTS requirements. There have been 18 completions of pitches between 2011 and 2017 leaving a residual requirement of 15 for the plan period. Therefore the five year supply requirement is between five and six pitches. This is a reduction in the number of pitches identified in the preferred options documents and therefore on this basis not all the sites previously identified are required for inclusion in the pre-submission document. It is proposed that those pitches that have the greatest certainty of deliverability should be carried forward and these are the new pitches that are proposed within or adjacent to the council owned sites at:
 - Romany Way, Grafton. There are currently nine pitches on this site. The DPD proposes one additional pitch within the site boundaries.
 - Orchard Park, Lower Bullingham. There are currently eleven pitches on this site. The DPD proposes two additional pitches as an extension to the east of the existing site.

- Openfields, Bromyard. There are currently ten pitches on this site. The DPD proposes the reinstatement of two additional pitches within the existing site boundaries.
 - Turnpike Site, Pembridge. There are currently six pitches on this site. The DPD proposes four additional pitches as an extension to the east of the existing site.
10. The GTAA recommends that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and plot provision remains appropriate for the Gypsy and Traveller and Travelling Showpeople population across Herefordshire. A review will be required of the revised evidence base which will then inform a review of this document to identify a further five year supply of sites. In addition to the proposed allocations there will be a demand for more private traveller sites and these can be considered through the planning application process against the relevant policies in the core strategy and those proposed in the DPD.
 11. The Travellers' Sites DPD will also include a proposed site for use as a temporary stopping place. The purpose of this is to reduce the occurrence of unauthorised encampments in the county. In 2015 there were 22 unauthorised encampments in the county and there were 50 in 2016. These varied in the number of caravans and the length of stay. There are significant financial implications for both the council and the police dealing with these unauthorised encampments which could be reduced with the provision of a site. West Mercia Police strongly advocate the provision of such a site. Furthermore by providing an authorised site to which temporary facilities can be brought in, better living conditions are proposed for families and their children during their temporary stay.
 12. The preferred options consultation document 2016 included two sites proposed for use as temporary stopping places at Broadmeadow Yard, Ross-on-Wye and at the A49, Leominster. However there were concerns about the impact of shared access with local businesses and therefore the site in Ross has not been taken forward.
 13. Public consultation on the preferred options took place between July and September 2016 for approximately eight weeks and details of this can be found in the consultation section later in the report. A summary of the responses received can be found in Appendix 3. A variety of responses were received with some raising issues related to land use planning considerations whilst others referred to matters that are not within the remit of planning considerations. A number of changes have been made as a result of the consultation. However there is a continuing need to identify sites therefore it was not possible to satisfy all the objections at the previous stages.
 14. Since the completion of the consultation last year various pieces of work have taken place:
 - Further technical work on the sites including flood risk assessment, contaminated land assessment and consideration of highways issues
 - Continued participation in the Gypsy Roma and Strategy Group, a multidisciplinary group made up of representatives from different council departments, West Mercia Police and the Herefordshire Travellers Support Group
 - A seminar to which all council members were invited to inform them of the issues to be considered in the DPD (January 2017). This included a presentation by Chief Inspector Adam Thomas from West Mercia Police on the need for temporary stopping places

- Drop-in session for parish councils (February 2017)
15. In terms of the changes that are recommended to be taken forward into the pre-submission draft in relation to permanent residential pitches the following amendments have been made:
- Land adjacent to Whitfield Coppice, Pixley. The owner has carried out various pieces of technical work on the site to demonstrate its suitability. However suitable highway access has not been demonstrated. Therefore as the site is not required to meet the pitch requirements of the revised GTAA it is not being taken forward to the pre-submission stage.
 - Land to the south east of Sutton St Nicholas. This is a greenfield site owned by Herefordshire Council. This site is no longer required to meet the revised housing requirements. Should any future GTAA identify need for further sites then this could be considered for allocation in the future.
 - Turnpike, Pembridge. An extension of four additional pitches is proposed to the existing council site. This was proposed as an extension to the south of the site in the preferred options document. However following representations made by the parish council, and taking into account the findings of the Strategic Flood Risk Assessment, an extension to the east of the site rather than the south is now being proposed. This extended area provides the opportunity to provide four pitches as well as an area for orchard planting and animal grazing.
 - Romany Close, Grafton. An additional pitch was suggested by the residents, on an unused play area. However further analysis of the site showed that more efficient use of land could be made by siting the new pitch to the right of the entrance where the former warden's office is located and thus allowing the retention of the play area for future use. The provision of play areas on site is recognised as good practice and is in line with the recommendation of the sustainability appraisal of the preferred options.
16. Therefore there are fewer sites included than in the Preferred Options document. The GTAA will be scrutinised as part of the examination process. The sites that have been considered but are not being taken forward could either come through the planning application process or be considered at a future date should a further need for sites be identified.

Travelling showpeople

17. The Planning Policy for Traveller Sites (PPTS) (August 2015) defines "Travelling showpeople as members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above. Individual pitches within a site are known as plots".
18. With fairs and shows generally taking place between Easter and October, such sites are sometimes referred to as 'Winter Quarters' as they were traditionally occupied in the winter months and vacant in the summer months when the whole family would travel together to shows. However, it is now more usual for these sites to be occupied all year by some family members. This allows children to maintain regular attendance at schools

and for elderly relatives to stay at home. The opportunity to have access to education without disruption is a key factor in helping to improve outcomes for children. The availability of sufficient and suitable accommodation from which to access educational services is vital in this respect.

19. Plots for Travelling Showpeople require enough space for both living accommodation and the storage of fairground equipment. Having equipment close to living quarters has advantages in terms of security and also allows on-site maintenance to take place. PPTS states that local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards for both residential accommodation and space for storage and maintenance of equipment. The PPTS advises that planning conditions or obligations may be used to overcome any potential objections for this mixed land use for example by limiting which parts of the site would be used for business operations.
20. The 2015 GTAA established a need for nine additional travelling show persons' plots up to 2031. The GTAA update 2017 process included discussions with a local travelling show person community member and these suggested that this remains an appropriate number over the plan period to 2031. Liaison has taken place with the regional office of the Showman's Guild (the representative body of travelling show people). It was agreed that in the absence of allocating any suitable sites the DPD will include a positive enabling policy to encourage suitable sites to come forward to provide sufficient plots for a settled base to allow families to access services and children to attend school.
21. **Timescale:** Following Cabinet consideration, the pre-submission draft will be presented to full Council in October. It could then be published for the formal stage of consultation in late October / early November for a period of six weeks. All the representations received following pre-submission stage will be reviewed by the council to assess whether they raise any issues relating to the 'soundness' of the plan that have not previously been identified. If such matters do arise there may be a need to amend the plan and undertake further public consultation; any such action will be subject to further governance. If there are only minor or technical changes required, following consultation with the cabinet member, the documentation will be submitted to the secretary of state together with the supporting evidence base. The Planning Inspectorate will appoint a planning inspector to examine the plan. The examination process is likely to include hearing sessions, expected in the New Year, chaired by the planning inspector to hear the views of invited participants. The inspector will publish a report with their findings and any recommended changes. The plan is then adopted by the council and becomes part of the Herefordshire Local Plan. Following adoption of the plan, the provision of the identified, additional pitches on council owned land will be subject to further governance.
22. **Other Sites:** Two other sites were submitted for consideration since the preferred options stage but have not been taken forward into the pre-submission draft for the following reasons:
 - Land at Barnet Lane Wigmore was suggested for infilling between two existing pitches. This was not taken forward because of the highway capacity constraints and the impact on the setting of Wigmore Castle.
23. An adjacent site to the one included in the preferred option document at Trumpet was suggested as an alternative site. This has not been taken forward as further assessment regarding highways impact was not available.

Community impact

24. The Travellers' Sites DPD seeks to address the needs of the traveller community in Herefordshire. This is in line with the council's corporate plan priority to enable residents to live safe, healthy and independent lives.
25. The Local Investment Plan (2011-2026) includes the provision of pitches for Gypsies and Travellers under Outcome 3: Supporting independent living/vulnerable persons.

Equality duty

26. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

27. Romany gypsies and Irish travellers are recognised by the courts as being distinct ethnic groups and are protected from discrimination by the Equality Act 2010. There is a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.
28. Herefordshire Council's Equality Policy 2017 – 2019 approved by Cabinet in January 2017 identifies three priority areas including the production of a Gypsy, Roma & Traveller (GRT) strategy. This includes the objective of agreeing on a location, and development of a transit site/temporary stopping place in Herefordshire. A further objective is to focus on key areas such as education, employment, accommodation and health in relation to the travelling community. Clearly the adoption and implementation of the DPD will make a positive contribution to achieving these wider objectives

Resource implications

29. Sufficient budget is available to prepare the full suite of documents, of which the Travellers' Sites DPD is one, which together will form the Local Plan. The costs of pre-submission consultation will be kept to a minimum with the use of electronic communication where possible. The main costs will be associated with printing and postage where this is not possible and is unlikely to exceed one thousand pounds.
30. There may be further financial implications as the Travellers' Sites DPD includes land in the council's ownership. Although the financing of the proposals is not a matter for consideration for the Travellers' Sites DPD, the successful delivery of the pitches will be subject to available finances. Therefore the detailed financial implications of the site provision will be identified in a separate report through the capital programme process. The decision regarding the bid to the capital programme will be made in December 2017. The position on this will be known prior to submission of the plan to the Secretary of State. Confirmation has now been received from the Homes and Community Agency that match funding is potentially available to apply for from the Shared Ownership and Affordable Homes Programme 2016 – 2021

Legal implications

- 31 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) places a duty on the council as local planning authority to prepare and maintain a Local Development Scheme which will specify documents (amongst other matters) once prepared, to be comprised in the Local Plan for the area. Development plan documents form part of the Local Development Scheme.
- 32 Legislation does not dictate the specific topics to be addressed by development plan documents as the discretion is left to the local planning authority on what form the local plan takes. However when considering a development plan document focus should be on the key issues in the authority's area, and is required to take account of national government policy and planning practice guidance. In this instance Planning Practice Guidance – planning policy for traveller sites, and the National Planning Policy Framework.
- 33 Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the document to be submitted to the Secretary of State for independent examination, once the council is satisfied it has complied with procedural regulations 18-20 inclusive on preparation, publication and consultation as laid out in the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 (as amended). This is a Regulation 19 decision.
- 34 Consideration of the Local Plan is a Council function and under Part 3 Section 1 of the constitution council has the authority to make decisions on development plan documents pursuant to Section 15 of the Planning and Compulsory Purchase Act 2004 and under Part 4 Section 3 is responsible for the adoption of those documents within the budget and policy framework rules.

Risk management

35. By not making adequate provision for the accommodation needs of gypsies and travellers the council would not be fulfilling the objectives of the council's Housing Strategy nor meeting the requirements of the public sector equality duty.
36. By not making adequate provision in the development plan document for sites the council is at risk of not being able to demonstrate a sound DPD at examination. The identification of sites to provide a five year supply of pitches mitigates this risk.

Consultees

37. Public consultation has already taken place on:
 - Issues and Options Consultation Document in August 2014. This focused on how any need for traveller accommodation in Herefordshire should be met, by identifying the possible ways in which sites for permanent and transit pitches and plots for Travelling Show people could come forward. It looked at the best approach or "options" for how sites and broad locations of search can be identified to meet existing and any future need. A report on the representations received and how these should be taken forward was set out in a separate report at:
https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept_2015.pdf

- The Gypsy and Traveller Accommodation Assessment February/March 2015. This provides the evidence base for the number of pitches required over the plan period. Views were sought on the methodology and findings. As a result of concerns raised about Methodology an updated assessment was produced in November 2015 with subsequent amendments to the figures.
38. The Environment Agency, Highways England and specialist officers within the council have been consulted on relevant sites as part of the technical assessment process. Consultation on the preferred options document took place between July and September 2016 for approximate eight weeks. This included the following measures:
- Mail out to stakeholders and individuals on the consultation database
 - Publicity in the local and traveller press and through social media
 - Three drop- in public consultation events were held in Holmer, Leominster and Ross on Wye
 - Engagement with travellers through the council's traveller service
 - Consultation with statutory stakeholders and a range of other consultees
 - Stakeholders and individuals will be notified to the pre-submission publication by email where possible with details of the how to respond and the publication period.
39. Opportunity will be provided for representations to be made on the GTAA, Sustainability Appraisal and the Habitats Regulations Assessment as part of the pre-submission publication process.
40. The draft Travellers Sites Development plan document was considered by General Scrutiny Committee on 11 September 2017. The following issues were raised for consideration by the Committee, set out together with a suggested officer response.
- **The executive be recommended to consider whether an additional temporary stopping place should be identified;**
Response - The occurrences of unauthorised encampments across the county will continue to be monitored and this information will feed into future reviews of the GTAA and be a relevant factor in consideration of the need to review the DPD. The effectiveness of providing the temporary stopping place at Leominster will also be monitored
 - **Co-operative working with neighbouring authorities should be pursued;**
Response – Agreed, local planning authorities are required to cooperate with neighbouring authorities, engage constructively, actively and on an ongoing basis with regard to relevant strategic matters under the Localism Act.
 - **Clarity be provided on how the temporary stopping place would operate in practice, including protocols for the allocation of places on the site including the management of different families, so that there is a clear public understanding;**
Response - it would be beneficial to expand on the text in paragraph 4.20 – 4.25 to clarify the purpose and characteristics of this type of site. This will now refer to a management policy that will explain how the temporary stopping place will be managed by the Licensing, Traveller and Technical Support team. A management policy for the site will be produced in consultation with the Police to ensure that a fair, transparent and accountable method of allocating pitches on the temporary

stopping place is set out. The lengths of stay for each encampment will be negotiated on a case by case basis but will not exceed 14 days.

- **Consideration be given to specifying when a review of the policy should be conducted;**

Response – Agreed, it is recommended to strengthen section 7 to refer to a five yearly review of the accommodation requirements of travellers. It is also recommended to include reference to the monitoring of the effectiveness of the policies through the Annual Monitoring Report using the following indicator:

- The amount of new traveller pitch commitments and completions.

Finally it is recommended that the records of both unauthorised encampments and turnover of site kept by the council are reviewed to help monitor the effectiveness of the policies.

- **Dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs;**

Response – Agreed, officers will continue to engage with the Showmans Guild in order to help identify and bring forward sites to meet the identified requirement. The progression of the draft plan to adoption will not prevent such a site being brought forward during the plan's lifetime.

- **The scope to acquire land for sites by compulsory purchase order (CPO) to increase the options and select sites in the most suitable locations be explored;**

Response - Legal advice has been sought on the suitability of this process in relation to this matter. CPO could be used in the context of gypsy and traveller sites and there are several acts which enable public bodies to compulsory purchase land for a particular purpose but they would have to justify and demonstrate that the required criteria have been fulfilled. Before a CPO can be implemented, the acquiring authority will have to justify it to the Secretary of State and must be able to demonstrate (in respect of the CPO):

- that it is authorised by statute to purchase land compulsorily for a particular purpose and the CPO is necessary to achieve this purpose;
- there is a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land affected;
- the provisions of Article 1 (protection of property) of the First Protocol to the European Convention on Human Rights 1950 (and if a dwelling), Article 8 (protection of a person's home), should be taken into account

Therefore at this stage it is not recommended that the CPO process be pursued to identify land whilst there are options available to meet the requirement in the GTAA.

- **Site allocation policy on residential sites should be clear;**

Response - Site allocation policy is not a matter for the DPD. There is an existing Gypsy and Traveller Site Allocation and Management Policy for Herefordshire 2015 which covers the existing residential sites managed by the council. However to aid a comprehensive picture to be provided, a document explaining the management and pitch allocation policy relating to the management of the Temporary stopping place will also be produced to accompany the DPD though the publication and examination processes.

- **Officers be requested to ensure that existing sites are appropriately managed and maintained and that appropriate resources are in place for both capital improvements and maintenance.**

Response – the management of the sites and allocation of resources are not matters for the DPD. Revenue and capital requirements for existing or planned sites in the council's ownership will be considered and prioritised through the council's normal budget planning process, and sites will be managed in accordance with the relevant policies.

Appendices

Appendix 1 – Draft Pre-submission Travellers' Sites Development Plan Document.

Appendix 2 - Draft Gypsy and Traveller Accommodation Assessment August 2017

Appendix 3 – Summary of responses received on Traveller Sites Document Preferred Options July-September 2016

Background papers

None

Herefordshire Council

Traveller Sites DPD Pre Submission Consultation

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1.0 Introduction

- 1.1 The council is preparing a number of planning documents known as the Local Plan to guide development and change in the county over the next 20 years. When the Travellers Sites Development Plan is adopted it will be part of the Herefordshire Local Plan 2011 – 2031.
- 1.2 The current stage in the process of preparing the Travellers Sites Development Plan Document is the publication of a Pre-Submission Publication version. Following this, the Development Plan document will then be submitted to Secretary of State for Department of Communities and Local Government for examination. When adopted the development plan document will be used for development control purposes to determine applications for new Gypsy and Traveller pitches.
- 1.3 There has been a travelling community in Herefordshire for the last 500 years. Travellers live in different ways, including permanently ‘on the road’, in caravans or mobile homes, or in settled accommodation (for part or all of the year).
- 1.4 Nationally, Travellers can face inequalities in terms of access to a range of services and this can affect their life outcomes. Statistics about the Herefordshire Traveller population demonstrate that in general terms this is no exception in Herefordshire. The council seeks to address these inequalities and achieve better outcomes for the Traveller population through its housing, planning, education, social care and licensing functions and in partnership with the West Mercia Constabulary and the Voluntary Sector. Improvements have already been achieved through the refurbishment of some local authority owned sites and there are better than nationally average high school take up rates and GCSE results for traveller children. However the traveller community continue to face inequalities both nationally and in Herefordshire.
- 1.5 The multi-agency Herefordshire Gypsy and Traveller Strategy Group recognises the need to co-ordinate the response of public services for Gypsy and Traveller families to effectively address inequalities and to meet the requirements of the Equality Act 2010.
- 1.6 Ensuring the provision of good quality and a sufficient supply of accommodation for Gypsy and Travellers is key to helping to address these inequalities. The development plan document addresses the provision of three different types of traveller accommodation as follows:
 - Residential pitches which provide a permanent base for travellers.
 - Winter quarters for Travelling Showpeople
 - Temporary stopping places where travellers passing through the County can reside for a specified temporary period.

- 1.7 By ensuring that there is an adequate supply of pitches on authorised sites, the following can be achieved:
- Conformity with national planning policy and the Equality Act 2010
 - Providing decent accommodation for the Travelling Community
 - Provide greater opportunities to access a range of facilities particularly health and education, therefore providing better opportunities for improved life outcomes.
 - Help to reduce the number of unauthorised sites where Traveller families are more likely to experience poor outcomes in terms of access to health and education services.
 - Opportunities for greater social interconnection between the travelling and settled community.
- 1.8 By providing greater certainty about meeting the future accommodation needs for the Travelling Community the plan will contribute to working towards the Vision set out in the Core Strategy:

Herefordshire will be a place of distinctive environmental, historical and cultural assets and local communities, with sustainable development fostering a high quality of life for those who live, work and visit here. A sustainable future for the county will be based on the interdependence of the themes of social progress, economic prosperity and environmental quality with the aim of increasing the county's self-reliance and resilience.

2.0 National and Local Policy Background

Government Guidance

- 2.1 The National Planning Policy Framework (NPPF)¹ sets out the Government's planning policy on a range of matters. It states that local planning authorities preparing plans for and taking decisions on travellers' sites should have regard to the relevant of the NPPF and the Planning Policy for Travellers August 2015² (PPTS).
- 2.2 The PPTS sets out detailed government guidance for the provision of traveller accommodation. It states that "The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

community.” (paragraph 3). It sets out the considerations that local planning authorities need to take into account in preparing policies for Traveller sites and number of criteria to be considered when allocating new sites for development and requires local planning authorities to ensure that traveller sites are sustainable economically, socially and environmentally.

- 2.3 For the purposes of planning the ‘Planning Policy for Traveller sites’, defines Gypsies and Travellers as “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such”.
- 2.4 The Planning Policy for Traveller Sites defines Travelling Showpeople as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.
- 2.5 These definitions apply to land use planning purposes only and do not relate to ethnicity. However ethnicity is not determined by accommodation choice and it is understood that the definition in the planning policy guidance is currently the subject of legal challenge.

Herefordshire Local Plan Core Strategy

- 2.6 Core Strategy Policy H4, sets out the commitment to produce a Travellers Sites Document. This will form part of the local plan and will allocate sites for a five year supply of the required number of pitches for Gypsies and Travellers, transit sites (for temporary stays and redirection from unauthorised encampments) and consider the need and approach to sites for Travelling Showpeople.

Policy H4 – Traveller sites

The accommodation needs of travellers will be provided for through the preparation of a Travellers’ Sites Document (DPD) which will include site specific allocations.

In the absence of an adopted DPD, or where proposals for sites are brought forward on non-allocated land, proposals will be supported where:

1. sites afford reasonable access to services and facilities, including health and schools
2. appropriate screening and landscaping is included within the proposal to protect local amenity and the environment

3. they promote peaceful and integrated co-existence between the site and the local community
4. they enable mixed business and residential accommodation (providing for the live-work lifestyle of Travellers)
5. they avoid undue pressure on local infrastructure and services
6. in rural areas, the size of the site does not dominate nearby settled communities and
7. they are capable of accommodating on-site facilities that meet best practice for modern Traveller site requirements, including play areas, storage, provision for recycling and waste management.

In rural areas, where there is a case of local need for an affordable Traveller site, but criterion 1 above cannot be fulfilled, then an exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.

- 2.7 The Government's Planning Policy for Traveller Sites states that local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However it does recognise that there may be circumstances when there are exceptions to this in order to deliver affordable Traveller sites in rural areas that remain affordable in perpetuity. The accommodation assessment does not identify a specific need for affordable provision but Policy RA3 of the Core Strategy sets out the circumstances when residential development will, in principle, be acceptable outside the County's settlements. This includes Gypsy and Traveller sites where proposals for sites meet the criteria of Policy H4.

Policy RA3 – Herefordshire's countryside

In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria:

1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or
2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or

3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or
4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or
5. is rural exception housing in accordance with Policy H2; or
6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or
7. is a site providing for needs of gypsies or other travellers in accordance with Policy H4.

2.8 The Equality Act 2010 recognises Romany Gypsies and Irish Travellers as being distinct ethnic groups and protects them from discrimination. There is a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.

2.9 Herefordshire Council's Equality Policy 2017 – 2019 evidences the council's compliance with the Equality Act 2010 and demonstrates its commitment to equality and dignity, and respect for human rights. It includes one objective relating to Gypsy, Roma and Traveller Families as follows:

“To Agree on a location, and develop a transit site/temporary stopping place in Herefordshire. We will do this by:

- *working with the Gypsy, Roma & Traveller community and local partners (such as Police) to identify a suitable site*
- *addressing community cohesion issues in the chosen locality*

To Produce a Gypsy, Roma & Traveller strategy with associated actions to improve facilities and services for GRT communities. We will do this by:

- *focusing on key areas such as education, employment, accommodation and health”*

The DPD is a key factor in contributing to the achievement of this objective.

Duty to Cooperate

2.10 Local planning authorities and other public bodies are required to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified.

- 2.11 The Council has focused on meeting its own needs and is not relying on neighbouring authorities to assist. Equally it has not been asked to assist in meeting the gypsy and traveller accommodation needs of any neighbouring authorities. Discussions have taken place with all the adjoining local planning authorities during the preparation of the plan in order to identify any opportunities for shared traveller provision particularly in respect of temporary stopping places. However it has not been possible to identify such an opportunity.

Relationship with Neighbourhood Plans

- 2.12 A separate plan is being prepared for Traveller Sites because it addresses the strategic planning issue of how the county wide need for accommodation for travellers is met. Therefore it is more appropriate to address the issue in a single county- wide document rather than in individual Neighbourhood Plans.

3.0 Previous Consultation Stages

Issues and Options

- 3.1 An issues and options Paper was published for consultation in August 2014. This document focused on how any need for Traveller accommodation in Herefordshire should be met, by identifying the possible ways in which sites for permanent and transit pitches and plots for Travelling Showpeople could come forward. It looked at the best approach or “options” for how sites and broad locations of search can be identified to meet existing and any future need. However it did not look at individual sites. The responses received to this consultation are set out in the Issues and Options Results Report September 2015³.

Gypsy and Traveller Accommodation Needs Assessment (GTAA) 2015

- 3.2 The council appointed independent consultants to assess how many pitches will be needed in the county up to 2031. The findings of this assessment were consulted on in February/March 2015 and changes were made with an updated version issued in November 2015. (An update to the GTAA was carried out in July 2017. Comments on this will be sought as part of the pre-submission publication.)

³https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept_2015.pdf

Preferred Options Document 2016

- 3.3 A preferred options document was published for consultation between July and September 2016. It identified 8 sites for consideration for traveller accommodation. The responses to this can be found on the Councils website⁴

Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA)

- 3.4 The Habitats Regulations Assessment and the Sustainability Appraisal (SA) of the preferred options DPD can be viewed at:
<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/travellers-sites-document>.
- 3.5 These appraised the sites included in the Preferred Options DPD and the findings and recommendations have been incorporated into this pre-submission publication. A further HRA and SA will be carried out on the pre-submission draft
- 3.6 The preferred options HRA concluded that the European sites are some distance away from the proposed travellers' sites and are unlikely to be affected by the proposals, due to their scale. The only European site in close proximity to any of the proposed sites is the River Wye SAC and the HRA did identify that four of the sites are close enough to the SAC that recreational activities could increase physical disturbance/damage, or erosion/trampling. However, it concluded that in all cases, the scale of development is very small and unlikely to result in significant effects. It also stated that mitigation for this possible risk could be found in Core Strategy policies. For example Policy H4 specifies that sufficient on-site play areas should be provided on Traveller Sites. Additionally Core Strategy policies OS1-OS3, relate to open space, sport and recreation provision. Policies TS1 and TS2 of this DPD include a requirement for play areas and this will help to address the concerns raised in the HRA.
- 3.7 The SA identified a range of possible effects resulting from the development of the sites included in the Preferred Options document. It concluded that in general, the three preferred sites that are located close to the main towns of Herefordshire are likely to have the most positive effects on the SA objectives because they should offer good access to job opportunities, services and facilities and public transport links. As with all of the preferred sites, the three sites closest to the main towns of Herefordshire could still have negative effects on other SA objectives, particularly those relating to the environmental topics. It advised that careful consideration therefore needs to be given to the ways that these effects could be mitigated and

⁴

https://www.herefordshire.gov.uk/downloads/file/5534/summary_of_the_responses_to_travellers_sites_consultation

that close attention should be paid to mitigating the significant negative effects identified for each site. Not all of the sites that were included in the preferred options are included in the pre-submission draft.

4.0 Requirements for Traveller Pitches and Plots

Current supply in Herefordshire

4.1 In Herefordshire there are a number of small privately owned traveller sites and larger sites that are managed by Herefordshire Council. The private sites vary in size with small sites of 1-5 pitches typically being occupied by a single, extended family. In total there are 129 authorised pitches across the county. In addition to this there are 10 Travelling Showpeople plots in Ross on Wye.

Evidence Base – Gypsy and Traveller Accommodation Assessment

4.2 Local authorities are required to assess the accommodation needs of Gypsies and Travellers either living in, or resorting to their area. Herefordshire Council appointed independent consultants Arc4 to carry out a Gypsy and Traveller Accommodation Needs Assessment. An initial report setting out Arc4's findings was published in February 2015. This was made available for public consultation until mid-March 2015 and in May 2015 the responses to queries raised during that consultation were published.⁵ The queries related to the methodology used for working out the figures particularly in relation to how 'turnover' of pitches had been applied. Turnover relates to the effect of a pitch being vacated by one resident and then becoming available for another occupant. As a result of these concerns an update was carried out with the final version published in November 2015.⁶ A further update was carried out in the summer of 2017.⁷

4.3 The GTAA considers the requirement for three different types of pitches:

- Residential pitches that can be a longer term base for a household.
- Travelling show people plots (sometimes referred to as Winter Quarters)
- Temporary stopping places / transit pitches

4.4 The typical requirements and characteristics for these are set out in the following paragraphs.

⁵

https://www.herefordshire.gov.uk/media/3900721/arc4_response_to_consultations_responses_herefordshire_gtaa-may2015.pdf

⁶ https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept

⁷ Insert link when available

Residential Pitches:

- 4.5 Generally individual pitches on a Traveller site will include an area of hardstanding for a touring caravan and towing vehicle, and a larger static caravan. There will usually be a separate amenity block which will include toilet, washing and cooking facilities. Some larger structures have these facilities inside and in these cases there may not be a requirement for separate amenity blocks. Pitches may also include an area suitable for work space if required often related to tree surgery or gardening work. Traveller sites usually incorporate communal facilities such as play areas. In other parts of the country some traveller sites have a communal building.
- 4.6 There is no published average area for pitch sizes. The number of pitches suggested for each site is based on a reference to the average pitch size on the Herefordshire local authority sites, which take into account spacing standards relating to fire safety and other issues.
- 4.7 The latest GTAA update took into account the revised definition in the PPTS. Through interviews with 74.8% of the Traveller households living on pitches in the county, the consultants identified what proportion of these would meet the PPTS definition in terms of how often they travel, when they last travelled, and when they intend to travel in the future. The latest GTAA therefore identifies a pitch requirement based on this PPTS definition but they also looked at a requirement for pitches based on 'cultural need'. That is, the need for new pitches for those travellers that do not meet the PPTS definition but are ethnically gypsies and travellers. Therefore the GTAA identifies two different sets of requirements for pitches based on this approach as set out below:

Table 1 extract from GTAA 2017

Table 6.1 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need
Historic Pitch need 2011/12 to 2016/17	17	6
5yr Pitch need (2017/18 to 2021/22)	48	17
Longer-term Pitch need (2022/23 to 2030/31)	26	10
TOTAL Pitch need for the whole Local Plan Period (2011/12 to 2030/31)	91	33
TOTAL Pitch need for the remainder of the Local Plan Period (2017/18 to 2030/31)	74	27
Expected turnover on LA sites over the Plan Period	84	84
RESIDUAL PITCH REQUIREMENT DURING THE REMAINDER OF THE PLAN PERIOD (2017/18 to 2030/31) including turnover	Addressed	Addressed

- 4.8 The GTAA Update 2017 has found evidence of Gypsy and Traveller pitch need over the next five years (2018/18 to 2021/22) equating to 48 pitches under a cultural definition, and as a subset of this number, 17 pitches under the PPTS 2015 definition of Gypsy/Traveller (those who still travel and/or intend to travel).
- 4.9 For the full Local Plan Period (2011/12 to 2031/32) the GTAA has identified a cultural need for 91 pitches and, as a subset of this number a PPTS need for 33 pitches.
- 4.10 For the remaining local plan period (2017/18 to 2031/32), the GTAA has identified a cultural need for 74 pitches and, as a subset of this number a PPTS need for 27 pitches.
- 4.11 The GTAA includes consideration of how turnover on local authority sites may impact on the supply of pitches. Turnover takes into account the effect of a pitch being vacated by one resident and then becoming available for another occupant. Taking into account an anticipated average annual turnover of 6 pitches on local authority sites during the remainder of the plan period (2017/18 to 2031/32), this equates to 84 pitches becoming available. Therefore, both the cultural and PPTS shortfalls are likely to be addressed through turnover. However there is still a requirement to identify a five year supply of pitches in accordance with PPTS requirements.
- 4.12 As stated above the GTAA identifies a requirement of 33 pitches between 2011 and 2031. There have been 18 completions of traveller pitches between 2011 and 2017 leaving a residual requirements of 15 for the plan period. Therefore the five requirement is between 5 and 6 pitches. The development of sites identified in this document will more than meet this requirement. Therefore at this stage there is no need to identify any further sites for the remaining plan period but this will be kept under review through regular GTAA updates and with regard to the outcome of the legal challenge to the PPTS definition. The GTAA recommends that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and plot provision remains appropriate for the Gypsy and Traveller and Travelling Showpeople population across Herefordshire. These updates will ensure that the impact of turnover on the supply of sites is monitored and its implications for the five year supply is kept under review.
- 4.13 The focus for the allocation and delivery of the additional pitches is to make the most efficient use of land and service provision by increasing the number of pitches within council owned sites, where there is capacity to do so, and by extending the council owned sites. This approach provides both certainty of delivery and will also contribute to meeting the demands of the waiting lists for these sites. Although only these sites are allocated in the document it is recognised that there will still be a demand for new small private sites as some families would rather live as family unit on their own site. This also provides

opportunity for a greater mix of tenure and own ownership. Therefore any applications received for such sites will be considered against the relevant policies of the Core Strategy and this DPD regardless of whether the five year requirement has been met.

Proposed allocations for residential pitches for Travellers

Table 2: Total number of residential pitches allocated.

Site Name	Number of Pitches
Romany Way Grafton	1
Extension to Orchard Caravan Park, Lower Bullingham	2
Openfields Bromyard	2
Extension to Pembridge	4
TOTAL	9

4.14 All these sites have ongoing waiting lists and there is therefore an identified demand for an increased number of pitches.

Travelling Show People

4.15 The Planning Policy for Traveller Sites (August 2015) defines “Travelling Showpeople as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above. Individual pitches within a site are known as plots”.

4.16 With fairs and shows generally taking place between Easter and October, such sites are known as ‘Winter Quarters’ as they were traditionally occupied in the winter months and were vacant in the summer months when the whole family would travel together to shows. However, it is now more usual for these sites to be occupied all year by some family members. This allows children to maintain regular attendance at schools and for elderly relatives to stay at home. The opportunity to have access to education without disruption is a key factor in helping to improve outcomes for children. The availability of sufficient and suitable accommodation from which to access educational services is vital in this respect.

4.17 Plots for Travelling Show People differ from other traveller groups as they require enough space for both living accommodation and storage of fairground equipment. Having equipment close to living quarters has advantages in terms of security and also allows on-site maintenance to take place. The PPTS states that local planning authorities should have regard to the need that travelling

showpeople have for mixed-use yards for both residential accommodation and space for storage and maintenance of equipment. It advises that planning conditions or obligations may be used to overcome any potential objections for this mixed land use for example by limiting which parts of the site would be used for business operations.

- 4.18 The storage and maintenance of equipment is an employment use and therefore this type of land use can be considered as 'live work'. Therefore Core Strategy Policies H4 (Traveller Sites) and Policy E1 (Employment) which encourages the provision of viable live work units as part of mixed developments are both relevant.
- 4.19 The 2015 GTAA established a need for 9 additional travelling showperson plots up to 2031. The GTAA update 2017 process included discussions with a local travelling show person community member and these suggested that this remains an appropriate number over the plan period to 2031. The Council will continue to work with the Travelling Show Persons Guild and the local community to encourage sites to come forward for this purpose.

Temporary Stopping Places

- 4.20 There are no authorised transit or temporary stopping places in Herefordshire. However there are groups of travellers that travel through the county as part of longer journeys or those that are travelling within the County and require locations to stay for a few days.
- 4.21 Without an authorised site for this use, Travellers have no option but to stop at an opportunist location of their choosing. Unauthorised encampments on private land without the landowner's permission leads to financial costs for the landowner and tension between travellers and the settled community. Therefore the provision of sites to address this is considered to be the key towards resolving unauthorised encampments in the county.
- 4.22 A temporary stopping place provides an authorised base where traveller families can access local services and facilities e.g. health care and education. The provision of such a site will assist the police in exercising their functions to move travellers off private land and to enable them to legally direct an unauthorised encampment to the authorised location. It also can reduce other financial costs that might be incurred by including local authority officer time, police monitoring and clean-up costs.
- 4.23 The latest GTAA recommends that a 5 pitch transit site / temporary stopping place would help to address this need and that the provision of a transit site should be considered by the Council.
- 4.24 It is believed that in Herefordshire that the best approach to meeting this requirement would be to provide a 'negotiated' temporary stopping place. This will consist of an area of hardstanding with sanitation and waste disposal facilities

brought in when the site is occupied. This approach is considered to be preferable because it is considered that it will better serve the type of encampments that generally occur in the county. These sites would be available for a maximum of 14 days for any one stay. This will help to ensure that there is an availability of temporary stopping places in the county. The sites will not be occupied all year.

5.0 Policies

- 5.1 Policy TS1 will apply to all applications for traveller sites and is to be applied in conjunction with Core Strategies policies, with policy H4 being of particular relevance. The inclusion of this type of policy is supported by the sustainability appraisal of the preferred options document. This policy seeks to ensure the delivery of high quality sites that will contribute to a good quality of life for the residents and will also help to mitigate any potential impacts of the development of new pitches.

Policy TS 1 – Residential Traveller Pitches and Sites

Proposals for new residential Traveller pitches and sites will be supported where they conform to Policy H4 of the Core Strategy and achieve the following:

- 1 an overall good quality of design which respects the setting of the site and the local landscape character.**
- 2 a good quality of build of amenity blocks, where included, to provide a decent standard for washing and cooking facilities.**
- 3 amenity blocks are sensitively designed and sited using appropriate materials for the area**
- 4 any unacceptable adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets can be satisfactorily mitigated.**
- 5 a suitable landscaping scheme where the site boundary treatment reflects local character, local materials and local colour and should be a small scale structure/fence. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged as an alternative to high close board fencing.**
- 6 existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.**
- 7 a safe area for children to play is included in the site layout where required.**
- 8 safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site.**
- 9 suitable arrangements for foul sewerage disposal and surface water drainage, and where opportunities for Sustainable Drainage Systems particularly for permeable surfaces are maximised.**
- 10 that any commercial activity that is proposed on the site is of a type that is appropriate to the location and does not impact on the amenity of any local residents.**

11 external lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution.

12 Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures on site and between structures which meet fire safety standards.

In addition to the above:

a) opportunities to deliver an on-site shared community building should be explored.

b) Details of any animals to be kept on the site and associated requirements for grazing areas should be provided.

Travelling Showpeople Plots

5.2 The GTAA identifies a need for nine travelling show plots. The Council will continue to work with the Travelling Show Persons Guild and the local community to encourage sites to come forward for this purpose. The requirement will be met through the planning application process and Policy TS2 seeks to encourage the supply of suitable sites. Because of the specific requirements and differences to the other traveller sites and given that there are no allocations for show people plots land, this enabling policy aims to encourage the provision of additional show people sites is included. Regard has been had to the Showman's Guild's document "A Planning Focus Model Standard Package - Revised September 2007".

Policy TS2 – Travelling Showpeople plots

Planning applications for new plots for Travelling Show People will be encouraged to meet the identified need where they meet the following criteria:

- 1. The site should be relatively level and large enough to accommodate residential accommodation as well as space and or buildings for storage and maintenance of equipment if required.**
- 2. The site should have satisfactory vehicular access, suitable for the safe and convenient movement into and out of the site of large vehicles including those carrying fairground equipment.**
- 3. The site should have suitable access to the strategic road network.**
- 4. Measures to reduce the risk of flooding should be incorporated into the design and layout. Permeable surfaces should be incorporated to minimise surface water run off.**


- 5. The commercial activity of the site should not impact on the amenity of local residents and other land users. Planning conditions may be considered to reduce the impact from noise to nearby residential properties or businesses.**
- 6 Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures to meet fire safety standards.**
- 7 An overall good quality of design which respects the setting of the site and the local landscape character**
- 8 The site boundary treatment reflects local character, local materials and local colour. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged.**
- 9 Existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.**
- 10 Where required, a safe area for children to play should be incorporated into the design.**
- 11 External lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution.**

6.0 Proposed Allocations

Land to the west of A49 Leominster

Not to scale

Site adjacent to roundabout on A49 Leominster, Herefordshire

 Boundary of proposed site

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 NORTH  Herefordshire Council



Site Type: Temporary Stopping Place of 5 pitches

Policy TS3

Proposals for development at this site should:

- **Provide an area of hardstanding for**
 - **towing vehicles and caravans for short stays only**
 - **temporary sanitation facilities to be brought on site when it is occupied and removed at the end of the stay.**
- **Not include any permanent structures apart from a small building for administrative purposes if deemed necessary.**
- **Demonstrate appropriate vehicular access and turning space within the site**
- **Demonstrate that there would be no potential impact on the River Lugg SSSI.**
- **Retain where possible and enhance existing semi mature native trees on the boundary of the site to mitigate any landscape impact and to provide privacy to the site.**
- **apply principles of sustainable urban drainage systems in the design.**

17

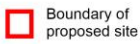
- **Provide a 1.8m high steel palisade fencing to prevent access onto the railway line.**

Explanation:

- 6.1 The purpose of this allocation is to provide a site which will help to address unauthorised encampments of travellers and associated issues. It is intended to be used on a short stay basis only.
- 6.2 This site is located on a strategic highway network and is therefore suitable for this type of use. There are pedestrian and cycle links into Leominster where there is good access to a range of services and facilities.
- 6.3 The Strategic Flood Risk Assessment of this site indicated that the site was not subject to flooding as indicated on the Environment Agency flood maps which show areas of flood zones 1, 2 and 3 on the site. Further consultation directly with the Environment Agency confirmed that detailed modelling carried out on the Rivers Arrow & Lugg, show this site to be outside flood zone 2 and 3 and in Flood Zone 1. However it should be noted that there may be small adjustments to this information as the flood outlines are refined and reviewed against EA's flood map criteria. Therefore a sequential approach to the layout of the site may be required based on any further information regarding flood risk. The site would require Sustainable Urban Drainage proposals, so not to exacerbate the nearby flooding.
- 6.4 The site is partially visually contained by existing semi mature native woodland on site. Further planting will be required to enhance this where this does not impact on the visibility of the access to the site. Consultation with Network Rail will be required to ensure that any such fencing meets the requirements of Network Rail and that the site is safe and secure.
- 6.5 A railway line is adjacent to the western boundary of the site. Therefore it is imperative that suitable safety fencing is installed and maintained to prevent access on to the railway line.
- 6.6 The Sustainability appraisal of the preferred options noted that this site is located between 250m and 1km of a number of designated biodiversity sites, including the River Lugg SSSI and Land at Eaton Hill, which is a Local Wildlife Site. It concluded that therefore a minor negative effect is likely but recognised that appropriate mitigation may avoid adverse effects and could result in beneficial effects.
- 6.7 The length of stay on this site should not exceed 14 nights for one occupancy but this will be negotiated on a case by case basis.

Romany Way, Grafton, Hereford

Not to scale



Romany Close, Grafton Herefordshire

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Site Type – Local authority site of nine residential pitches.

Proposed allocation- one additional residential pitch within existing boundaries of the site.

Policy TS4

Proposal for the development of this site should:

- 1. Replace the former warden’s office with an additional residential pitch with parking space.**
- 2. Relocate electricity meters to a purpose built cabin at a suitable location on the site.**
- 3. Provide screening for the new pitch to maximise privacy for the residents.**
- 4. Provide a surface water drainage strategy which will be required as part of any subsequent planning application.**

Explanation.

6.8 This is a well-established local authority owned and managed site. The site is situated off the A49 to the south of Hereford and has good links to the city by bus. There are primary and secondary schools situated within a 10 minute walk and there are local shops approximate 1.3 km distant.

- 6.9 There is capacity for one additional pitch making use of the former warden's office. This currently houses the electric meters for the site but these can be rehoused in a small purpose built cabin as on the other local authority sites.
- 6.10 By siting the additional pitch in this part of the site it allows the retention of the existing play area. Although this is currently underused it is considered important to retain this asset for children on the site now and in the future and is a positive mitigation in relation to the findings of the HRA.
- 6.11 Although there is no evidence of bats being present in the former warden's office it is recommended that any site clearance or demolition should take place between November and February. A condition should be imposed on any planning permission to the effect and should set out construction methods.
- 6.12 The site is located in the low risk Flood Zone 1 and is not considered to be at significant risk from other sources of flooding. In accordance with NPPF, the site meets the requirements of the Sequential Test and does not need to be supported by a site-specific FRA.
- 6.13 The strategic flood risk assessment recommends that a surface water drainage strategy will be required to demonstrate how surface water runoff will be appropriately managed. Regard should be had to high groundwater levels which may limit the suitability of infiltration techniques although it is anticipated that the existing drainage system will be used.

Extension to Orchard Caravan Park Watery Lane Lower Bullingham



Site Type – Local Authority Site of eleven pitches

Proposed allocation–Additional two residential pitches as extension to existing site

Policy TS5

Proposals for development of this site should:

- 1. Demonstrate appropriate vehicular access and turning space either through a new access off Watery Lane or through the existing site.**
- 2. Provide a site specific Flood risk Assessment. A sequential approach to site layout may be required to take into account surface water flooding.**
- 3. Provide a full assessment of contaminated land report and demonstrate that any required remedial works addresses any contaminated land issues.**
- 4. Provide an ecological appraisal to assess the impact on the species & to determine most appropriate time of development to mitigate impacts on any nearby habitats.**

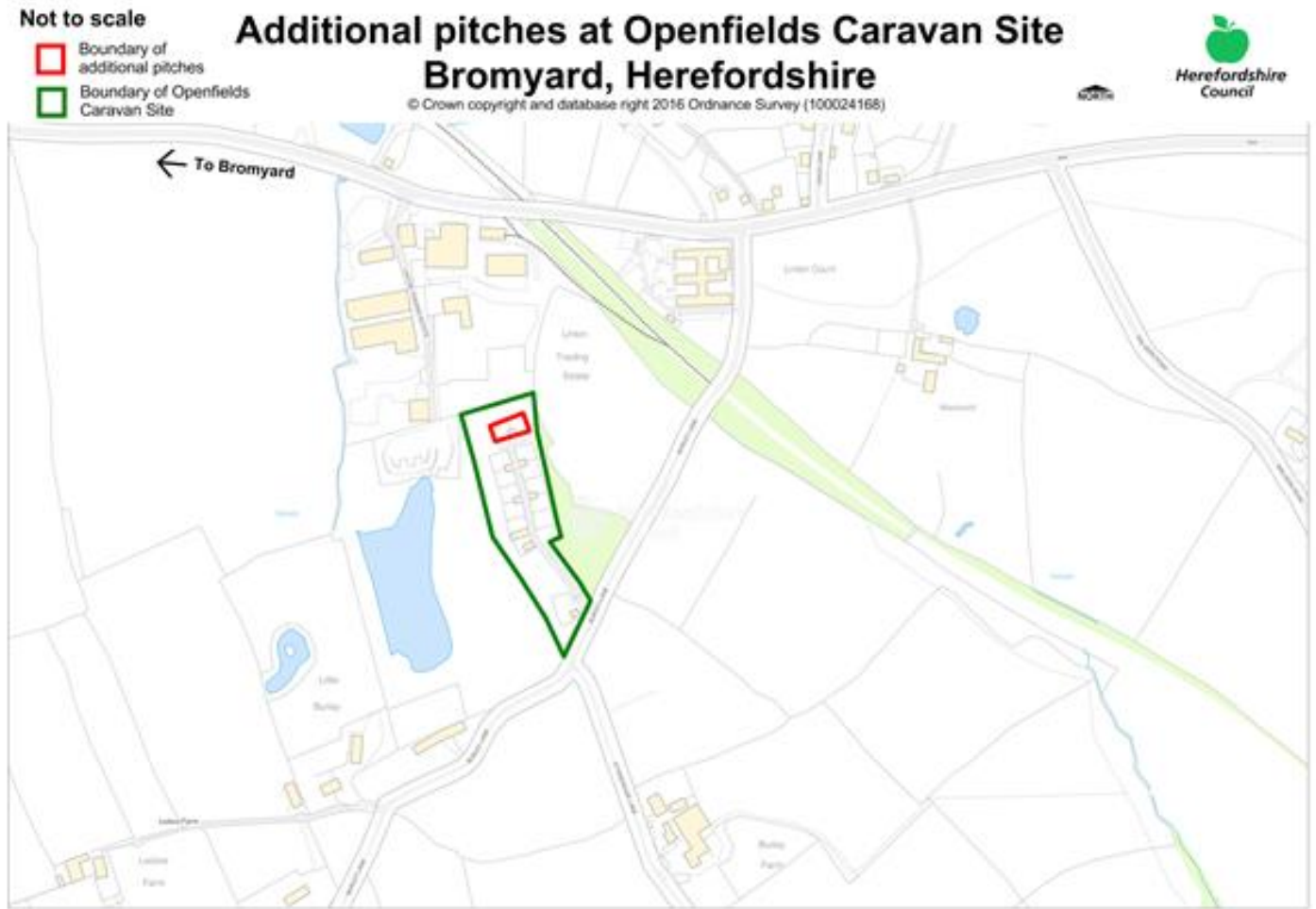
Explanation

6.14 This a local authority owned and managed site. It is situated to the south of Hereford and in close proximity to the Southern Strategic Urban extension identified in the Core Strategy. This site will benefit from improved connectivity

through the enhanced walk and cycle route between Watery Lane and Twyford Road which will be brought forward as part of the Southern Urban Extension. The site is situated within the Rotherwas Enterprise Zone. However it has a long established use and is a very popular site amongst Travellers.

- 6.15 The site is well contained as it is set down into the landscape but there is an opportunity for enhancement to the existing site as part of the extension by improving the boundary treatment which would greatly enhance the entire site.
- 6.16 A desk based contaminated land assessment has been carried out. This recommends that given that the site was within the boundary of the former Royal Ordnance factory, further intrusive investigations into any contaminants resulting from previous uses and neighbouring uses will be required. Furthermore a specialist survey to assess the risks of unexploded ordnance will also be required.
- 6.17 The Sustainability Appraisal has identified that Traveller site is between 250m and 1km from several designated biodiversity or geodiversity sites, including Withy Brook, a Site of Importance for Nature Conservation, and the River Wye SSSI. The SA concludes that therefore a minor negative effect is likely but that this is uncertain as appropriate mitigation may avoid adverse effects and could result in beneficial effects. An ecological appraisal will be required to assess the impact on wildlife on the site and to determine most appropriate time for construction to mitigate impacts on it.
- 6.18 There is a small unnamed watercourse flowing through the site. The site is located within flood zone 1 and there is no identified fluvial flood associated with the watercourse. The Environment Agency's flood risk from surface water map indicated that the site is at medium risk from surface water flooding. Therefore a surface water drainage strategy will be required as part of any subsequent planning application to demonstrate how surface water runoff will be appropriately managed. Infiltration should be promoted as far as practicable for smaller rainfall events, although discharge to a watercourse may be required for larger rainfall event.

Open fields Bromyard



Site Type – Local Authority Site

Proposal 2 additional residential pitches

Policy TS6

Proposals for development of this site should:

Site Type - Local Authority Site of ten pitches

Proposed allocation – Two additional pitches within the existing site boundary.

Policy TS6

Proposals for development of this site should:

1. Provide two additional pitches on the site of the former vacant pitches.
2. Consider the option of adopting the road within the site as public highway if it meets the required standards.
3. Explore opportunities for enhancing of landscape treatment of the boundaries of the site.

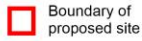
4. Provide a flood risk statement to support the development of the site.

Explanation

- 6.19 This site is situated to the south west of Bromyard where there are a range of facilities and to the south of the Linton Industrial Estate. Bus services are available on the A44 which is a short walk from the site. It provides the opportunity to make good use of brownfield land within the boundary of the existing site.
- 6.20 The Openfields site in Bromyard is located in the low risk Flood Zone 1 and is not considered to be at significant risk from other sources of flooding. As the area of proposed development is minimal, it is considered likely that a Flood Risk Assessment prepared in accordance with NPPF may not be appropriate and that, instead, a flood risk statement should be submitted to support the planning application.
- 6.21 A surface water drainage strategy will be required to demonstrate how surface water runoff will be appropriately managed. It may be appropriate to combine this with the site-wide drainage strategy as infiltration of runoff may not be possible for larger rainfall events due to underlying soil permeability.
- 6.22 The SA has identified a potential negative effect in relation to the Down Lodge, a Grade II Listed Building situated on the A44. However it is considered that there is very limited indivisibility between the site and the heritage feature and there is industrial development between the traveller site and the heritage feature. Although there is existing mature planting on the boundaries of the site. However opportunities to enhance this landscaping should be taken.
- 6.23 The SA identifies that this site is located within 250m of Bromyard Downs and adjoining woodland, a designated Local Wildlife Site. However there is an existing play area and open space within the site that will help to mitigate any potential adverse effects.

Extension to Pembridge Site

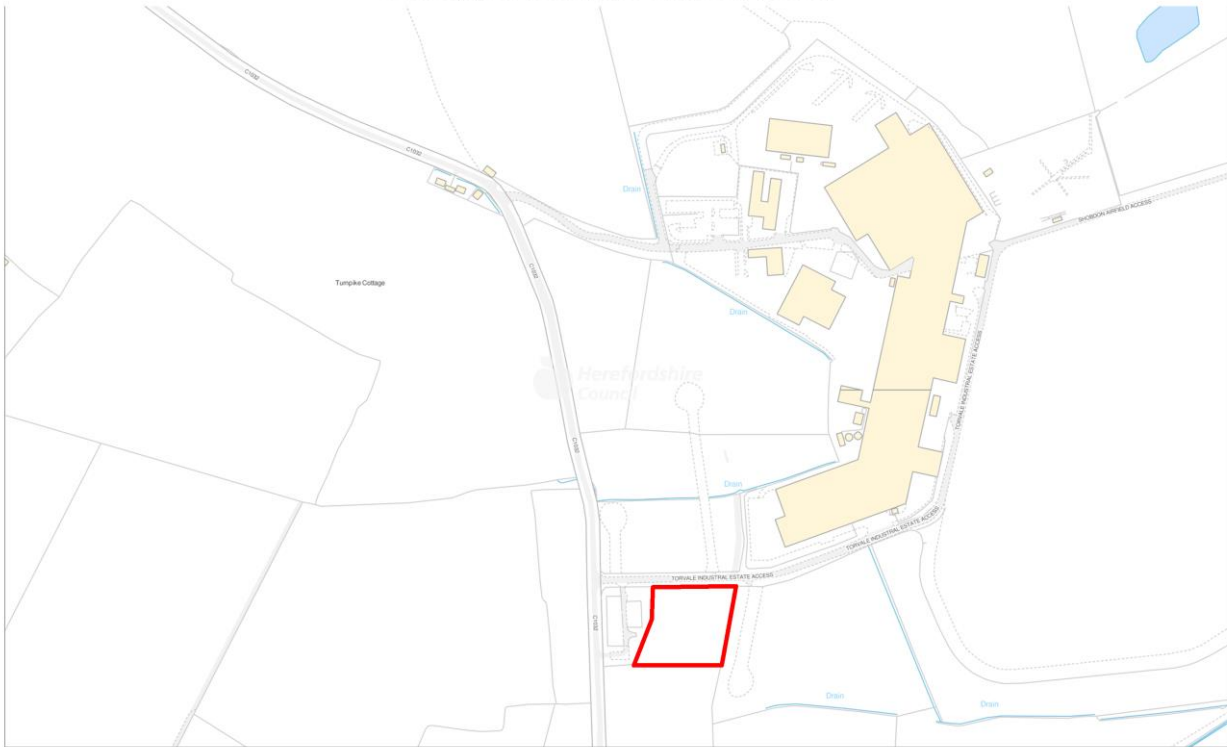
Not to scale



Boundary of proposed site

Pembridge Caravan Site Herefordshire

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Site Type – Local Authority Site of six pitches

Proposed allocation of four additional residential pitches

Policy TS7

Proposals for the development of this site should:

- 1. provide 4 additional pitches of a similar scale to the existing site**
- 2. include proposals for the management and use of the remaining part of the site for grazing or orchard / native tree species planting.**
- 3. Deliver appropriate landscape enhancements to reflect the Principal Settled Farmlands Landscape character setting including:**
 - a. appropriate native tree planting for screening in open landscape settlement.**
 - b. and further landscape enhancements to the existing site frontage.**
- 4. Include a suitable and safe play area.**
- 5. Provide a contaminated land assessment of the site and of the landscape bund.**

6. Provide access to the extension area via the existing access onto the highway.

Explanation

- 6.24 The existing site is located approximately 1.6km away from Pembridge where there are a range of services including primary school. The site is served nearby by bus stops and it is an approximate 5 minute cycle into Pembridge on level terrain.
- 6.25 The area identified has capacity for more than 4 pitches. However it is considered that four extra pitches resulting in a site of 10 pitches overall should be the maximum number on this site. The remaining part of the extension site should not be developed but could be used for either grazing or orchard planting. Given the open character of the landscape additional screening of the site will benefit the setting of the extension and will also mitigate any adverse effects of the heritage assets in the vicinity.
- 6.26 The site is situated within the former area of the Shobdon airfield. As such a contaminated land assessment should be carried out. A landscape bund is located to the south and east of the existing site. The landscape bund would require partial excavation to provide access into the extended area. Tests should be carried out on the bund to identify the materials before excavation begins.
- 6.27 The SA has identified that this site option is between 250m and 1km from a number of designated heritage assets, including North Herefordshire Rowe Ditch, A Scheduled Monument and Clear Brook, a Grade II* Listed Building. A minor negative effect is therefore likely on this SA objective, although as effects will depend on factors relating to the design of the site, which are unknown at this stage, this is uncertain. The inter-visibility between the extension site and these features is regarded as minimal.

7. Implementation and monitoring

- 7.1 The continuous monitoring of policies and proposals is essential to ensure that the DPD achieves its objectives. The policies will be monitored principally through the Authority Monitoring Report (AMR).
- 7.2 If it appears that the policies are not being effective, a review of the policies may be required. The policies and proposal will also be assessed against any objectives set out in the Sustainability Appraisal. The potential impacts of any changing national and local policy and guidance will also be considered as part of the AMR.

Herefordshire

Gypsy and Traveller and Travelling Showperson

Accommodation Assessment

Update 2017

Herefordshire County Council

Final Report
July 2017

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Executive Summary

Introduction

Herefordshire Gypsy and Traveller Accommodation Assessment (GTAA) Update 2017 analyses the latest available evidence to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople from across the area.

The Herefordshire GTAA Update 2017 has comprised the following evidence sources:

- A review of existing (secondary) data;
- Fieldwork survey and site census;
- Interviews with 69 Gypsy and Traveller households living within the study area (plus 20 interviews carried out on Yoke Farm in 2014);
- Interviews with 10 Travelling Showperson households from the 2014 study and discussions with members of the community.

This data has been analysed to provide a picture of current provision and activity across Herefordshire County and an assessment of future need. The findings of the study provide an up-to-date, robust and defensible evidence base for policy development.

Current provision and activity

The 2011 Census identified a total of 125 households in Herefordshire with a ‘White: Gypsy or Irish Traveller’ ethnicity. Of these, 100 households lived in a caravan or other mobile or temporary structure and 25 households lived in bricks and mortar (house, bungalow, flat, maisonette or apartment).

The bi-annual DCLG Traveller caravan count indicates an average of around 188 caravans over the last five counts. Of these, 45.1% have been on private authorised sites (with planning permission) and 41.9% have been on social rented authorised sites. 12.2% have been on tolerated unauthorised sites. In the four counts during 2015 and 2016, two caravans were recorded on unauthorised sites; however, none were recorded in January 2017.

There are six authorised permanent Council-owned Gypsy and Traveller sites in Herefordshire. In addition, there are 29 authorised permanent private sites and one tolerated private site. There are three Travelling Showperson’s yards.

The triangulation of secondary data, Council records and fieldwork survey has identified a total of 129 pitches, 119 households and 7 unoccupied pitches. There are three households occupying two pitches each which explains the difference between total pitches and unoccupied pitches. There are therefore 122 occupied pitches and 7 unoccupied pitches.

Gypsy and Traveller pitch requirements

The calculation of pitch requirements in the GTAA is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). Although this Guidance has been formally withdrawn (December 2016), it continues to provide a best

practice approach for needs modelling, as also confirmed by inspectors at several public inquiries.

The DCLG Guidance requires an assessment of the current needs of Gypsies and Travellers and Travelling Showpeople and a projection of future needs. It advocates the use of a fieldwork survey to supplement secondary source information and derive key supply and demand information.

The GTAA Update 2017 has found evidence of Gypsy and Traveller pitch need over the next five years (2018/18 to 2021/22) equating to 48 pitches under a cultural definition, and as a subset of this number, 17 pitches under the PPTS 2015 definition of Gypsy/Traveller (those who still travel and/or intend to travel).

For the full Local Plan Period (2011/12 to 2031/32) the GTAA has identified a cultural need for 91 pitches and, as a subset of this number a PPTS need for 33 pitches.

For the remaining local plan period (2017/18 to 2031/32), the GTAA has identified a cultural need for 74 pitches and, as a subset of this number a PPTS need for 27 pitches.

Taking into account an anticipated annual turnover of 6 pitches on local authority sites during the remainder of the plan period (2017/18 to 2031/32), this equates to 84 pitches becoming available. Therefore, both the cultural and PPTS shortfalls are likely to be addressed. Notwithstanding this, it is recommended that the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

Travelling Showperson plot requirements

The previous GTAA established a need for 9 plots over the plan period and this is the figure recommended in this GTAA update.

Transit site requirements

The GTAA Update 2017 recommends the provision of 5 transit pitches which are sufficient to accommodate up to 10 caravans.

1. Introduction

1.1 In April 2017, arc⁴ were commissioned by the Herefordshire County Council to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) Update to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople from across Herefordshire County. The overall objective of the Gypsy and Traveller Accommodation Assessment is to form a clear, objective and fully updated evidence basis to inform the development of planning policies relating to Gypsy, Travellers and Travelling Showpeople.

1.2 The Herefordshire GTAA Update 2017 builds upon the findings of the GTAA that was previously prepared by arc⁴ (Final Report, November 2015). Primary and secondary data collection and comprehensive fieldwork survey have been undertaken to fully update the assessment of accommodation needs, taking into account the refreshed evidence base and the policy changes that have taken place.

1.3 The study adopts the definition of ‘Gypsies and Travellers’ set out within *Planning policy for traveller sites* (PPTS) (August 2015), within which the following definition of ‘Gypsies and Travellers’ is adopted:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.’¹

1.4 In addition, PPTS 2015 adds the following ‘clarification’ for determining whether someone is a Gypsy or Traveller:

‘In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) *whether they previously led a nomadic habit of life*
- b) *the reasons for ceasing their nomadic habit of life*
- c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.’²*

1.5 The following definition of ‘Travelling Showpeople’ is used, also taken from PPTS 2015:

‘Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.’³

1.6 In addition:

¹ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 1

² DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

³ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 3

‘For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use pitches for “travelling showpeople”, which may/will need to incorporate space or to be split to allow for the storage of equipment.’⁴

- 1.7 For the purposes of this study, therefore, Gypsies and Travellers live on pitches on sites, whilst Travelling Showpeople live on plots on yards.
- 1.8 The overall purpose of a Gypsy and Traveller Accommodation Assessment (GTAA) is to support the development of clear and reasonable planning policies relating to Gypsies, Travellers and Travelling Showpeople. The study provides an evidence base to assist the Council in determining an appropriate level of pitch provision to be sought through the lifetime of the Local Plan and to identify the accommodation needs of Gypsies and Travellers to meet the Council’s obligations under section 8 of the Housing Act 1985 (as amended by section 124 of the Housing and Planning Act 2016).

Study components

- 1.9 The study has comprised the following stages, which are set out below:
- **Stage 1:** Development of methodology;
 - **Stage 2:** Collation and review of existing information and literature;
 - **Stage 3:** Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople across the study area;
 - **Stage 4:** Data analysis, calculation of needs and report production; and
 - **Stage 5:** Dissemination.

Report structure

- 1.10 The report structure is as follows:
- **Chapter 1 Introduction:** provides an overview of the study;
 - **Chapter 2 Legislative and policy context:** presents a review of the legislative and policy context;
 - **Chapter 3 Methodology:** provides details of the study’s research methodology;
 - **Chapter 4 Review of current Gypsy and Traveller population and provision of pitches/plots:** reviews estimates of the Gypsy and Traveller and Travelling Showpeople population across Herefordshire County and the scale of existing site provision;

⁴ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 5

- **Chapter 5 Pitch/plot/transit requirements:** focuses on current and future pitch/plot requirements. This chapter includes a detailed assessment of drivers of demand, supply and current shortfalls across the study area; and
- **Chapter 6 Conclusion and strategic response:** concludes the report, identifying headline issues, and recommending ways in which these could be addressed.

1.11 The report is supplemented by the following appendices:

- **Appendix A** which provides details of the legislative background underpinning accommodation issues for Gypsies and Travellers;
- **Appendix B** Literature review of policy, guidance, reports and best practice notes;
- **Appendix C** Fieldwork questionnaire;
- **Appendix D** Glossary of terms.

2. Legislative and Policy Context

- 2.1 This research is grounded in an understanding of how the national legislative and policy context has affected Gypsy and Traveller and Travelling Showpeople communities to date.

Legislative background

- 2.2 Since 1960, three Acts of Parliament have had a major impact on Gypsies and Travellers and Travelling Showpeople:
- Caravan Sites and Control of Development Act 1960;
 - Caravan Sites Act 1968 (Part II); and the
 - Criminal Justice and Public Order Act 1994.
- 2.3 The 1994 Criminal Justice and Public Order Act abolished all statutory obligations to provide accommodation, discontinued Government grants for sites and made it a criminal offence to camp on land without the owner's consent.
- 2.4 Since the 1994 Act, the only places where Gypsies and Travellers and Travelling Showpeople can legally park their trailers and vehicles are:
- Council and Registered [Social Housing] Providers' Gypsy caravan sites;
 - Privately owned land with appropriate planning permission; and
 - Land with established rights of use, other caravan sites or mobile home parks by agreement or licence along with land required for seasonal farm workers.
- 2.5 The 1994 Act resulted in increased pressure on available sites. Following further reviews of law and policy, the Housing Act 2004 was passed, which included placing a requirement (section 225) on local authorities to assess Gypsy and Traveller and Travelling Showpeople accommodation needs within their area.
- 2.6 The recent Housing and Planning Act 2016 (section 124) creates a new duty under section 8 of the Housing Act 1985 to consider the needs of people residing in or resorting to a local authority area with respect to sites for caravans and the mooring of houseboats as part of the periodical review of housing needs. It deletes sections 225 and 226 of the Housing Act 2004.
- 2.7 More detail on the legislation affecting Gypsies and Travellers and Travelling Showpeople can be found at Appendix A.

Policy background

- 2.8 A considerable range of policy and guidance documents have been prepared by Central Government to assist local authorities in discharging their strategic housing and planning functions and numerous research and guidance documents have been published by other agencies. This review examines influential policy, guidance and research which relates specifically to Gypsies and Travellers and Travelling

Showpeople or makes reference to them; more information is provided within Appendix B.

- 2.9 Some of the key themes to emerge from the review of relevant literature include:
- Recognising the long-standing role Gypsies and Travellers and Travelling Showpeople have played in society and how prejudice, discrimination and legislative change have increasingly marginalised these distinctive ethnic groups;
 - A recognised shortage of provision for Gypsies and Travellers;
 - The importance of understanding Gypsy and Traveller issues in the context of recent housing and planning policy development;
 - Recognition that Gypsies and Travellers are one of the most socially excluded groups in society and are particularly susceptible to a range of inequalities relating to health, education, law enforcement and quality of accommodation; and
 - A need for better communication and improved understanding between, and within, Travelling communities themselves, and between Travelling communities and elected members, service providers and permanently settled communities.

Planning policy

- 2.10 In March 2012 the Government published both the National Planning Policy Framework (NPPF)⁵ and its accompanying National Planning Practice Guidance (NPPG) covering a range of topics, including *Planning policy for traveller sites*⁶ (PPTS 2012). These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople.
- 2.11 Previously, local planning authorities had been required to set aside enough land for Gypsy and Traveller sites, with targets set in regional plans. The Coalition Government abolished regional planning under the provisions of the Localism Act 2011 and local authorities no longer have targets set out in regional plans.
- 2.12 PPTS 2012 instead encouraged local planning authorities to form their own evidence base for needs in their area and use this to set their own pitch and plot targets for their Local Plan.
- 2.13 In a written statement to Parliament on 17th January 2014 the Coalition Government stated:

‘Ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen Green Belt protection in this regard. We also want to consider the case for changes to the planning definition of ‘travellers’ to reflect whether it should only refer to those who actually travel and have a mobile or

⁵ DCLG National Planning Policy Framework March 2012

⁶ DCLG *Planning policy for traveller sites* March 2012 (now superseded)

transitory lifestyle. We are open to representations on these matters and will be launching a consultation in due course.’⁷

- 2.14 Between September and November 2014 the Government consulted on proposed changes to PPTS. An updated NPPG document, *Planning policy for traveller sites* (PPTS 2015) was subsequently published in August 2015⁸. Alongside the publication on 31st August 2015, a letter to Chief Planning Officers in England was issued by the DCLG Chief Planner (Steve Quartermain)⁹. The letter and accompanying planning policy statement dealt specifically with the issue of Green Belt protection and intentional unauthorised development. On 17th December 2015, the Minister of State for Housing and Planning (Brandon Lewis) made a Written Statement confirming the changes to national policy set out in the letter and statement, that intentional unauthorised development is a material consideration in the determination of planning applications and appeals¹⁰
- 2.15 PPTS 2015 sets out that *‘the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community’¹¹*
- 2.16 The policy sets out the Government’s aims in respect of traveller sites, namely:
- a. *that local planning authorities should make their own assessment of need for the purposes of planning*
 - b. *to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
 - c. *to encourage local planning authorities to plan for sites over a reasonable timescale*
 - d. *that plan-making and decision-taking should protect Green Belt from inappropriate development*
 - e. *to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
 - f. *that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
 - g. *for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
 - h. *to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
 - i. *to reduce tensions between settled and traveller communities in plan-making and planning decisions*

⁷ House of Commons 17 January 2014, c35WS

⁸ DCLG *Planning policy for traveller sites* August 2015

⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹⁰ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

¹¹ DCLG *Planning policy for traveller sites* August 2015, paragraph 3

- j. *to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. *for local planning authorities to have due regard to the protection of local amenity and local environment*¹²

2.17 It is within this policy context that local planning authorities will have to plan future provision for Gypsies and Travellers and Travelling Showpeople across their respective areas. 'Policy A' requires Councils to use evidence to plan positively and manage development. Paragraph 7 of PPTS 2015 states that:

'In assembling the evidence base necessary to support their planning approach, local planning authorities should:

- a) *pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)*
- b) *cooperate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities*
- c) *use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.'*

2.18 'Policy B' of PPTS 2015 relates to plan-making and planning. It sets the context for Local Plan preparation, consistent with policies in the NPPF. Paragraph 9 sets out that local planning authorities should set pitch and plot targets which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities. Specifically, in producing their Local Plan, local planning authorities should:

- a) *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets*
- b) *identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15*
- c) *consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*
- d) *relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- e) *protect local amenity and environment.'*

2.19 PPTS 2015 explains that, to be considered 'deliverable', sites should be:

¹² DCLG *Planning policy for traveller sites* August 2015, paragraph 4

- available now,
 - offer a suitable location for development,
 - be achievable with a realistic prospect that development will be delivered on the site within five years.
 - Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
- 2.20 In order to be considered ‘developable’, sites should be:
- in a suitable location for traveller site development and
 - there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

Changes to planning policy

- 2.21 The updated PPTS (2015) has introduced some key changes to policy, including:

Change of the definition of ‘traveller’

- 2.22 The definition of Gypsies and Travellers adds the following ‘clarification’:

‘In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.’¹³*

- 2.23 This means that for planning-related purposes the definition of Gypsy and Traveller has been changed so that it excludes those who have permanently ceased from travelling.
- 2.24 The Government has also indicated that it will seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.

Protecting the Green Belt

- 2.25 PPTS 2015 changes the weight that can be given to any absence of a five-year supply of permanent sites when deciding planning applications for temporary sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites

¹³ DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

designated as Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty or within a National Park or the Broads.

- 2.26 The Government has also changed planning policy so that unmet need and personal circumstances (subject to the best interests of the child) are unlikely to clearly outweigh harm to the Green Belt. This change applies to both the settled and Traveller communities.

Unauthorised occupation

- 2.27 The planning policy statement issued with PPTS 2015¹⁴ (and confirmed by Ministerial Statement¹⁵) makes clear that if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean that retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.
- 2.28 In addition, PPTS 2015 makes clear that in exceptional cases where a local authority is burdened by a large-scale unauthorised site that has significantly increased need and their area is subject to strict planning constraints then there is no assumption that the local authority will be required to meet their Gypsy and Traveller site needs in full. This is intended to deter large sites such as Dale Farm, a large unauthorised site in Essex, from being set up.

Gypsy and Traveller Accommodation Needs Assessments Guidance

- 2.29 In October 2007, the DCLG published *Gypsy and Traveller Accommodation Needs Assessments* Guidance.
- 2.30 This Guidance sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments (GTAAs), including the needs of Showpeople as well as Gypsies and Travellers. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.
- 2.31 The 2007 Guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population and emphasises the importance of obtaining robust data. It recognises the difficulty of surveying this population and recommends the use of:
- Qualitative methods such as focus groups and group interviews;

¹⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹⁵<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

- Specialist surveys of those living on authorised sites that are willing to respond; and
 - Existing information, including local authority site records and the twice yearly caravan counts.
- 2.32 The Guidance recognises that there are challenges in carrying out these assessments, and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.
- 2.33 The approach and methodology set out in the Guidance has formed the framework for this GTAA for Herefordshire County Council and this has not been changed by the recent changes to planning guidance.

Draft guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats

- 2.34 In March 2016, the DCLG published *Draft guidance on the periodical review of housing needs: Caravans and Houseboats*. The draft guidance relates to Clause 115 of the Housing and Planning Bill, which has become Section 124 of the Housing and Planning Act 2016 (passed in May 2016).
- 2.35 The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.
- 2.36 In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.
- 2.37 The draft guidance has been taken into account in the planning, preparation and undertaking of this GTAA for Herefordshire County.
- 2.38 The publication of finalised guidance is awaited.

Enforcement powers

- 2.39 In March 2015, the Government published *Dealing with illegal and unauthorised encampments: a summary of available powers*, which sets out ‘the robust powers councils, the police and landowners now have to clamp down quickly on illegal and unauthorised encampments’.¹⁶ The powers are reiterated as part of the Government’s commitment to protecting the Green Belt. The summary advises authorities that they ‘should not gold-plate human rights and equalities legislation’ and that they have in fact strong powers available to them to deal with unauthorised encampments. When dealing with encampments authorities are advised to consider the following:

¹⁶ CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction

- *'The harm that such developments can cause to local amenities and the local environment;*
 - *The potential interference with the peaceful enjoyment of neighbouring property;*
 - *The need to maintain public order and safety and protect health;*
 - *Any harm to good community relations; and*
 - *That the State may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.'*¹⁷
- 2.40 Despite having a clear leadership role, the summary urges local authorities to work collaboratively with other agencies, such as the Police and/or the Highways Agency to utilise these enforcement powers.
- 2.41 On 31st August 2015, alongside the publication of updated PPTS the DCLG wrote to all local authority Chief Planning Officers in England attaching a planning policy statement on *Green Belt protection and intentional unauthorised development*¹⁸ with immediate effect. The statement, which was confirmed as national planning policy in a Ministerial Statement on 17th December 2015¹⁹, sets out changes to make intentional unauthorised development a material consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State's decision *'to enable him to illustrate how he would like his policy to apply in practice'*, under the criteria set out in 2008.
- 2.42 In addition, the planning policy statement of 31st August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007).

Caravan Counts

- 2.43 Snapshot counts of the number of Gypsy and Traveller caravans were requested by the Government in 1979, and have since been undertaken bi-annually by local authorities on a voluntary basis every January and July²⁰. Their accuracy varies between local authorities and according to how information is included in the process. A major criticism is the non-involvement of Gypsies and Travellers themselves in the counts. However, the counts, conducted on a single day twice a year, are the only systematic source of information on the numbers and distribution of Gypsy and

¹⁷ CLG Home Office and Ministry of Justice Dealing with illegal and unauthorised encampments a summary of available powers March 2015 introduction

¹⁸https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

¹⁹<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS423/>

²⁰ Historically caravan counts have not included Travelling Showpeople. Since 2010 the Government has requested that January counts include Travelling Showpeople, however, the figures relating to Travelling Showpeople are reported separately and not included in the overall count figures.

Traveller trailers. The counts include caravans (or trailers) on and off authorised sites (i.e. those with planning permission) but do not relate necessarily to the actual number of pitches (i.e. capacity) on sites.

- 2.44 In addition, there is an annual snapshot count of the number of Travelling Showpeople caravans, which is undertaken alongside the January count of Gypsy and Traveller caravans (as above).
- 2.45 A major review²¹ of the counting system was undertaken in 2003 by the then Office of the Deputy Prime Minister (ODPM), which made a number of recommendations and improvements to the process.

Progress on tackling inequalities

- 2.46 In April 2012 the Coalition Government published a *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers*²², which summarised progress in terms of meeting ‘Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities’²³. The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- Providing appropriate accommodation;
- Tackling hate crime;
- Improving interaction with the National Offender Management Service;
- Improving access to employment and financial services; and
- Improving engagement with service providers.

- 2.47 In respect of provision of appropriate accommodation, the report advises that financial incentives and other support measures have been put in place to help councils and elected members make the case for development of Traveller sites within their areas. Changing perceptions of sites is also identified as a priority, and to this end the Government made the following commitments:

- *‘The Department for Communities and Local Government will help Gypsy and Traveller representative groups showcase small private sites that are well presented and maintained...’*
- *Subject to site owners agreeing to have their homes included we will help produce a case study document which local authorities and councillors, potential site*

²¹ Counting Gypsies and Travellers: A Review of the Caravan Count System, Pat Niner Feb 2004, ODPM

²² The study only includes reference to Gypsies and Travellers and not Travelling Showpeople

²³ www.communities.gov.uk/news/corporate/2124322

*residents and the general public could use. It could also be adapted and used in connection with planning applications.*²⁴

2.48 Also aimed at improving provision of accommodation for Gypsies and Travellers, the Government committed to:

- The provision of support, training and advice for elected member services up to 2015; and
- The promotion of improved health outcomes for Travellers through the planning system; the report states that *‘one of the Government’s aims in respect of traveller sites is to enable provision of suitable accommodation, which supports healthy lifestyles, and from which travellers can access education, health, welfare and employment infrastructure.*²⁵

Previous Design Guidance

2.49 PPTS 2015 provides no guidance on design for Gypsy and Traveller sites, concentrating instead on the mechanics of the planning process, from using evidence to plan making and decision taking.

2.50 Previous design guidance²⁶ was set out in *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008) which suggests that, among other things, there must be an amenity building on each site and that this must include, as a minimum:

- Hot and cold water supply;
- Electricity supply;
- A separate toilet;
- A bath/shower room; and
- A kitchen and dining area.

2.51 A Homes and Communities Agency (HCA) review (January 2012) of Non-Mainstream Housing Design Guidance found that the DCLG Design Guide *‘succinctly outlines the physical requirements for site provision for travellers’*. It also identified a number of ‘pointers’ for future guidance, and these are worth mentioning here:

- The family unit should be considered to be larger and more flexible than that of the settled community due to a communal approach to care for the elderly and for children;
- A distinct permanent building is required on site to incorporate washing and cooking facilities, and provide a base for visiting health and education workers; and

²⁴ CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 commitment 12 page 18

²⁵ CLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers April 2012 para 4.13 page 19

²⁶ This guidance does not apply to the provision of new yards for Travelling Showpeople. Further information about good practice in the provision of yards can be obtained from the Showmen’s Guild of Great Britain.

- Clearer diagrams setting out the parameters for design are called for, both in terms of the scale of the dwelling and the site. Incorporating requirements for maintenance, grazing, spacing, size provision, communal spaces, etc. *'would ensure that a set of best practice principles can be established.'*²⁷

2.52 The HCA Review suggested the following design considerations:

- Travelling Showpeople should be considered in the development of provision for temporary/transit sites;
- Vehicular access is a requirement and not an option;
- Open space is essential for maintenance of vehicles and grazing of animals;
- Open play space for children needs to be provided;
- A warden's office is required for permanent sites;
- Communal rooms for use of private health/education consultations are required; and
- An ideal ratio of facilities provision (stand pipes, parking area, recreation space) to the number of pitches.

2.53 On 31st August 2015, the DCLG letter to Chief Planning Officers (setting out the planning policy statement on *Green Belt protection and intentional unauthorised development*) set out that the Government thereby cancelled the document *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

Strategic policy

2.54 Despite the revocation of regional spatial strategies, the need for strategic planning remains, especially to ensure coherent planning beyond local authority boundaries. To this end the Localism Act 2011 and the National Planning Policy Framework (NPPF) set out that public bodies have a duty to cooperate on planning issues that cross administrative boundaries (NPPF, paragraph 178).

2.55 National planning practice guidance (NPPG) includes a guidance document specific to the *Duty to cooperate* (March 2014). This states that duty to cooperate is not a duty to agree, but local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination (paragraph 1). In addition, it states that the duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their Local Plans, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries (paragraph 8).

2.56 PPTS 2015 sets out that the preparation of Local Plans and setting of pitch and plot targets should be undertaken by local planning authorities working collaboratively

²⁷ Non-Mainstream Housing Design Guidance Literature Review, HCA January 2012 page 63

with neighbouring planning authorities (paragraphs 8 and 9). It reiterates that local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries (paragraph 10).

3. Methodology

3.1 In order to deliver the requirements of Government guidance²⁸ the methodology for this study has comprised:

- Desktop analysis of existing documents, including data on pitches/sites, plots/yards and unauthorised encampments;
- A review of existing provision of sites and yards; and
- The collection of primary data, including a fieldwork survey of sites/yards and household interviews with Gypsies and Travellers and Travelling Showpeople.

3.2 The information gathering has been carried out in three phases, as outlined below:

- Phase 1: Literature/desktop review and steering group discussions;
- Phase 2: Site survey (including census) and interviews with Gypsies and Travellers and Travelling Showpeople across the Herefordshire area; and
- Phase 3: Production of report.

Phase 1: Literature/desktop review and steering group discussions

3.3 This phase comprised a review of available literature, including legislative background and best practice information; and analysis of available secondary data relating to Gypsies and Travellers.

3.4 Relevant regional, sub-regional and local information has been collected, collated and reviewed, including information on:

- The national policy and legislative context;
- Current policies towards Gypsies and Travellers in the County (drawn from Local Authority policy documents, planning documents, housing strategies and homelessness strategies); and
- Analysis of existing data sources available from stakeholders²⁹.

3.5 This information has helped to shape the development of this report, and in particular the review of the legislative and policy context set out in Chapter 2.

3.6 The project steering group was fully consulted regarding the most appropriate methodology for undertaking the assessment work, including site fieldwork and household survey.

²⁸ CLG Gypsy and Traveller Accommodation Needs Assessments Guidance October 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7838/accommneedsassessments.pdf

²⁹ This includes CLG caravan count data and information on unauthorised encampment data provided by the Council (see chapter 6 for more information on this data)

Phase 2: Fieldwork survey and interviews with Gypsies and Travellers and Travelling Showpeople

- 3.7 The primary fieldwork for this study comprised survey work with Gypsies and Travellers and Travelling Showpeople. The questionnaires (Appendix C) were designed by arc⁴ in consultation with the project steering group and build upon our standard questionnaire.
- 3.8 The household survey was undertaken by arc⁴. The overarching aim of the fieldwork was to maximise the number of interviews secured from Gypsy and Traveller and Travelling Showpeople households living within the County. Consulting with stakeholders ensured that the fieldwork team had a good understanding of the local issues facing Gypsies and Travellers and Travelling Showpeople and helped to maximise the community's participation in the study.
- 3.9 The cultural needs of Gypsies and Travellers and Travelling Showpeople differ from those of the rest of the population and consideration of culturally specific requirements such as the need for additional permanent caravan sites and/or transit sites and/or stopping places (or improvements to existing sites) are key to this study. The research has therefore explicitly sought information from Gypsies and Travellers and Travelling Showpeople from across the County living in different types of accommodation.
- 3.10 Interviews with Gypsies and Travellers took place during April and May 2017. Responses achieved by tenure and type of site/accommodation are presented in Table 3.1.
- 3.11 For Gypsies and Travellers, there are a total of 129 pitches across Herefordshire County. It was found that 119 households were living across the pitches, with three households living across two pitches. There are therefore 122 occupied pitches and 7 unoccupied pitches.
- 3.12 The 2017 household survey was completed by 69 households out of a total of 89 households living on pitches. In addition, the 2017 update report uses information from the 20 households surveys from Yoke Farm which was collected in 2014 (it is understood there has been limited change in the households living on this site).
- 3.13 Therefore, the 2017 update draws upon data from 89 households living on pitches and based on a total of 119 households living on pitches, results in a response rate of 74.8%.
- 3.14 Views on the number of households living in bricks and mortar accommodation who would prefer to live on a pitch were obtained from the Council which has informed the pitch needs model.
- 3.15 For Travelling Showpeople, a total need for 9 plots was established in the previous GTAA and discussions with representatives from the community would suggest this remains an appropriate needs figure.

Table 3.1 Responses achieved to the Household Survey 2017 by tenure and type of accommodation**Gypsies and Travellers**

Tenure and type of site	Pitch numbers		Household numbers			
	Total pitches	Unoccupied pitches	Total households	Interviews achieved*	Non-response	Households living across two pitches
Council (permanent) authorised	53	1	51	41	10	1
Private (permanent) authorised	66	6	58	38	13	2
Private Tolerated	10	0	10	10	0	0
Private Unauthorised	0	-	0	0	-	-
Total Gypsy and Traveller pitches	129	7	119	89	23	3

*69 interviews in 2017 plus 20 interviews on Yoke Farm achieved in 2014

- 3.16 Analysis of the 2017 household survey data establishes that 36.5% of respondent households on Gypsy and Traveller sites meet the new PPTS 2015 definition of being a Gypsy/Traveller household. These households meet the definition by either travelling in the preceding year or within the past 5 years and/or intend to travel in the next year or in any year in the next five years. Those who do not meet the PPTS 2015 definition are included within the wider ‘cultural’ definition of need in the assessment set out in chapter 5 of this GTAA Update.

Phase 3: Production of report

- 3.17 In conjunction with face-to-face interviews with members of the Travelling community, a range of complementary research methods have been used to permit the triangulation of results. These are brought together during the research process and inform the outputs of the work and include:
- Desktop analysis of existing documents and data;
 - Preparing a database of authorised and unauthorised sites; and
 - Conducting a fieldwork survey of sites and yards.
- 3.18 Good practice guidance and evidence from other studies emphasises that building trust with Travelling communities is a prerequisite of meaningful research. In this case it has been achieved by engaging with Gypsies and Travellers directly, by using local resources and workers to make links, and working with officers who have already established good relationships with local Travelling communities.
- 3.19 We have also used the following sources of information:
- The DCLG caravan counts (up to January 2017); and
 - Local Authority information on existing site provision and unauthorised developments.
- 3.20 The assessment of pitch requirements has been calculated by utilising information on the current supply of pitches and plots along with the results from the survey. The overall number of pitches has been calculated using Local Authority information, with likely capacity through turnover assessed through the survey. A detailed explanation of the analysis of pitch requirements is contained in Chapter 5 but briefly comprises analysis of the following elements:
- Current pitch provision, households living in bricks and mortar accommodation; households planning to move in the next FIVE years, and emerging households to give total demand for pitches; and
 - Turnover on existing pitches and total supply.
- 3.21 The approach used then reconciles the demand and supply data to identify overall pitch and plot requirements.
- 3.22 To identify any need for transit provision, findings from the household survey have been analysed alongside other contextual information including the incidence of unauthorised encampments in Herefordshire.

Pitches and households

- 3.23 One of the key challenges faced when assessing Gypsy and Traveller pitch requirements is the actual nature of pitches and how this relates to the number of households they can support.
- 3.24 PPTS (August 2015) refers to the need for Local Planning Authorities to *'identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets'* and *'relate the number of pitches/plots to the circumstances of the specific size and location of the site and the surrounding population's size and density'* (PPTS 2015, paragraph 10).
- 3.25 Planning decision notices usually refer the number of pitches on a site or the specifics of what can be on a pitch e.g. statics, tourers; or specific individuals and/or households.
- 3.26 As part of the GTAA, it is essential that the characteristics of sites, the number of pitches and how many households these can support is carefully considered. There are a range of issues which need to be considered when reviewing site and pitch characteristics and their potential implications for future pitch and site requirements which are now summarised.

Site and pitch size

- 3.27 There are no definitive parameters for site or pitch sizes. Previous Design Guidance (DCLG, 2008) states in paragraph 4.4 that *'Gypsy and Traveller sites are designed to provide land per household which is suitable for a mobile home, touring caravan and a utility building, together with space for parking. Sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take into account the size of the site and the needs and demographics of the families resident on them'*.
- 3.28 Paragraph 4.47 states that *'to ensure fire safety it is essential that every trailer, caravan or park home must be not less than 6 metres from any other trailer, caravan or park home that is occupied separately'*.
- 3.29 Paragraph 7.12 states that *'as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area'*.
- 3.30 Paragraph 4.13 states that *'smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle'*.

Occupancy

- 3.31 A pitch may accommodate more than one family unit, for instance it could include a family, older children who have formed their own household and other family

members. This could lead to potential overcrowding and this is considered as part of the GTAA household survey.

- 3.32 Private sites may restrict occupancy to close family/friends. This limits opportunity for others to move onto the site but this restrictive occupancy may provide for emerging needs.
- 3.33 Quality, size of pitch and proximity of caravans on pitches vary dramatically.

Response

- 3.34 For each site, a pragmatic and reasonable judgement should be made as part of the GTAA regarding the number of pitches or sub-divisions on sites. This may relate to the number of families living on sites, and could include a consideration of the potential intensification of sites (for instance through further sub-division, extension or use of vacant areas within the site). Capacity and layout of sites should be identified through site observation (directly or indirectly through Google maps or similar), planning history and local knowledge of planning, enforcement and liaison officers.
- 3.35 Pitches can become intensified or sub-divided once planning applications have been approved. These sub-divisions tend to be tolerated by councils. Often pitches become subdivided to provide space for newly-forming households, particularly from family members.

4. The current picture: Gypsy and Traveller population and pitch provision

4.1 This chapter looks at the current picture in terms of the current population and demography of Gypsies and Travellers across the study area before going on to explore the extent and nature of provision across the area.

2011 Census population estimates

4.2 Whilst it is recognised that some families may not identify themselves as Gypsies or Travellers in research, the 2011 Census³⁰ identifies a total of 125 households in Herefordshire as having a ‘White: Gypsy or Irish Traveller’ (WGoIT) ethnicity (Table 4.1a). Of these, 80.0% (100 households) live in bricks and mortar accommodation (house or bungalow, or flat, maisonette or apartment) and 20.0% (25 households) live in a caravan or other mobile or temporary structure.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
125	80	20	25

Source: 2011 Census

4.3 The 2011 Census provides further information on actual residents and Table 4.1b provides details of the breakdown of people.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
357	241	39	77

2011 Census

4.4 Table 4.1c provides an analysis of people and households and shows that the average household size is 2.9 persons for Gypsies and Travellers in Herefordshire County. This compares with an average household size of 2.3 (down from 2.4 in 2001) for the UK as

³⁰ Tables 5.1a to 5.1e are taken from the Census 2011. Special tables were commissioned by ONS to cover the ethnicity and several data sets were produced and made available on the ONS website on the 21st January 2014. See Tables CT0127 and CT0128. Main article: <http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/what-does-the-2011-census-tell-us-about-the-characteristics-of-gypsy-or-irish-travellers-in-england-and-wales-/index.html>

a whole and looking at all households. There is some variation in the average Gypsy and Traveller household size between accommodation types, however, with an average of 3.0 persons per household in houses/bungalows compared with 2.0 persons per household in flats/maisonettes/apartments and 3.1 persons per household in caravans/mobiles.

Total: Accommodation type	House or bungalow	A flat, maisonette or apartment	A caravan or other mobile or temporary structure
2.86	3.01	1.95	3.08

Source: 2011 Census

Caravan Count information

- 4.5 The Traveller caravan count (previously called the Gypsy and Traveller caravan count) is carried out bi-annually, every January and July.
- 4.6 The latest figures available are from the January 2017 Count of Traveller Caravans (England)³¹, which nationally found that:
- The total number of traveller caravans in England in January 2017 was 22,004. This is 698 more than the 21,306 reported in January 2016.
 - 6,807 caravans were on authorised socially rented sites. This is a decrease of 239 since the January 2016 count of 7,046.
 - The number of caravans on authorised privately funded sites was 12,276. This was 822 more than the 11,454 recorded in January 2016.
 - The number of caravans on unauthorised encampments on land owned by travellers was 2,141. This is 11 above the January 2016 figure of 2,130.
 - The number of caravans on unauthorised encampments on land not owned by travellers was 780. This was 104 caravans more than the January 2016 count of 676.
 - Overall, the January 2017 count indicated that 87 per cent of traveller caravans in England were on authorised land and that 13 per cent were on unauthorised land. This is the same as the previous year.
- 4.7 The figures for the last five Traveller caravan counts for Herefordshire are set out in Table 4.2. This shows that an average of 188 caravans have been recorded on sites in the County during the five-count period. Of these, 45.1% have been on private authorised sites (with planning permission) and 41.9% have been on social rented authorised sites. 12.2% have been on tolerated unauthorised sites. In the four counts

³¹ DCLG Count of Traveller Caravans January 2017 England, Housing Statistical Release 25 May 2017

during 2015 and 2016, two caravans were recorded on unauthorised sites; however, none were recorded in January 2017.

Table 4.2 Bi-annual Traveller caravan count figures January 2015 to January 2017

Herefordshire Count	Authorised sites with planning permission		Unauthorised sites without planning permission		Total
	Social Rented	Total Private	Tolerated	Not Tolerated	
Jan 2015	80	78	24	2	184
Jul 2015	77	89	25	2	193
Jan 2016	76	90	20	2	188
Jul 2016	81	81	22	2	186
Jan 2017	80	86	24	0	190
Five-Count Average	78.8	84.8	23	1.6	188.2
Five-Count % Average	41.9%	45.1%	12.2%	0.9%	100.0%

Source: DCLG Traveller Caravan Count, Live Table 1 (January 2017)

4.8 An annual count of Travelling Showpeople caravans is undertaken every January, alongside the January Traveller caravan count. The most recent available data is therefore January 2017. Table 4.3 sets out the data from the last four Travelling Showpeople caravan counts, 2014-2017. This shows that no Travelling Showperson caravans have been recorded during the four-count period.

Table 4.3 Annual Travelling Showpeople caravan count figures January 2014 to January 2017

Herefordshire Count	Authorised sites with planning permission		Unauthorised sites without planning permission	Total
	Social Rented	Total Private	Total Unauthorised	
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
Four-Count Average	0	0	0	0

Source: DCLG Travelling Showpeople Caravan Count, Live Table 3 (January 2017)

4.9 The DCLG caravan count data also records Traveller and Travelling Showpeople caravan sites provided by local authorities and private registered providers in

England³². The most up-to-date data from January 2017 is set out in Table 4.4. This identifies six sites in Herefordshire County.

Table 4.4 Traveller and Travelling Showpeople caravan sites provided by local authorities and registered providers in Herefordshire, January 2017

Site and address	Date site opened	Date of last site changes	Total no. of pitches	of which		Caravan capacity
				residential	transit	
Turnpike, Pembridge	1988	2009	6	6	0	12
Orchard Park, Watery Lane, Hereford	1992	2015	11	11	0	22
Springfield Close, Croft Lane	1995	2016	10	10	0	20
Open Fields, Bromyard	1997	2014	10	10	0	20
Romany Close, Grafton, Hereford	1991	2015	9	9	0	18
Tinkers Corner, Bosbury	1996	-	7	7	0	14

Source: DCLG Traveller Caravan Count, Live Table 2 (January 2017)

Local information

- 4.10 Data on the provision of sites considers both authorised and unauthorised sites across Herefordshire.
- 4.11 Broadly speaking, authorised sites are those with planning permission and can be on either public or privately owned land. Unauthorised sites are made up of either longer term³³ unauthorised encampments³⁴, that have been in existence for some considerable time and so can be considered to be indicative of a permanent need for accommodation (in some instances local authorities class these as tolerated sites and do not take enforcement action to remove them); and unauthorised developments, where Travellers are residing upon land that they own and that does not have planning permission (see Appendix D for more detailed definitions).
- 4.12 Table 4.5 sets out information relating to the Gypsy and Traveller sites located within Herefordshire County, including a comparison with the information set out in the previous GTAA (2015) in terms of previous site names and notes on changes that have taken place. Table 4.6 sets out information relating to Travelling Showperson yards. The locations of these sites and yards are shown in Map 4.1.
- 4.13 Gypsy and Traveller sites in the County include six authorised permanent Council sites (which correlates with the information in the DCLG Caravan Count as set out in Table 4.4, above). In addition, there are 29 authorised permanent private sites and one

³² DCLG Count of Traveller Caravans January 2017 England, Housing Statistical Release 25 May 2017, Live Table 2

³³ Approximately three months or longer

³⁴ Please note that unauthorised encampments also encompass short-term illegal encampments, which are more indicative of transit need, see para 7.10 for more information on these encampments.

tolerated private site. The triangulation of secondary data, Council records and fieldwork survey has identified a total of 129 pitches, 119 households and 7 unoccupied pitches (with three households living across two pitches, resulting in 122 occupied pitches).

- 4.14 There are three Travelling Showperson’s yards located in Ross on Wye accommodating an estimated 10 households.

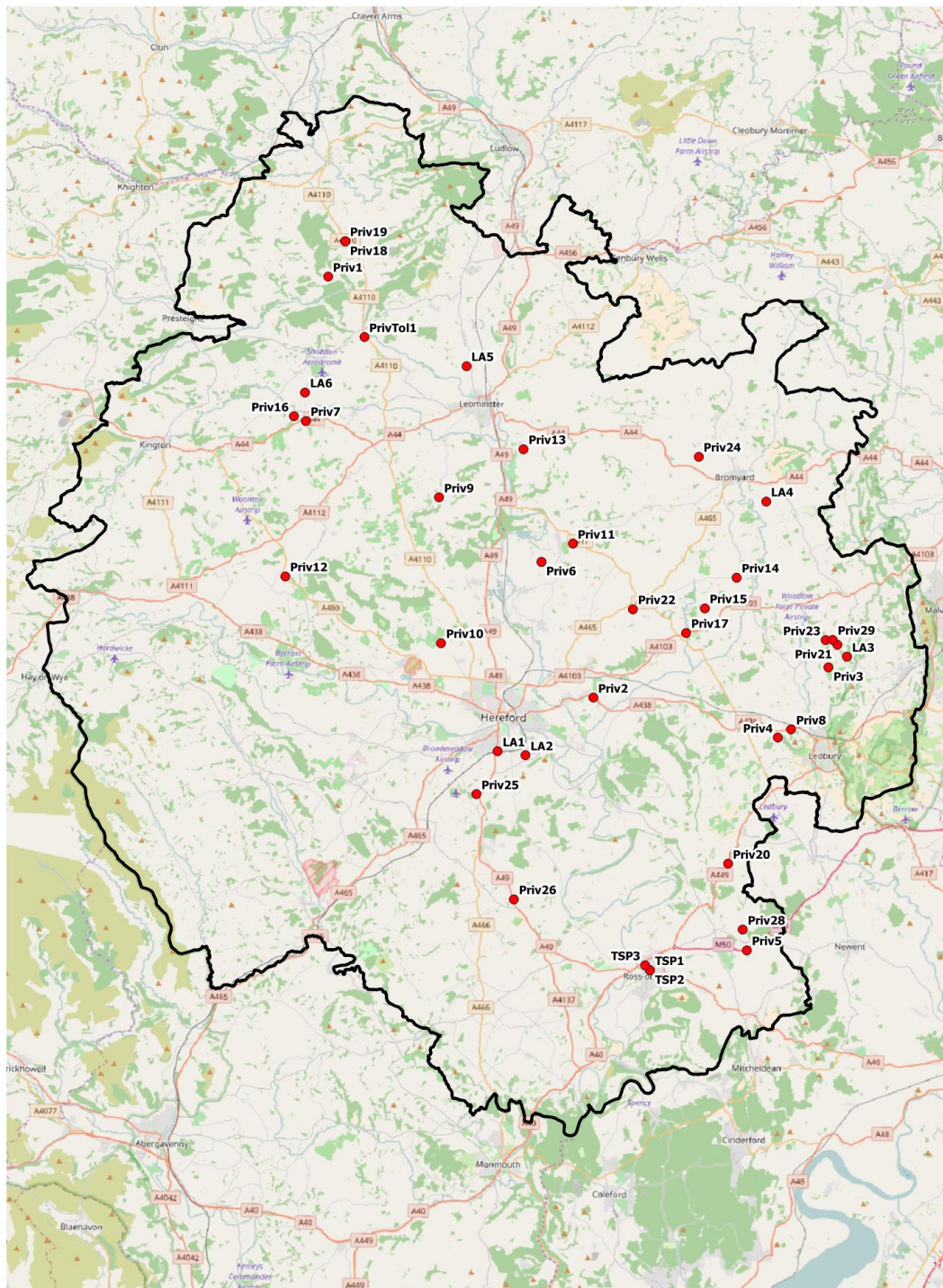
Table 4.5 Location of Gypsy and Traveller pitches in Herefordshire	
Location	No. Pitches
Aymestry	1
Bartestree	2
Bishop's Frome	2
Bodenham	2
Bosbury	11
Bromyard	11
Burghill	3
Callow	2
Grafton	9
Hereford	11
Ledbury	5
Linton	1
Lower Eggleton	3
Luston	10
Marden	1
Mortimer's Cross	10
Much Birch	3
Much Cowarne	2
Much Marcle	2
Norton Canon	1
Ocle Pychard	2
Pembridge	8
Pow Green	1
Stoke Prior	1
Upper Hill	22
Upton Bishop	1
Wigmore	2
Total	129

Source: Herefordshire County Council data 2017, site survey fieldwork 2017

Table 4.6 Location of Travelling Showperson plots in Herefordshire	
Location	No. Plots
Ross on Wye	10

Source: Herefordshire County Council data 2017, site survey fieldwork 2017

Map 4.1 Location of sites in Herefordshire County



Key

- Gypsy and Traveller Sites
- Showpersons' Yards

5. Gypsy and Traveller pitch, Travelling Showperson plot and transit site requirements

Introduction

- 5.1 This section reviews the overall pitch requirements of Gypsies and Travellers and Travelling Showpeople across Herefordshire. It takes into account current supply and need, as well as future need, based on modelling of data, as advocated by the DCLG. This chapter also considers transit pitch requirements for Gypsies and Travellers. Finally, it presents planning policy recommendations.
- 5.2 The calculation of pitch requirements is based on DCLG modelling as advocated in *Gypsy and Traveller Accommodation Assessment Guidance* (DCLG, 2007). While the DCLG Guidance was revoked in July 2016 under the provisions of the Housing and Planning Act 2016, and officially withdrawn in December 2016, many aspects of the approach set out within it remain ‘best practice’ and have been ratified by inspectors at planning inquiry. The withdrawn DCLG Guidance requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs. It advocates the use of a survey to supplement secondary source information and derive key supply and demand information.
- 5.3 The GTAA has modelled current and future demand and current and future supply separately for Gypsies and Travellers and Travelling Showpeople. For this study, the model has assumed a cultural definition of Gypsies and Travellers and Travelling Showpeople but also takes account of the new planning definition as an element of modelling output.

Pitch requirement model overview

- 5.4 Pitch requirements are assessed over an initial five-year period (2017/18 to 2021/22) (the 5-year model) and then longer-term need is based on the expected number of households likely to form over the remainder of the plan period (2022/23 to 2031) based on the age profile of children under 13 living in Gypsy and Traveller households on pitches (the longer-term model). The modelling is based on the cultural need for pitches but the impact of the PPTS definition on need is also considered.
- 5.5 In terms of **cultural need**, the 5-year model considers:
- The baseline number of households on all types of site (authorised, unauthorised and temporary authorised sites) as at May 2017;
 - Existing households planning to move in the next five years (currently on sites and also from bricks and mortar and where they are planning to move to; and
 - Emerging households currently on sites and planning to emerge in the next five years and stay within the study area on a pitch; to derive a figure for
 - Total pitch need.
- 5.6 In terms of **supply**, the model considers:

- Total supply of current pitches on authorised sites;
 - Vacant pitches on authorised sites.
- 5.7 The model then reconciles total need and existing authorised supply over the next 5 years by summarising:
- Total need for pitches; and
 - Total supply of authorised pitches.
- 5.8 The longer-term element of the model then considers the cultural need over the remainder of the plan period (to 2031).

Description of factors in the 5-year need model

- 5.9 Table 5.1 provides a summary of the 5-year pitch need calculation. Each component in the model is now discussed to ensure that the process is transparent and any assumptions clearly stated.

Need

5.10 **Current households living on pitches (1a to 1e)**

These figures are derived from local authority data, site observation and household survey information. Note that no household stated they were doubled up or included concealed households. Site observation and fieldwork suggests there are a total of 122 pitches that are occupied by 119 households (with 3 households occupying 2 pitches each).

5.11 **Current households in bricks and mortar accommodation (2a)**

The 2011 Census suggested there were 100 households living in bricks and mortar accommodation. On the basis of 41 arc⁴ studies, it is estimated that 5.3% of households living in bricks and mortar would prefer to live on a site. The model therefore assumes a minimum need from 5 pitches from households currently living in bricks and mortar housing. However, the housing register at May 2017 identifies a total of 20 households wanting to move onto a local authority site from brick and mortar housing and this figure is include in the model.

5.12 **Existing Households planning to move in the next five years (3)**

This was derived from information from the household survey for respondents currently on authorised pitches. To account for non-response, the data in the model has been weighted by a factor of 1.34³⁵.

Overall, there is a need from 5 households planning to move to another pitch within Herefordshire and 7 from a pitch to bricks and mortar. The model assumes 20 households planning to move from bricks and mortar to a pitch.

³⁵ 89 responses from 119 G&T households on pitches results in a weighting factor of 119/89= 1.34

Housing register information

The housing waiting list for the local authority sites identifies a total of 20 households planning to move from bricks and mortar to a pitch. There are also 15 households currently on pitches wanting to move onto LA sites. This need has been included in the model

This results in an overall net requirement of +34 pitches from existing households planning to move in the next 5 years.

5.13 Emerging households (4)

This is the number of households expected to emerge in the next 5 years based on household survey information. The total number is 24 (weighted).

If children old enough to form their own household were living with family and have not specified that they want to form a new household, this is assumed to be through choice and the model does not assume they want to form a new household.

5.14 Total need for pitches (5)

This is a total of current households on authorised pitches, households on pitches planning to move in the next five years and demand from emerging households currently living on pitches. This indicates a total need for 177 pitches.

Supply

5.15 Current supply of authorised pitches (6)

This is a summary of the total number of authorised pitches and the number of vacant authorised pitches. This shows a total supply of 122 occupied authorised pitches (note that there are 3 households across the County who occupy 2 pitches each) plus 7 vacant authorised pitches resulting in a total supply of 129 authorised pitches.

Reconciling supply and demand

5.16 There is a total need over the next five years (2017/18 to 2021/22) for 177 pitches in Herefordshire (Table 5.1) compared with a supply of 129 authorised pitches (including vacant pitches). The result is an overall cultural shortfall of 48 pitches.

Table 5.1 Summary of demand and supply factors: Gypsies and Travellers – 2017/18 to 2021/22			
CULTURAL NEED		Herefordshire	
1	Total households living on pitches	1a. On LA Site	51
		1b. On Private Site – Authorised	58
		1c. On Private Site - Temporary Authorised	0
		1d. On Private Site – Tolerated	10
		1e. Unauthorised	0
		1f. Total (1a to 1e)	119
2A	Estimate of households in bricks and mortar accommodation	2a. TOTAL (2011 Census)	100
Weighting applied to stages 3 and 4 = 1.34 to account for G&T household no-response			
3	Existing households planning to move in next 5 years	Currently on sites	
		3a. To another pitch/same site	4
		3b. To another site in County	1
		3c. From site to Bricks and Mortar	7
		3d. To a site/bricks and mortar outside County	0
		Currently in Bricks and Mortar	
		3e. Planning to move to a site in LA	20
		3f. Planning to move to another B&M property	0
		Currently on housing register	
		3g. Household currently on housing register	15
3h. TOTAL Net impact (3a+3b-3c-3d+3e+3g)	34		
4d. 4	Emerging households (5 years)	4a. Currently on site and planning to live on current site	21
		4b. Currently on sites and planning to live on another site in LA	3
		4c. Currently on site and planning to live on site outside the study area	0
		4d. Currently in B&M planning to move to a site in LA	0
		4e. Currently in B&M and moving to B&M (no net impact)	0
		4f. Currently on Site and moving to B&M (no net impact)	0
		4g. TOTAL Net impact (4a+4b-4c+4d)	24
5	Total Need	1f+3h+4g	177
SUPPLY			
6	Current supply of authorised pitches	6a Current occupied authorised pitches	122
		6b Current vacancies on authorised pitches	7
		6c. Total current authorised supply (6a+6b)	129
RECONCILING NEED AND SUPPLY			
7	Total need for pitches	5 years (from 5)	177
8	Total supply of authorised pitches	5 years (from 6c)	129
5 YEAR AUTHORISED PITCH SHORTFALL 2017/18 TO 2021/22			48

Note: Figures in the table subject to rounding

Longer-term pitch requirement modelling

- 5.17 Longer-term pitch need modelling has been carried out using known household structure information from the household survey of households living on pitches. On the basis of the age of children in households, it is possible to determine the extent of 'likely emergence', which assumes that a child is likely to form a new household at the age of 18.
- 5.18 The year when a child reaches 18 has been calculated and it is possible to assess how many newly forming households may emerge over the period 2022/3-2030/31. A reasonable assumption is that half of these children will form new households, bearing in mind culturally women tend to move away on marriage and men tend to stay in close proximity to their families on marriage. The model therefore assumes that 50% of children will form households when they reach 18 and that these households remain in Herefordshire³⁶. Analysis would suggest a total cultural need for 26 additional pitches over the period 2022/23-2030/31 (Table 5.2).

Table 5.2 Future pitch requirements based on the assumption that 50% of children form households on reaching 18

Time period	No. children	Expected household formation
2022/23 – 2026/27	23	11
2027/28 – 2030/31	29	15
Total (2022/23 to 2030/31)	52	26

*includes data from Yoke Farm survey of 2014

Planning Policy for Traveller Site definition

- 5.19 Analysis of household survey data establishes that 36.5% of Gypsies and Travellers living on pitches across Herefordshire satisfy the PPTS definition of Gypsies and Travellers (this is based on the 52 responses from households living on Gypsy and Traveller pitches in the 2017 survey) and discussed at paragraph 3.15. This proportion is applied to the cultural need evidenced in the 5-year and longer-term modelling of pitch requirements to establish a PPTS need for pitches.

Overall plan period pitch need

- 5.20 Table 5.3 summarises the overall need for pitches across Herefordshire over the plan period to 2031. It presents the overall cultural need based on households identifying

³⁶ This approach has been tested at inquiry including Worcestershire and Shropshire.

as Gypsy and Traveller and a PPTS need which is a subset of the cultural need and is based on those households who meet the PPTS definition of need.

- 5.21 Assuming a 14-year period (2017/18 to 2030/31), this result in an annualised cultural need for 5.3 pitches and an annualised PPTS need for 1.9 pitches.

Table 5.3 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need
Historic plan period pitch need 2011/12 to 2016/17*	17	6
5yr pitch need (2017/18 to 2021/22)	48	17
Longer-term need to 2022/23 to 2030/31	26	10
TOTAL pitch need 2017/18 to 2030/31 (Local Plan Period)	91	33

*Based on 2015 GTAA there was an annual 2.8 pitch need and x 6 years results in 17 pitches.

- 5.22 It is recommended that the Local Plan recognises there is a cultural need for 91 pitches over the plan period and a need for 33 pitches under the PPTS definition before turnover on local authority pitches is considered.

Turnover on sites

- 5.23 Turnover relates to the number of pitches that are expected to become available for occupancy. Analysis only includes expected turnover on public sites as this is referenced in (former) DCLG Guidance and more accurate data on changes in pitch occupancy is likely to be available. Although there is likely to be turnover on private sites, the ability of households to move onto private sites may be more restrictive (for instance the site may be restricted to a particular family) and less likely to be recorded.
- 5.24 Household survey data indicates that 19.5% of respondents living on local authority sites plan to move in the next 5 years or an annual rate of 3.9%. This analysis would suggest annual capacity of 1.8 which translates to a capacity of 27 pitches over the plan period through turnover.
- 5.25 Site management data indicates a turnover of 6 pitches each year over the past two years (to July 2017). This would result in an overall capacity of 84 pitches over the remaining plan period to 2030.
- 5.26 Table 5.4 illustrates the impact of turnover on overall pitch need using site management data. The result of including expected turnover is to address both cultural and PPTS need.

Table 5.4 Addressing Gypsy and Traveller pitch need		
	Cultural need	Of which:

		PPTS need
TOTAL pitch need 2017/18 to 2030/31 (remaining Plan Period)	74	27
Pitches expected to become available through turnover on pitches on Council sites 2017/18 to 2030/31	84	84
Residual pitch requirement after factoring in expected turnover	Addressed	Addressed

Potential capacity for Gypsy and Traveller pitches and tolerated sites

5.27 There is further potential capacity to help address pitch need over the plan period. The household survey asked respondents if there was opportunity to expand existing sites to accommodate more pitches. Responses suggested that there was potential for around 15 to 17 additional pitches across the following sites:

- Local authority 11 to 17 pitches;
- Private authorised 9 pitches.

5.28 Note that the potential expansion of sites was based on the views of respondents and not a technical appraisal of sites. Further work would be necessary to confirm the potential for expansion.

Travelling Showpeople plot requirements

5.29 The 2015 GTAA established a need for 9 additional travelling showperson plots. Discussions with a local community member would suggest that this remains an appropriate number over the plan period to 2031.

Transit site requirements

5.30 Unauthorised encampment data collected by the Council reports a varying level of activity:

- 52 encampments in 2014;
- 21 encampments in 2015; and
- 51 encampments in 2016.

5.31 The Council reports an average number of 4.5 caravans on encampment and a median of 3 caravans. A 5 pitch transit site could accommodate up to 10 caravans (assuming two per pitch) and this would accommodate around 92% of unauthorised encampments in the County. The provision of a transit site should be considered by the Council.

6. Conclusion and strategic response

- 6.1 This concluding chapter provides a brief summary of key issues emerging from the research; advice on the strategic responses available, including examples of good practice; and recommendations and next steps.

Meeting permanent Gypsy and Traveller pitch requirements

- 6.2 There are currently 119 Gypsy and Traveller households living across 122 occupied pitches in Herefordshire (three households live across two pitches each). There are a total of 129 pitches, with 7 pitches unoccupied.
- 6.3 It is recommended that the Local Plan acknowledges the need (excluding turnover) for 91 additional pitches based on a cultural interpretation of need and, as a subset of this number, a need for 33 based on a PPTS interpretation of need over the plan period (2011/12 to 2030/31). The Local Plan should also acknowledge that turnover on local authority pitches is expected to address this need. Although there is no overall shortfall in pitches once turnover is considered, the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

Meeting permanent Travelling Showperson requirements

- 6.4 The 2015 GTAA established a need for 9 additional travelling showperson plots. Discussions with a local community member would suggest that this remains an appropriate number over the plan period to 2031.

Meeting transit site/stop over requirements

- 6.5 Unauthorised encampment activity is reported in Herefordshire. Based on the number of caravans reported on encampments, a 5 pitch transit site, which could accommodate 10 caravans, would be sufficient to accommodate 92% of unauthorised encampment activity across the County. This should be considered by the Council.

Good practice in planning for Gypsy and Traveller provision

- 6.6 There are a number of resources available to local planning authorities to assist them in planning for Gypsy and Traveller provision, including resources from the Planning Advisory Service (PAS) and the Royal Town Planning Institute (RTPI), which are presented in Appendix B. In addition, the Local Government Agency and Local Government Association have resources available for local authorities working with

Traveller communities to identify sites for new provision, these include dedicated learning aids for elected members³⁷.

- 6.7 Work undertaken by PAS³⁸ identified ways in which the planning process can increase the supply of authorised Gypsy and Traveller pitches. The RTPi has developed a series of Good Practice Notes for local planning authorities. Both are summarised at Appendix B.

Concluding comments

- 6.8 The overarching purpose of this study has been to update the evidence base of the previous GTAA and identify the accommodation requirements of Gypsies, Travellers and Travelling Showpeople across Herefordshire.
- 6.9 As set out in Table 6.1, it is recommended that the Local Plan recognises an overall cultural need for 91 pitches and, as a subset of this number, a PPTS need for 33 pitches. For the remainder of the plan period (2017/18 to 2030/31) there is a cultural need for 74 pitches and as a subset of this a need for 27 pitches under PPTS definitions. However, it is anticipated that turnover on Local Authority pitches is expected to address this need. Notwithstanding this, it is recommended that the Council should continue to consider applications for appropriate small sites to address the needs of local Gypsy and Traveller families should they be forthcoming over the plan period.

Table 6.1 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need
Historic Pitch need 2011/12 to 2016/17	17	6
5yr Pitch need (2017/18 to 2021/22)	48	17
Longer-term Pitch need (2022/23 to 2030/31)	26	10
TOTAL Pitch need for the whole Local Plan Period (2011/12 to 2030/31)	91	33
TOTAL Pitch need for the remainder of the Local Plan Period (2017/18 to 2030/31)	74	27
Expected turnover on LA sites over the Plan Period	84	84
RESIDUAL PITCH REQUIREMENT DURING THE REMAINDER OF THE PLAN PERIOD (2017/18 to 2030/31) including turnover	Addressed	Addressed

³⁷ I&DeA (now Local Government Agency) local leadership academy providing Gypsy and Traveller sites

³⁸ PAS spaces and places for gypsies and travellers how planning can help

- 6.10 The previous GTAA established a need for 9 additional plots over the plan period and this is recommended as the requirement to be presented in the local plan.
- 6.11 The study suggests the development of 5 transit pitches that would accommodate up to 10 caravans.
- 6.12 It is recommended that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and pitch provision remains appropriate for the Gypsy, Traveller and Travelling Showpeople population across Herefordshire.

Appendix A: Legislative background

- A.1 Between 1960 and 2003, three Acts of Parliament had a major impact upon the lives of Gypsies and Travellers. The main elements of these are summarised below.
- A.2 The **1960 Caravan Sites and Control of Development Act** enabled councils to ban the siting of caravans for human occupation on common land, and led to the closure of many sites.
- A.3 The **Caravan Sites Act 1968 (Part II)** required local authorities '*so far as may be necessary to provide adequate accommodation for Gypsies residing in or resorting to their area*'. It empowered the Secretary of State to make designation orders for areas where he was satisfied that there was adequate accommodation, or on grounds of expediency. Following the recommendations of the Cripps Commission in 1980, provision began to grow rapidly only after the allocation of 100% grants from central government. By 1994 a third of local authorities had achieved designation, which meant that they were not required to make further provision and were given additional powers to act against unauthorised encampments. The repeal of most of the Caravan Sites Act under the Criminal Justice and Public Order Act in 1994 led to a reduction in provision, with some sites being closed over a period in which the Gypsy and Traveller population was increasing.
- A.4 The **1994 Criminal Justice and Public Order Act (CJ&POA)**:
- Repealed most of the 1968 Caravan Sites Act;
 - Abolished all statutory obligation to provide accommodation;
 - Discontinued government grants for sites; and
 - Under Section 61 made it a criminal offence to camp on land without the owner's consent.

Since the CJ&POA the only places where Gypsies and Travellers can legally park their trailers and vehicles are:

- Council Gypsy caravan sites; by 2000 nearly half of Gypsy caravans were accommodated on council sites, despite the fact that new council site provision stopped following the end of the statutory duty;
- Privately owned land with appropriate planning permission; usually owned by Gypsies or Travellers. Such provision now accommodates approximately a third of Gypsy caravans in England; and
- Land with established rights of use, other caravan sites or mobile home parks by agreement or licence, and land required for seasonal farm workers (under site licensing exemptions).

By the late 1990s the impact of the 1994 Act was generating pressure for change on both local and national government. There was a major review of law and policy, which included:

- A Parliamentary Committee report (House of Commons 2004).

- The replacement of Circular 1/94 by Circular 1/2006 (which has since been cancelled and replaced by the *Planning policy for traveller sites* 2012 and updated in 2015).
- Guidance on accommodation assessments (ODPM 2006).
- The Housing Act 2004 which placed a requirement (s.225) on local authorities to assess Gypsy and Traveller accommodation needs.

A.5 **Section 225: Housing Act 2004** imposed duties on local authorities in relation to the accommodation needs of Gypsies and Travellers:

- Every local housing authority was required as part of the general review of housing needs in their areas under section 8 of the Housing Act 1985 assess the accommodation needs of Gypsies and Travellers residing in or resorting to their area;
- Where a local housing authority was required under section 87 of the Local Government Act 2003 to prepare a strategy to meet such accommodation needs, they had to take the strategy into account in exercising their functions;
- A local housing authority was required to have regard to section 226 ('Guidance in relation to section 225') in:
 - carrying out such an assessment, and
 - preparing any strategy that they are required to prepare.
- Section 124 of the Housing and Planning Act 2016 deletes sections 225 and 226 of the Housing Act 2004 (see below). Additional requirements have been inserted into Section 8 of the Housing Act 1985 to include an assessment of the need for sites for caravans and moorings for houseboats within the periodical review of housing needs.

A.6 The **Planning and Compulsory Purchase Act 2004** set out to introduce a simpler and more flexible planning system at regional and local levels. It also introduced new provisions which change the duration of planning permissions and consents, and allow local planning authorities to introduce local permitted development rights using 'local development orders'. It made the compulsory purchase regime simpler, fairer and quicker, to support major infrastructure and regeneration initiatives.

The Act introduced major changes to the way in which the planning system operates. Local planning authorities are required to prepare a Local Development Framework; however, the term Local Plan was reintroduced following the National Planning Policy Framework in March 2012.

Part 8 of the Act contains a series of measures to reform the compulsory purchase regime and make it easier for local planning authorities to make a case for compulsory purchase orders where it will be of economic, social or environmental benefit to the area. This Act was subsequently amended to a Local Plan document with the introduction of the NPPF in March 2012. This section also brings in amended procedures for carrying out compulsory purchase orders, including a widening of the category of person with an interest in the land who can object, and deals with ownership issues and compensation.

- A.7 **The Localism Act 2011** introduced a number of reforms, including changes to planning enforcement rules, which strengthen the power of local planning authorities to tackle abuses of the planning system. The changes give local planning authorities the ability to take actions against people who deliberately conceal unauthorised development, and tackle abuses of retrospective planning applications. The Act also introduced the Duty to Co-operate (see Section 3) on all local planning authorities planning sustainable development. The Duty requires *‘neighbouring local authorities, or groups of authorities, to work together on planning issues in the interests of all their local residents. ... the Government thinks that local authorities and other public bodies should work together on planning issues in ways that reflect genuine shared interests and opportunities to make common cause. The duty requires local authorities and other public bodies to work together on planning issues.’*³⁹ The provision of Gypsy and Traveller sites falls within the Duty to Co-operate; which aims to ensure that neighbouring authorities work together to address issues such as provision of sites for Gypsies and Travellers in a planned and strategic way.
- A.8 **Statutory Instrument 2013 No 830 Town and Country planning Act, England (Temporary Stop Notice) (England) (Revocation) Regulations 2013** came into force on 4th May 2013. This Instrument revoked the regulations governing Temporary Stop Notices, which were in place to mitigate against the disproportionate impact of Temporary Stop Notices on Gypsies and Travellers in areas where there was a lack of sufficient pitches to meet the needs of the Travelling community.
- A.9 **Section 124: Housing and Planning Act 2016** has two parts:
- 124(1) amends section 8 of the Housing Act 1985, inserting an additional reference to include a duty to consider the needs of people residing in or resorting to local authority areas with respect to the provision of sites for caravans and moorings for houseboats when undertaking housing needs assessments.
 - 124(2) deletes sections 225 and 226 of the Housing Act 2004 (as set out above).

³⁹ DCLG A plain English guide to the Localism Act Nov 2011

Appendix B: Literature review

B.1 As part of this research, we have carried out a review of literature, which is presented in this Appendix. A considerable range of guidance documents has been prepared by Central Government to assist local authorities discharge their strategic housing and planning functions. In addition, there is considerable independent and academic research and guidance on these issues; some of the key documents are summarised here. The documents are reviewed in order of publication date.

B.2 **A Decent Home: Definition and Guidance for Implementation Update, DCLG, June 2006**

Although not primarily about the provision of caravan sites, facilities or pitches, the June 2006 updated DCLG guidance for social landlords provides a standard for such provision. The guidance is set out under a number of key headings:

- Community-based and tenant-led ownership and management;
- Delivering Decent Homes Beyond 2010;
- Delivering mixed communities;
- Procurement value for money; and
- Housing Health and Safety.

The guidance defines four criteria against which to measure the standard of a home:

- It meets the current statutory minimum standard for housing;
- It is in a reasonable state of repair;
- It has reasonably modern facilities and services; and
- It provides a reasonable degree of thermal comfort.

B.3 **Guide to Effective Use of Enforcement Powers - Parts 1 (Unauthorised Encampments, ODPM, 2006) and 2 (Unauthorised Development of Caravan Sites, DCLG, 2007)**

The Guide (now cancelled) was the Government's response to unauthorised encampments which cause local disruption and conflict. Strong powers are available to the police, local authorities and other landowners to deal with unauthorised encampments. It provided detailed step-by-step practical guidance to the use of these powers, and sets out advice on:

- Choosing the most appropriate power;
- Speeding up the process;
- Keeping costs down;
- The eviction process; and
- Preventing further unauthorised camping.

B.4 **Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Commission for Racial Equality, May 2006**

This report was written four years after the introduction of the statutory duty on public authorities under the Race Relations (Amendment) Act to promote equality of opportunity and good race relations and to eliminate unlawful racial discrimination. The CRE expressed concerns about relations between Gypsies and Irish Travellers and other members of the public, with widespread public hostility and, in many places, Gypsies and Irish Travellers leading separate, parallel lives. A dual concern about race relations and inequality led the Commission in October 2004 to launch the inquiry on which this report was based.

The Report's recommendations include measures relating to Central Government, local authorities, police forces and the voluntary sector. Among those relating to Central Government are:

- developing a realistic but ambitious timetable to identify land for sites, where necessary establishing them, and making sure it is met;
- developing key performance indicators for public sites which set standards for quality and management that are comparable to those for conventional accommodation;
- requiring local authorities to monitor and provide data on planning applications, outcomes and enforcement, and on housing and homelessness by racial group, using two separate categories for Gypsies and Irish Travellers; and
- requiring police forces to collect information on Gypsies and Irish Travellers as two separate ethnic categories.

Strategic recommendations affecting local authorities include:

- developing a holistic corporate vision for all work on Gypsies and Irish Travellers,
- reviewing all policies on accommodation for Gypsies and Irish Travellers,
- designating a councillor at cabinet (or equivalent) level, and an officer at no less than assistant director level, to coordinate the authority's work on all sites;
- emphasising that the code of conduct for councillors applies to their work in relation to all racial groups, including Gypsies and Irish Travellers;
- giving specific advice to Gypsies and Irish Travellers on the most suitable land for residential use, how to prepare applications, and help them to find the information they need to support their application;
- identifying and reporting on actions by local groups or individuals in response to plans for Gypsy sites that may constitute unlawful pressure on the authority to discriminate against Gypsies and Irish Travellers; and
- monitoring all planning applications and instances of enforcement action at every stage, by type and racial group, including Gypsies and Irish Travellers, in order to assess the effects of policies and practices on different racial groups.

Among other recommendations, the Report states that police forces should:

- include Gypsies and Irish Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations;
- target individual Gypsies and Irish Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities;
- treat Gypsies and Irish Travellers as members of the local community, and in ways that strengthen their trust and confidence in the police;
- provide training for all relevant officers on Gypsies' and Irish Travellers' service needs, so that officers are able to do their jobs more effectively;
- review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations; and
- review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.

Other recommendations relate to Parish and Community councils the Local Government Association, the Association of Chief Police Officers and the voluntary sector.

B.5 **Planning Advisory Service (PAS) *Spaces and places for Gypsies and Travellers: how planning can help* (2006)**

PAS list the following as key to successful delivery of new provision:

- **Involve Gypsy and Traveller communities:** this needs to happen at an early stage, innovative methods of consultation need to be adopted due to low levels of literacy and high levels of social exclusion within Gypsy and Traveller communities and members of the Gypsy and Traveller community should be trained as interviewers on Accommodation Assessments (Cambridgeshire, Surrey, Dorset and Leicestershire). Other good practice examples include distribution of material via CD, so that information can be 'listened to' as opposed to read. The development of a dedicated Gypsy and Traveller Strategy is also seen to be good practice, helping agencies develop a co-ordinated approach and so prioritise the issue. The report also recommends the use of existing Gypsy and Traveller resources such as the planning guide published in Traveller's Times, which aims to explain the planning process in an accessible way to members of the Gypsy and Traveller community. As well as consulting early, PAS also flags the need to consult often with communities;
- **Work collaboratively** with neighbouring authorities to address the issues and avoid just 'moving it on' to a neighbouring local authority area. With the new Duty to Co-operate established within the NPPF, working collaboratively with neighbouring local authorities has never been more important. Adopting a collaborative approach recognises that local authorities cannot work in isolation to tackle this issue;
- **Be transparent:** trust is highly valued within Gypsy and Traveller communities, and can take a long time to develop. The planning system needs to be transparent, so

that members of the Gypsy and Traveller community can understand the decisions that have been taken and the reasoning behind them. PAS states that *‘ideally council work in this area should be led by an officer who is respected both within the Council and also within Gypsy and Traveller communities: trust is vital and can be broken easily.’*⁴⁰ Local planning authorities also need to revisit their approach to development management criteria for applications for Gypsy and Traveller sites *‘to ensure that criteria make it clear what applications are likely to be accepted by the council. Authorities need to ensure that these are reasonable and realistic. Transparent and criteria-based policies help everyone to understand what decisions have been made and why.’*⁴¹ Kent and Hertsmere councils are listed as examples of good practice in this regard.

- **Integration:** accommodation needs assessments need to be integrated into the Local Plan evidence base, with site locations and requirements set out within specific Development Plan Documents (DPDs); dedicated Gypsy and Traveller DPDs are advocated as a means of ensuring that the accommodation needs of Gypsies and Travellers are fully considered and addressed within the local planning process; and
- **Educate and work with councillors:** members need to be aware of their responsibilities in terms of equality and diversity and *‘understand that there must be sound planning reasons for rejecting applications for Gypsy and Traveller sites’*⁴². It is helpful for members to understand the wider benefits of providing suitable accommodation to meet the requirements of the Gypsy and Traveller community, such as:
 - An increase in site provision;
 - Reduced costs of enforcement; and
 - Greater community engagement and understanding of community need.

B.6 RTPI Good Practice Note 4, *Planning for Gypsies and Travellers (2007)*

The RTPI has developed a series of Good Practice notes for local planning authorities ‘Planning for Gypsies and Travellers’; the notes cover four key areas:

- Communication, consultation and participation;
- Needs assessment;
- Accommodation and site delivery; and
- Enforcement.

Whilst the notes were developed prior to the NPPF and the introduction of PPTS 2012 and 2015, some of the key principles remain relevant. and it is worth considering some of the papers’ key recommendations.

⁴⁰ PAS *Spaces and places for gypsies and travellers how planning can help*, page 8

⁴¹ PAS *spaces and places for gypsies and travellers how planning can help page 8 & 14*

⁴² PAS *spaces and places for gypsies and travellers how planning can help page 10*

In terms of **communication, consultation and participation** the RTPI highlight the following good practice:

- **Define potentially confusing terminology** used by professionals working in the area;
- **Use appropriate methods of consultation:** oral exchanges and face-to-face dealings are essential to effectively engage with Gypsy and Traveller communities, whilst service providers tend to use written exchanges;
- **Consultees and participants need to be involved in the entire plan making process;** this includes in-house participants, external organisations, Gypsy and Traveller communities, and settled communities. The RTPI concludes that:
 - *‘Local authorities should encourage Gypsy and Traveller communities to engage with the planning system at an early stage. However, they may request other agencies that have well-established relationships with members of Gypsy and Traveller communities to undertake this role.’* and
 - *‘In the past, settled communities have often only become aware of the intention to develop Gypsy and Traveller accommodation when the local authority issues a notice or consultation. ... cultivating the support of the settled community for the development of sites should start as soon as possible. ... There is a sound case for front-loading and sharing information with small groups in the [settled] community, rather than trying to manage large public gatherings at the start of the process. Again, it may be beneficial for the local authority to work in partnership with organisations with established links in the community. The settled community is not a homogeneous whole. There will be separate groups with different perceptions and concerns, which the local authority must take account of.’⁴³*
- **Dialogue methods:** the RTPI correctly identify that the experience of many Gypsies and Travellers of liaising with both public sector agencies and the settled community is both frightening and negative. As a result *‘there should be no expectation that Gypsies and Travellers will participate in open meetings. Stakeholders should investigate suitable methods of bringing together individuals from the respective communities in an environment that will facilitate a constructive exchange of information and smooth the process of breaking down animosity and hostility.’⁴⁴* The use of public meetings is discouraged, and the use of organisations with experience of working within both Gypsy and Traveller, and settled communities encouraged – advice and support groups, assisted by the latter, holding regular local meetings can be an effective means of engaging constructively with both communities. Representatives from these groups can also be included on appropriate forums and advisory groups. The location and timing of meetings needs to be carefully considered to maximise participation, with a neutral venue being preferable.

⁴³ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 8

⁴⁴ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 13

- **The media** has an important role to play in facilitating the delivery of sites locally, with past reporting being extremely damaging. Positive media liaison is important and requires:
 - A single point of contact with the local authority;
 - A liaison officer responsible for compilation and release of briefings, and for building positive relationships with editors, journalists, radio and television presenters;
 - All stakeholders to provide accurate and timely briefings for the liaison officer;
 - Provision of media briefings on future activities;
 - Officers to anticipate when and where the most sensitive and contentious issues will arise and use of a risk assessment to mitigate any negative impact;
 - Use of the media to facilitate engagement with both settled and Gypsy and Traveller communities; and
 - Stakeholders to provide politicians with clear, accurate and comprehensive briefings.
- **On-going communication, participation and consultation** are important. The continued use of the most effective methods of engagement once an initiative is completed ensures the maximum use of resources:
 - *'The delivery of some services, such as the identification of sites in development plan documents, is the end of one process and the start of another. The various committees and advisory groups established to participate in the process of site identification and the accommodation needs assessment will have considerable background information and expertise embedded in their membership. This will prove useful in the management and monitoring of subsequent work. ... Whilst on-going engagement with all service users is important, it is especially important with regard to Gypsies and Travellers, given their long history of marginalisation.'*⁴⁵

Whilst the RTPI's Good Practice Note Planning for Gypsies and Travellers predates the NPPF, the principles that it establishes at Part C remain largely relevant in terms of the role of local plan making. The Note advises that whilst the use of the site specific DPDs to identify sites for Gypsy and Traveller accommodation may seem less divisive, subsequent to identification of sufficient sites to meet identified need, local planning authorities should seek to integrate provision for Gypsies and Travellers within their general housing strategies and policies. Early involvement of stakeholders, the community and special interest groups will help achieve a consensus.

However, the RTPI point out that, due to the contentious nature of Gypsy and Traveller provision, the use of a criteria based approach to the selection of development sites is unlikely to be *successful 'in instances where considerable public opposition to the development might be anticipated.'* The paper concludes that it is

⁴⁵ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part A page 18

not appropriate to rely solely on criteria as an alternative to site allocations where there is an identified need for the development.⁴⁶

The RTPI advocate adopting a pragmatic approach, whereby local planning authorities work with the Gypsy and Traveller communities within their areas to identify a range of potentially suitable sites:

*'The local authority and Gypsy and Traveller communities are both able to bring forward their suggested sites during this process, and the distribution and location of transit as well as permanent sites can be covered. The practicable options would then go forward for discussion with the local community, interest groups, and other stakeholders before the selection of preferred sites is finalised. The advantages of this approach are its transparency and the certainty it provides both for Gypsies and Travellers and for settled communities.'*⁴⁷

The RTPI also advocates the use of supplementary planning guidance to provide additional detail on policies contained within a Local Plan; in terms of Gypsies and Travellers this could include:

- Needs assessment evidence base;
- Design principles; and
- A design brief for the layout of sites.

B.7 Guidance on Gypsy and Traveller Accommodation Needs Assessments, DCLG, October 2007

This Guidance sets out a detailed framework for designing, planning and carrying out Gypsy and Traveller accommodation needs assessments. It includes the needs of Showpeople. It acknowledges that the housing needs of Gypsies and Travellers are likely to differ from those of the settled community, and that they have hitherto been excluded from accommodation needs assessments.

The guidance stresses the importance of understanding accommodation needs of the whole Gypsy and Traveller population; and that studies obtain robust data. It recognises the difficulty of surveying this population and recommends the use of:

- Qualitative methods such as focus groups and group interviews;
- Specialist surveys of those living on authorised sites that are willing to respond; and
- Existing information, including local authority site records and the twice yearly caravan counts.

The Guidance recognises that there are challenges in carrying out these assessments, and accepts that while the approach should be as robust as possible it is very difficult to exactly quantify unmet need.

The Guidance was revoked in July 2016 and withdrawn in December 2016.

⁴⁶ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

⁴⁷ RTPI Planning for Gypsies and Travellers Good Practice Note 4 Part C page 11

B.8 Designing Gypsy and Traveller Sites Good Practice Guide, DCLG, May 2008

The Guide (now cancelled) attempted to establish and summarise the key elements needed to design a successful site. In particular, the guidance intended to assist:

- Local authorities or Registered Providers looking to develop new sites or refurbish existing sites;
- Architects or developers looking to develop sites or refurbish existing sites; and
- Site residents looking to participate in the design/refurbishment process.

B.9 The National Planning Policy Framework, March 2012

The National Planning Policy Framework (NPPF) came into effect in March 2012 and sets out the Government's planning policies for England. It condenses previous guidance and places a strong emphasis on 'sustainable development'. It provides more focussed guidance on plan-making and refers to 'Local Plans' rather than Local Development Frameworks or Development Plan Documents. Despite the difference in terminology it does not affect the provisions of the 2004 Act which remains the legal basis for plan-making.

B.10 DCLG Planning policy for traveller sites, March 2012 (subsequently updated August 2015)

In March 2012 the Government also published *Planning policy for traveller sites*, which together with the NPPF replaced all previous planning policy guidance in respect of Gypsies and Travellers. The policy approach encouraged provision of sites for Gypsies and Travellers where there is an identified need, to help maintain an appropriate level of supply. The policy also encouraged the use of plan making and decision taking to reduce unauthorised developments and encampments. This site has now been updated (see below).

B.11 Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, April 2012

In April 2012 the Government published a Progress Report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, which summarised progress in terms of meeting 'Government commitments to tackle inequalities and promote fairness for Gypsy and Traveller communities.'⁴⁸ The report covers 28 measures from across Government aimed at tackling inequalities, these cover:

- Improving education outcomes;
- Improving health outcomes;
- Providing appropriate accommodation;
- Tackling hate crime;
- Improving interaction with the National Offender Management Service;

⁴⁸ www.communities.gov.uk/news/corporate/2124322

- Improving access to employment and financial services; and
- Improving engagement with service providers.

B.12 Dealing with illegal and unauthorised encampments: a summary of available powers, DCLG August 2012

This guidance note (now superseded, March 2015) summarised the powers available to local authorities and landowners to remove encampments from both public and private land. Powers available to local authorities being:

- Injunctions to protect land from unauthorised encampments;
- Licensing of caravan sites;
- Tent site licences;
- Possession orders;
- Interim possession orders;
- Local byelaws;
- Power of local authorities to direct unauthorised campers to leave land;
- Addressing obstructions to the public highway;
- Planning contravention notice;
- Temporary stop notice;
- Enforcement notice and retrospective planning;
- Stop notice;
- Breach of condition notice; and
- Powers of entry onto land.

B.13 Statutory Instrument 2013 No.830 Town and Country Planning (Temporary Stop Notice) (England) (Revocation) Regulations 2013: Made on 11th April 2013 and laid before Parliament on 12th April 2013 this Instrument revoking the regulations applying to Temporary Stop Notices (TSNs) in England came into force on 4th May 2013. The regulations were originally introduced to mitigate against the likely disproportionate impact of TSNs on Gypsies and Travellers in areas where there is a lack of sites to meet the needs of the Travelling community. Under the regulations, TSNs were prohibited where a caravan was a person's main residence, unless there was a risk of harm to a serious public interest significant enough to outweigh any benefit to the occupier of the caravan. Under the new arrangements local planning authorities are to determine whether the use of a TSN is a proportionate and necessary response.

B.14 Ministerial Statement 1st July 2013 by Brandon Lewis⁴⁹ highlighted the issue of inappropriate development in the Green Belt and revised the appeals recovery criteria issued on 30th June 2008 to enable an initial six-month period of scrutiny of Traveller

⁴⁹ <https://www.gov.uk/government/speeches/planning-and-travellers>

site appeals in the Green Belt. This was so that the Secretary of State could assess the extent to which the national policy, *Planning policy for traveller sites*, was meeting the Government's stated policy intentions. A number of appeals have subsequently been recovered. The Statement also revoked the practice guidance on 'Diversity and equality in planning'⁵⁰, deeming it to be outdated; the Government does not intend to replace this guidance.

B.15 Dealing with illegal and unauthorised encampments: a summary of available powers 9th August 2013. This guidance (now superseded, March 2015) replaced that published in August 2012, and updated it in respect of changes to Temporary Stop Notices. The Guidance listed powers available to local authorities, including:

- More powerful temporary stop notices to stop and remove unauthorised caravans;
- Pre-emptive injunctions that protect vulnerable land in advance from unauthorised encampments;
- Possession orders to remove trespassers from land;
- Police powers to order unauthorised campers to leave land;
- Powers of entry onto land so authorised officers can obtain information for enforcement purposes;
- Demand further information on planning works to determine whether any breach of the rules has taken place;
- Enforcement notices to remedy any planning breaches; and
- Ensuring sites have valid caravan or tent site licences.

It sets out that councils should work closely with the police and other agencies to stop camps being set up when council offices are closed.

B.16 DCLG Consultation: Planning and Travellers, September 2014. This consultation document sought to:

- Amend the Planning policy for Traveller sites' definition of Travellers and Travelling Showpeople to exclude those who have ceased to travel permanently;
- Amend secondary legislation to bring the definition of Gypsies and Travellers, set out in the Housing (Assessment of Accommodation Needs)(Meaning of Gypsies and Travellers)(England) Regulations 2006 in line with the proposed changed definition set out above for the Planning policy for Traveller sites;
- Make the intentional unauthorised occupation of land be regarded by decision takers as a material consideration that weighs against the granting of planning permission. In other words, failure to seek permission in advance of occupation of land would count against the grant of planning permission;
- Protect 'sensitive areas' including the Green Belt;

⁵⁰ ODPM Diversity and Equality in Planning: A good practice guide 2005

- Update guidance on how local authorities should assess future Traveller accommodation requirements, including sources of information that authorities should use. In terms of future needs assessments the consultation suggests that authorities should look at:
 - The change in the number of Traveller households that have or are likely to have accommodation needs to be addressed over the Plan period;
 - Broad locations where there is a demand for additional pitches;
 - The level, quality and types of accommodation and facilities needed (e.g. sites and housing);
 - The demographic profile of the Traveller community obtained from working directly with them;
 - Caravan count data at a local level; and
 - Whether there are needs at different times of the year.
- The consultation closed on 23rd November 2014.

B.17 Dealing with illegal and unauthorised encampments: a summary of available powers, March 2015. This Guidance sets out the robust powers councils, the police and landowners have to deal quickly with illegal and unauthorised encampments. The Guidance lists a series of questions that local authorities will want to consider including:

- Is the land particularly vulnerable to unlawful occupation/trespass?
- What is the status of that land? Who is the landowner?
- Do any special rules apply to that land (e.g. byelaws, statutory schemes of management, etc.) and, if so, are any of those rules relevant to the occupation/trespass activity?
- Has a process been established for the local authority to be notified about any unauthorised encampments?
- If the police are notified of unauthorised encampments on local authority land, do they know who in the local authority should be notified?
- If the power of persuasion by local authority officers (wardens/park officers/enforcement officers) does not result in people leaving the land/taking down tents, is there a clear decision making process, including liaison between councils and local police forces, on how to approach unauthorised encampments? At what level of the organisation will that decision be made? How will that decision-maker be notified?

The Guidance also states that to plan and respond effectively local agencies should work together to consider:

- Identifying vulnerable sites;
- Working with landowners to physically secure vulnerable sites where possible;

- Preparing any necessary paperwork, such as applications for possession orders or injunctions, in advance;
- Working with private landowners to inform them of their powers in relation to unauthorised encampments, including advance preparation of any necessary paperwork;
- Developing a clear notification and decision-making process to respond to instances of unauthorised encampments;
- The prudence of applying for injunctions where intelligence suggests there may be a planned encampment and the site of the encampment might cause disruption to others;
- Working to ensure that local wardens, park officers or enforcement officers are aware of who they should notify in the event of unauthorised encampments;
- Working to ensure that local wardens or park officers are aware of the locations of authorised campsites or other alternatives; and
- Identifying sites where protests could be directed / permitted.

B.18 **DCLG Planning policy for traveller sites, August 2015**

To be read alongside the NPPF (March 2012), this national planning policy document replaces the original document of the same name (published in March 2012). *Planning policy for traveller sites* sets out that, “the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”⁵¹

The document sets out a series of nine policies (Policy A to Policy I), which address different issues associated with traveller sites:

- Policy A: Using evidence to plan positively and manage development,
- Policy B: Planning for traveller sites,
- Policy C: Sites in rural areas and the countryside,
- Policy D: Rural exception sites,
- Policy E: Travellers sites in Green Belt,
- Policy F: Mixed planning use traveller sites,
- Policy G: Major development projects,
- Policy H: Determining planning applications for traveller sites, and
- Policy I: Implementation.

⁵¹ DCLG *Planning policy for traveller sites*, August 2015, paragraph 3

B.19 DCLG Planning policy statement on Green Belt protection and intentional unauthorised development (31st August 2015)

Issued as a letter to all Chief Planning Officers in England, this planning policy statement sets out changes to make intentional unauthorised development a material consideration in the determination of planning applications, and also to provide stronger protection for the Green Belt. The statement explains that the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt, and additionally the DCLG will consider the recovery of a proportion of relevant appeals for the Secretary of State's decision "to enable him to illustrate how he would like his policy to apply in practice", under the criteria set out in 2008.

In addition, the planning policy statement of 31st August 2015 announced that the Government has cancelled the documents *Guide to the effective use of enforcement powers, Part 1* (2006) and *Part 2* (2007) and *Designing Gypsy and Traveller Sites – Good Practice Guide* (2008).

B.20 DCLG Draft guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats, March 2016

This draft guidance was published to explain how the Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats. It makes reference to Clause 115 of the Housing and Planning Bill, which has subsequently received royal assent and became legislation on 12 May 2016. The relevant clause has become Section 124 of the Housing and Planning Act 2016.

The draft guidance explains how Government wants local housing authorities to interpret changes to accommodation needs assessments (as required by Section 8 of the Housing Act 1985), specifically in relation to caravans and houseboats.

In the carrying out of accommodation needs assessments, the draft guidance stresses the importance of close engagement with the community. The use of existing data along with conducting a specialist survey is recommended.

Appendix C: Gypsy and Traveller Fieldwork Questionnaire

	Site Reference			
	Address			
1	Pitch/Property Type			
2	No. Statics/mobiles			
3	No. tourers			
4	Description of pitch occupancy			
5	No. households			
6	No. concealed households			
7	No. doubled up hhs			
8	Anyone else use this pitch as their home?			
9	Household characteristics			
		Gender	Age	Relationship to respondent
	Respondent			
	Person 2			
	Person 3			
	Person 4			
	Person 5			
	Person 6			
	Person 7			
	Person 8			
10	Ethnicity			
11	Overcrowding of pitch	Y / N		
	Travelling questions			
12	In the last year have you or someone in your household travelled	Y / N		
13	Previous to the last year, did you or someone in your household travel?	Y / N		
14	Reason(s) for travelling			
15	Do you or a member of your household plan to travel next year?	Y / N		
16	Do you think you or a member of your household will travel each year for the next five years and/or beyond	Y / N		
17	What reasons do you have for not travelling now or in the future?			
	Future moving intentions			
18	Are you planning to move in the next 5 years?	Y / N		
19	Where are you planning to move to? (Same Site, Other Site Herefordshire, Outside Herefordshire)			
20	What type of dwelling (caravan, trailer, house)			
21	Emerging households: Are there any people in your household who want to move to their own pitch in the next 5 yrs?	Y / N		
		HH1	HH2	HH3
22	Where are they planning to move to? (Same Site, Other Site Herefordshire, Outside Herefordshire)			
23	What type of dwelling (caravan, trailer, house)			
24	Have they travelled / plan to travel	Y/N	Y/N	Y/N
25	Scope to expand site	Y / N		
26	No. additional pitches			
27	Scope to intensify pitches	Y / N		
28	No. additional pitches			

Appendix D: Glossary of terms

Caravans: Mobile living vehicles used by Gypsies and Travellers; also referred to as trailers.

CJ&POA: Criminal Justice and Public Order Act 1994; includes powers for local authorities and police to act against unauthorised encampments.

CRE: Commission for Racial Equality.

DCLG: Department for Communities and Local Government; created in May 2006. Responsible for the remit on Gypsies and Travellers, which was previously held by the Office of the Deputy Prime Minister (O.D.P.M.).

Gypsies and Travellers: Defined by DCLG *Planning policy for traveller sites* (August 2015) as “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”. The planning policy goes on to state that, “In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances”.

Irish Traveller: Member of one of the main groups of Gypsies and Travellers in England. Irish Travellers have a distinct indigenous origin in Ireland and have been in England since the mid nineteenth century. They have been recognised as an ethnic group since August 2000 in England and Wales (O’Leary v Allied Domecq).

Mobile home: Legally a ‘caravan’ but not usually capable of being moved by towing.

Pitch: Area of land on a Gypsy/Traveller site occupied by one resident family; sometimes referred to as a plot, especially when referring to Travelling Showpeople. DCLG *Planning policy for traveller sites* (August 2015) states that “For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment”.

Plot: see pitch

PPTS: Planning Policy for Traveller Sites (DCLG, 2012 and 2015 editions)

Roadside: Term used here to indicate families on unauthorised encampments, whether literally on the roadside or on other locations such as fields, car parks or other open spaces.

Romany: Member of one of the main groups of Gypsies and Travellers in England. Romany Gypsies trace their ethnic origin back to migrations, probably from India, taking place at intervals since before 1500. Gypsies have been a recognised ethnic group for the purposes of British race relations legislation since 1988 (CRE V Dutton).

Sheds: On most residential Gypsy/Traveller sites 'shed' refers to a small basic building with plumbing amenities (bath/shower, WC, sink), which are provided at the rate of one per pitch/pitch. Some contain a cooker and basic kitchen facilities.

Showpeople: Defined by DCLG *Planning policy for traveller sites* (August 2015) as “Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above”.

Site: An area of land laid out and used for Gypsy/Traveller caravans; often though not always comprising slabs and amenity blocks or ‘sheds’. An authorised site will have planning permission. An unauthorised development lacks planning permission.

Slab: An area of concrete or tarmac on sites allocated to a household for the parking of trailers (caravans)

Stopping places: A term used to denote an unauthorised temporary camping area tolerated by local authorities, used by Gypsies and Travellers for short-term encampments, and sometimes with the provision of temporary toilet facilities, water supplies and refuse collection services.

Tolerated site: An unauthorised encampment/site where a local authority has decided not to take enforcement action to seek its removal.

Trailers: Term used for mobile living vehicles used by Gypsies and Travellers; also referred to as caravans.

Transit site: A site intended for short-term use while in transit. The site is usually permanent and authorised, but there is a limit on the length of time residents can stay.

Unauthorised development: Establishment of Gypsy and Traveller sites without planning permission, usually on land owned by those establishing the site. Unauthorised development may involve ground works for roadways and hard standings. People parking caravans on their own land without planning permission are not Unauthorised Encampments in that they cannot trespass on their own land – they are therefore Unauthorised Developments and enforcement is always dealt with by Local Planning Authorities enforcing planning legislation.

Unauthorised encampment: Land where Gypsies or Travellers reside in vehicles or tents without permission. Unauthorised encampments can occur in a variety of locations (roadside, car parks, parks, fields, etc.) and constitute trespass. The 1994 Criminal Justice and Public Order Act made it a criminal offence to camp on land without the owner’s consent. Unauthorised encampments fall into two main categories: those on land owned by local authorities and those on privately owned land. It is up to the land owner to take enforcement action in conjunction with the Police.

Wagons: This is the preferred term for the vehicles used for accommodation by Showpeople.

Yards: Showpeople travel in connection with their work and therefore live, almost universally, in wagons. During the winter months these are parked up in what was traditionally known as ‘winter quarters’. These ‘yards’ are now often occupied all year around by some family members.

Summary of responses received on Traveller Sites Development Plan Document - Preferred Options consultation July 25th to 19th September 2016

Q.1 Do you agree with the number of pitches required for residential and temporary stopping places and the number required for Travelling Showpeople?

Yes 30

No 50

Not sure 33

- The majority of respondents answered 'no' that they did not agree with the figure.
- Of those who explained their reasons for answering 'no' in relation to overall provision, 11 believed the figure was too high and 4 considered the figure too low.
- There were concerns raised in relation to the number of sites proposed in the evidence base due to assumptions used to establish the need instead of interviewing Travellers.
- Empty pitches on existing sites indicates that the need for new pitches is not justified.
- Potential for turnover to be greater than assumed thereby increasing the supply of sites and consequently reducing the need for new pitches.
- The revised definition of travellers in the PPTS has not been taken into account in the GTAA.
- The GTAA is unreliable and conflicting.
- The rationale for turnover is unclear.
- Other frequently mentioned issues included; objection to taxpayers' money used to fund the sites as well as having to deal with the litter left and clean-up costs for the council.

Q.2. Do you agree that we need to find sites for 18 pitches arising from families living in houses, given the revised definition of Travellers in the Government Planning Guidance for Travellers?

Yes 28

No 60

Not sure 23

- The majority of respondents answered 'no' (60) that they did not agree with the need to find 18 pitches arising from families living in houses.
- Of those who explained their reasons for answering 'no' in relation to overall provision, 41 believed the figure was too high and 8 considered the figure too low.

- The evidence used to reach this figure was questioned by nine respondents as no interviews were carried out locally.
- Many respondents found it difficult to comprehend why Travellers living in dwelling houses would prefer a pitch as they believe that housing is a better option.
- The Council's focus should be on housing the homeless.
- The Council should have regard to the national definitions of travellers in the PPTS
- Other frequently mentioned issues included; objection to taxpayers money being used to fund pitches for Travellers living in houses as there are more significant budget pressures on the Council.
- Some also felt that Travellers were getting special treatment because of their lifestyle.

Q.3. Do you agree with the plan to provide stop over places with temporary facilities?

Yes 62

No 50

- The majority of respondents were in favour of temporary facilities provision. Those who answered 'yes' believed that it assists those who are passing through the area therefore preventing encampments in unauthorised locations such as council car parks and open space.
- Without the provision of a transit site or temporary stopping place the police have no legal power to remove travellers from unauthorised encampments other than via the S69 of the Criminal Justice and Public Order Act which is only invoked in aggravated trespass circumstances.
- Provision of a transit site/ temporary stopping places would enable the police to legally direct an authorised encampment to other preferred location. This will reduce community tension and financial burdens on landowners, policy monitoring, associated crime, loss of trade and clean-up costs.
- The majority who answered no were concerned about the management and policing of the temporary sites.
- Those who answered 'no' were also against such provision because of past experiences following encampments.
- Some respondents mentioned a lack of respect for settled people because of the attitudes of some Travellers and their treatment of sites and local people.
- Those against temporary provision believe that if Travellers choose this way of life then it should be their responsibility to pay for such sites as well as clean-up costs as Council budgets are very stretched with bigger priorities.
- The majority of respondents believe that Travellers do not pay any contribution towards temporary stop sites.

- May be an increased demand for temporary agricultural workers as a result of Brexit.

Q.4. Do you agree that the time spent on these sites should be limited to 14 days?

Yes 65

No 43

- The majority of respondents (65) were in favour of maximum stay of 14 days on temporary sites. 43 respondents did not agree with this limit and 34 provided no answer.
- Those who answered 'yes' highlighted issues with enforcing this maximum stay.
- There were some suggested circumstances where this may need to be lengthened because of bereavement or illness within the family using a transit site.
- Some of those who answered 'no' (43) explained that 14 days is not long enough. The time limit could be increased to allow take up of temporary work subject to good behaviour.
- Others felt that 14 days is too long to be considered a stopover. Some respondents were against this provision because it encourages this lifestyle too much which affects the children's potential. Some respondents felt that Travellers should utilise commercial sites for stopovers just like the settled community do.

Q.5. Can you suggest any other sites that are available and suitable for temporary stopping use? (See also question 7)

Yes 13

No 87

- Although 13 respondents answered yes, there were only two general areas suggested:
 - Bringsty Common – no specific area identified
 - Council car parks

Q.6. Given the low number of required plots for Travelling Show people, do you think there is a need for extra plots to be identified in the Plan?

Yes 24

No 80

Not sure 2

- Commercial caravan/camping parks could be used by travellers at commercial rates

- Several areas should be identified to give local resident tax payers a choice, this way the decision is not forced on people.
- This should not be the duty of councils and local tax payers
- Travelling Show people are capable of finding their own sites and have existing adequate provision.
- Travellers should pay for their accommodation.
- Differentiate between Travellers and Travelling Show People.
- A number of suitable sites can effectively accommodate both travellers and travelling show people.
- If there is no additional demand over what is already provided, there is no need for extra plots.
- A need in the South West (of the County).
- Travelling show people usually stay on the site of the show. When the show has finished they move on. During the 'off' season people usually return to their point of origin.
- Travelling Show People find it very difficult to find suitable sites.
- Travelling Show people numbers are declining.
- No specific research has been done to suggest a need.
- Sites are dumping grounds causing rat infestation.
- The Show people sites in Ross should be checked to see if any land is available in that part of town.
- It is the Council's duty as this is a very hard land use to meet and it is very difficult for show people to find sites. If the need is low that is no reason to ignore. That is a self-perpetuating situation. There is a suppressed need for more pitches across the country and probably in Hereford and strongly suspect many have been forced to relocate to where there are pitches. Aware of huge problems in Gloucester/ Tewkesbury for show persons finding sites (e.g. Gotherington group). This should be addressed. Many live in overcrowded conditions and need the Council to help improve their situation rather than ignore it. Show Persons deserve better than this.

Q.7. Can you suggest any suitable sites which are likely to be available for this use (ie for Travelling Show People)? (See also question 5)

Yes 7

No 85

- Jays Green adj M50
- Old Council Yard (no further information given)

(Although 7 respondents said yes there were only two suggestions of sites)

Question 8 Site 1. Broadmeadow Yard, Ross-on-Wye. Do you agree that land adjacent to Broadmeadow Yard, Ross-on-Wye could be a suitable location for a temporary stopping place?

Yes 35

No 49

- Broadmeadow appears to be in an industrial estate and is therefore unsuitable for families
- Concern about proximity to nearby caravan park. May cause confusion and illegal encampments on the caravan site.
- Concern that will discourage tourists affecting town's economy.
- Inadequate size for the number of Travellers that come to Ross judging from recent experiences in 2016.
- Showpeople may own alternative sites that could be used
- Risk of litter in the culvert may cause flooding
- Not a suitable site if horses are involved.
- A temporary stopping place in the town centre is unsuitable for Travellers. A better site is located away from other uses in a more isolated location. Stopping place better along a primary road network or main route of travel.
- Consider nearby heritage assets

Question 9 - Site 2. A49 roundabout near Leominster. Do you agree that land adjacent to A49 roundabout near Leominster, could be a suitable location for a temporary stopping place?

Yes 50

No 31

Additional petition with 94 signatures against the site from local businesses

- A busy area, with lots of traffic. Not safe for children.
- Might be better as a site for storage of showground equipment
- Site subject to flooding
- Good location on the strategic highway network. Good access to a range of services and facilities. Travellers already use the general area.
- Concerned about the site becoming a permanent site instead of its intended temporary use.
- Will not be possible to address flood issues through SUDS and in winter conditions would be unacceptable for residents.
- Concerns over access in proximity to the A49.

- Large gas and water main under site with associated easement which would preclude development.
- Better alternative would be to consider use of laybys close to this site which would provide a better, safer environment for occupants and provide better value for money
- Noise and pollution issues so close to a main road
- Historic Lammas meadows nearby.
- Risk of contamination to River Lugg (SSSI)
- Gateway site into Leominster, not good for tourism
- Too close to the industrial estate which would deter businesses locating there
- The site proposal is not in accordance with paragraph 58 of the NPPF where safe environments preventing crime should be promoted. It is unlikely that the design of the proposed site could promote community safety and/or social cohesion.
- Concern over environmental impact on river and escalation of current theft/poaching issues
- Consider nearby heritage assets
- Good location on the strategic highway network. Good access to a range of services and facilities. Travellers already use the general area.
- Any traveller site is deemed the same as any residential development next to the operational railway should the Council choose to develop a site next to the operational railway they must provide a suitable trespass proof steel palisade fence of a minimum 1.8m in height to mitigate any risks that the development might import.
- Inadequate consultation.
- Sensitive green belt site in the wrong location and difficult to control increases in the number of caravans in the future.
- Concern over flood risk, increase in insurance premiums, property value decrease, management of site and personal safety
- The abuse and disrespect for the site is still an issue.

Question 10 - Do you have any suggestions of other sites for use as temporary stopping places?

Yes 6

No 83

- Jays Green Linton
- Suggest a purpose built site within the construction of the new relief road
- The old warehouse site past the cattle market by Labels roundabout
- Primary routes unsuitable due to traffic pollution. Risk of national and regional use at cost to Herefordshire residents.

Question 11 Site 3. Whitfield Coppice Trumpet. Do you agree that Whitfield Coppice Trumpet, could be a suitable site for a residential traveller site?

Yes 43

No 34

- Concern about the delivery of the site as it is not Council owned
- The proposal does not meet criteria 1, 2, 5, 6 of policy H4
- The site would dominate the residential properties around Trumpet crossroads.
- Remote from services and settlements.
- Current ground contamination.
- Previous application refused on highway safety grounds.
- Risk of significant negative impact on Special Wildlife Site and ancient semi natural woodland.
- Concern about local businesses being affected.
- No existing infrastructure for mains water, gas and sewerage.
- The need to maintain and enhance the rural and historic environment and biodiversity of the area is imperative.
- Not safe for children.
- Will put pressure on public services when the residents will not be paying taxes at same levels as residents.
- Local economy cannot support this provision.
- It has grazing land available for horses which is good for Travellers
- Not near other dwellings, good use of waste land.
- Not a brown field site, why should travellers be allowed open farmland?
- Should not mix Travellers with settled people
- The speed limit should be extended beyond the site entrance
- Consider nearby heritage assets

Question 12 - Site 4. Orchard Caravan Park at Watery Lane, Lower Bullingham. Do you agree that Orchard Caravan Park at Watery Lane, Lower Bullingham, could be a suitable option for two residential pitches?

Yes 52

No 24

- Extending an existing site seems a more cost effective solution

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- Good local vehicle network.
- Already a local authority owned and managed site
- Two further plots would make it cramped and overcrowded with no local facilities with no room for any other community facilities like play area
- Pedestrian access to and within the site is dangerous
- Concern about how existing residents will accept more on the site.
- Question how provision of extra pitches would be funded.
- Acknowledge that the study has identified the opportunity for a joined up approach regarding the new access into the extension site and employment site and would emphasise the vital importance of this as to not compromise the future viability of, and ability to gain access to, the Enterprise Zone employment site to the south in any way.
- Need to ensure that the future viability of, and ability to gain access to, the Enterprise Zone employment site to the south is not compromised in any way.
- Consider nearby heritage assets
- There is no respect for site filth and debris left behind for the cost of local government

Question 13 Site 5. Land near Sutton St Nicholas. Do you agree that Land near Sutton St Nicholas, could be a suitable option for five residential pitches?

Yes 30

No 60

- The location of the site will encourage unsustainable car travel to the village and to access other facilities in Hereford.
- Unsafe routes to school along the Ridgeway and school lacks capacity for new pupils.
- The Rhea is affected by flooding from the river Lugg which would rule out access to the village from the southern part of the site. It is unlit and therefore would restrict use after dark.
- Significant harm to the character and appearance of the surrounding landscape with an urbanising impact.
- Contrary to national, county and local neighbourhood plan policies.
- Any planting screening could compromise the landscape character.
- Impact on local residents.
- The proposal cannot be justified as an 'exception' as this can only be applied to planning applications.
- Loss of greenfield land which is not an effective use of land.
- The site lies within a minerals safeguarding area
- An isolated site outside in the countryside not in line with policy

- Concern about utility provision and cost of site set up
- Conflicts with the recently submitted NDP
- Concern about accommodation of school places at the Sutton St Nicholas Primary
- Lack of a local medical facility
- No footpaths or nearby public transport encouraging car use. Proposed access is hazardous to all. Farm vehicles and HGV use.
- The lane is at risk of flooding annually leading to cut off. Possible water table issues/flooding impact on drainage issues.
- Threat of Legal action from our Insurance companies for the Tort of Nuisance if development takes place.
- The land is high quality agricultural land not suitable for residential development
- Inadequate local village facilities and services to justify locating a site nearby
- Significant impact on users of the public footpath.
- Risk of loss of the PROW
- Concern whether the council has acquired this land intending it for Traveller use without consultation
- Light pollution in this area would be unacceptable
- There is a badger set onsite.
- Consider nearby heritage assets
- The public right of way adjacent to the site will have to be closed. The danger to Sutton People and especially their children because dogs and rats etc. would make it unsafe.
- Site not required in order to meet the assessed need.

Question 14 Site 6. Extension to the Local Authority site at Pembridge. Do you agree that an extension to the Local Authority site at Pembridge could be suitable for more residential pitches?

Yes 54

No 30

- Extending a site that already exists would be more cost effective
- Extension to the site should be considered on the north east instead of along the road
- Travellers dislike the site because of its location and poor state. Extending it would not improve it but create further problems
- Unsafe for children
- Already a local authority owned and managed site. Extension to the south could share existing access. Site served by public bus service.

- The current plots are empty which leaves to questions of need in the rural location
- There is no additional facilities are no additional facilities for families and it is a dangerous place for children who tend to spend a lot of time outside.
- It would affect tourism
- Consider nearby heritage assets

Question 15 - Site 7 Openfields Caravan Site, Bromyard. Do you agree that two additional residential pitches on Openfields Caravan Site, Bromyard is a suitable option?

Yes 54

No 25

- Established sites would cost less and seem an obvious solution
- Local authority owned and managed sites .Efficient use of land.
- Minimal landscape impact as within existing boundaries of existing site. Good road access
- Site should have no more than 5 plots for better management of anti-social behaviour
- The site requires better management otherwise it should not be extended.
- The site has had 8 new pitches recently and needs time to bed in before expansion
- There continues to be significant issues with unlicensed vehicles, fly tipping, unlicensed waste transportation and obstruction of the estate road.
- Question how would improvements be funded
- Consider nearby heritage assets

Question 16 Site 8. Romany Way Caravan Site, Grafton. Do you agree that an additional pitch on Romany Way Caravan Site, Grafton is a suitable option?

Yes 58

No 20

- Romany close is extremely cramped. This site would work well as a transit site only
- Local authority owned and managed sites.
- Efficient use of land. Minimal landscape impact as within existing boundaries of existing site.
- Good road access.
- Away from major housing areas
- Concern about expansion and Traveller community cohesion
- Consider nearby heritage assets

- Question whether there should be two extra pitches on the existing site to minimise the risk of unauthorised settlements.

Question 17 Any suggestions of alternative or additional sites to help meet the need for pitches and plots in Herefordshire?

Yes 7
No 86

No suggestion of sites made despite 7 respondents answering ‘yes’

Question 19 Do you agree with the approach to the longer term supply of sites?

Yes 37
No 49

- If Councils are paying upfront for these sites there should be charges for those using the sites.
- A further review of the evidence is needed in the future. Until that happens any long term consideration of site supply is a waste of time and can only lead to unnecessary effort and expense
- Not enough choice Not enough certainty
- Unresolved issues with sites put forward
- Cannot rely on windfall sites due to problems with local opposition
- Need greater certainty which will only be achieved through allocations
- Travellers should accept that living in a house is acceptable and no need for pitches
- Policy should discourage the Traveller lifestyle. Children need to be settled as they are at a disadvantage when travelling.
- Identify the sites now rather than having to do it again in a few years’ time
- Some long term provision is required
- Sites could be designed into the Hereford Bypass route
- Revise GTAA report because of traveller definition
- Research is not Herefordshire specific and unproven demand.
- Information should be Herefordshire specific and existing sites need to be fully used before extensions are considered
- Restricting sites to the locations suggested in policy SS2 is too restrictive and will unreasonably prevent the delivery of acceptable sites elsewhere. Policy H4 already provides sufficient guidance on site location.

Question 20 - Do you agree with the issues identified for consideration in section 11.2?

Yes 45

No 33

- Unfair that taxpayers will be paying for this accommodation
- Discourage the Traveller lifestyle and there is no need for permanent sites
- The Core Strategy policy is adequate on design and paragraph 11.2 only repeats the PPTS requirements
- Careful design will help to minimise the impact
- Sites in the AONB should have specific reference to no adverse impacts in the AONB.
- H4 provides sufficient design guidance – no additional guidance is required.

Question 21 - Are there any other issues that should be included in the policy?

Yes 24

No 50

- Question the procedure for removal of sites that are not favoured by the local community.
- Question how monies will be recovered for illegal encampment and clean-up costs
- Brownfield sites only
- Compensation for businesses blighted by their presence
- Locations must have regard for the relevant Neighbourhood Plan
- Regular waste/bin collections to ensure the local community are not subjected to untidy and unhealthy waste.
- Travellers causing trouble should be expelled from sites. Ste out standards of behaviour on sites
- Council should review its land bank for potential sites
- Consider impacts on local services
- Lack of understanding amongst people about Traveller culture but Travellers must understand settled community
- Concern about having large numbers of travellers on a site as it causes problems
- With pressure on other service areas is it necessary to meet 100% of the need.

- The layout of sites and design of buildings is crucial in minimising impact on local surroundings. Sites should be developed using design criteria which could be spelt out in detailed guidance to assist in making planning applications.

Question 22 -Are there any other policies that should be included in the document?

Yes 16

No 57

- The availability of local services (e.g., education, doctors etc.) need to be considered.
- Consideration of the NDP
- Proper transit provision should be provided.
- Council should set out a financial policy on how it will fund development of Traveller sites. More transparency on the Council's purchase of land to meet site need
- The Council needs a well-informed trained person to work within the Council who is able to liaise with the Travelling community.
- Should be a time limit on stopovers. Why permanent sites.
- Suggest policy guidelines are amended to ensure the historic environment is properly considered. Historic England suggest the first bullet point should read: 'Good quality of design to respect the setting of the site, including any potential impacts on designated and undesignated heritage assets'

Question 23 Do you have any comments on the Sustainability Appraisal (SA) and/or the Habitats Regulation Assessment (HRA)?

Yes 5

No 68

- Objectives 1,4 and 16 need revision to fully reflect the impacts highlighted
- The Sustainability Appraisal has most of the appraisals of the objectives set out as being able to have a score, because they cannot be measured without assumptions. If the council has no idea of what the provision is likely to be, how can it commit local public spending to this, comparing it to the known issues in other areas in public spending which are already an issue and are measurable
- Agricultural land change of use will have a negative impact.
- Note the SA report identifies that all 8 of the shortlisted sites will have some kind of impact on nearby heritage assets. All suggested sites will need detailed assessment as recommended.

Question 24 Do you have any other comments on the consultation document that are not covered by these questions?

Yes 24

No 63

- Make the information on the consultation more accessible
- Council funds are stretched enough without having to fund Traveller sites
- Consider areas along the Hereford relief road for potential sites
- Mistrust of Travellers due to previous negative experiences with theft and littering
- Should not have ruled out Mid-Summer Orchard Ridgehill without considering a different layout which could have addressed the visual impact
- Maps on the website are difficult to read
- Focus on enlarging existing sites and not creating new ones
- Concern about agricultural pollution or proximity of livestock on residents of traveller sites
- Having a large site would be easier to plan for rather than a number of smaller sites
- The Old Grafton Depot on the A49 South of Hereford Land adjacent to the M50 opposite Ross Golf Club
- The number of sites proposed is inadequate
- Possibly with a little ingenuity, planning and acquiring of modest amounts of adjoining land they could be made ideal for use as temporary, if not permanent sites
- Should consult specifically with Travellers
- Traveller sites are better situated close to the urban areas due to the proximity of facilities. Priority of services and costs to rate payers to be considered.
- The council's proposed site design policy is appropriate in seeking to protect privacy and residential amenity for neighbouring land uses.
- Support the Councils intended county wide plan led approach to identifying traveller sites, so that these sites can be appropriately assessed at a strategic level.
- It is concerning that the distribution of sites is predominantly in the south of the county
- Any new travellers' sites that may fall within the AONB, including the travellers' windfall sites, respect the status of this designated area. Any such applications within the AONB should be granted only if there are no adverse impacts on the landscape character and other special qualities of the AONB, including tranquillity. The proposals should be consulted with the AONB Unit and considered in accordance with the Malvern Hills AONB Management Plan 2014-19, Landscape Strategy and Guidelines, Guidance on Building Design and other associated guidance.
- No information given about the cost of site provision.

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- Concern about the relationship between Traveller DPD and NDPs
- Proportional to housing for general occupation each traveller household takes up more space.
- There should be some recognition of competition for resources and indication of alternative strategies for meeting actual need e.g. use of emergency housing.
- There seems to be an imbalance in the distribution of sites and more may need to be provided in the south of the county.
- Need to ensure appropriate provision for disabled/older travellers.



Meeting:	Cabinet
Meeting date:	Thursday 28 September 2017
Title of report:	The rescheduling of debt repayment costs
Report by:	Chief finance officer

Classification

Open

Decision type

Budget and policy framework.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To recommend to full Council an amendment to the council's current Minimum Revenue Provision (MRP) policy to change the debt repayment calculation basis to an annuity method.

The recommended approach intends to match the flow of benefits generated by the assets funded from borrowing to the annual MRP charge. Linking MRP to the average useful life of an asset reflects the economic benefit the council receives from using the asset to deliver services over its useful life, representing a fairer cost charge to current and future council tax payers.

The recommended approach ensures that council tax payers are being charged each year in line with asset usage and avoids current council tax payers meeting the cost of future usage or future council tax payers being burdened with charges relating to assets that are no longer in use.

Recommendation(s)

Further information on the subject of this report is available from Josie Rushgrove
Tel: 01432 261867, email: jrushgrove@herefordshire.gov.uk

That:

- (a) It be recommended to full Council that an amendment be approved to the current MRP policy within the Treasury Management Strategy to be based on the estimated life of the assets, in accordance with regulations, and the method of repayment to be through an annuity calculation (providing a consistent overall annual borrowing charge).**

Alternative options

1. Continue using the current MRP policy approach to debt write down, which is a combination of reducing balance and straight line.

Advantages

It is a simpler approach to the write down of debt than the annuity method.

Disadvantages

The current debt write down approach does not reflect the flow of benefits from the assets funded from borrowing as the charge is higher in earlier years. In addition it does not fully write down the borrowing balance due to the reducing balance method applied to supported borrowing.

2. The revised debt write down approach could be implemented with effect from 1 April 2004. Advice from independent advisors and external auditors is that an implementation date of 1 April 2008 is reasonable.
3. The council is able to devise its own debt write down approach within the MRP policy; no alternative options to those presented in this report have been identified.

Key considerations

4. The rescheduling of debt repayment costs refers to the minimum revenue provision (MRP) which is the method by which councils charge their revenue accounts over time with the cost of their capital expenditure that was originally funded by borrowing.
5. Local government accounting rules require the council to make revenue provision to support the costs of planned capital borrowing regardless of whether that borrowing has actually been taken up; this is referred to as minimum revenue provision and is intended to provide a public demonstration of the costs of capital expenditure.
6. As this is a technical accounting requirement which is specific to local government an example may be helpful to explain this. If the council identified a requirement to buy a new vehicle to grit the roads it would need capital funding to do this. The accounting rules require the council to set aside revenue funding to cover the costs of borrowing that capital. However the council may choose to fund the purchase from reserves, and therefore not need to borrow capital. Before the 2007/08 financial year, the method of calculating debt write down within the MRP was specified in legislation. Since then councils have been able to approve their own MRP policy, in line with guidance available, as long as the amount charged represents a "prudent" cost.
7. To date the council has adopted a MRP policy that charges the cost of debt to the

revenue account on the following basis:

- a) For capital expenditure financed through supported borrowing the council has applied a reducing balance method of debt write down at 4% per annum;
 - b) For capital expenditure finance through unsupported (prudential) borrowing the council has applied a straight line method of debt write down over the life of the asset created.
8. The Department for Communities and Local Government (DCLG) has issued guidance on the calculation of MRP, including a number of methods which it considers to be prudent. The guidance also permits councils to devise other methods they consider prudent. Broadly speaking, the guidance suggests that:
- a) MRP on assets acquired through finance leases and Private Finance Initiative (PFI) should be equal to the cash payments that reduce the outstanding liability each year;
 - b) MRP on all capital expenditure incurred before 1st April 2008, and on expenditure funded by supported borrowing thereafter, is equal to 4% of the opening CFR with some optional adjustments;
 - c) MRP on expenditure incurred from April 2008 onwards that is funded by unsupported “prudential” borrowing should be calculated by reference to the asset’s useful life, using either a straight line or an annuity method, starting in the year after the asset becomes operational.
 - d) The guidance also suggests that the third method above is an alternative for all other expenditure.
9. The current MRP policy adopted by council on 3 February 2017 (<http://councillors.herefordshire.gov.uk/documents/s50043909/Appendix%204%20-%20MTFS%20-%20version%205%20for%20Cabinet.pdf>, section 7) recommended a MRP policy using options b and c above. The revised recommended MRP policy will see debt write down move to an annuity basis. This is stated at point d above, is a generally accepted prudent method of calculating MRP and has been reviewed and supported by independent treasury management advisors, Arlingclose.
10. A number of councils have moved to a 50 year write-down via a 2% annuity including:
- a. Nottinghamshire County Council
 - b. City of Wolverhampton Council
 - c. Southampton City Council
 - d. Telford and Wrekin Council
 - e. Worcester City Council
 - f. Lincolnshire County Council
 - g. Redditch Borough Council
 - h. Staffordshire County Council

11. CIPFA supports the use of the annuity debt repayment charge method for calculating MRP. Their publication "Practitioners Guide to Capital Finance in Local Government" states that "it is arguably the case that the annuity method provides a fairer charge than equal instalments as it takes account of the time value of money, whereby paying £100 in ten years' time is less of a burden than paying £100 now. The schedule of charges produced by the annuity method thus results in a consistent charge over an asset's life, taking into account the real value of the amounts when they fall due. The annuity method would then be a prudent basis for providing for assets that provided a steady flow of benefits over their useful life."
12. An asset's useful life is determined as the period which an asset is expected to be available for use by the council, this determines the MRP annuity rate but does not impact on loan interest charges which are at the rate secured when the cash loan is obtained.
13. The change to MRP policy is recommended to take immediate effect with the associated saving to be reflected during 2017/18 and will be reviewed after five years to take account of possible changing economic conditions.
14. Government guidance requires that an annual statement on the council's policy for its MRP should be submitted to Council for approval before the start of the financial year to which the provision will relate and changes during the year are permitted if approved by full Council.

Community impact

15. The recommendations support achievement of the council's corporate plan priority to secure better services, quality of life and value for money by ensuring there is robust and proactive management of council resources.

Equality duty

16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows. A public authority must, in the exercise of its functions, have due regard to the need to -
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
17. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision is a finance back office function, we do not believe that it will have an impact on our equality duty.

Resource implications

18. Minimum revenue provision (MRP) is the method by which councils charge their revenue accounts over time with the cost of their capital expenditure that was originally funded by debt. This replaces actual loan repayment cost to recognise that loans may not be secured immediately as the debt financed capital investment is incurred.
19. Loan interest is accounted for when loans are secured, on an accrued actual cost; therefore the MRP policy does not affect the interest charge in the revenue accounts.
20. The MRP review included a useful asset life review and resulted in recommending an annuity rate of 2.28% to recognise the cost of using prudential borrowing. This is based on the council's calculated weighted cost of capital. For supported borrowing a 50 year useful economic asset life, 2% annuity, is recommended. Comparing the two MRP policies, using the same base data, results in the following indicative MRP charge:

	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000
Current total MRP charge	8,696	8,505	8,204	8,008	7,668
Revised total MRP charge	4,626	4,699	4,646	4,693	4,587
Saving	4,070	3,806	3,558	3,315	3,081

21. The MRP policy change will save £17.8m over the five year period and £32.4m over the period 1st April 2017 to 31st March 2035.
22. The MRP policy change will ensure that supported borrowing is fully repaid by the end of 2066/67 whilst the existing MRP policy will leave a balance of £13.9m to be financed; this is detailed in Appendix 3.
23. Savings against the current prudential borrowing straight line MRP policy will continue until 2027/28, when they become costs.
24. The annuity method is the cheapest MRP option in the early years, and maintains a constant impact on the revenue account over the useful life of the asset being financed, once interest costs are taken into account, with no cost thereafter.
25. The revenue savings identified will not change the amount of cash invested in capital expenditure but will delay the date at which expenditure is charged to the revenue account, which is entirely in line with the official government guidance on MRP.
26. The revised MRP policy will use an annuity approach for all future capital expenditure funded by prudential borrowing and the annuity rate used to calculate the annuity MRP repayments will be linked to the average Public Works Loan Board (PWLB) annuity rate relevant to the assets useful economic life.
27. The MRP policy has no correlation to the asset valuations required to represent the assets held at their fair value in the council's statement of accountants as stated in the Cipfa Code of practice.

Legal implications

28. The council is under a duty to make a revenue provision under regulation 27 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 as amended. The amount to be determined is that which the council considers to be prudent.
29. In determining a prudent level of MRP the Council is under a statutory duty to have regard to statutory guidance on MRP issued by the Secretary of State under s21 of the local Government Act 2003. The Guidance is that referred to above and has been followed in producing this recommendation. The Council however is entitled to depart from the Guidance if it has good reason to do so.
30. The change can be implemented with immediate effect under regulation 27 which allows charges to be made to the revenue account incurred by the council in that year or in any financial year prior to that year.

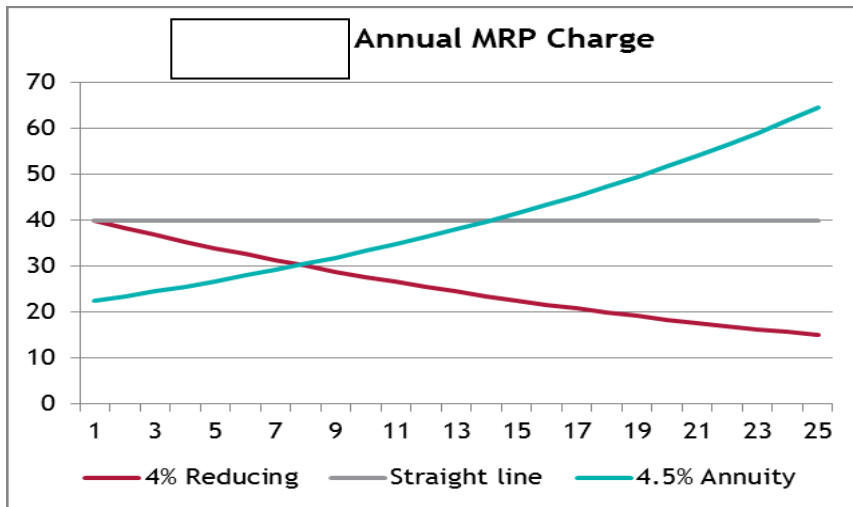
Risk management

31. The council is required to take a prudent approach when determining the approach to take for the provision of MRP. All approaches detailed in this report can be considered to be prudent.
32. The risk of adopting this policy change is the increased complexity in calculating the annual MRP charge, this will require monitoring by the council's finance team; this is not considered to require any additional resource. In addition regular reviews of the annuity rate may result in increased MRP costs however when coupled with the loan interest charges total capital financing costs should remain constant leading to improved forecasting.

Consultees

33. All group leaders and our external auditors, Grant Thornton, have been consulted on the proposed MRP policy change.
34. Grant Thornton will continue to review if the recommended policy provides a prudent MRP charge; they have stated that the change to an annuity approach is unlikely to be challenged.
35. It's Our County response is attached at appendix 2, the points highlighted in the response have been addressed in this report, in addition further detail requested is provided below.
36. The effect of the different methods of accounting for MRP on capital expenditure financed by borrowing since April 2008, the Council has three MRP options, being:
 - a. the 4% reducing balance method (currently used, and only permitted, for supported borrowing)
 - b. the straight line asset life method (currently used for prudential borrowing), and
 - c. the annuity asset life method (the proposed MRP policy).

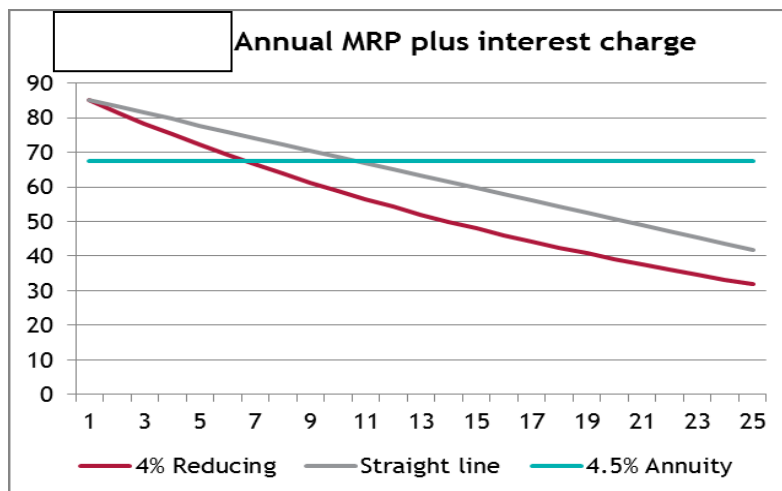
37. These options are shown below graphically.



38. For example an asset with a £1m capital cost financed through borrowing using a 25 year useful life with an interest rate of 4.5% for the annuity method the 4% reducing balance method and the 25 year straight line method both start with the larger annual MRP charges of £40k pa, and could therefore be considered more prudent than the annuity method at first. However, by year eight, annuities MRP rises above the reducing balance method, and by year 14 it rises above the straight line method supporting the recognition of annuity debt write down as a prudent method.

39. Another drawback of the reducing balance method is that after 25 years, when the asset is no longer providing any benefit to the Council, only 64% of its cost will have been charged to revenue, with the effect being that taxpayers in future years will be paying for assets that are no longer in use. The other two methods are designed to ensure that the cost of the asset is charged to revenue over its useful life.

40. Total debt costs include loan interest in addition to the MRP charge. This means that the total cost of borrowing, including MRP and interest at 4.5% for the same example £1m asset, the annuity method would provide a constant total cost, where the other two methods result in a declining total debt cost, as shown in the graph below:



Appendices

41. Appendix 1 – Revised MRP Policy
42. Appendix 2 – It's Our County: response to key decision “the rescheduling of debt repayment costs”.
43. Appendix 3 – the impact of the MRP policy change on supported borrowing

Background papers

44. None identified.

Revised Minimum Revenue Provision Policy 2017/18

Where the council finances capital expenditure by debt, it must put aside resources to repay that debt in later years. The amount charged to the revenue budget for the repayment of debt is known as Minimum Revenue Provision (MRP). The Local Government Act 2003 requires the council to have regard to the Department for Communities and Local Government's *Guidance on Minimum Revenue Provision* (the DCLG Guidance) most recently issued in 2012.

The broad aim of the DCLG Guidance is to ensure that debt is repaid over a period that is reasonably commensurate with that over which the capital expenditure provides benefits.

In line with the DCLG Guidance, the policy for the 2017/18 calculation of MRP is as follows:

Treasury Management Strategy Statement 2017/18

MRP on all capital expenditure incurred before 1 April 2008, and on expenditure funded by supported borrowing thereafter, will be equal to 4% of the opening capital financing requirement with some optional adjustments.

MRP on expenditure incurred from 1 April 2008 onwards that is funded by unsupported "prudential" borrowing will be calculated by reference to the asset's useful life, using an annuity method, starting in the year after the asset becomes operational.

Therefore capital expenditure incurred during 2017/18 will not be subject to a MRP charge until 2018/19 at the earliest.

MRP on assets acquired through finance leases and Private Finance Initiative (PFI) will be equal to the cash payments that reduce the outstanding liability each year.

	Indicative 2017/18 MRP charge £000
Supported borrowing	1,265
Prudential borrowing pre 1 April 2008	2,009
Prudential borrowing post 1 April 2008	3,880
Overprovision adjustment	(519)
Finance leases and private finance initiatives	369
TOTAL	7,004

It's Our County: response to key decision "The rescheduling of debt repayment costs".

It is disappointing that, once again, this decision notice was circulated without the necessary background information (and in this case data) from officers to enable properly informed comments to be made. We are however grateful to the Head of Corporate Finance for providing, on request, more detail and context for the decision notice.

Our concerns about the proposed change to MRP policy centre on the following: the new policy appears to minimise the debt interest costs charged against revenue in-year, and to push these costs 'downstream' into later years. This would effectively disguise the cash flow impact, the real impact of borrowings and increase the accruals shown in the balance sheet, but would only give an illusory impression of a more favourable financial position for the council by spreading these borrowing costs over a longer term, with consequently longer repayment periods and therefore greater interest paid.

The Head of Corporate Finance states that the proposed rescheduling is intended to "match the flow of benefits generated by the assets funded from borrowing to the annual MRP charge"; and to reflect "the economic benefit the council receives from using the asset to deliver services over its useful life". The claim that the proposed change in policy "will result in savings, due to the annuity debt repayment method being the cheapest MRP option *in early years*" (our italics), is also noted.

These statements and claims give rise to more specific concerns, and beg a number of questions:

Have changed circumstances in interest charged on borrowings driven this proposed change now? And what is the 'best practice' recommendation of professional accounting bodies?

How will the "useful life" of an asset be determined? On disposal of an asset, would accumulated interest held in the balance sheet as a creditor be charged in full to the revenue accounts – potentially a large 'in year' negative impact?

What sort of capital assets will the policy apply to, and what sort of assets will be handled in the current - or another - manner, and why? Whilst aligning costs to income – eg rental income from property – is understandable, what about assets such as highways, which have been considered for inclusion as a capital asset but which cannot be sold as property?

What rate would be applied to the interest calculation over the "useful life" of an asset? Since current rates could hardly be lower, would higher rates and costs in later years be recognised in early years accounting and budgeting or are we always borrowing at fixed rates?

How is this proposal related to the issues being raised by Grant Thornton, in their role as external auditor, concerning the valuations placed on the council's asset portfolio?

Finally, we would like to see an example for a specific asset of how the accounts would look; and to have an explanation of how the actual annual costs of debt interest and repayments would be presented in financial statements.

Cllr Anthony Powers, group leader, on behalf of It's Our County
17 08 17

Supported borrowing debt repayment change from 4% reducing balance to 2% annuity method									
Current 4% Reducing Balance				Proposed 2% Annuity Method					
1st April	CFR	MRP	31st March	CFR	MRP	CFR	Difference	Cummulative	
2017	£ 106,981,866	£ 4,279,275	£ 102,702,592	£ 106,981,866	£ 1,264,869	£ 105,716,997	£ 3,014,406	£ 3,014,406	
2018	£ 102,702,592	£ 4,108,104	£ 98,594,488	£ 105,716,997	£ 1,290,166	£ 104,426,831	£ 2,817,937.2	£ 5,832,343	
2019	£ 98,594,488	£ 3,943,780	£ 94,650,708	£ 104,426,831	£ 1,315,970	£ 103,110,861	£ 2,627,810	£ 8,460,153	
2020	£ 94,650,708	£ 3,786,028	£ 90,864,680	£ 103,110,861	£ 1,342,289	£ 101,768,572	£ 2,443,739	£ 10,903,892	
2021	£ 90,864,680	£ 3,634,587	£ 87,230,093	£ 101,768,572	£ 1,369,135	£ 100,399,437	£ 2,265,452	£ 13,169,344	
2022	£ 87,230,093	£ 3,489,204	£ 83,740,889	£ 100,399,437	£ 1,396,518	£ 99,002,919	£ 2,092,686	£ 15,262,030	
2023	£ 83,740,889	£ 3,349,636	£ 80,391,254	£ 99,002,919	£ 1,424,448	£ 97,578,471	£ 1,925,188	£ 17,187,218	
2024	£ 80,391,254	£ 3,215,650	£ 77,175,603	£ 97,578,471	£ 1,452,937	£ 96,125,534	£ 1,762,713	£ 18,949,931	
2025	£ 77,175,603	£ 3,087,024	£ 74,088,579	£ 96,125,534	£ 1,481,996	£ 94,643,539	£ 1,605,028	£ 20,554,959	
2026	£ 74,088,579	£ 2,963,543	£ 71,125,036	£ 94,643,539	£ 1,511,636	£ 93,131,903	£ 1,451,908	£ 22,006,867	
2027	£ 71,125,036	£ 2,845,001	£ 68,280,035	£ 93,131,903	£ 1,541,868	£ 91,590,035	£ 1,303,133	£ 23,310,000	
2028	£ 68,280,035	£ 2,731,201	£ 65,548,833	£ 91,590,035	£ 1,572,706	£ 90,017,329	£ 1,158,496	£ 24,468,496	
2029	£ 65,548,833	£ 2,621,953	£ 62,926,880	£ 90,017,329	£ 1,604,160	£ 88,413,169	£ 1,017,794	£ 25,486,289	
2030	£ 62,926,880	£ 2,517,075	£ 60,409,805	£ 88,413,169	£ 1,636,243	£ 86,776,926	£ 880,832	£ 26,367,122	
2031	£ 60,409,805	£ 2,416,392	£ 57,993,413	£ 86,776,926	£ 1,668,968	£ 85,107,959	£ 747,424	£ 27,114,546	
2032	£ 57,993,413	£ 2,319,737	£ 55,673,676	£ 85,107,959	£ 1,702,347	£ 83,405,611	£ 617,389	£ 27,731,935	
2033	£ 55,673,676	£ 2,226,947	£ 53,446,729	£ 83,405,611	£ 1,736,394	£ 81,669,217	£ 490,553	£ 28,222,488	
2034	£ 53,446,729	£ 2,137,869	£ 51,308,860	£ 81,669,217	£ 1,771,122	£ 79,898,095	£ 366,747	£ 28,589,235	
2035	£ 51,308,860	£ 2,052,354	£ 49,256,505	£ 79,898,095	£ 1,806,544	£ 78,091,551	£ 245,810	£ 28,835,045	
2036	£ 49,256,505	£ 1,970,260	£ 47,286,245	£ 78,091,551	£ 1,842,675	£ 76,248,875	£ 127,585	£ 28,962,630	
2037	£ 47,286,245	£ 1,891,450	£ 45,394,795	£ 76,248,875	£ 1,879,529	£ 74,369,347	£ 11,921	£ 28,974,551	
2038	£ 45,394,795	£ 1,815,792	£ 43,579,004	£ 74,369,347	£ 1,917,119	£ 72,452,227	-£ 101,328	£ 28,873,224	
2039	£ 43,579,004	£ 1,743,160	£ 41,835,843	£ 72,452,227	£ 1,955,462	£ 70,496,765	-£ 212,302	£ 28,660,922	
2040	£ 41,835,843	£ 1,673,434	£ 40,162,410	£ 70,496,765	£ 1,994,571	£ 68,502,194	-£ 321,137	£ 28,339,785	
2041	£ 40,162,410	£ 1,606,496	£ 38,555,913	£ 68,502,194	£ 2,034,462	£ 66,467,732	-£ 427,966	£ 27,911,818	
2042	£ 38,555,913	£ 1,542,237	£ 37,013,677	£ 66,467,732	£ 2,075,152	£ 64,392,580	-£ 532,915	£ 27,378,903	
2043	£ 37,013,677	£ 1,480,547	£ 35,533,130	£ 64,392,580	£ 2,116,655	£ 62,275,925	-£ 636,108	£ 26,742,796	
2044	£ 35,533,130	£ 1,421,325	£ 34,111,805	£ 62,275,925	£ 2,158,988	£ 60,116,937	-£ 737,663	£ 26,005,133	
2045	£ 34,111,805	£ 1,364,472	£ 32,747,332	£ 60,116,937	£ 2,202,168	£ 57,914,770	-£ 837,695	£ 25,167,437	
2046	£ 32,747,332	£ 1,309,893	£ 31,437,439	£ 57,914,770	£ 2,246,211	£ 55,668,559	-£ 936,318	£ 24,231,120	
2047	£ 31,437,439	£ 1,257,498	£ 30,179,942	£ 55,668,559	£ 2,291,135	£ 53,377,424	-£ 1,033,638	£ 23,197,482	
2048	£ 30,179,942	£ 1,207,198	£ 28,972,744	£ 53,377,424	£ 2,336,958	£ 51,040,466	-£ 1,129,760	£ 22,067,722	
2049	£ 28,972,744	£ 1,158,910	£ 27,813,834	£ 51,040,466	£ 2,383,697	£ 48,656,769	-£ 1,224,787	£ 20,842,935	
2050	£ 27,813,834	£ 1,112,553	£ 26,701,281	£ 48,656,769	£ 2,431,371	£ 46,225,398	-£ 1,318,818	£ 19,524,117	
2051	£ 26,701,281	£ 1,068,051	£ 25,633,230	£ 46,225,398	£ 2,479,998	£ 43,745,399	-£ 1,411,947	£ 18,112,170	
2052	£ 25,633,230	£ 1,025,329	£ 24,607,900	£ 43,745,399	£ 2,529,598	£ 41,215,801	-£ 1,504,269	£ 16,607,901	
2053	£ 24,607,900	£ 984,316	£ 23,623,584	£ 41,215,801	£ 2,580,190	£ 38,635,611	-£ 1,595,874	£ 15,012,026	
2054	£ 23,623,584	£ 944,943	£ 22,678,641	£ 38,635,611	£ 2,631,794	£ 36,003,816	-£ 1,686,851	£ 13,325,176	
2055	£ 22,678,641	£ 907,146	£ 21,771,495	£ 36,003,816	£ 2,684,430	£ 33,319,386	-£ 1,777,284	£ 11,547,891	
2056	£ 21,771,495	£ 870,860	£ 20,900,635	£ 33,319,386	£ 2,738,119	£ 30,581,268	-£ 1,867,259	£ 9,680,632	
2057	£ 20,900,635	£ 836,025	£ 20,064,610	£ 30,581,268	£ 2,792,881	£ 27,788,387	-£ 1,956,856	£ 7,723,777	
2058	£ 20,064,610	£ 802,584	£ 19,262,026	£ 27,788,387	£ 2,848,739	£ 24,939,648	-£ 2,046,154	£ 5,677,623	
2059	£ 19,262,026	£ 770,481	£ 18,491,545	£ 24,939,648	£ 2,905,713	£ 22,033,935	-£ 2,135,232	£ 3,542,390	
2060	£ 18,491,545	£ 739,662	£ 17,751,883	£ 22,033,935	£ 2,963,828	£ 19,070,107	-£ 2,224,166	£ 1,318,224	
2061	£ 17,751,883	£ 710,075	£ 17,041,808	£ 19,070,107	£ 3,023,104	£ 16,047,003	-£ 2,313,029	£ 994,805	
2062	£ 17,041,808	£ 681,672	£ 16,360,135	£ 16,047,003	£ 3,083,566	£ 12,963,437	-£ 2,401,894	£ 3,396,699	
2063	£ 16,360,135	£ 654,405	£ 15,705,730	£ 12,963,437	£ 3,145,238	£ 9,818,199	-£ 2,490,832	£ 5,887,531	
2064	£ 15,705,730	£ 628,229	£ 15,077,501	£ 9,818,199	£ 3,208,142	£ 6,610,057	-£ 2,579,913	£ 8,467,444	
2065	£ 15,077,501	£ 603,100	£ 14,474,401	£ 6,610,057	£ 3,272,305	£ 3,337,751	-£ 2,669,205	£ 11,136,649	
2066	£ 14,474,401	£ 578,976	£ 13,895,425	£ 3,337,751	£ 3,337,751	£ 0	-£ 2,758,775	£ 13,895,425	



Meeting:	Cabinet
Meeting date:	Thursday 28 September 2017
Title of report:	The introduction of an open approved list for the delivery of home care services (Care @ Home) for adults
Report by:	Cabinet member health and wellbeing

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To agree revised arrangements for the provision of commissioned home care services for adults within Herefordshire.

Recommendation(s)

That:

- (a) an open approved list for the purchase of home care services be introduced from January 2018;
- (b) an open approved list for the purchase of supported living be introduced from

Further information on the subject of this report is available from Ian Gardner
Tel: 01432 383734, email: Ian.Gardner@herefordshire.gov.uk

January 2018;

- (c) **the director for adults and wellbeing be authorised to take all operational decisions necessary to implement the above recommendations including the acceptance of providers meeting the qualification criteria onto the open approved list, the setting of the rules relating to the approved list (including amendments from time to time) and the approval of the terms and conditions to be used from time to time for services purchased from the approved list.**

Alternative options

1. The option to not have an approved list or framework. This option is not recommended as contractual arrangements need to be in place for the council to purchase home care services in compliance with the Care Act 2014 and European Procurement rules.
2. The option to extend the current Home and Community Support framework (HACS). This option is not recommended as the extension granted by Cabinet on 3 November 2016 expires on 31 March 2018. Furthermore, this approach to procurement could be subject to challenge.
3. The option to conduct a formal tender for a closed framework. This option is not recommended because a competitive tender was conducted at the end of 2016 following extensive engagement and formal consultation. The response from the market did not provide the required coverage and quality of provision and the council was unable to award the contracts. Subsequent discussions with providers indicate that it is unlikely that the market would respond differently to another closed framework tender at this time. Furthermore, a closed framework lacks long term flexibility to respond to providers entering and leaving the market as it does not permit new providers to join once it is operational.

Key considerations

4. On 3 November 2016, Cabinet accepted recommendations for the introduction of a remodelled home care service to be known as Help to Live at Home. The service design was informed by consultation with service users and co-produced following extensive engagement with strategic partners and service providers.
5. The aim of the Help to Live at Home service was to ensure capacity and consistency of high quality home care. This would be achieved by splitting the county into zones in which one or two providers would take responsibility for ensuring the delivery of all council commissioned care packages. The associated consolidation of the number of providers delivering council commissioned homecare services would improve providers operational and financial viability.
6. A tender exercise was conducted during January 2017, 20 bids were received, but only 10 passed the financial stage of the evaluation. Of these, five did not meet the tender specification, which resulted in insufficient coverage of the zones.
7. Despite initial expressions of interest, the procurement exercise failed to attract bids from regional, national or larger care companies. It should be noted that whilst these providers may not necessarily be more resilient, as evidenced by a recent large scale provider failure in a neighbouring council area, they are, however, an important element of the wider care market.

8. A number of the bids submitted by local providers reflected an ambition to grow their businesses. However, many were not large enough to deliver the minimum number of hours required in the zone structure. The profile of the providers of council commissioned homecare is relatively small, around 60% deliver less than 300 hours per week and only eight of the 29 organisations currently providing services deliver in excess of 700 hours per week.
9. The primary reasons for establishing the Care at Home open approved list is to ensure capacity and consistency of high quality home care services and increased service user choice across the county.
10. Under the proposed arrangement, the supported living service will be commissioned via a separate approved list. This is in recognition that this service is primarily provided to people with a learning disability and is of a different nature and scope to the personal care services required by older people with complex needs. Furthermore, an open approved list for supported living would allow new providers into the market and increased choice for service users.
11. Given the nature of the care market, it is essential that local providers of quality homecare are supported to improve the outcomes for people who use their services and develop their business in a sustainable manner. Work is underway with the market to develop high quality services. These include a workforce project to address staff training and the difficulties of recruitment and retention of care workers, which is a challenge nationally.
12. The proposed open approved list will allow providers access to council business and will increase capacity and client choice. It will also enable alternative approaches and models of service delivery to be trialled. These developments will inform considerations regarding longer term solutions for the provision of home care.
13. It is envisaged that the desirable outcomes of the consolidation in the number of providers associated with the Help to Live at Home service will be achieved over time and in a more strategic manner. This will be without the attendant risks of putting local care providers out of business and the significant disruption to people who rely on them for their home care services.
14. The council commissions home care services for around 1,300 people a year and between 800 to 900 people at any one time. Of those, two-thirds of service users are aged 65 or over and the largest proportion (two-fifths) are aged over 85. It is estimated that the throughput of service users is around 30% per year.
15. The net spend on home care services during 2016/17 was £11,054K. The number of hours of home care directly commissioned is in the order of 710,000 per annum.
16. The HACS framework includes 39 care organisations but of those, only 29 are currently delivering services.
17. The HACS framework is closed and as such does not allow the council to directly commission care services with non-framework providers or new entrants into the local care market. There are occasions when framework providers are unable to deliver a care package in a timely manner. In these circumstances, services from non-framework providers are sought. However, under the current arrangements this generally requires the service user to take a direct payment.

18. The nature and scale of the Care at Home service and the financial value of the contract(s) indicate that it is subject to European Union procurement regulations. However, it is also subject to the 'light touch' procurement regime, which allows for a more flexible procurement procedure as set out in the Public Contracts Regulations 2015.
19. The key features of the flexible, open approved list approach are:
 - The development of an open approved list of preferred home care providers with no time restrictions
 - It enables providers to join, leave or re-join at any time. However, to ensure timely applications in the first round, the approved list is likely to close for a short period until the second round. In time (possibly after the second or third round) the approved list may be kept open permanently. However, this position may need to be reviewed, to take account volumes of applications.
 - The period of the approved list will be unlimited. The council will publish rules relating to the conduct of the approved list, including rules regarding how packages are to be allocated amongst providers. These rules are open to change from time to time to meet changing market conditions, subject to the Council giving providers necessary consultation. Other than adherence to the rules of the approved list, there will be no contractual obligations between the Council and a provider simply from the provider being a member of the approved list. No other contractual relationships apply until individual packages are awarded by the Council to the provider.
 - No minimum volume of work or exclusivity is guaranteed to providers on the approved list
 - At this stage, the council will set the price it pays for home care services in line with its contractual obligations to annual reviews.
 - The rules of the approved list will set out transparently how packages are allocated between providers. These rules are subject to change from time to time as market conditions change. Referrals will be made to providers on the approved list and care packages placed having regard to services users' needs and preferences and other factors, such as their location
 - The approved list will provide the basis for further service development and enable pilots and test schemes in the future
20. The timetable for the introduction of the approved list will see applications invited from providers between October and November and evaluation of the first tranche of applicants in December 2017. Successful providers will be notified early in 2018. Successful future applicants will be allocated places on the relevant approved list as their applications are approved.
21. The approved list will remain open indefinitely but it can be closed with due notice. Given the nature of the homecare market the effectiveness of the approved list will be reviewed at least annually.
22. The Care at Home approved list will allow the provision of home care to be more closely aligned with the council's 'adults wellbeing plan 2017-2020'. The focus of the provision will be the delivery of high quality personal care in response to the increasing demand arising from the growing number of older people with complex care needs. This will enable residents to live independently and safely in their own homes and communities for as long as possible.

23. The approach will also align and support the re-designed pathways for adult social care services, which include the introduction of:
 - A strengths based approach to assessment
 - The home first service with the associated expansion of the reablement and rapid response services
 - Community brokers to facilitate the delivery of ancillary tasks associated with daily living activities from local communities and the voluntary sector
24. The strengths based approach to assessment with the associated focus on what the person, their family and the wider community can do to assist them, will support a shift away from reliance on council funded care services.
25. The increased access to effective reablement will lessen the disabling effect of traditional care services and prevent, reduce or delay the demand for more intensive services.
26. Care providers will gradually discontinue the delivery of ancillary activity as the community brokers identify appropriate and more cost effective solutions. This will enable care providers to respond and focus on the increasing demand for high quality personal care to those with multiple and complex needs.
27. The approved list will offer the flexibility for the council to support providers through this period of change. It will also allow the trial of new approaches and models of service delivery in response to emerging needs and patterns of demand.
28. The HACS framework will run alongside the Care at Home approved list until it expires on 31 March 2018. This, along with a streamlined but robust application process, will facilitate a seamless transfer and minimise the risk of any discontinuity of service provision to service users.
29. The Care at Home approved list will allow access to all providers who meet the eligibility criteria, therefore increasing the choice for both the council and service users. It will also assist in ensuring equitable provision throughout the county and enable the council to support and develop local care providers who deliver quality services. The council will support providers to maintain and enhance the quality of service provision by introducing an annual self-assessment as part of the quality assurance process.
30. Supporting and developing local providers is a pragmatic approach, whilst creating a diverse care market will lessen the impact of provider failure. However, the comparatively small scale of some providers means their financial and operational viability is vulnerable to changes in the market. This will be monitored closely by the council's quality review and contract teams and support will be offered as required.
31. However, given the challenging funding climate it is envisaged that a degree of consolidation in the number of providers will occur over time. Work is ongoing to ensure there is capacity in the market to maintain continuity of provision in the event of provider failure.
32. Ongoing support for the market will include the council working in conjunction with service providers. A workforce development project recently commenced, which will seek to address the challenges of recruitment, retention and training needs of care workers.

33. To ensure that service quality is continually enhanced, the council's Quality Assurance Framework will be implemented from commencement of the service.

Community impact

34. Herefordshire Council's corporate plan has four priorities, one of which is the improvement of the health and wellbeing of people in Herefordshire to 'enable residents to live safe, healthy and independent lives'. The council will be proactive in helping and encouraging people to live healthier lifestyles and developing resources that offer more choice and control in remaining independent, therefore reducing or delaying the need for formal social care. This proposal supports the council's priorities by offering choice of services and support to help residents remain independent at home for longer.
35. The Care Act 2014 articulates the principles of wellbeing and prevention, and the recognition that an individual, their family, and/or carer must be enabled to make decisions regarding their care. These principles inform the council's delivery of social care services of which this proposal forms a key part.
36. The principles that underpin the approved list will ensure that individuals' outcomes are improved through supporting the sustainability of home care services and investing in initiatives that will enhance people's lives. It will align to the council's health and wellbeing strategy, which underlines how Herefordshire aims to be a vibrant county where good health and wellbeing is matched with a strong and growing economy and the vision for the council's adults and wellbeing directorate of 'all adults in Herefordshire live healthy, happy and independent lives within their local communities, for as long as possible with support when they need it.'

Equality duty

37. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
38. A public authority must, in the exercise of its functions, have due regard to the need to –
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
39. The council is committed to equality and diversity using the Public Sector Equality Duty (Equality Act 2010) to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
40. The equality duty covers the following nine groups with protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The decision does not

discontinue any service and has no detrimental impact to eligible service users.

41. For further detail refer to Appendix 1 - Equality Impact Assessment.

Resource implications

42. The council spends approximately £11,054K per annum on directly commissioned care services on a spot purchase basis under the HACS framework.
43. The current home care rates were approved by Cabinet on 2 November 2016 and came into effect on 3 April 2017. There are three set rates; urban, rural and 24 hour packages and sleep-in nights.
44. For this purpose, rural packages are classified broadly as those where the service user lives more than four miles outside the city or market towns. Providers are paid a premium to cover the associated staff and travelling costs.

Urban		Rural		24 Hour / Sleep-ins	
60 minutes	£15.80	60 minutes	£15.80	60 minutes	£12.80
45 minutes	£11.85	45 minutes	£12.21		
30 minutes	£7.90	30 minutes	£8.14		

45. The hourly rates were calculated using a locally developed model, which includes the UK home care association (UKHCA) recommended rate calculation criteria, but adjusted for local factors.
46. Therefore, the introduction of the Care at Home approved list does not have any immediate financial implications, as the rates paid will not alter during the 2017/18 financial year.
47. However, the increase in the national minimum wage from £7.50 to between £8.50 and £8.80 in 2020 and other emerging cost pressures will need to be considered when the annual review of home care rates is undertaken later this year, having regard to the budget available.

Legal implications

48. Council has a statutory duty under Care Act 2014 to provide care and support to meet those needs which meet the eligibility criteria.
49. Given these services are within the 'light touch' regime of the Public Contracts Regulations 2015, these approved lists are permissible.
50. The Council however needs to ensure compliance with EC Treaty requirements (e.g. transparency, equal treatment etc.) in relation to the management of these approved lists, particularly in terms of
- The process by which providers apply for membership of the approved lists.
 - The rules governing the conduct of the lists over time, particularly rules relating to the allocation of packages.

51. Commissioners are expected to liaise with Legal Services regarding the preparation of the following:
- The rules governing the approved lists
 - The terms and conditions applying to packages awarded
 - Work Orders applicable to the packages
 - If there are to be any mini-competitions for the awarding of packages (especially supported living packages), the documentation for those mini-competitions
52. The rules for the award of packages (especially supported living packages) must properly take into account service user choice to ensure compliance with the Care Act 2014.

Risk management

53. If the recommendations described in the report are not approved, it will result in the council not having appropriate arrangements in place to purchase homecare services. This means the council would fail to meet its statutory duties under the Care Act 2014 when the current framework expires on 31 March 2018.
54. The introduction of an open approved list may result in more competition between providers to deliver council funded care packages. This could have a negative impact on a provider's operational and financial viability and may result in some providers exiting the market or realigning their businesses to focus on providing home care services to people that fund their own care. This will be reviewed through regular contract monitoring arrangements and other support as and when appropriate.
55. Providers may choose not join the new approved list. This is unlikely as extensive and ongoing engagement has indicated that the majority will join the approved list. Therefore, it is doubtful that any significant discontinuity of service provision will occur directly as a result of the introduction of the new approved list.
56. There is a risk register underpinning this project which is reviewed regularly.

Consultees

57. The engagement and co-production with the care market undertaken in relation to the Help to Live at Home proposal has continued with the development of Care at Home. The service has been designed in partnership with the Home Care Provider Forum.

Appendices

58. Appendix 1 - Equality Impact Assessment.

Background papers

59. None identified.

Equality Analysis (EIA) Form (Appendix 1)

A) Description

Name of service, function, policy (or other) being assessed

Care @ Home - The introduction of an open approved list for the delivery of home care services (to replace the current closed framework known as Home and Community Support (HACS)).

Directorate or organisation responsible (and service, if it is a policy)

Adults and Wellbeing

Date of assessment

4 August 2017

Names and job titles of people carrying out the assessment

Ian Gardner - Senior Commissioning Officer

Accountable person

Martin Samuels – Director for Adults and Wellbeing

What are the aims or main purpose of the service, function or policy? What does it provide and how does it provide it?

The primary purpose of the Care at Home Service is to ensure the capacity and consistency of high quality, person centred home care.

Currently home care services including the provision of professional personal care regulated by the Care Quality Commission (CQC) are directly commissioned from providers on a closed framework known as Home and Community Support (HACS). This arrangement will cease on 31st March 2018 and a new arrangement is required to ensure that the council meets its statutory duties under the Care Act and complies with European Union procurement legislation.

The council commissions homecare services for around 1,300 people per year and approximately 900 at any one time. People receiving home care include older people, people with long term health conditions, people with a learning disability and people with mental health problems including dementia.

Analysis of the 881 people receiving the service at 27 July 2017 identified that 74% were over 65 and of those 50% were over 85 years of age. The percentage of females receiving the service was 65%.

Of those in receipt,* 68% required personal care support. Physical support with access and mobility was required by *15% of service users (*some service users require both). People who needed support due to a learning disability equated to 10% and those with a mental health problem 4%.

Eligibility for the service is determined by application of the Care Act criteria. A financial assessment is also conducted and those who have capital above the threshold are provided with information, advice and assistance to arrange the required services.

People entitled to financial support from the council can take a direct payment, a sum of money with which to purchase support to meet the eligible unmet needs identified in their support plan. Alternatively, they can request that the council arranges the service on their behalf via HACS.

There are 39 service providers on the framework; however currently around 29 of these are delivering care services. The council also purchases home care services from organisations that are not on the framework in circumstances where the framework providers are unable to commence care packages in a timely manner. However, this is generally arranged via a direct payment.

The Care @ Home service will allow the provision of home care to be more closely aligned with the 'Adults and wellbeing plan 2017-2020'. The focus of the provision will be the delivery of high quality personal care in response to the increasing demand arising from the growing number of older people with complex care needs to enable them to live independently in their own homes for as long as possible.

Location or any other relevant information

The service will be countywide.

List any key policies or procedures to be reviewed as part of this assessment.

Who is intended to benefit from the service, function or policy?

People who need assistance with personal care and meet the eligibility criteria as defined in the Care Act.
Informal carers
People who fund their own care.

Who are the stakeholders? What is their interest?

Service users
Informal carers
Service Providers
Service Providers employees
Community & voluntary sector organisations
Health & Social Care Practitioners
Elected members

B) Partnerships and Procurement

If you contract out services or work in partnership with other organisations, Herefordshire Council remains responsible for ensuring that the quality of provision/ delivery meets the requirements of the Equality Act 2010, i.e.

- **Eliminates unlawful discrimination, harassment and victimisation**
- **Advances equality of opportunity between different groups**
- **Fosters good relations between different groups**

What information do you give to the partner/contractor in order to ensure that they meet the requirements of the Act? What information do you monitor from the partner/contractor in order to ensure that they meet the requirements of the Act?

Herefordshire Council expects all contracted providers to comply with the Equality Act 2010 and have their own Equality policies available.

During the first two years of the contract the service will be monitored annually to ensure that the required outcomes are delivered and the equality considerations are observed.

Are there any concerns at this stage that indicate the possibility of inequalities/negative impacts? For example: complaints, comments, research, and outcomes of a scrutiny review. Please describe:

Negative impacts.

The remodelled service is not intended to have any negative impacts; however, the following considerations will be regularly monitored during the first two years of the contract.

The primary aims of the new service are to promote wellbeing and independence and prevent, reduce or delay the need for more intensive care and support.

The introduction of an open approved list and the light touch approach to accrediting providers is likely to result in a greater number of contracted service providers. which will increase the choice for service users

Furthermore, service users have the opportunity to exercise individual choice by opting for a direct payment and arranging care with their preferred service provider.

In the event that providers decide to exit the market as a result of the introduction of the new open approved list timely and detailed assessments and reviews will be undertaken prior to any transfer of provision. All service users will be consulted at an early stage and their needs will be reviewed. Transition arrangements will be established between provider organisations in order to ensure that any disruption is kept to a minimum.

There is the potential for the introduction of the Care @ Home Service to impact on the wider care market. If providers opt to exit the market this may impact on those who purchase their own care from the organisations affected. In these circumstances the council has a duty to provide information, advice and assistance to people who self-fund care services.

C) Information

What information (monitoring or consultation data) have you got and what is it telling you?

Council Case Management System			
The table below summarises the equalities data recorded on the Mosaic Case Management System for the 881 service users in receipt of home care services as at 27 July 2017.			
Age		Gender	
Under 65 years old	233	Female	577
65-74 years old	122	Male	304
75 - 84 years old	202		
85- 94 years old	289		
95+	35		
Ethnicity		Nationality	
White British	866	British	388
		Other	12
		Not recorded	478
Marital Status		Religion	
Married	173	Christian	167
Single	117	Roman Catholic	11
Widowed	196	Other	11
Separated / divorced	58	No religion	13
Not recorded	326	Not recorded	588
Primary Reason for Support			
Personal care	597		
Access mobility	128		
Memory / cognition	21		
Learning disability	88		
Mental health	36		
Sensory support	10		

D) Assessment/Analysis

Describe your key findings (e.g. negative, positive or neutral impacts - actual or potential). Also your assessment of risk.

Strand/community	Impact
Race	<p>The 2011 census identified that 6.3% of residents of Herefordshire were not white British.</p> <p>Of the 881 service users in receipt of domiciliary care services as at 27 July 2017, 866 classified themselves as white British.</p> <p>The percentage of 6.3% would indicate that 55 not white British people would be in receipt of a service rather than 5 people identified in the analysis.</p> <p>This may be accounted for by the fact that many of the not white British people may be of working age.</p> <p>Recent migrants and people for who English is not their first language may encounter barriers accessing home care services.</p> <p>However, Herefordshire has an easy accessible translation / interpreter service.</p> <p>Therefore, the impact of the changes to the home care service is assessed as neutral.</p>

<p>Disability</p>	<p>In the 2011 census 18.7 % of people said they had some form of limiting, long term health problem or disability.</p> <p>Of the 881 service users in receipt of domiciliary care services as at 27 July 2017:</p> <p>69% required physical personal care support. 15% need physical support with access and mobility. 10% required support due to a learning disability. 4% required support due to a mental health problem. 2% required support due to a sensory impairment.</p> <p>The key aims of the remodeled provision include delivering services that focus on enabling and supporting greater independence and improved quality of life irrespective of the person's disability.</p> <p>Service users will also benefit from consistent, responsive quality provision and better targeting of financial resources to those in greatest need.</p> <p>The envisaged increase in the number of providers that the council can directly commission services from will result in greater choice for service users.</p> <p>Therefore, the impact of the changes to the home care service is assessed as positive.</p>
<p>Age</p>	<p>Analysis of the 881 service users receiving the service at 27 July 2017 identified that 74% of service users were over 65 and of those 50% were over 85 years of age.</p> <p>Older age service users may be adversely affected if there is a change in the provider of their care service. National research indicates continuity of care is important to service users and this may cause anxiety and stress. Isolated older service users without support networks (e.g. family, friends) may be particularly vulnerable.</p> <p>One of the key aims of the remodeled provision is that service users will benefit from consistent, responsive quality provision.</p> <p>Furthermore, all current and future adult social care service users will benefit from better targeting of financial resources to those in greatest need.</p> <p>The envisaged increase in the number of providers that the council can directly commission services from will result in greater choice for service users.</p> <p>Therefore, the impact of the changes to domiciliary care service is assessed as positive.</p>

<p>Sex</p>	<p>Both locally and nationally, women generally constitute a greater proportion of the older age population. It is estimated that around two thirds of all service users are female.</p> <p>Of the 881 service users in receipt of domiciliary care services as at 27 July 2017 577 were female (65%) and 304 male. This is broadly reflective of the population as a whole and the cohort of people who receive adult social care services.</p> <p>The majority of staff delivering care and support is also female. According to the 2011 Census (table DC6110 for ref), 80% of people working in the 'human health and social care' industry in Herefordshire are females, compared to 47% of the total workforce across all industries.</p> <p>It is envisaged that the level of service capacity will continue at current levels.</p> <p>The increase in the number of providers that the council can directly commission services from will result in greater choice for service users.</p> <p>Therefore, the impact of the changes to domiciliary care service is assessed as positive.</p>
<p>Faith/religion</p>	<p>The 2011 census identified that 67.8 % of residents in Herefordshire identified themselves as Christian. 23% of people said they had no religion.</p> <p>However, the religion of service users is not currently routinely collected by the Councils adult social care assessors.</p> <p>Of the 881 people in receipt of a service no religion was recorded in 588 cases. Where religion was recorded The largest group was Christian & Roman Catholic 178.</p> <p>The impact of the changes to domiciliary care service is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>

<p>Marriage/civil partnership</p>	<p>This information is not currently consistently collected by the Councils adult social care assessors.</p> <table border="0"> <tr> <td>Married</td> <td>173</td> </tr> <tr> <td>single</td> <td>117</td> </tr> <tr> <td>Widowed</td> <td>196</td> </tr> <tr> <td>Separated / divorced</td> <td>58</td> </tr> <tr> <td>Not recorded</td> <td>326</td> </tr> </table> <p>The impact of the changes to the domiciliary care service is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>	Married	173	single	117	Widowed	196	Separated / divorced	58	Not recorded	326
Married	173										
single	117										
Widowed	196										
Separated / divorced	58										
Not recorded	326										
<p>Gender reassignment</p>	<p>There is no official estimate of the number of transsexual people either locally or nationally.</p> <p>This information is not currently routinely collected by the Councils adult social care assessors. The impact of the changes to the domiciliary care service is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>										
<p>Sexual orientation</p>	<p>There are no single, reliable estimates of sexual orientation in the UK. However, a quality of life survey undertaken in 2008 1.1 percent of respondents identified as Lesbian, Gay or Bisexual. A national survey indicated 1.5 % which would equate to 2,100 people in Herefordshire.</p> <p>This information is not currently routinely collected by the Council's adult social care assessors.</p> <p>The impact of the changes to domiciliary care services is assessed as neutral. However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>										
<p>Pregnant women & women on maternity leave</p>	<p>The age profile of service users receiving domiciliary homecare is older women. Of the 577 female service users in receipt of domiciliary care as at 27 July 2017, only 25 women were under 44 years of age (4%).</p> <p>As the vast majority of births are to women aged 15 – 44 the impact of the changes to the provision of domiciliary care services is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>										

E) Consultation

Did you carry out any consultation?

Yes No

Describe other research, studies or information used to assist with the assessment and your key findings.

Reports from the MOSAIC case management system.
 2011 Census table DC6110.
 Herefordshire Facts and Figures website.
 Horizon Scanning – discussions and site visits to Local Authorities.

Do you use diversity monitoring categories? Yes No

(if No you should use this as an action as we are required by law to monitor diversity categories)

If yes, which categories?

- Age
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion & Belief
- Sex
- Sexual Orientation

What do you do with the diversity monitoring data you gather? Is this information published? And if so, where?

Monitoring data will be collated as part of routine contract management.

F) Conclusions

	Action/objective/target OR justification	Resources required	Timescale	I/R/S/J
a)	Ensure that adult social care assessors routinely record diversity monitoring indicators and protocols	Staff time, internal and partners	Prior to the commencement of contract	I
b)	Review feedback from complaints, handbacks etc. during contractual period to see if there is a disproportionate impact on those that share a protected characteristic.	Staff time, internal	From the commencement of contract	I

(I) *Taking immediate effect.*

(R) *Recommended to Council/Directors through a Committee or other Report*.*

(S) *Added to the Service Plan.*

(J) *To be brought to the attention of the Equality Manager.*

Meeting:	Cabinet
Meeting date:	28 September 2017
Title of report:	Herefordshire intensive placement support service (HIPSS) and therapeutic intervention support service (TISS)
Report by:	Cabinet member young people and children's wellbeing

Classification

Open

Key decision

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Wards affected

Countywide

Purpose

To approve a procurement exercise for the provision of the Herefordshire intensive placement support service (HIPSS) and therapeutic intervention support service (TISS).

Recommendation(s)

THAT:

- (a) the commissioning intentions (see paragraphs 9-10) for Herefordshire intensive placement support service (HIPSS) and therapeutic intervention support service (TISS) are approved;**
- (b) the Interim Director for Children's Wellbeing (or the substantive director for Children's Wellbeing once appointed) be authorised to take all necessary operational decisions to implement the above recommendation, including award of contracts to a maximum value of £2.5m for up to five years, effective from 1 April 2018; and**
- (c) The sufficiency of specialist in-house foster carers, who accommodate and**

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support HIPSS children, is monitored alongside the future HIPSS / TISS contract, to be awarded to an external provider

Alternative options

- 1 Do nothing. The implication of doing nothing would be that the existing contract would expire on 31 March 2018 and as there is no further option to extend the contract, the service would cease. This would immediately reduce clinical support for complex and challenging looked after children (LAC) and increase the risk of placement disruption among the HIPSS cohort. If these placements are disrupted, the children are at high risk of being placed in residential care at an average weekly cost of £3,345. Assuming that without this support, five HIPSS placements with specialist carers, were to be disrupted, spend on residential provision could increase by £870,000 per year. Whereas the annual cost of the contract is £520,000.
- 2 To provide the therapeutic team as a specialist in-house unit from 1 April 2018. This option is not recommended as the council does not currently have the expertise in-house to deliver this very specialist service, and would have difficulty in recruiting suitably qualified staff at this time. Whilst there may be opportunity for existing staff to transfer into the council under TUPE regulations to provide capacity; these are specialist roles which require clinical management support and supervision, which the in-house fostering service can't support. It would have to either commission a service to provide this or recruit a suitably qualified and experienced person.
- 3 To reduce the value and scope of the contract. This is not recommended due to the ongoing growth of the LAC population and resulting budget pressures. Being in a stable family environment placement is in the best interests of children and mitigates against cost pressures. Widening the scope of the contracted service will support work to avoid placement breakdowns, prevent independent agency placements and ensure our looked after children are receiving the best care to meet their needs.

Reasons for recommendations

- 4 Wherever appropriate, the council as a corporate parent, aims for its looked after children to benefit from stable family-based placements. To achieve this, the council's fostering service requires confident, capable and well supported carers who are able to successfully accommodate children and young people with a range of levels of need. The specialist expertise provided by the HIPSS and TISS approach helps to enhance the confidence and capabilities of the council's foster carers when they are accommodating looked after children.
- 5 In 2016/17, the HIPSS approach provided 1,636 bed nights of care at a total cost of £714,000, which includes both the cost of the contracted service and delivering the in-house specialist fostering service. For those children accessing a HIPSS placement in that year, the comparative cost of a residential setting would have been £812,000, meaning that savings of almost £100k have been achieved. Further reduction in budget pressure will be achieved as a result of HIPSS children moving-on to other types of placements (see paragraph 29). Whilst the first contract was awarded in 2014, it was anticipated that HIPSS and TISS would be part of a long term strategic approach.
- 6 In addition to providing support in specialist HIPSS placements, the contracted service has also provided outreach support to children in general fostering, who are at risk of residential care. In 2016, 11 children were supported in this way and the total annual cost of their fostering placements was £258,093 (excluding on-costs). If these

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placements had gone on to be disrupted and required residential care, the equivalent average cost for the 11 residential placements is calculated to be £1.9m. Therefore, this represents a potential cost saving of £1.64m.

- 7 There is no duplication of provision with resources being focussed on a high risk complex group in terms of financial, legal and service risks. Without a continuation of the HIPSS / TISS approach, it is likely that the specialist needs of complex or challenging LAC could not be met by core council services.

Key considerations

- 8 The service supports the council's role as a corporate parent and the aims of the sufficiency strategy by providing placement stability and reducing the need for residential placements. HIPSS is an intensive therapeutic placement support service necessary for only a small number of young people aged 7 to 18, at the time of referral, who have the most complex emotional and behavioural needs. Over the period of the contract up to 31 March 2017, 21 young people have been placed with specialist HIPSS carers. During this period, TISS provided wraparound support to 16 young people (not placed with specialist HIPSS carers), to prevent the need for a residential placement.
- 9 The aim of TISS is to promote the use, by a range of professionals, of evidence-based approaches to divert families from the need for statutory interventions and to achieve better overall outcomes for children and young people. It does this by supporting the frontline teams and services that work directly with children and families. Through providing training and consultation, it has a key role in supporting the skills development of staff and foster carers and is contributing to a reduction in the number of child protection plans and numbers of children in need.
- 10 Following evaluation and learning from the first HIPSS / TISS contract, it is intended to revise the service specification for re-tendering, although it will continue to seek reduced reliance on residential placements. It will be expanded to provide greater value for money by further supporting the council's approach in enabling looked after children to benefit from growing up in a stable family environment, whether through special guardianship orders, kinship arrangements or in-house fostering placements. This means that, in addition to supporting 'specialist HIPSS placements', the role of the re-commissioned service will be expanded to include supporting looked after children who have been placed in general foster care and where there is a tangible risk of placement breakdown. Such breakdowns can result in disruption for the child and often incurs additional cost if they have to be moved to a new fostering or residential placement in the independent sector.
- 11 It is intended to award a contract for a period of up to five years, which will include a core period and renewal options that may be implemented subject to satisfactory performance, value for money and in response to changing demand. The initial contract will be for three years with options to renew being exercised subject to agreed performance. The contract will also include a price review process and clause to clearly state a non-fault option to terminate with six months' notice. This provides the option to stop the service if a different approach is needed, for example because carer sufficiency cannot be achieved or there is a significant change in local needs.
- 12 As the HIPSS and TISS elements complement each other, a consistent approach is preferable. Commissioning different providers to deliver each element could increase the risk of outcomes not being achieved due to extending the lines of communication and accountability. For these reasons, it is intended to tender the service in two lots to

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maximise the market opportunity, but with a preference to award both elements under a single contract if a strong bid is received from one provider.

- 13 The first HIPSS and TISS contract was awarded in 2014 to Action for Children. It is scheduled to end on 31 March 2018 and no further option to renew is available. An evaluation of the HIPSS and TISS service has been undertaken to identify progress made against the intended outcomes (appendix 1). Whilst there have been some HIPSS placement breakdowns, this does not exceed what would be expected given the needs and challenges of the young people being supported. During the first three years of the contract, 21 young people had HIPSS placements, most achieving positive outcomes:
- Five have been supported to return to live with their birth family
 - Two live independently
 - Six stepped down to general foster placements, of which two were kinship placements
 - Three have had to step up to residential care as a result of placement breakdowns
 - Five young people are currently placed with HIPSS carers
- 14 At the time of the original decision to proceed with the HIPSS and TISS approach, it was anticipated that the council could achieve residential savings in the region of £368,000 by 2016/17. These planning assumptions were informed by the expectations that the council would recruit up to ten specialist HIPSS carers and that other initiatives would help to at least maintain or even reduce the overall size of the LAC population. However, since 2014 the LAC population has increased from 242 to 301 (24% up to March 2017) and in the same time, the council's fostering service has provided seven specialist HIPSS carers.
- 15 The LAC population has increased nationally; however Herefordshire has seen an increase at a higher rate, compared to statistical neighbours. Whilst there has been a slowing in the number of young people entering the LAC system, there are cohorts who, due to their needs, are likely to remain looked after until they turn 18.
- 16 In 2016/17, TISS supported approximately 117 professionals and delivered 17 training sessions. In the same year, spend on residential placements reduced by almost £100k compared to the cost of specialist HIPSS placements. There is potential for further savings to be achieved through HIPSS placements, subject to the growth of the council's cohort of suitable foster carers. Additional reduction in budget pressures will be achieved, see paragraph 29, as a result of some children stepping-down from specialist HIPSS support to other types of general accommodation or returning to their families.
- 17 Although the LAC population has increased, the number of residential placements has remained fairly constant at around 10 to 12 a year. However, due to the complex and challenging needs of the children involved, spend on individual residential placements has increased. While the capacity of the in-house fostering service has improved in recent years, demand has meant that there has also been increasing reliance on the independent fostering sector, which is often a more expensive option compared to placement with a council foster carer. The table below shows the overall spend per £m by placement type:

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	2013/14	2014/15	2015/16	2016/17
Agency Fostering	1.7	1.9	2.2	2.1
LAC only residential	1.4	1.4	1.2	1.8
In-house fostering (exc. overheads)	2.0	2.3	2.6	2.7

- 18 Herefordshire has had success in recruiting in-house foster carers, with an increase of nearly 27% (from 146 to 185) since 2014. Although due to the need for specialist in-house carers, there has been a reduction of 11% (14 carers) the number of “general” foster carers during this period. The need to place with an independent fostering agency is often a result of insufficient capacity or capability within the in-house fostering service. There have been fostering placement disruptions, particularly leading up to school holidays, where some carers have felt unable to support the needs of some young people. Disruptions may result in the child being placed with an independent agency. For children that have experienced placement disruption, there can often be an increased risk of further disruptions, poor outcomes and increasing placement costs. It is intended that the re-commissioned HIPSS and TISS services will improve placement stability for any Herefordshire looked after child identified as being at tangible risk of placement disruption. Improved placement stability should mean that children achieve better outcomes and reduce the need for agency foster placements.
- 19 In addition to opening the service up to supporting children who have been placed in general foster care placements, where there is a tangible risk of placement breakdown, the availability of a full complement of specialist HIPSS foster carers will improve service capacity, enabling more looked after children to benefit from life in a family environment; resulting in a reduced need for residential placements. As difficulty in recruiting specialist foster carers has impacted on the service’s ability to operate at its full capacity and capability, it is intended that carer sufficiency is monitored alongside the contract, as part of the overall commissioned approach.

Community impact

- 20 The Children and Young People’s Plan has the vision for children and young people to grow up healthy, happy and safe within supportive families and care settings. Its main priority is to keep children and young people safe and give them the best start in life. This includes having the best health, education and opportunities to enable them to reach their full potential. The evaluation report demonstrates the value of the HIPSS / TISS approach in supporting this aim by targeting support at particularly vulnerable individuals with complex needs; ensuring they can benefit from the opportunities of growing up in a stable family-based setting (see appendix 1).
- 21 The approach also supports the principles outlined in the Children and Young People’s Mental Health and Emotional Wellbeing Transformation Plan by supporting vulnerable children and young people, who will have poorer emotional health than their peers.
- 22 Improvement continues to be made in supporting Herefordshire’s overarching principle in accommodating looked after children as close to home as possible. This can be viewed as a significant achievement given the increase in the LAC population. Without the HIPSS and TISS approach, it is anticipated that since 2014, there would have been more children placed outside Herefordshire. Remaining within the county is

better for the majority of looked after children and supported by the council it allows them to maintain contact with family and friends, as well as being able to continue education without a change of school, in most circumstances. Their network of support is also closer to them and does not involve lengthy travel times.

- 23 The approach provides intensive wraparound therapeutic support as an alternative to residential care. Substituting the use of institutional care with local family based alternatives, increases the potential for improved long term positive outcomes for young people, enabling them to play an active role in their communities.

Equality duty

- 24 Under Section 149, the "General Duty" on public authorities is set out thus:

"A public authority must, in the exercise of its functions, have due regard to the need to -

eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

- 25 The approach provides extensive wraparound support in a foster care family environment within the county, as an alternative to being placed in a residential setting usually outside the county. It is a council priority not to place children and young people in residential care wherever possible, but to place them within local communities, in a family environment. This enables the children and young people to access the same things as their peers, which includes a family life, involvement in the community and a similar quality of life.
- 26 An equality impact and needs assessment form has been updated. There are no concerns at this stage that indicate the possibility of inequalities or negative impacts. This approach can actually enhance the lives of some of the most challenging children and young people in the county by helping to return or retain them in family based care settings rather than residential care, which could be located regionally or nationally.
- 27 Within the contract, there will be an obligation for the successful provider to monitor equality and diversity. They must have in place (at all times whilst providing any services and in relation to its activities within the United Kingdom) appropriate policies, procedures and systems to monitor and enforce those procedures, to ensure its compliance with relevant UK law relating to equalities and anti-discrimination, including the Equality Act 2010.

Financial implications

- 28 The contract to deliver the service for 2014-2018 had a maximum value of £1,956,000, which included an initial mobilisation period followed by operating costs of £520,000 per year. However, as a result of a negotiated cost reduction, and an underspend as a result of staff vacancies, the total spend for the four years is £1,685,000.

Further information on the subject of this report is available from
Sandra Griffiths commissioning officer on Tel (01432) 260123

- 29 An estimated saving of £100k has been achieved through specialist HIPSS placements in 2016/17, compared to the cost of equivalent residential placements for the children involved. It is important to note that HIPSS support is intended to provide a stepping-stone to longer term placement stability, at a lower level and cost. Therefore, further cost savings are expected to be achieved as a result of improved placement stability and reduced reliance on independent fostering or residential placements. For example, over the life time of the contract to March 2017, 14 children have either been successfully stepped-down from or avoided entering residential care. They have either returned to their family at little or no cost, gone to live independently or stepped down to general foster care or kinship placements at a reduced cost. In the worst case scenario, had all of these children entered or continued in residential care, additional cost pressures could have been experienced of up to £170,000 a child per year or £2.4m for all 14 children in a single year.
- 30 The final value of the new contract will be confirmed through the competitive tendering process. The anticipated new contract value will not exceed that of the 2017/18 contract value, which already included a negotiated price reduction. On this basis, should the options be implemented to renew the contract for the maximum five year period, the total contract value from 1 April 2018 to 31 March 2023 would be at a maximum of £2.5 million.

Legal implications

- 31 The commissioning and letting of contracts to a third party for HIPSS and TISS will support the council to meet its sufficiency duty. This is a general duty, as set out in Section 22G of the Childrens Act 1989, to take steps, as far as is reasonably practicable, to ensure sufficient accommodation within the council's area which meets the needs of looked after children, whose circumstances are such that it would be consistent with their welfare to be provided with accommodation.
- 32 As the current contract expires on 31 March 2018, with no provision to extend, the council is required to carry out a competitive tendering process. The value of this contract requires further compliance with the Official Journal of the European Union (OJEU) tendering process, as set out in the council's contract procedure rules.
- 33 Legal services will be engaged in the development of a set of terms and conditions for tender.
- 34 The delegation of the implementing decisions relating to the contract to the Interim Director for Children's Wellbeing is in line with the provisions set out in the council's constitution.
- 35 As this service is being re-procured, consideration has to be given to any implications under the Transfer of Undertakings (Protection of Employment) Regulations 2006 and the European Acquired Rights Directive 77/187 and Rights Amendment Directive 2001/23/EC or any re-enactment or amendment thereof.

Risk management

- 36 If this service was not re-tendered, the council would not have the capacity or capability to effectively support the children the service is aimed at, which may result in increased placement breakdowns and increased use of costly independent fostering or residential placements. Placements would need to be supported by less specialised internal services, which in itself would create significant pressure within the social care

system. There would be a reduction in skills development of staff and foster carers, which could destabilise families who access the service. This may result in increased referrals to the Multi-Agency Safeguarding Hub (MASH) and some children having to be accommodated.

- 37 The contract will be monitored to ensure the service is on course to deliver the anticipated financial returns and outcomes. This will include Herefordshire's commissioning team having quarterly monitoring meetings with the provider(s) and the council's fostering team. The provider will also submit annual reports, which will be analysed to validate accuracy and ensure progress is being made against the key performance indicators and outcomes.
- 38 The challenges in recruiting specialist foster carers have impacted on the council's ability to operate the HIPSS / TISS approach at full capacity and capability. To manage this risk, it is intended that carer sufficiency is monitored alongside the contract as part of the overall commissioned approach.
- 39 The current service is based on a solo placement model which is self-limiting, so a more flexible approach will be adopted to enable specialist carers to support more than one young person, where appropriate to the needs of each child. The terms of reference for the HIPSS and TISS steering group, will be reviewed and amended accordingly to ensure it reflects the changes to the services. It will include an agreed entry point for the service and require all referrals to include an exit plan.

Consultees

- 40 The service evaluation involved seeking the views of:
- Young people who have used HIPSS
 - HIPSS carers
 - Independent reviewing officers
 - Herefordshire Clinical Commissioning Group (CCG)
 - Child and Adolescent Mental Health Service (CAMHS)
- 41 The majority of young people who expressed a view, gave positive feedback with regards to the time they spent with their Action for Children young person's practitioner. They also feel their HIPSS carers support them to understand their emotions and manage their own behaviour.

Comments from young people include:

- "The way how she put things into different words...easier ways to make me understand."
- "I talk more now."
- "When I start to get annoyed or feel like I am losing my temper I just get up and leave...and then I go back later....I couldn't do this before."
- "I think they were quite good...I interact better now."

Further information on the subject of this report is available from
Sandra Griffiths commissioning officer on Tel (01432) 260123

- “I was more settled when I had a HIPPS in my life.”
- “They are very caring people, please look after them.”
- “I want to move into a flat / supported living / back to my mum when I am 16. I feel like I have matured a lot and changed a lot since being in placement.”

Appendices

Appendix 1 - HIPSS and TISS service evaluation report.

Background papers

- None identified.

Children's Wellbeing Directorate

Subject: Evaluation of Herefordshire's intensive placement support service (HIPSS) and therapeutic intervention support service (TISS)

Written By: Sandra Griffiths, commissioning officer

Date: June 2017

Purpose of the report.

1. In 2014, Action for Children was awarded the contract to work with the council to develop and deliver an intensive therapeutic placement support service and therapeutic intervention support service for some of the most challenging children and young people in care or at risk of coming into care, in the county.
2. There are 3 elements to this approach, which are explained in detail in the background report Appendix 1. Briefly, the elements are:
 - i. Herefordshire Intensive Placement Support Service (HIPSS)
 - ii. Therapeutic Intervention Support Service (TISS)
(both provided under contract by Action for Children)
 - iii. the Council's in-house fostering service
3. As the contract ends in March 2018, with no further option to renew, the purpose of this evaluation is to identify progress being made against the service outcomes.

Recommendations following the evaluation

- a. It is recommended this service continues and the council tenders for a 3 year plus 1 year plus 1 year contract, with a clause to clearly state a non-fault option to terminate with 6 months' notice. This will provide opportunity for intensive recruitment campaigns to be undertaken to increase the number of HIPSS carers, and for initial discussions with our regional partners to continue to explore good practice and whether there is opportunity for a regional approach.
- b. The sufficiency and availability of specialist in-house foster carers, who accommodate HIPSS children, is aligned with the contract performance monitoring and management arrangements.
- c. To ensure all social care teams and professionals are aware of the HIPSS and TISS services; its aims, the referral criteria and processes, by ensuring that all areas of the service are consistently represented at the steering group. HIPSS and TISS to also be included in the induction process for all new social care team members.
- d. Plans are implemented for an intense recruitment campaign focused on HIPSS carers, over a period of 6 weeks on a minimum 12 month cycle. The material and methods used should be based on good practice and involve HIPSS carers.

- e. To introduce a process so general foster carers are regularly updated on the different specialist areas and whether they wish to be considered for these. For Herefordshire's in-house fostering service to explore whether there could be a workshop or meeting with HIPSS carers, so general foster carers can get an idea of what is involved in being a HIPSS carer.
- f. Further investigation is required by the HIPSS and TISS steering group, to identify the reasons why in some cases there has been a long time between matching, assessment and HIPSS placement starting, with findings to be reported to the commissioner.
- g. To ensure the outcomes to be achieved for the young person are known and shared with carers prior to or as soon as possible after the placement starts and what the exit plan is.
- h. To consider whether HIPSS could go into schools to deliver any training and explain what therapeutic support is. Teacher training does not include elements on mental health or attachment. It does include training on dealing with behaviour but not the reasons causing it and how to support the young person with identifying and best way of dealing with these. Further investigation would be required to see if this could be linked to the mental health tool kit for schools which is being developed by the mental health steering group. Any decision for new activity will be taken through the contract variation procedure.
- i. The HIPSS and TISS steering group to ensure written reports are received following consultation and for there to be a process for social workers to report if these have not been provided within an agreed timespan.
- j. There should be more flexibility around the timings of TISS consultations, with some appointments being available late afternoon.
- k. The Commissioner is represented on the HIPSS TISS steering group.
- l. Implementation of the recommendations, above, will be included in a revised service specification for a new contract and monitored through the council's normal contract management arrangements

Methodology.

- 4. This evaluation is based on information provided from various sources including contract monitoring and annual reports from Action for Children, who also provided information on how they feel the service is doing and put forward recommendations on how it could be improved.
- 5. Data was also sourced from Herefordshire's fostering service, the performance team and finance team. The data covers the period from 1 September 2014 to 31 March 2017; start of the contract to the end of the financial year for 2016/2017.
- 6. All young people who have been in a HIPSS placements were consulted initially by letter which was followed up by a telephone call or face to face conversation. Of those, thirteen (13) young people agreed to participate.
- 7. Although a meeting took place to seek the views of HIPSS carers, they expressed a preference to provide responses via email, to enable them to have additional time to consider their responses.
- 8. The views of all social workers and independent reviewing officers, who have supported a young person in a HIPSS placement were also sought, along with those who have been unable to access the service.
- 9. The views of all professionals who have been supported by TISS or requested a consultation but have been unable to access it, were also requested.

10. Herefordshire's CAMHS (Child and Adolescent Mental Health Services) and CCG (Clinical Commissioning Group) were also invited to participate in the evaluation.

Herefordshire's policy implications.

11. The Local Authority has a duty to operate a sufficiency strategy to meet the accommodation needs of its looked after child population (LAC). A key shared priority is to move significant spend from highly specialised safeguarding and complex needs models to more cost effective family and community based models. Herefordshire's looked after children and complex needs placements commissioning strategy 2014-2019, which is being refreshed this year, emphasises the need to prevent use of residential placements by improving intensive wrap-around support to children with challenging needs and their carers, including reducing the reliance on residential placements by 50%.
12. Herefordshire Children and Young people mental health and emotional wellbeing transformation plan, also makes reference to HIPSS and TISS's role in supporting vulnerable children and young people, who will have poorer emotional health than their peers.

Findings

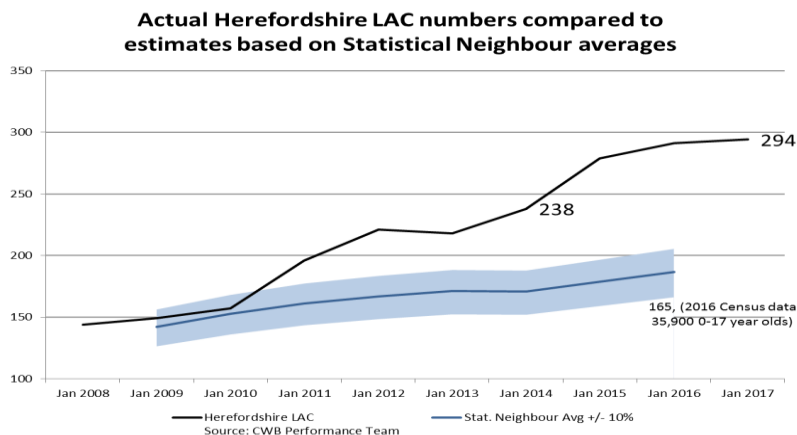
13. The strategic aims of the HIPSS TISS approach are:
 - to reduce the numbers of children who step up from family based care into residential care or aid the transition of stepping down to local family based care;
 - to help young people develop greater emotional well-being and control over their behaviours so that they can engage in meaningful relationships, participate positively in the community, take advantage of opportunities in education and learning and live successful independent lives;
 - to achieve financial savings on residential placements.
14. HIPSS TISS is a relatively new approach, which whilst being in place for 3 years, it could be argued that it is only within the last 3 to 6 months that it has been fully implemented. Work still needs to continue to build on its successes and ensure all social care teams understand its aims, how it is being delivered and where responsibility and accountability lies.
15. Although progress is being made against its aims, it is important to recognise the service is not operating at capacity, which is due to difficulties in recruiting carers. When at capacity it will result in a reduced need for residential placements and a cost reduction will be achieved. A focused recruitment program is planned for June.
16. If HIPSS and TISS was not available it may result in increased placement disruptions and increased use of high cost residential placements. Placements would need to be supported by less specialised internal services, which in itself would create significant pressure within the social care system. There would be a reduction in skills development of staff and foster carers, which could destabilise families who access the service. This may result in increased referrals to MASH and some children having to be accommodated.
17. The number of placements will continue to rise, and children will not receive the specialist therapeutic care required and may step up to more intensive and expensive placements.

What progress has been made against the strategic aims?

Aim 1: Reduce the numbers of children who step up from family based care into residential care or aid the transition of stepping down to local family based care

18. While overall numbers of residential placements have remained fairly constant, this has been at a time of significant growth in the LAC population. Therefore, as a proportion of LAC placements, the HIPSS TISS approach has supported the council to reduce its reliance on residential provision.

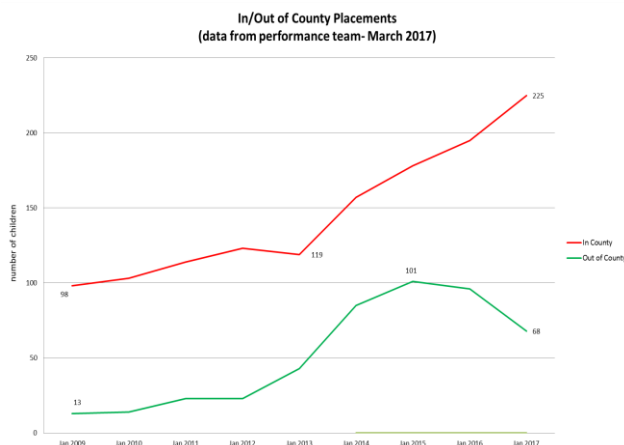
19. In 2013/14, local forecasts expected the LAC population to reduce from 248 to 200 by 2017. As can be seen from the chart below, Herefordshire's LAC population continues to be considerably higher than the average of our statistical neighbours, with the gap increasing. Whilst there has been a reduction in the number of young people becoming LAC, there is a



cohort who, due to their needs, are likely to remain LAC until they turn 18, and this is impacting on the numbers. If Herefordshire's rate for looked after children was consistent with the average of our statistical neighbours, this would equate to approximately 180 LAC children at any point in time. However as of January 2017, Herefordshire's LAC population stood at 294.

20. Despite the increase in the LAC population, the number of residential placements has remained constant at around 10 - 15 placements at any time. Maintaining this level has been achieved through a mixture of demand management by social care and HIPSS & TISS preventing a step up to more intensive placements for some of the challenging children and young people.

21. The chart, below, shows continuous improvement in supporting Herefordshire's overarching principle in making placements as close to home as possible. Preferably placements are made within 20 miles of home, unless the needs of the child are of a highly specialist nature or there are legitimate safeguarding reasons for making a placement at a greater distance. This can be viewed as a significant achievement given the increase in LAC population. Without the growth within the in house fostering service and HIPSS and TISS, it is anticipated there would have been an increase and not reduction in the need for out of county placements.



How is HIPSS and TISS supporting this?

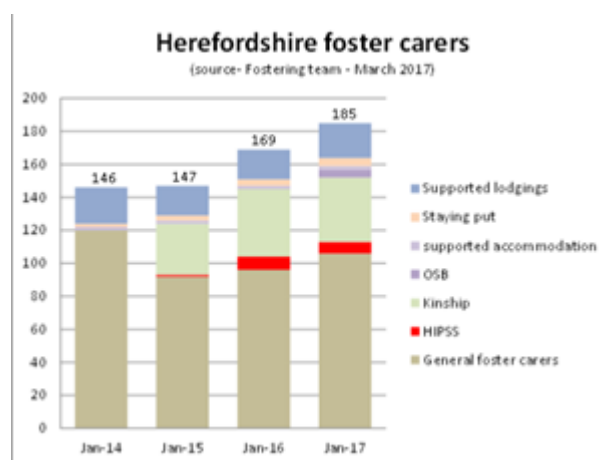
22. HIPSS is an intensive therapeutic support service for some of the most challenging children and young people in care or at risk of care within the county. Through working with the Safeguarding and Family Support Division, this service aims to reduce the numbers of children who step up from family based care into residential care or aid the transition stepping down to local family based care. Background information on the service is available in Appendix 1.
23. This is an intensive service necessary for only a small number young people, aged 7-18 at time of referral, who have the most complex emotional behavioural needs. It is important to recognise the service is not able to support those with complex health, education and/or care needs, which has resulted in some children not meeting the referral criteria.
24. Through working closely with Herefordshire looked after and fostering teams, it was envisaged the service would support 10 to 15 children annually, with 8-10 children being supported at any one time. However, insufficient recruitment of specialist foster carers has meant that the intended levels of delivery have not been achieved.
25. A complementary service to HIPSS is the TISS service which provides input to social care teams in a number of ways, including both direct work with birth families, carers and young people and indirect work via consultation and training. Approximately 117 professionals have engaged with the service since it began, some on more than one occasion. Last year a total of 142 consultations were offered, with 17 training sessions being delivered and since September they have offered regular clinics for foster carers and directly worked with nearly 60 young people.
26. Professionals have had varying experiences in accessing TISS, with some stating it was easy and straight forward, whilst others finding the process difficult. This could be due to the teams they work closely with having been allocated regular time slots, usually fortnightly, whilst others do not. Dates for the designated team slots are sent by TISS in advance which allows the team to plan which family to discuss and identify a worker to attend and prepare for the sessions.
27. Some teams also have group supervision with TISS on a monthly basis as well as quarterly training sessions, which provide protected time to reflect on a particular family or theme. This input supports the team in reflecting on the family and the family's difficulties in a slightly different way or from a different perspective, which is helpful in supporting families further. In the main it is highly valued as an opportunity for thinking through the needs of a young person and the guidance given is instrumental in the way forward. Some see it as repeating what they already thought and/or advised parents/carers, but as the advice is given authority as it comes from a qualified professional in this area.
28. One of the objectives of TISS is to equip social workers to provide best evidence in court processes should this be required. Feedback from some social workers suggest that during consultations they are advised written reports will be provided, however these are not always received. Those which are received are recorded and valued by social workers as they can revisit them and also be used as evidence in court proceedings, where necessary.
29. Whilst TISS is available on a flexible 37 hours working week basis, it has been suggested that consultations for carers is not available after 3pm. This is not convenient for carers who have jobs or need to collect children from school. Therefore more flexibility would be beneficial for service users.
30. As the table below illustrates, whilst the LAC population has increased, TISS is contributing to a reduction in the number of Child protection plans and Children in need. This has also been supported by senior management oversight of cases to ensure cases are processed or closed, depending on need, and data cleansing.

As of 31 March (Performance team - April 2017)	2015/16	2016/17
Child protection plan	227	117
Looked after children	286	303
Child in Need	1038	1023

31. Action for Children provide individually –tailored intensive wrap-around (multi-systemic) therapeutic intervention packages to support children and their carers in foster placements, kinship care, special guardianship arrangements or those stepping-down from residential care.
32. HIPSS has provided wrap-around support to 11 young people who have not been in a HIPSS placement. This support has prevented the young people requiring a more complex or residential placement.
33. There is evidence to show this is also supporting the young people to develop greater emotional well-being and control over their behaviours. This is supporting them to engage in meaningful relationships, participate positively in the community, take advantage of opportunities in education and learning, so they can successfully live independently and have good life chances.

Recruitment and supervision of HIPSS carers.

34. As described in appendix 1, Herefordshire fostering team has responsibility for recruiting, assessing and supervising carers for the HIPSS service. To achieve full capacity requires 8–10 carers each supporting and accommodating one child. Whilst the recruitment of general in-house carers has been successful overall, with an increase of over 20% being achieved since 2015, the recruit of HIPSS carers has proved challenging.



35. Of the 224 enquiries received during 2016, 2% (5 people) were HIPSS enquiries from the outset, of which none progressed, passed Stage 1 of the assessment process for differing reasons. Since 2014, 8 HIPSS carer households have been recruited, and the service currently have 7 carers, of which 1 is stepping down in June 2017 and 1 has provided respite. The service has therefore not achieved capacity.
36. None of the HIPSS carers are “fresh” into fostering, as all had have some experience, whether as a general foster carer or supported lodgings host. Others have a background dealing with young people with challenging behaviour. Further, within the pool of approved HIPSS carers, there is also a need for additional carers who express a preference to support girls, as the majority want to support boys.
37. Whilst this suggests it is more effective to recruit HIPSS carers from the general fostering cohort, this could be complimented by a cycle of focused HIPSS recruitment campaigns. Unlike previous campaigns profiles and stories of the children could be used and HIPSS carers have indicated a

willingness to support this. This will help people see that carers are real people and also attract foster carers who want to specialise. Increasing the number of HIPSS carers will result in significant savings, but likewise if the number of HIPSS carers reduces to below 5, the bed night cost would be higher than in residential.

38. HIPSS carers currently receive weekly supervision but when the service is operating at capacity, the HIPSS coordinator may not have sufficient time within the week to maintain this level of support. Therefore rather than develop a reliance on this level of supervision, (which could be deemed too frequent if a placement is stable and no recent issues have arisen), the fostering team may wish to consider if this could be delivered in a more flexible way.

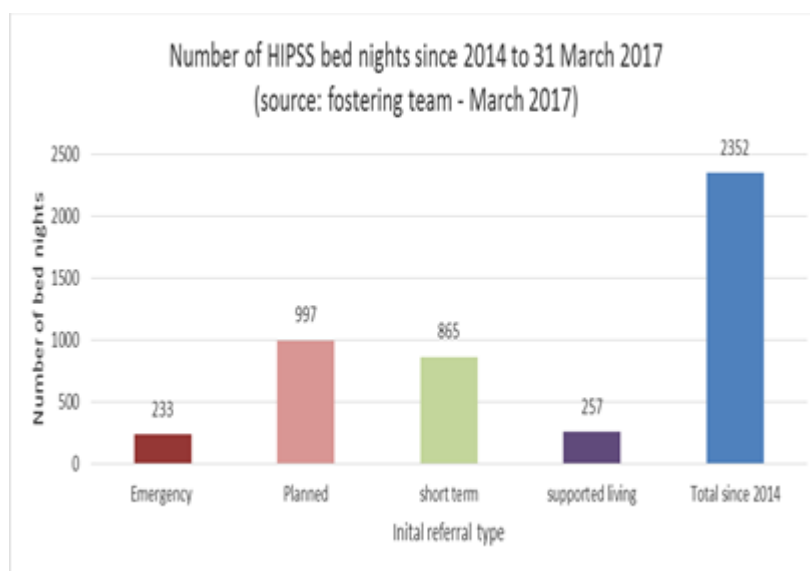
Referral and matching processes.

39. Referrals, and priorities, for HIPSS and TISS are discussed and agreed at the bi-monthly HIPSS and TISS steering group. The membership and referral criteria are described in appendix 1. Whilst the majority of members attend regularly, due to other priorities this has not always been the case for representatives from field work.
40. Within different teams there continues to be lack of knowledge and understanding of the HIPSS service, which along with high competition for a scarce number of placements, has led to frustrations for social workers. Some feel there is no benefit to making a referral due to lack of availability, the criteria being too high and long waiting lists. It is important to acknowledge this has been compounded by turnover of staff and interim managers in some areas of the service. It is however an improving picture and it is envisaged that better understanding of the service will be achieved across the service given that all team manager posts will shortly be filled by permanent staff.
41. Whilst matching is initially undertaken by the fostering team's HIPSS coordinator and Action for Children, based on their knowledge of the carers, some HIPSS carers feel they should be involved more in understanding why placement matching decisions are made. One carer stated, "It feels like there is a vacancy, there is a child in need of a placement' with little consideration for whether or not the child will fit into the home". Another acknowledges matching is an extremely difficult process when there are actually so few carers compared to the number of children needing therapeutic fostering but feels confident careful consideration is given.
42. Once a child has been matched, the assessments are to be fully completed within 3 months (as described in appendix 1); although this timescale has not always been achieved, with some being completed earlier and others taking longer. The need to identify education provision has been raised as a possible factor for not always completing within this timescale. It must be recognised that education need to be properly involved and if the young person has special educational needs (SEN), the statutory SEN code of practice must be followed. The full range of factors that are impacting on assessment delays requires further investigation.
43. HIPSS carers recognise it is not always possible to predict the issues and behaviours that a young person will present in placement as these can be different in a family placement to those seen previously due to the change in environment. However some feel insufficient information is being shared to enable them to understand the young person's needs prior to a placement starting, and this includes what the required outcomes to be achieved are.
44. One carer felt this was due to social workers not wanting to provide the information in case it may result in them (carers) refusing the placement rather than Action for Children withholding information. The service is clear that full information is always shared with Action for Children and carers to enable them to understand the needs of the child and to care for them and is concerned that some carers have this perception. Further investigation is required to ensure this perception is not reality and what can be done to change it.
45. The young people, who expressed a view, relayed mixed experiences with regards their involvement in the move to a HIPSS placement and in planning their support. One stated, "I felt

like I was the main person with the ideas.” Another young person stated, “Didn’t let me know anything, [carers] told me what it was...met worker once before to talk about what we were going to do”. This suggests further work is required to ensure the young person is consulted and actively involved in the whole process, with their views being taken into account.

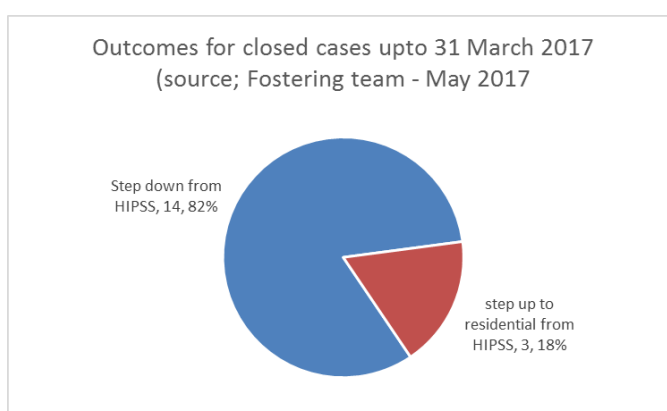
HIPSS placements

46. Between April 2015 and 31 March 2017 HIPSS carers worked with a total of 21 young people and provided 2352 bed nights; with over 60% being in 2016/17. The young people were in a range of different placements prior to their move to a HIPSS placement, and they were not always planned referrals or intended as long-term placements. Some young people have moved between HIPSS placements either for respite or as a result of a placement breakdown.
47. As HIPSS is currently operating at 60% capacity, due to challenges with recruiting carers, it could be argued that having a designated HIPSS respite carer is not sustainable and the in-house fostering service is exploring how respite can be provided without reducing the HIPSS carer cohort. However the young children HIPSS carers support, are very exhausting to care for given their level of need and distress. Having a respite carer enables carers to have a break when needed and allows the young person to develop a consistent relationship with a respite carer who understands the HIPSS model and is supported by the same professional network this helps maintain consistency for the young person. It enables the service to manage crisis and maintain placements where such a crisis might otherwise result in a placement disruption.
48. Although this service has not been developed to support emergency referrals, HIPSS carers have provided 9 emergency placements, a total of 233 bed nights as shown in the graph below. This demonstrates the partnership working with fostering services through providing an interim placement when a HIPSS carer has availability and where no other option was identified following searches where the young person has required a placement to start that day. If this option was not available, the likely outcome would have been for the young person to be placed in an out of county residential placement, whilst the search to identify alternative suitable fostering placement continued.



49. A HIPSS carer may support more than one child during a year. As one placement comes to a planned end, there should be as little gap as possible before their next planned placement begins. However, in some cases the gap between placements appears to have been longer, during which time the carer has continued to be paid. The opportunity for HIPSS carers to support emergency placements suggests that co-ordination from when a place ends to another starting may not be as effective or efficient as it could be.

50. Of the 21 young people who have had HIPSS placements since 2014.
- 5 have been supported to return to live with their birth family;
 - 2 to live independently;
 - 6 stepped down to foster placements of which 2 were kinship placements;
 - 3 have had to step up to residential as a result of placement breakdowns and
 - 5 young people are placed with HIPSS carers currently.
51. It has always been expected that there would be a small number of HIPSS placement breakdowns, and it is understood breakdowns are in line with expectations. It is important to acknowledge that lessons are being learnt from each case, and this is resulting in changes being made to the matching and planning processes. The chart below shows the outcomes of closed cases.



Aim 2: To help young people develop greater emotional well-being and control over their behaviours so that they can engage in meaningful relationships, participate positively in the community, take advantage of opportunities in education and learning and live successful independent lives;

52. Whilst from a data perspective, it is too early to assess whether the service has supported young people to develop greater well-being and control over their emotions, with only one HIPSS placement being active for over a year (as of 31 March 2017), case studies provide good evidence of the positive impact being made.
53. This is reinforced by CAMHS who state, “Much of the work will not have an immediate outcome but will build resilience and capacity over time, plus it provides positive experiences for carers and social care staff as well as children, young people and families”
54. Without HIPSS five of the young people would have remained in residential placements and without the preventative support, 17 could have required a placement in a residential children’s home. A further 11 young people who have not been in a HIPSS placement have received wrap-around support to prevent the need for a residential placement. It appears therefore that HIPSS has led to improved outcomes for the young people and reduced the potential of institutionalisation. It has given them the opportunity for a family life, the chance to receive therapeutic support and make progress.

55. As HIPSS carers live within Herefordshire, it has also been successful in ensuring young people are placed within county, which has supported them where appropriate and safe to do so to, maintain contact with family and friends and be part of the community. Young people have identified different factors which they felt had helped them to make positive changes. These included being in their own community closer to friends and family, and having improved relationships with family.
56. One social worker stated, “there is a real feel of team around the child”, with the carers being an important part of this. Carers are developing a greater understanding of attachment issues and why the young people may present with challenging behaviour and how to respond to this behaviour.
57. The majority of young people who expressed a view, gave positive feedback with regards to the time they spent with their Action for Children young person’s practitioner. They also feel the HIPSS carers support them to understand their emotions and managing their own behaviour.

Comments from young people include;

- “The way how she put things into different words...easier ways to make me understand,”
 - “I talk more now.”
 - “When I start to get annoyed or feel like I am losing my temper I just get up and leave...and then I go back later....I couldn’t do this before.”
 - “I think they were quite good...I interact better now.”
 - “I was more settled when I had a HIPSS in my life.”
 - “They are very caring people, please look after them.”
 - “I want to move into flat/ supported living/ back to my mum when I am 16. I feel like I have matured a lot and changed a lot since being in placement.”
58. It is too early to evaluate the impact being in a HIPSS placement has had on the young person’s education attainment and life chances. However it is recognised that high importance is given to education and as the majority have re-engaged with their education and are attending regularly, with some young people returning to mainstream, there is evidence to suggest positive progress is being made and HIPSS work well with Herefordshire’s LAC education team.
59. In the main, HIPSS work very carefully and diligently with schools. There have been at least 3 occasions where a school has not wanted to accept a young person but has done so because of the support HIPSS have provided at the pre-admissions meetings.
60. The continued relationship with HIPSS and schools however is reliant on all involved respecting and acknowledging the differing perspectives, approaches and ethos. From the school’s perspective they may have concerns about the resources required to implement the strategies being suggested and supported by HIPSS. Whilst the LAC Education team can help to a degree, the school needs to ensure appropriate and sustainable support is in place for the young person.

Aim 3 - To achieve financial savings on residential placements.

61. There are three elements of cost to the approach, which include HIPSS and TISS (provided under a single contract) and the Council’s in-house fostering service.

Contract costs

62. The contract value for Action for Children to deliver the Herefordshire Intensive Placement Support Service (HIPSS) and Therapeutic Intervention Support Service (TISS) is at a maximum of £1,956,183 for the total contract period, of which £64,235 per annum is for TISS.

Period	Activity	Value
01/09/2014 – 31/12/2014	4-months Mobilisation	£48,731
01/01/2015 – 31/12/2015	Year 1 Delivery	£520,214
01/01/2016 - 31/12/2016	Year 2 Delivery	£520,214
01/01/2017 – 31/12/2017	Year 3 Delivery	£520,214
01/01/2018 -31/08/2018	8-months optional extension	£346,810

63. In 2015/16 and 2016/17 there was an underspend, which was due to staff vacancies and the directorate would expect to see the provider spending the full budget in 2017/18. Negotiations are on-going to secure a 5% cost reduction for the period 1 September 2017 to 31 March 2018.

Fostering service costs

64. It was expected the cost for Herefordshire's in-house fostering team would be £1268 per week. This was based on reducing the LAC residential population by an expected 75% by 2017, assuming the LAC population remained stable during this period. This has not been achieved due to the LAC population increasing and it appears not all additional costs were included in the original calculations.
65. HIPSS foster carers receive £450 per week (equivalent to £23,463 per annum). The council's finance department has raised some concerns about carers receiving payment even when there is no child in placement. However, it is the policy of the fostering service to pay all carers a retainer when they do not have a child in placement. For general carers, this is 50% of their placement fee, for HIPSS carers the retainer is paid at 100% of the placement fee. The fostering service expects HIPSS carers to be available on a dedicated full time basis, which means that they will be dependent upon carer fees and allowances. Further, the contract between the fostering service and HIPSS carers, states that payment of the full fee will cease "if, no child has been placed with the carer for the previous 2 months", which helps to limit any financial risk.
66. In-line with mainstream carers, HIPSS carers receive a range of fostering allowances, which are mainly aimed at the child. Additional allowances are paid to the carer for transport and for the age (see appendix 2) of the child they are accommodating. Transport and age allowances do not appear to have been factored into the original costings provided by the LAC services for the implementation of the HIPSS fostering service. This means that the actual nightly cost of a HIPSS fostering placement has been higher than originally anticipated.

Are cost reductions being achieved?

67. The table below shows savings are beginning to be achieved and further savings will be made as more HIPSS carers are recruited and the service continues.

As of 31 March	# HIPSS Carers	# HIPSS children	# bednights	HIPSS night price	HIPSS Cost (Fostering + AFC)	Estimated alternative residential cost	Cost difference
2014/15	0	0	0	£ -	£ -	£ -	£0
Contract started September 2014, with a 4 month mobilisation period, so no placements were due to start until Jan 15 but due to recruitment of carers, 1st placement started May 15.							
Why this mobilisation period was deemed essential is stated in appendix 1							
2015/16	7	10	716	£ 833	£ 596,541	£ 325,951	£270,590
As this was the first year of delivery, recruitment of HIPSS carers was on-going, we would expect high cost per night.							
2016/17	6	12	1636	£ 437	£ 714,332	£ 812,308	-£97,976
As number of carers has increased, and number of nights provided has increased, cost per night has reduced significantly							
		Total	2352		£ 1,310,873	£ 1,138,259	£ 172,614
Delays in recruitment of HIPSS carers has hindered delivery of anticipated cost reductions, although these appear to now be realised. Assuming HIPSS foster carer numbers increase, further residential costs could be avoided.							

68. If carer recruitment had achieved the intended capacity (8 full time HIPSS carers) the nightly placement cost would reduce to £245 and this would equate to a saving of £213 per night, which is equivalent to a further annual saving of £77K.
69. It is also important to acknowledge that a HIPSS placement is not seen as the young person's permanent placement but as a stepping stone, so further savings are being made when they step down to less expensive placements. No nightly costs are now being incurred for the 5 who have returned to live with family.
70. Further cost avoidance has been made through HIPSS providing wrap-around support to the 11 young people who have not been in a HIPSS placement but received support to prevent the need for a residential placement. Had this support not been provided, potentially 4 of these young people could have required residential placements. This would have resulted in the residential spend increasing by £13,380 per week, which is equivalent to £697,633 per annum based on the average residential weekly fee of £3345.

Appendices

Appendix 1 – Background report

Appendix 2 – Herefordshire's in-house fostering service – foster carer allowances

Children's Wellbeing Directorate

Background on Herefordshire's intensive therapeutic support service

Written By: Sandra Griffiths, commissioning officer

Date: June 2017

Introduction

1. There are 3 elements to Herefordshire's intensive therapeutic support service which are:

- i) Herefordshire's in-house fostering service, who have responsibility for recruiting, assessing and supervising carers for the HIPSS service;
- ii) Delivery of the Herefordshire Intensive Placement Support Service (HIPSS);
- iii) Therapeutic Intervention Support Service (TISS).

Contractual arrangements

2. In 2014 Action for Children was awarded the contract to work with the council to develop and deliver an intensive therapeutic placement support service and therapeutic intervention support service for some of the most challenging children and young people in care or at risk of coming into care, in Herefordshire.
3. The contract was awarded on 1st September 2014 for 3 years with an option to renew for a further year. Approval was given in May 2017 to renew the contract for 7 months, from 1st September 2017 to 31st March 2018. The contract value since the start date 1 September 2014 to March 2018, will be at a maximum of £1,956,183.
4. The initial 4 months of the contract were allocated for mobilisation which was essential to enable Action for Children to:
 - Establish relationships with key partners in Herefordshire
 - Establish property and infrastructure to ensure commencement of the service in September
 - Assign timescales, tasks and responsible persons
 - Agree reporting mechanisms with commissioners
 - Recruitment campaign to commence
 - Final delivery plan agreed with commissioners
 - Agree contract performance and outcomes with commissioner.
5. During this period Herefordshire's in-house fostering team started to recruit and assess HIPSS carers. However there is no service level agreement or agreed targets to recruiting carers. The service is monitored through internal systems.
6. HIPSS and TISS is subject to performance monitoring. This is based on target outputs, outcomes and evidence of parental/child/young person satisfaction.

Quarterly monitoring meetings are held, which are chaired by the contract manager from Herefordshire's contracts and commissioning team, to discuss progress being made against the outcomes and any issues that may have arisen. Action for Children also submit annual reports for both services.

What is Herefordshire's intensive placement support service (HIPSS) and therapeutic intervention support service (TISS)?

7. HIPSS is an intensive therapeutic support service for some of the most challenging children and young people in care or at risk of care within the county. Through working with the Safeguarding and Family Support Division, this service aims to reduce the numbers of children who step up from family based care into residential care and aid the transition of children stepping down to local family based care.
8. HIPSS and TISS is based upon a pre-developed model with excellent outcomes (MIST) which has provided a firm foundation. This experience has been critical in underpinning the ethos and shape of the service.
9. The objectives for HIPSS is that they will:-
 - work only with children and young people aged between 7 and 18 years whose needs lie within Level 4 of the Herefordshire Levels of Need Pathway and
 - are at the threshold of being placed in institutional Care, or
 - are already within some form of institutional care or
 - have recently left such care.
10. Through working closely with social care whilst remaining independent Action for Children are aware of the challenges experienced by social care teams and allows them (Action for Children) to assess, formulate and intervene, so influencing the system without being part of it.
11. The flexibility within the service regarding 'what' is delivered is necessarily grounded in clinical models (behavioural, systemic, attachment focussed etc.) informing the 'how'. The clinical skills within the team, from a variety of backgrounds, for example teaching, social work, youth work and school nursing experience, offers differing experiences and ethos and is crucial in informing the way they apply clinical skills to meet common goals.
12. HIPSS is an intensive service necessary for only a small number of young people, aged 7-18 at time of referral who have the most complex emotional behavioural needs. It is important to recognise the service is not able to support those with complex health, education and/or care needs, this has resulted in some children not meeting the referral criteria.

13. Action for Children are commissioned to provide individually tailored intensive wrap-around, (multi-systemic), therapeutic intervention packages as an alternative to institutional care. They are outcome focussed and built on a robust evidence-based approach. They will support children and their carers in foster placements, kinship care, special guardianship arrangements or those stepping-down from residential care.
14. HIPSS is available to children, carers, and professional social work teams on a 24hour, 7 Days a week, 52 weeks of the year basis. They achieve this by providing an “On Call” service outside normal office hours.
15. Through working closely with Herefordshire looked after and fostering teams, the latter having responsibility for providing and supervising the carers, it was envisaged the service would support 10 to 15 children annually, with 8-10 children being supported at any one time.
16. Complementary to HIPSS, TISS is a linked service targeted at other children and families being supported by the Safeguarding and Family Support Division of the Directorate. By adopting a similar operational ethos and models of intervention as HIPSS, its aim is to promote the use of similar approaches to divert families from the need for statutory interventions and to achieve better overall outcomes for children and young people. This will reduce the numbers of children subject to a child protection plan or entering the looked after system.
17. The objectives for TISS is that it will support and promote the use of a range of evidence based therapeutic models that will make a significant difference to the outcomes of children and young people in need as defined within Level 3 and 4 of the Herefordshire Levels of Need Pathway.

Such therapeutic models will:

 - enhance the professional capability in both in fieldwork and family support services through good practise models of intervention
 - ensure consistency of approach if children move across teams or between services,
 - reduce the need for LAC and CP statutory interventions. - will contribute to a reduction in the number of cases subject to the Public Law Outline (PLO) process and equip social workers to provide best evidence in court processes should this be required.
18. The service’s Lead Practitioner will undertake some direct work with families but will primarily be required to guide and support the department’s own staff to provide individually–tailored intensive wrap-around (multi-systemic) therapeutic intervention packages aimed at meeting the requirements of Children in Need, LAC and Child Protection Plans.

19. Whilst the Lead Practitioner undertakes some direct work with families their primary role is to guide and support Herefordshire’s social care staff to provide individually tailored intensive wrap-around, (multi-systemic), therapeutic intervention packages aimed at meeting the requirements of Children in Need, LAC and Child Protection Plans.
20. TISS is available on a flexible 37 hours working week basis.
21. As Action for Children state, HIPSS and TISS complement each other and TISS is not an ‘advice service’ or a ‘therapy’ service. It is a consultative emotional wellbeing service which seeks to inform practice using psychological ideas at every level. Through supporting the professionals to expand their knowledge and understanding, the aim is to support the development of care plans and interventions not only for families receiving support but for all families they have contact with now and in the future
22. CAMHS state, “HIPSS and TISS provide focussed and specialised resources for children and young people in care or on the edge of care. It provides support to the caring network around each child and young person producing much needed attention to building the capacity for good relationships and positive attachments. It provides a creative flexible approach so that the use of resources is maximised to meet need”.
23. There is a clear understanding of differences in roles and responsibilities between the two services, with opportunities for a shared approach, case discussion, joint working, consultation and collaboration in the context of meeting highly complex and challenging needs.

Referral process.

24. Referrals, and priorities for HIPSS and TISS are discussed and agreed at the bi-monthly HIPSS and TISS steering group.

Action for Children (Chair)	Head of service for Looked After Children
Childrens social work manager for fostering services	HIPSS senior practitioner,
LAC team manager,	16+ team manager,
Virtual school head,	CAMHS
Team manager from fieldwork	Representatives from HIPSS & TISS

25. There is a clear understanding of differences in roles and responsibilities within the steering group. This provides opportunities for a shared approach, case discussion,

joint working, consultation and collaboration in the context of meeting highly complex and challenging needs.

26. The agreed criteria for HIPSS referrals, requires the child/young person to meet some or all of the following:
 - At Tier 4 of the Herefordshire Level of Need Pathway
 - LAC or at risk of LAC
 - Aged 7-18 at referral
 - Has had multiple placement disruptions
 - Excluded from education or at risk of becoming so
 - Presenting with challenging and risk taking behaviours such as absconding, sexual exploitation, offending, self-harm, aggression.
 - Willing to at least discuss becoming involved

27. The referral process starts with the children's social worker making a telephone referral to request a formal consultation with HIPSS, so they can discuss the young person's history and needs.

28. The case is then referred to the HIPSS and TISS steering group, who will look at matching and priority needs.

29. If a suitable match is identified meetings are arranged which include education, potential carers and key staff within the team around the child, (network meeting), to ensure accurate information is shared and the needs of the young person are clear.

30. The young person's social worker is integral to the process working and agreeing the plan and timescales proposed as being in the best interests of the young person.

Herefordshire Children's Wellbeing Directorate

Foster Care Rates - Effective from 1st April 2016 to 31st March 2017

1. FOSTER CARE ALLOWANCES (Age allowance)

AGE	Weekly Rate	F/NIGHTLY RATE	DAILY RATE
0 - 4 years	111.90	223.80	15.99
5 - 10 years	123.60	247.20	17.66
11 - 15 years	179.01	358.02	25.57
16 - 17 years	213.12	426.24	30.45

2. CLOTHING ALLOWANCES

Clothing Allowance Claimable Separately			
INITIAL CLOTHING GRANT			
	Quarterly	Annually	
0 - 4 years	50.00	200	
5 - 10 years	75.00	300	
11 - 15 years	100.00	400	
16 - 17 years	125.00	500	

Discretionary Emergency Payment £200 per child per year

3. FEES & 'ADDITIONAL ALLOWANCES'

	Weekly	F/Nightly Rate	Daily Rate
Foudation Level Fee - (generally family & friends carers only)		Allowance only (Specific to Child's Age)Refer to foster care allowances	
Level 1	100.00	200.00	14.29
Level 2	125.00	250.00	17.86
Level 3	175.00	350.00	25.00
ARC	450.00	900.00	64.29

4. HOLIDAYS

Holiday Allowances Claimable Separately		
Holidays incurring accommodation charges		2 weeks basic allowance
Additional £200 discretionary payment for holiday can be made. Refer to allowance explanatory notes for detail.		
<i>(please note if holidays are taken at home, up to two weeks can be requested to take into account day excursions etc).</i>		

5. RESPITE

Carer 1: Pay 60% of Basic Allowance & Full Fee (if applicable) whilst child is away on respite.

Respite Carer: Full allowances

6. RETAINERS

	Weekly Rate	Total Retainer (8 wks)	Daily Rate
Level 1	50.00	£400.00	£7.14
Level 2	62.50	£500.00	£8.93
Level 3	87.50	£700.00	£12.50
ARC	225.00	£1,800.00	£32.14
<i>(Up to eight weeks can be paid. Retainer to stop if another child is placed)</i>			

7. SCHOOL UNIFORM GRANTS			
Starting School	117.00		
Changing Schools	211.00		
Working Clothes	107.00		

8. PAYMENTS MADE PENDING ALLEGATION INVESTIGATIONS			
Foster Carers on fee payment scheme level 1 to , 50% of fee (i.e. retainer)			
(anyone in receipt of additional allowance)			
Carers		60% of Allowance	
(only receiving Basic Allow)			

9. MILEAGE			
			As of 6th July 2011
Per Mile		£0.40	£0.45

10. BIRTHDAY	1 weeks basic allowance
11. CHRISTMAS & OTHER FESTIVALS	1 weeks basic allowance



Meeting:	Cabinet
Meeting date:	Thursday 28 September 2017
Title of report:	Local Flood Risk Management Strategy
Report by:	Cabinet member infrastructure

Classification

Open

Decision type

Key

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To approve the Herefordshire local flood risk management strategy. The Flood and Water Management Act 2010 ('the Act') requires Herefordshire Council to produce a Local flood risk management strategy ('strategy') setting out how it is managing flood risk. Approval of these documents will ensure that the council meets its statutory responsibilities whilst also providing a policy framework for the management of flood risk.

Recommendation(s)

That:

- (a) **the high level strategic document and non-technical summary at appendices 1 and 2 to this report are approved.**

Alternative options

1. That the local flood risk management strategy is amended to reflect different issues not highlighted through the consultation – public consultation was undertaken from 7

November 2016 until 30 January 2017. The responses were reviewed and addressed as appropriate and were taken into account in the preparation of the strategy.

2. That the local flood risk management strategy is not approved – with no strategy in place it is difficult to target investment effectively, to coordinate the activities of other Risk Management Authorities, to ensure value for money, and to demonstrate to the public that flood risk is being taken seriously.

Key considerations

3. The nature of flood risk within Herefordshire is varied and widespread. The county has an extensive network of rivers and watercourses, combined with a large number of villages, towns and extremely rural surroundings. Local flood risk management and land drainage forms part of the public realm services contract. As such, these services are carried out by Balfour Beatty Living Places (BBLP).
4. The most notable flood event of recent times was during July 2007 when over 300 residential properties were affected. Since then, there have been a number of incidents of 'flash flooding'. As well as the direct impact of flooding, other issues relate to issues of isolation as a result of minor roads, lanes and driveways becoming impassable, as well as problems with loss of water and sewerage amenities. Such extreme rainfall also causes significant damage to the highway network. In 2014, we were required to respond to the immediate emergency and also deliver a significant increase in maintenance work to repair the damage making maximum use of additional government funding through the Bellwin and Severe Weather funding streams.
5. The Act places a number of statutory duties on Herefordshire Council in its role as a lead local flood authority for leading and co-ordinating the management of local flood risk derived from surface runoff, groundwater and ordinary watercourses. One of these duties is to produce a strategy.
6. Section 9(4) of the Act stipulates what the strategy must specify and this includes the risk management authorities in the authority's area and their functions, objectives for managing local flood risk, measures proposed, costs and benefits, assessment, the review periods for the strategy and how it contributes in the wider context with environmental objectives.
7. The attached high level strategic document contains a comprehensive overview of the council's approach to local flood risk management and is the county's overarching document on flood risk. The draft outlines the responsibilities of the risk management authorities in Herefordshire and how they are working in partnership to coordinate local flood risk management. It sets out what the council intends to do, working with organisations, businesses and communities, to manage the risk of flooding in Herefordshire. As well of being of interest to organisations that have specific responsibilities for managing flood risk within Herefordshire, it is also relevant to members of the public, residents, workers, business owners and landowners within the county. It outlines Herefordshire Council's priorities for local flood risk management and is supported by an action plan to manage the risk.
8. This draft has not been developed solely by Herefordshire Council but has been produced in collaboration with other partner authorities and key stakeholders in Herefordshire – the Environment Agency (EA), River Lugg Internal Drainage Board, Lower Severn Internal Drainage Board, Welsh Water and Severn Trent Water.

9. It sets out five key objectives for the management of local flood risk in Herefordshire:
 - Understand flood risks throughout Herefordshire;
 - Manage the likelihood and impacts of flooding;
 - Help the community help themselves;
 - Manage flood warning, response and recovery; and
 - Promote sustainable and appropriate development.
10. These objectives also contribute towards the achievement of the priority 'Support the growth of our economy' within the Herefordshire Council Corporate Plan (2016-20). The council must take a lead in Herefordshire on local flood risk management and this document, which has been produced in line with the requirements of the Flood and Water Management Act 2010 and the guiding principles of the EA's National Flood and Coastal Erosion Risk Management Strategy, identifies how this will be done.
11. The strategy will be reviewed and updated, as necessary, every six years to ensure that the strategy continues to reflect the way in which flood risk is managed within the county.
12. The strategy is accompanied by an action plan that identifies a programme of work for reducing local flood risk within Herefordshire and which sets out how the strategy will be delivered over the next six years. It outlines the actions identified through this strategy and details how the outcomes of each action are linked to the objectives of the strategy. As local flood risk management and land drainage forms part of the public realm services contract, these actions will be carried out by BBLP. Once the strategy has been approved, the action plan will need to be updated frequently to reflect progress being made within Herefordshire, along with information from any flooding events and the latest technical guidance. As such it will have the status of a 'living document'.

Community impact

13. Herefordshire Council's strategic objectives are described in our Corporate Plan (2016-20). This sets out how we will ensure we make the best use of resources and deliver services that make a difference to people in Herefordshire. Specifically, this work contributes towards the 'Support the growth of our economy' priority which includes: ensuring that infrastructure is in place to prevent and improve community resilience to flooding.
14. The council appreciates the distress that flooding and the risk of flooding can cause within communities. Once the strategy has been adopted, further work will be undertaken to increase public awareness of the risk that remains and to engage with people at risk to encourage them to take action to manage the risks that they face and to make their property more resilient.

Equality duty

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. We do not believe that it will have an impact on our equality duty.

Resource implications

17. There are no specific resource implications contained within this report and implementation of the action plan will be delivered from within existing budgets. Local flood risk management and land drainage forms part of the Herefordshire Council and BBLP annual plan.
18. BBLP's work programme for 2017/18 includes undertaking studies to enable funding grants to be accessed for flood alleviation. However, government grants will not fully fund all schemes and so local contributions will have to be found for many schemes to proceed. Our risk-based approach targets resources and funding at those parts of the county that are most susceptible to flooding.

Legal implications

19. Councils can only act where specifically permitted by legislation or to facilitate the discharge of statutory obligations under Section 111 Local Government Act 1972.
20. Under Section 9 of the Act, Herefordshire Council, as Lead Local Flood Authority for the county has a statutory duty to develop, maintain, apply and monitor a Strategy for local flood risk management in its area. Section 9 (6) (b) more specifically requires us to consult 'the public' on this.
21. Under Part 3 Section 3 of the Constitution the Cabinet has delegated powers to make decisions as the risk management authority on flood risk management functions or coastal erosion risk management functions which may affect the local authority's area, which are of sufficient public interest that a decision at a public meeting is required.

Risk management

22. The deadline for finalising the strategy is 31 October 2017 and if this is not achieved, there is a risk that government will instruct another risk management authority to carry out our role in relation to the strategy and to recover the costs for this work from us. If the strategy is published following the meeting of Cabinet, this will ensure that the council meets its duty under the Act.
23. The council does acknowledge the risk of flooding and this is reflected in a service level risk. The action plan identifies a programme of work for reducing local flood risk within Herefordshire.

Consultees

24. Through our public consultation, we sought feedback on:
- Our proposed objectives for the management of local flood risk across Herefordshire;
 - The actions we have proposed to deliver our objectives; and
 - Any other comments in relation to the Local flood risk management strategy or local flooding in general.
25. The consultation resulted in 18 responses by the deadline of 30 January 2017. This included comments from the EA, National Farmers' Union (NFU) and Woodland Trust, as well responses from Parish and Town Councils and members of the public.
26. Following this consultation, the responses were reviewed and addressed as appropriate and were taken into account in the preparation of the finalised Strategy document.
27. The strategy has been subject to review by the council's general scrutiny committee and its recommendations and the executive's response is as follows:
- The strategy should recognise the importance of clear and effective communication of responsibilities in respect of all relevant parties: *Accepted – there is already a section on communication (7.2) which addresses this point.*
 - The executive be advised of the importance of preparing a joined up implementation plan: *Accepted – this will form part of the action plan.*
 - Careful consideration be given to how land use and management affect flood risk, ways of educating people on this point and developing mitigating measures: *Accepted – this is already covered under section 10, particularly these summary actions: Work collaboratively through the Natural Flood Management Partnership for the River Lugg and Wye to deliver the Wye Nutrient Management Plan and influence land use and management practices to reduce the risk of flooding and deliver wider environmental benefits; and Work with landowners, communities, Town and Parish Councils, NFU, the Country Land and Business Association (CLA) and other similar organisations to promote changes in agricultural land management practices, which can reduce the impact of flooding and provide opportunities to incorporate wider benefits.*
 - A public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected: *Accepted – this will form part of the – non-technical summary (easy reference guide summary document).*
 - BBLP be requested to seek information from lengthsman and local councillors on local conditions and identified flood risks as a matter of course: *Accepted – this will be captured within the 'Water on the Network' Annex of the Annual Plan.*

Appendices

- Appendix 1 – Draft local flood risk management strategy
- Appendix 2 – Non-technical summary (easy reference guide summary document)

Background papers

None identified

**LOCAL FLOOD RISK
MANAGEMENT STRATEGY**

QUALITY MANAGEMENT

ISSUE/REVISION	FIRST ISSUE	SECOND ISSUE		
Remarks	Final Draft – For Consultation	Final – (Following Consultation)		
Date	November 2016	May 2017		
Prepared by	Joanna Goodwin (WSP-PB)	Richard Perkins (Balfour Beatty)		
Checked by	Claire Storer (WSP-PB) Joel Hockenull (Balfour Beatty)	Joel Hockenull (Balfour Beatty)		
Authorised by	Richard Perkins (Balfour Beatty)	Richard Perkins (Balfour Beatty)		
Project number	RCLHP001-AM0067	RCLHP001-AM0067		
Report number	TR-001-I	TR-001-I		

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APPENDICES

A P P E N D I X A ACTION PLAN 2016 - 2022

APPENDIX A-1 ACTION PLAN 2016 - 2022

1

INTRODUCTION

The Flood and Water Management Act 2010 implemented recommendations from Sir Michael Pitt's Review of the 2007 floods in the UK. Under the Act, Herefordshire Council became a 'Lead Local Flood Authority' (LLFA) and was given a series of new responsibilities to coordinate the management of local flood risk.

As LLFA for the county, Herefordshire Council must 'develop, maintain, apply and monitor' a Local Flood Risk Management Strategy.

The Local Flood Risk Management Strategy is an important document for the on-going management of flood risk throughout the county. The Strategy sets out the framework for how the council will work with other local flood risk management authorities and the general public to better understand and manage existing and future flood risks from all potential sources of flooding.

Consideration will be given to the management of flood risk from all sources of flooding. However, greater focus will be given to those sources of flooding for which the council, as appointed LLFA, are responsible, namely 'local' sources of flooding that comprise:

- Surface water;
- Groundwater; and
- Ordinary watercourses.

There are many other authorities also responsible for the management of flood risk within the county. These include:

- The **Environment Agency** which has a strategic overview of all sources of flooding and is the authority responsible for managing flood risk from rivers designated as 'main rivers', reservoirs and the sea;
- **Welsh Water** which is the authority responsible for managing flood risk from the public sewerage network in the majority of Herefordshire;
- **Severn Trent Water** which is the authority responsible for managing flood risk from the public sewerage network in the north and east of Herefordshire;
- The **River Lugg Internal Drainage Board** who are responsible for water level management with its operational areas, which encompass the low-lying land within the catchments of the Rivers Lugg, Arrow, Frome and Monnow (in England).
- **Lower Severn Internal Drainage Board** who are responsible for the maintenance of the land drainage assets within the low-lying land within the catchment of the River Leadon;
- **Highways England** and **Network Rail** who are responsible for managing flood risks within their trunk road, motorway and railway networks respectively.

→ **The Herefordshire and Gloucestershire Canal Trust** who are a charitable trust responsible for the restoration and management of the Hereford and Gloucester Canal.

As LLFA, the council will work to **ensure coordination between all relevant risk management authorities**.

The overall aim of this Strategy is to:

- Continue to improve understanding of flood risks within the county, both within the council and general public;
- Continue to reduce flood risk to communities and business within the county, through fair and transparent means; and
- Ensure good communication and coordination between the relevant risk management authorities for the management of flood risk.

The Strategy will be reviewed and updated, as necessary, every **six years** to ensure that the Strategy continues to reflect the way in which flood risk is managed within the county.

The Strategy is accompanied by an **Action Plan** that sets out how the council will deliver the Strategy over the next six years. The Action Plan outlines the measures identified through this Strategy and the outcomes of each action are linked to the objectives of the Strategy so that, as appointed LLFA, can monitor how we are delivering our local flood risk management measures.

THE STRUCTURE OF THIS STRATEGY

It is not possible to stop flooding from occurring. However, it is possible to reduce flooding and be better prepared for flooding, including being better prepared for the potential effects of climate change. This Strategy therefore sets out how the council are approaching flood risk management to meet the **five key objectives** (see Section 2) that have been selected by the council to reduce the risk to lives and livelihoods. The objectives by which Herefordshire Council will achieve this vision are set out below and actions and measures that have been developed to achieve these objectives are set out in Section 7 of this Strategy.

The structure of the strategy is set out below, with a summary of what each section of the Strategy aims to achieve.

Aims and Objectives
Legislation
Roles and Responsibilities

The Strategy starts with an overview of what it aims to achieve, why it needs to be prepared, the relevant legislation and the roles and responsibilities of key flood risk management authorities.

Summary of Flood Risk

This is followed by a brief summary of flood risk throughout Herefordshire to provide the context from which the proposed actions and measures have been developed.

Five Key Objectives for Flood Risk Management

This section is structured around the five key objectives that the council have selected to improve the management of flood risk. The Strategy describes the measures that are currently in place and/or the measures that are proposed to meet each of the five key objectives.

Delivery and Funding Mechanisms

The Strategy provides a summary of the key sources of funding that may be available to the council, other relevant authorities and the general public to help with the delivery of schemes and reduction of flood risk within Herefordshire.

Environmental Screening

The Strategy must be accompanied by Environmental Screening to determine whether or not a Strategic Environmental Assessment or a Habitats Regulations Assessment is required. This section provides a brief overview of this process.

Action Plan

The proposed measures are incorporated into an Action Plan that describes the proposed measures and the proposed timeframe for implementation. The Action Plan is a 'live' document that will be updated as measures are progressed and new measures are proposed. A copy of the Action Plan is provided in Appendix A.

2 THE COUNCIL'S OBJECTIVES FOR MANAGING LOCAL FLOOD RISK

Herefordshire Council's strategic objectives are described in our **Corporate Plan (2016-20)**. This sets out how we will ensure we make the best use of resources and deliver services that make a difference to people in Herefordshire. Priority 3: Support the growth of our economy, includes: **ensuring that infrastructure is in place to prevent and improve community resilience to flooding.**

The overarching aim of Herefordshire Council with respect to the management of local flood risk within the county is: **to continually improve the way in which flood risks are managed throughout the county to reduce the impacts of flooding on lives and livelihoods.**

This will be achieved via a range of measures and activities that will be centred around internal council systems and processes, communication and engineering works. All proposed measures and activities will be aligned to one or more of the council's selected objectives that apply to the whole of Herefordshire. These are aligned to the Environment Agency's national objectives (see Section 3) and are summarised below.

STRATEGY OBJECTIVES FOR MANAGING LOCAL FLOOD RISK

<p>Objective 1 Understand flood risks throughout Herefordshire</p>	<p>Continue to develop understanding of flood risk across Herefordshire. This will offer multiple benefits such as enabling the council to identify those areas at greatest risk, prioritising measures to address known risks, validating the accuracy of modelled flood mapping, improving understanding of sewerage flooding and flooding from culverts and drains, raising awareness of risks to communities and developers, assisting with funding applications, and informing emergency response plans.</p>
<p>Objective 2 Manage the likelihood and impacts of flooding</p>	<p>As far as is possible, reduce the risk of flooding and the potential damages that can be caused by flooding. This can be through measures such as improving the way in which routine maintenance is undertaken, investigating the causes of flooding in greater detail and undertaking capital engineering works.</p>
<p>Objective 3 Help the community help themselves</p>	<p>Provided clarity regarding the responsibilities of local communities and the ways in which local communities can contribute to the management and reduction of flood risk, including the role and support of Community Resilience Groups.</p>
<p>Objective 4 Manage flood warning, response and recovery</p>	<p>It is not possible to eliminate all flood risks therefore the Strategy will aim to raise awareness of flood warning and response systems for the benefit of local communities and others involved in the management of flood risks. Existing systems will also be summarised and reviewed to identify any opportunities for betterment.</p>

Objective 5
Promote sustainable and
appropriate development

This focuses primarily on how flood risks are considered in land use planning and development proposals to manage flood risk through consideration of development vulnerability and predicted flood hazard.

3 LEGISLATION

The need for the Strategy is governed by the **Flood and Water Management Act 2010** which places a statutory duty on LLFA's to develop, maintain, implement and monitor an approach for managing local flood risks in its area. Specifically, Regulation 9 of the Act states:

9. Local flood risk management strategies: England

- (1) A lead local flood authority for an area in England must develop, maintain, apply and monitor a strategy for local flood risk management in its area (a "local flood risk management strategy").
- (2) In subsection (1) "local flood risk" means flood risk from -
 - (a) surface runoff,
 - (b) groundwater, and
 - (c) ordinary watercourses.
- (3) In subsection (2)(c) the reference to an ordinary watercourse includes a reference to a lake, pond or other area of water which flows into an ordinary watercourse.
- (4) The strategy must specify -
 - (a) the risk management authorities in the authority's area,
 - (b) the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area,
 - (c) the objectives for managing local flood risk (including any objectives included in the authority's flood risk management plan prepared in accordance with the Flood Risk Regulations 2009),
 - (d) the measures proposed to achieve those objectives,
 - (e) how and when the measures are expected to be implemented,
 - (f) the costs and benefits of those measures, and how they are to be paid for,
 - (g) the assessment of local flood risk for the purpose of the strategy,
 - (h) how and when the strategy is to be reviewed, and
 - (i) how the strategy contributes to the achievement of wider environmental objectives.
- (5) The strategy must be consistent with the national flood and coastal erosion risk management strategy for England under section 7.
- (6) A lead local flood authority must consult the following about its local flood risk management strategy -
 - (a) risk management authorities that may be affected by the strategy (including risk management authorities in Wales), and
 - (b) the public.
- (7) A lead local flood authority must publish a summary of its local flood risk management strategy (including guidance about the availability of relevant information).
- (8) A lead local flood authority may issue guidance about the application of the local flood risk management strategy in its area.
- (9) A lead local flood authority must have regard to any guidance issued by the Secretary of State about -
 - (a) the local flood risk management strategy, and
 - (b) guidance under subsection (8).

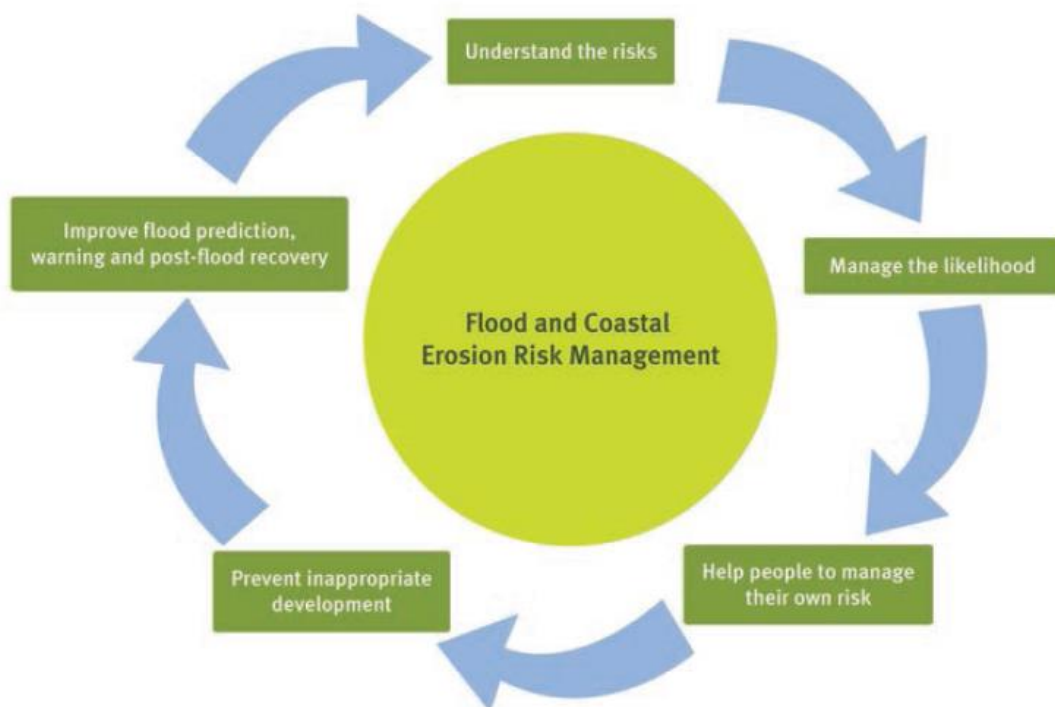
The Flood and Water Management Act 2010 also places additional duties on the Environment Agency to provide a national strategic overview role for flood risk management. The Environment Agency has produced a **National Strategy for Flooding and Coastal Erosion Risk Management** (the National Strategy).

The Environment Agency's National Strategy sets out how the Environment Agency intends to meet their obligations under the Act to 'develop, maintain, apply and monitor a strategy for flood and coastal erosion risk management in England'. It describes what needs to be done by all organisations involved in flood and coastal erosion risk management. These include local authorities, internal drainage boards, water and sewerage companies, highways authorities, and the Environment Agency.

The National Strategy also sets out a statutory framework that will help communities, the public sector and other organisations to work together to manage flood and coastal erosion risk. It will make sure that risks are managed in a co-ordinated way across catchments and along each stretch of coast. This includes the development of local Strategies by LLFAs, as well as their strategic overview of all sources of flooding and coastal erosion.

The measures set out by the Council, as LLFA, within this local Strategy are therefore compatible with the Environment Agency's National Strategy. The strategic aims and objectives of the National Strategy are illustrated in Figure 1.

Figure 1 Strategic aims and objectives of the National Strategy



The National Strategy states that the Government will work with individuals, communities and organisations to reduce the threat of flooding by:

- Understanding the risks of flooding, working together to put in place long-term plans to manage these risks and making sure that other plans take account of them;
- Avoiding inappropriate development in areas of flood risk and being careful to manage land elsewhere to avoid increasing risks;

- Building, maintaining and improving flood management infrastructure and systems to reduce the likelihood of harm to people and damage to the economy, environment and society;
- Increasing public awareness of the risk that remains and engaging with people at risk to encourage them to take action to manage the risks that they face and to make their property more resilient;
- Improving the detection, forecasting and issue of warnings of flooding, planning for and coordinating a rapid response to flood emergencies and promoting faster recovery from flooding.

The National Strategy recommends that any measures put forward to meet local or national objectives for flood risk management should be guided by the following principles:

- Community focus and partnership working;
- A catchment 'cell' based approach;
- Sustainability;
- Proportionate, risk-based approaches;
- Multiple benefits;
- Beneficiaries should be encouraged to invest in flood risk management.

These principles have been adopted in the development of the Herefordshire Local Flood Risk Management Strategy.

The Environment Agency, Herefordshire Council and Internal Drainage Boards (IDBs) also have additional duties and powers associated with the management of flood risk under the Land Drainage Act 1991. As the Land Drainage Authority, the Council must give consent for any permanent or temporary works that could affect the flow within an ordinary watercourse in order to ensure that local flood risk is not increased. The Environment Agency and IDBs have a similar role for any permanent or temporary works that could affect the flow within the watercourses for which they are responsible.

The Land Drainage Act specifies that the following works will require formal consent from the appropriate authority:

- Construction, raising or alteration of any mill dam, weir or other like obstructions to the flow of a watercourse;
- Construction of a new culvert;
- Any alterations to an existing culvert that would affect the flow of water within a watercourse.

The Land Drainage Act also sets out the maintenance responsibilities riparian owners have in order to reduce local flood risks. Riparian owners, who are land owners with a watercourse either running through their land or adjacent to it, have the responsibility to ensure that the free flow of water is not impeded by any obstruction or build-up of material within the watercourse. A riparian owner has the duty to accept the natural flow of water from upstream and has the duty to convey the flows unimpeded downstream.

If any ordinary watercourse is found to be blocked or restricting the flow of water, the council have the enforcement powers to serve notice on the relevant land owner under Section 25 of the Land Drainage Act requiring works to maintain the flow of water to be undertaken. If no action is taken to restore the natural flow of water, the council may carry out the necessary works and recharge the full costs incurred to the relevant land owner.

4

ROLES AND RESPONSIBILITIES

4.1 OVERVIEW

When water is in your home you may not care where it came from, but flooding can come from a variety of sources that may not be obvious, or nearby. The most significant flooding issues in Herefordshire are typically associated with fluvial (river) flooding, either from main rivers or ordinary watercourses. This is closely followed by flooding from surface water runoff, often associated with runoff from agricultural lands, blocked drainage systems and blocked culverts.

A number of key risk management authorities have roles and responsibilities relating to flood risk management. It is important to note that it is the responsibility of householders and businesses to look after their property, including protecting it from flooding.

Table 1: Responsibilities of key flood risk management authorities in Herefordshire

Source of flooding	Environment Agency	Herefordshire Council	Welsh Water and Severn Trent Water	Internal Drainage Boards
Main Rivers	✓			
Ordinary Watercourses		✓		✓*
Surface Water Runoff		✓		
Highway Assets		✓		
Public Sewerage System			✓	
Groundwater		✓		
Reservoirs	✓			

*IDB owned watercourses

A summary of the key risk management authorities is provided below, along with a description of the type of flood risk that each authority is responsible for managing.

4.2 ENVIRONMENT AGENCY

The Environment Agency is responsible for taking a strategic overview of the management of all sources of flooding and coastal erosion throughout England – as set out within the National Flood and Coastal Risk Management Strategy discussed in Section 3. The Environment Agency also has operational responsibility for managing the risk of flooding from **main rivers** and **reservoirs**, and is also responsible for **flood forecasting** and **flood warning**.

The management of flood risks associated with **coastal** and **tidal** sources is also the responsibility of the Environment Agency, but Herefordshire is not considered to be at risk from these sources given its location inland.

The Environment Agency is also responsible for issuing levies to local authorities to support the implementation of flood defence schemes and managing the allocation of funding for flood defence and flood resilience schemes.

The Environment Agency can also use enforcement powers to require landowners to take action to minimise flood risk to others.

FLOODING FROM MAIN RIVERS

Main rivers are typically larger rivers or rivers that are considered critical in terms of flood risk or environmental status. A main river means all watercourses shown as such on the statutory main river maps held by the Environment Agency and the Department of Environment, Food and Rural Affairs (DEFRA). There are a large number of main rivers within Herefordshire, including among others the Rivers Teme, Lugg, Wye, Arrow, Frome, Leadon and Dore.

Fluvial flooding from main rivers can occur when a watercourse has insufficient capacity to contain the river's flow, causing water to burst or overtop the riverbanks. Fluvial flooding can also be as a result of a breach in local formal or informal flood defences, blockage within the river channel or defective outfall structures.

FLOODING FROM RESERVOIRS

Reservoir flooding is rare but could occur following the breach or overtopping of the reservoir embankments. A reservoir under the jurisdiction of the Environment Agency is typically defined as one that holds over 25,000m³ of water.

The likelihood of reservoir failure is low and all large reservoirs are stringently governed under the Reservoirs Act 1975. However, a large volume of water could escape with little or no warning if a failure were to occur. As such, the Environment Agency completed a programme of breach assessments to ascertain the areas at potential risk.

4.3 HEREFORDSHIRE COUNCIL

The council are the designated LLFA in accordance with the Flood and Water Management Act 2010. As LLFA, the council is responsible for managing the risk of flooding from local sources of flood risk, namely **surface water**, **groundwater** and **ordinary watercourses**. As the local highways authority, the council are also responsible for managing flood risk associated with **highway assets** in the council's ownership (excluding any trunk roads managed by Highways England, including the A40T (Ross-on-Wye to Monmouth), A49 and the M50).

The council is also the main Land Drainage Authority and is therefore responsible for issuing consents and for altering, removing or replacing certain structures or features on ordinary watercourses that are not under the responsibility of the relevant IDB (as discussed below).

The council also play a lead role in emergency planning and recovery after a flood event.

FLOODING FROM ORDINARY WATERCOURSES

Any watercourse that is not designated as a main river is classed as an ordinary watercourse. Ordinary watercourses are usually smaller watercourses that are not considered strategic or critical in terms of flood risk and environmental status. However, ordinary watercourses still have the potential to cause significant localised flooding and this has been recognised within the Flood and Water Management Act 2010. Ordinary watercourses can also include smaller lakes, ponds or other areas of water that flow into an ordinary watercourse or are the responsibility of the council.

Similar to main rivers, fluvial flooding from ordinary watercourses can occur when a watercourse has insufficient capacity to contain its flow, causing water to burst or overtop the watercourse's banks. Fluvial flooding can also be as a result of a breach in local formal or informal flood defences, blockage within the watercourse channel and defective outfall structures.

FLOODING FROM SURFACE WATER RUNOFF

Flooding from surface water is typically attributed to surface water runoff that has not entered a watercourse, land drainage system or public sewer. Surface water flooding can also often be attributed to groundwater emergence or sewer flooding (as discussed below) as these sources of flooding also result in the overland flow of water not associated with a watercourse. Similarly, it is common for burst water mains to be incorrectly identified as a surface water flooding incident.

Surface water flooding typically follows the ground's topography, flowing overland from areas of higher ground towards areas of lower ground. Predictive surface water modelling flood maps use this assumption to map areas that are most likely to be susceptible to surface water flooding, i.e. those areas that are located at the lowest elevations or within local 'dips' in topography. Predictive surface water modelling flood maps also take into account barriers to the flow of water, such as elevated railway embankments, although smaller features such as boundary walls are harder to take into account.

FLOODING FROM GROUNDWATER

Groundwater emergence typically occurs after prolonged periods of heavy rainfall, causing the water table to rise. This can cause flooding to underground structures such as basements or services. Groundwater could also rise as far as the ground's surface and be recognised as overland flow. Groundwater flooding usually occurs in catchments which have a high water table, perched water table and/or responsive underlying geology such as chalk or gravels.

Groundwater emergence can also occur as a result of changes in adjacent river levels that may cause a localised rise in hydraulically linked groundwater levels.

Groundwater flooding is often confused or masked by surface water flooding, as discussed above, as well as by burst water mains.

FLOODING FROM HIGHWAY ASSETS

Flooding from highway assets typically includes flooding from the highway's surface water drainage system and structures such as culverts that pass beneath the carriageway. The Council is responsible for managing flood risk from adopted roads and adopted highway assets that are within the council's ownership, which include the majority of highways within Herefordshire.

Flooding from highway assets typically occurs when there is insufficient capacity within the drainage network to cope with unusually high flows, or when drains/culverts become blocked thus reducing capacity to cope with 'normal' flows.

4.4 WELSH WATER AND SEVERN TRENT WATER

The relevant water and sewerage authorities, in this case Welsh Water and Severn Trent Water, are responsible for managing the risks of flooding from surface water, foul or combined **public sewerage systems** that serve more than one property. Where there is frequent and severe sewer flooding (including those sites included on the DG5 Register¹) water and sewerage undertakers are required to address this through their capital investment plans.

FLOODING FROM THE SEWERAGE SYSTEM

Sewers typically flood when there is insufficient capacity within the sewerage network to cope with unusually high flows, or when sewers become blocked thus reducing capacity to cope with 'normal' flows. Flooding from sewers may also occur if their outfall is below the receiving river water level, particularly during times when river levels are unusually high. Water will typically emerge from manholes or gullies, subsequently flowing overland from areas of higher ground towards areas of lower ground. When this occurs from combined sewers (i.e. carrying both foul and surface water flows) this water can often be heavily polluted.

Flooding from sewers can be difficult to predict as it is often dependent on the capacity of the sewers during a rainfall event (i.e. presence of a partial or full blockage). However, if a sewer were to surcharge and cause flooding, the areas at greatest flood risk would most likely be similar to those at risk from surface water flooding as any water that emerges from the sewerage network would respond to surrounding topography in a similar way to rainfall.

Flooding from sewers is often confused or masked by surface water flooding or groundwater emergence, as discussed above. Sewer flooding and surface water flooding is also intrinsically linked, as surface water flooding typically occurs when there is insufficient capacity within the sewerage system (or the sewerage system is overwhelmed by rainfall intensity) for the system to receive surface water runoff.

4.5 INTERNAL DRAINAGE BOARDS

Internal Drainage Boards (IDBs) are independent public bodies responsible for managing water levels in areas of special drainage need. They are made up of elected members, and others nominated by the local authority, who represent land occupiers, the public and other interest groups.

There are two IDB's within Herefordshire: the River Lugg IDB and the Lower Severn IDB. The River Lugg IDB has also taken over the responsibilities of the previous Lower Wye IDB within Herefordshire.

The River Lugg IDB is responsible for the maintenance of the **land drainage assets** within the low-lying land within the catchments of the Rivers Lugg, Arrow, Frome and Worm Brook. The Lower Severn IDB is responsible for the maintenance of the land drainage assets within the low-lying land within the catchment of the River Leadon.

¹ A water-company held register of properties which have experienced sewer flooding due to hydraulic overload, or properties which are 'at risk' of sewer flooding more frequently than once in 20 years.

The primary role of the IDBs is to manage water levels and reduce the risk from flooding within their districts. Much of IDBs' work involves the maintenance and improvement of watercourses and related infrastructure such as weirs, sluices, culverts and embankments within their drainage districts.

The IDBs are the relevant Land Drainage Authority for the catchments that they manage and are therefore responsible for issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses within their districts.

4.6 LANDOWNERS AND DEVELOPERS

Although not classified as a key risk management authority, landowners that own land through which an ordinary watercourse or main river flows are the responsible **riparian owner** for the watercourse. The Environment Agency has developed a guide entitled '[Living on the Edge](#)' that provides specific advice regarding the rights and responsibilities of riparian (riverside) landowners, as well as the Environment Agency and other bodies. Herefordshire Council has also published a useful guide of riparian ownership responsibilities.

Landowners and developers have the primary responsibility for protecting their land and property against the risk of flooding, but must not build defences that have an adverse impact to adjacent properties. They are also responsible for managing the drainage of their land without increasing flood risk elsewhere, and for the management of flood risks from private sewerage systems.

The responsibilities of landowners and developers are discussed in greater detail in Section 8.

4.7 OTHER LOCAL STAKEHOLDERS

Highways England and Network Rail are responsible for managing flood risks that are associated with or may affect their assets. For Highways England this includes their trunk road and motorway network, comprising the A49T, A40T (Ross-on-Wye to Monmouth) and the M50 within Herefordshire. For Network Rail this includes all railways within the county and their associated infrastructure.

There are currently no operational canals within Herefordshire. However, the Herefordshire and Gloucestershire Canal Trust are pursuing the full restoration of approximately 34 miles of canal between Hereford and Gloucester. Works are currently underway and stretches of the canal at Monkhide, Yarkhill and Aylestone have been restored by the Trust and with the help of the Waterways Recovery Group. It is currently the intention that the maintenance and management of flood risk and associated assets related to the canal network within Herefordshire will be the responsibility of the Herefordshire and Gloucestershire Canal Trust.

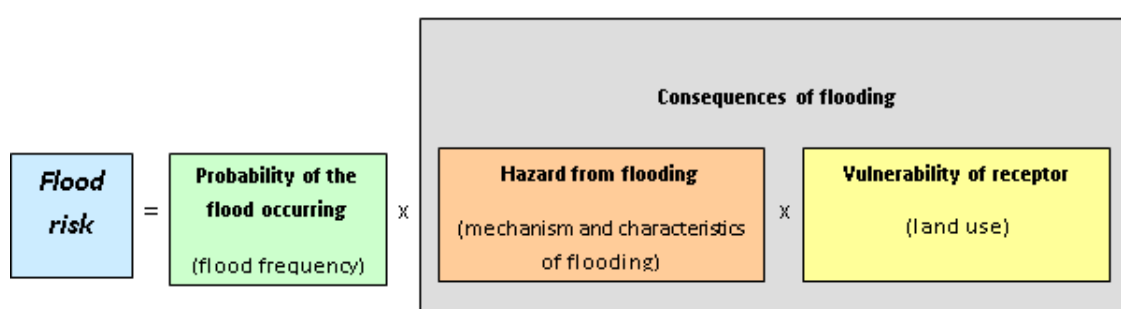
5 SUMMARY OF FLOOD RISK

This section of the Strategy provides an overview of flood risk throughout Herefordshire to provide the context from which the objectives and associated measures will be derived.

5.1 HOW FLOOD RISK IS QUANTIFIED

Flood risk is defined as a combination of the *chance* (or probability) of a particular flood occurring and the *impact* (or consequence) that the flood would cause if it occurred. This is illustrated in Figure 2.

Figure 2 Conceptual definition of flood risk



Assessing risk in quantifiable, financial terms can help prioritise where available funding should be directed, as well as support applications for additional external funding. The likelihood or chance of a flood occurring is often identified in terms of the 'return period' or 'annual probability'. For example, a 1 in 100 year flood event has a 1 in 100 (or 1%) annual probability of occurring. Table 2 provides the conversion between commonly used return periods and annual probabilities.

Table 2 Flood probability conversion table

Return Period (years)	2	5	10	20	50	100	200	1000
Annual Probability (%)	50	20	10	5	2	1	0.5	0.1

Scientific consensus is that the global climate is changing as a result of human activity. While there remain uncertainties in how a changing climate will affect areas already vulnerable to flooding, it is expected to increase risk significantly over time. The impact of climate change must be considered when reviewing the potential risk of flooding in future years within Herefordshire.

The Environment Agency has recently published updated [climate change guidance](#) to be taken into account in the planning and design of new development. In regard to Herefordshire this provides recommended allowances for two different aspects:

- Recommended increase to peak rainfall intensities, which will have the greatest effect on flooding from surface water and drainage systems;
- Recommended increase to peak river flows, which will have the greatest effect on flooding from fluvial sources associated with main rivers and ordinary watercourses.

The implications of these recommendations will be discussed in detail in the Herefordshire Strategic Flood Risk Assessment due to be published shortly. In summary, over the next 100

years climate change is predicted to increase river flow by an average of 25% and rainfall intensity by an average of 20%.

5.2 KEY SOURCES OF INFORMATION

A number of previous studies have been undertaken to assess and map flood risks within Herefordshire. The best and most up to date of these sources are listed below, and all are readily available from the council for use by the general public and risk management authorities:

- [Environment Agency interactive maps](#);
- Strategic Flood Risk Assessment (SFRA), 2009;
- Strategic Flood Risk Assessment Update (SFRA Update), 2015;
- Preliminary Flood Risk Assessment (PFRA), 2011; and
- Preliminary Flood Risk Assessment Update (PFRA Update), 2017

A brief summary of these sources of information is provided below.

Herefordshire Council has also commissioned a number of other site-specific flood studies to better understand flood risks throughout the county and to build on the information provided within the sources listed above. These additional sources of information have not been made publicly available but further information can be requested from the council about their completed, on-going and planned flood analysis works.

ENVIRONMENT AGENCY INDICATIVE FLOOD MAPS

The Environment Agency Indicative Flood Maps provide the most comprehensive and up to date overview of flood risks from fluvial, tidal, surface water and reservoir sources throughout England. The maps are updated regularly following periodic review and/or following changes to flood management infrastructure. The most useful maps in terms of understanding flood risk include:

- Flood Map for Planning (Rivers and Sea);
- Risk of Flooding from Rivers and the Sea;
- Flood Warning Areas;
- Risk of Flooding from Surface Water; and
- Risk of Flooding from Reservoirs.

However, severity and location of flooding can be unpredictable and localised. The Environment Agency Flood Risk Maps do identify surface water flooding but may not be a definitive indicator. For example, there have been incidents of flooding well away from Environment Agency risk areas and even within them flooding has occurred in lower risk locations whilst higher risk locations have not suffered.

FLUVIAL RISK

The Environment Agency's Flood Map for Planning (Rivers and Sea) shows the natural fluvial (river) and tidal (sea) floodplain, ignoring the presence of defences and, therefore, areas potentially at risk of flooding from rivers or the sea. As flooding from tidal sources is not an issue within Herefordshire, no further information regarding this source is provided.

The Flood Map for Planning is principally used to inform land use planning and uses the terminology of high, medium and low probability 'Flood Zones' to align with the terminology of the

National Planning Policy Framework (NPPF)² to indicate the predicted annual probability of flooding from fluvial sources. In summary, for planning purposes, all land within England is indicated to fall within one of the following Flood Zones:

- Flood Zone 1 (low probability) - less than 0.1% annual probability of flooding;
- Flood Zone 2 (medium probability) - between 1% and 0.1% annual probability of flooding; or
- Flood Zone 3 (high probability) - greater than 1% annual probability of flooding.

Table 3 summarises the relationship between Flood Zone category and the identified flood risk.

Table 3 Flood Zones for planning

Flood Risk Area	Identification	Annual Probability of Fluvial Flooding	Equivalent Return Period (years)
Zone 1	Low Probability	<0.1%	<1 in 1000
Zone 2	Medium Probability	1% – 0.1%	1 in 100 – 1 in 1000
Zone 3a	High Probability	>1%	>1 in 100
Zone 3b*	Function Flood Plain	>5%*	>1 in 20*

* The functional floodplain, Flood Zone 3b, is defined as those areas in which 'water has to flow or be stored in times of flood'. Typically this includes areas subject to flooding up to the 1 in 20 year / 5% annual probability flood event, or that are designed to flood up to the extreme 1 in 1000 year / 0.1% annual probability flood event.

The Environment Agency has also published a second set of flood maps called the Risk of Flooding from Rivers and the Sea maps. These illustrate similar extents of fluvial flooding as those illustrated within the Environment Agency's Flood Map for Planning, but delineate the likelihood of flooding from rivers whilst considering the presence and effect of all flood defences and predicted flood levels. They describe the probability of flooding in accordance with one of four categories:

- High - greater than 3.3% annual probability of flooding;
- Medium - less than 3.3% but greater than 1% annual probability of flooding;
- Low - less than 1% but greater than 0.1% annual probability of flooding; or
- Very Low - less than 0.1% annual probability of flooding.

It is important that users of these resources do not confuse the description of risk within the Environment Agency's Risk of Flooding from Rivers and the Sea map with the mapped zones provided within the Environment Agency's Flood Map for Planning.

Flooding from many smaller watercourses is not illustrated within the Flood Map for Planning or the Risk of Flooding from Rivers and the Sea map, usually due to the size of the watercourse

² The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied

catchment. Flood risks associated with these watercourses are usually better defined by the surface water flood risk maps, as discussed below.

FLOOD WARNING

The Environment Agency's Flood Warning map indicates those areas that benefit from its flood warning service. The Environment Agency issues three different kinds of flood warnings:

- Flood Alert: Flooding is possible. Be prepared. *Used two hours to two days in advance of flooding.*
- Flood Warning: Flooding is expected. Immediate action required. *Used half an hour to one day in advance of flooding.*
- Severe Flood Warning: Severe flooding. Danger to life. *Used when flooding poses significant threat to life.*

Flood warnings are provided to the public, professional partners and the media across England to warn of the risk of flooding from rivers, the sea and groundwater. Flood warning and river level information is also available through the [Flood Information Service](#).

SURFACE WATER FLOOD RISK

The Environment Agency's Risk of Flooding from Surface Water map shows the approximate areas that would flood as a result of rainfall being unable to soak into the ground or enter a drainage system, leading to overland flow. As with the Environment Agency's Risk of Flooding from Rivers and the Sea map, the probability of flooding from surface water is defined as being high, medium, low or very low in line with the definitions below:

- High - greater than 3.3% annual probability of flooding;
- Medium - less than 3.3% but greater than 1% annual probability of flooding;
- Low - less than 1% but greater than 0.1% annual probability of flooding; or
- Very Low - less than 0.1% annual probability of flooding.

The maps are very indicative and, depending on the location, may not accurately represent all flow paths, for example pipe drainage systems or small culverts on watercourses may not be included. The purpose of the map is to highlight those areas potentially at risk of flooding.

The Environment Agency's Risk of Flooding from Surface Water map is currently deemed the best available information for flooding from overland flows and smaller watercourses.

RESERVOIR FLOOD RISK

The Environment Agency's Risk of Flooding from Reservoirs map shows the likely extent of flooding in the event of reservoir failure. All large reservoirs are stringently governed under the Reservoirs Act 1975 and therefore the likelihood of such an occurrence is low. However, a large volume of water could escape with little or no warning if a failure were to occur.

STRATEGIC FLOOD RISK ASSESSMENT

The Strategic Flood Risk Assessment (SFRA) is a statutory document required under NPPF that must be prepared by Herefordshire Council as the local planning authority to inform the Local Plan, risk management, and the planning and design of development throughout Herefordshire. An update to the SFRA was prepared by Herefordshire Council in 2015 to specifically assess risks to strategic development sites and inform the updated Local Plan. A full update of the SFRA is currently underway and is due to be completed in 2017.

The SFRA provides a detailed overview of flood risk throughout the county from all sources of flood risk, now and in the future, taking account of the impacts of climate change, and assesses the impact that land use changes and development in the area will have on flood risk.

Specifically the SFRA is used to:

- Determine the variations in risk from all sources of flooding;
- Inform the sustainability appraisal of the Local Plan, so that flood risk is fully taken into account when considering allocation options and in the preparation of plan policies;
- Apply the Sequential Test and, where necessary, the Exception Test in accordance with National Planning Policy Framework (NPPF) when determining land use allocations;
- Identify the requirements for site-specific flood risk assessments in particular locations, including those at risk from sources other than rivers;
- Set out the recommended approach to the management of flood risk that can be applied through the design and planning of development within Herefordshire;
- Determine the acceptability of flood risk in relation to emergency planning capability; and
- Consider opportunities to reduce flood risk to existing communities and developments.

The SFRA is informed by flood data primarily obtained from the Environment Agency and uses the same terminology as that used within their flood maps.

PRELIMINARY FLOOD RISK ASSESSMENT

Herefordshire Council is required to prepare a Preliminary Flood Risk Assessment (PFRA) report every six years. The Herefordshire PFRA was prepared in 2011. The PFRA seeks to provide a high-level overview of flood risk from local flood sources and includes flooding from surface water (i.e. rainfall resulting in overland runoff), groundwater, ordinary watercourses (smaller watercourses and ditches).

The Herefordshire PFRA (2011) estimated that there were 10,357 people, 4,426 residential properties, 5,107 non-residential properties and 241 critical infrastructure sites at risk from surface water flooding across Herefordshire. Whilst this indicates that a large number of people are at risk of flooding within Herefordshire, the location and concentration of people at risk do not qualify as a Flood Risk Area as defined by the Regulations. The PFRA is currently due to be updated in 2017.

5.3 A SUMMARY OF FLOOD RISK WITHIN HEREFORDSHIRE

This section provides an overview of flood risks within Herefordshire. Areas that have been identified to be at risk of flooding have been informed through a mixture of local knowledge, recorded historic flood events and predicted (modelled) flood events. As discussed above, a much more detailed summary of flood risk is available through review of the Environment Agency's Indicative Flood Map and the Council's SFRA and PFRA.

Identification of areas known or predicted to be at risk of flooding will help prioritise the need for further investigation and/or measures to manage or reduce the identified risks. Unfortunately it is not possible to predict all flood scenarios and flooding may still occur in areas that have not been identified to be at risk. Similarly, the unruly nature of the UK's weather can also mean that flooding can occur in a different way than recorded in previous events or than predicted by flooding models. However, by building up an understanding of known flood risks based on historic events and by undertaking more detailed studies into those areas that are predicted to be at significant risk, a greater level of confidence can be achieved.

As highlighted in the sections above, flooding can originate from a number of sources, namely:

- Fluvial flood risks from 'main rivers';
- Fluvial flood risks from 'ordinary watercourses';
- Pluvial flood risks where rainfall causes overland surface water flow;
- Groundwater emergence;
- Emergence from the below ground sewerage system; and/or
- Artificial sources, such as reservoirs.

It is often hard to distinguish the source of a flooding event, principally because flooding does not happen in isolation and is often inter-related. When a flood occurs it often happens from multiple sources at the same time, such as a heavy rainfall event that causes overland flow and surcharging of the public sewerage system.

USE OF HISTORIC AND MODELLED FLOOD DATA

Given the long history of flooding in Herefordshire, evidence of floods which have happened in the past is invaluable when trying to understand flood risk and prioritise the management of flood risk throughout the county. Whilst Herefordshire Council, the Environment Agency, sewerage authorities and IDBs all hold various records of historic flooding, the way in which such events have been recorded has not always been consistent or complete and may not paint a clear picture of historic flooding events.

Furthermore, much information is based on anecdotal records and information provided by local communities. Although this information is invaluable and the council are keen to take local knowledge into account, it must always be treated as anecdotal. This is because it cannot be wholly relied upon due to the potential for householders to understate the extent of flooding, or even not to admit to flooding at all, for fear that it might have an adverse effect on their insurance premiums, their house price and/or their ability to sell their property.

The use of modelling software to 'predict' where flooding may occur is essential in understanding those areas of Herefordshire that are at greatest risk and most vulnerable to flooding from all sources of flood risk. Predictive modelling can provide clarity about those areas that have flooded in the past (i.e. a better understanding of why the flood event occurred and its magnitude) and information about how and where flooding may occur in the future. Predictions of flood risk are produced using combinations of hydrological and hydraulic modelling and analysis of past hydrological records to make future predictions.

A large number of watercourses throughout Herefordshire have been modelled using hydraulic modelling software – principally to inform the Environment Agency's indicative flood maps and site-specific flood studies. These include main rivers such as the Wye, Arrow and Lugg, and ordinary watercourses such as the Yazor Brook and Widemarsh Brook. Nation-wide modelling of surface water flood risks has also been undertaken by the Environment Agency to better understand those areas that are considered to be at greatest risk from overland flow.

A brief summary of flood risk associated with each potential source of flooding is provided below, with information obtained from both historic records and predictive modelling. For a detailed overview, the reader should refer to the Environment Agency's Indicative Flood Map and the Council's SFRA and PFRA.

FLUVIAL FLOOD RISK FROM MAIN RIVERS

There are a number of 'main rivers' throughout Herefordshire that have contributed to significant flood events in the past. The River Wye has contributed to numerous flood incidents causing

internal flooding to hundreds of properties throughout Hereford and Ross-on-Wye, most notably during the July 2007 flooding following exceptionally heavy rainfall. Other main rivers such as the River Lugg in Leominster and the River Leadon in Ledbury have also contributed to major flood events.

FLUVIAL FLOOD RISK FROM ORDINARY WATERCOURSES

The majority of fluvial flood risk across Herefordshire is associated with main rivers as discussed above, however there are numerous ordinary watercourses with a high level of flood risk. Historical flood records highlight Ross-on-Wye as experiencing flooding as a result of ordinary watercourses being overwhelmed on a number of occasions. In particular, the Rudhall Brook has caused internal flooding to commercial properties in the Ashburton Industrial Estate in the past.

SURFACE WATER FLOOD RISK

It can be difficult to determine surface water as being the primary contributor to flooding as it often interacts with other fluvial sources. Widespread surface water flooding was evident during the county wide July 2007 flood event. Flash flooding in Leominster resulting from a lack of drainage capacity to deal with the intense and prolonged rainfall led to significant flooding. Areas in and around Ledbury have also previously suffered from surface water flooding in July 2007 when Church Street, Newbury Park Road and parts of Lower Road and Little Marcle Road flooded.

FLOOD RISK FROM GROUNDWATER EMERGENCE

In comparison to the other sources of flooding, groundwater emergence is the least significant in terms of the number of people affected and how often flood incidents have been recorded, although this may be attributed to how difficult it is to distinguish groundwater flooding from other sources such as surface water flooding. The villages of Combe and Munderfield are recorded as experiencing minor groundwater emergence.

FLOOD RISK FROM SEWERS

Severn Trent Water and Welsh Water have a limited record of properties flooding as a result of sewerage emergence. Hereford has experienced the most significant number of sewerage flooding incidents, in particular postcodes starting with HR1 and HR4 being the most affected. Ross-on-Wye and Leominster are also recorded as having flooding incidents from sewerage. Herefordshire Council are also aware of historic issues where flooding from the combined and surface water sewerage systems has affected the public highway.

6

OBJECTIVE 1: UNDERSTAND FLOOD RISKS IN HEREFORDSHIRE

6.1 OVERVIEW

Identification of areas known or predicted to be at risk of flooding is essential to understanding those areas at greatest risk and will help prioritise the need for further investigation and/or measures to manage or reduce the identified risks.

Unfortunately it is not possible to predict all flood scenarios and flooding may still occur in areas that have not been identified to be at risk. Similarly, the unruly nature of the UK's weather can also mean that flooding can occur in a different way to that recorded in previous events or even predicted by flooding models. However, by building up an understanding of known flood risks based on historic events and by undertaking more detailed studies into those areas that are predicted to be at significant risk, a greater level of confidence can be achieved.

As summarised in Section 5 and within the council's SFRA and PFRA, a significant amount of data is available that identifies the areas within Herefordshire that are at greatest risk of flooding from fluvial, surface water, groundwater, reservoirs and sewers. The best source of data is recorded data of historic flooding events that have occurred within Herefordshire. However, the accuracy and reliability of this data is dependent on the quality of data that has been captured and, as discussed, the way in which historic flooding events have been recorded is not consistent or complete.

Predictive flood modelling has been completed for fluvial and surface water sources. This data provides a good overview of areas within Herefordshire that are likely to flood, but actual flooding may be very different from predicted flooding that can only make assumptions about how certain areas will respond to high rainfall and/or high river flows. It is also difficult for predictive flood modelling to take into account issues such as blockages or reduced capacity.

In order to continue to improve the understanding of flood risk throughout the county, the council will continue to record and investigate flooding events as well as continue to improve understanding of flood risk through the completion of flood management studies. In summary:

Understanding flood risk throughout Herefordshire to achieve the aims of Objective 1 will be met through the following key measures:

- Recording of flood events and maintaining flood records to improve knowledge of flooding;
- Investigation of flood events to improve knowledge of flooding, identify causes of flooding, responsible parties (if appropriate) and recommend required action;
- Strengthening and developing understanding of flood risk issues by all stakeholders through the use, review and completion of flood risk studies;
- Improving understanding and communication of vulnerable land uses and communities/infrastructure at greatest risk.

The activities required to meet this objective comprise a mixture of maintaining current recording and investigation measures and procedures as well as proposed improvements to these existing systems as discussed in greater detail below.

6.2 RECORDING FLOOD EVENTS

Herefordshire Council holds historic flood data for a number of events that have occurred within the county, most notably the 2007 floods which caused significant disruption. However, prior to the Pitt Review and subsequent Flood and Water Management Act 2010, local authorities that are now identified as LLFAs were not required to investigate significant flood events or collate records of flooding within their boundaries and, therefore, the quality and completeness of historic flood records currently held by the council is limited.

HISTORIC FLOOD RECORDS

Much of the historic flood data collated to inform the SFRA in 2009 is held by the council in a Global Information System (GIS) layer. Other flood data, including that associated with events that have occurred since the preparation of the SFRA, is stored predominantly in spread sheet format or within a multi-functional database called Confirm.

An exercise to collate and contrast the respective historic datasets will be undertaken by the council. The council will strive to combine all known historic flood records into a single location or into a format that is compatible with other records. For many of the spread sheet entries there is limited information that will allow an exact location to be determined. Where practical, the council will aim to enhance these entries to allow flood records to be geo-referenced and added to the council's GIS flood data layer. Consideration will also be given to a method of capturing anecdotal evidence that the council may be made aware of during the planning application process that often includes locally-sourced information that may not be captured within the current council flood records.

Herefordshire Council collect data via the [council website](#). The public are encouraged to enter information regarding local flooding events onto this website to help build the council's understanding of flood risks throughout the county and plan future flood responses.

IMPROVED APPROACH FOR RECORDING FLOOD EVENTS

Some improvements to the method of capturing flood data have been implemented by the council in recent years. The council currently records the majority of flooding events that have been reported to the council by the general public or flooding that is attributed to council assets (e.g. highways drainage systems). This data is captured via the council website or by reports that are logged within Confirm. An improved method for recording information will be developed and implemented by the council.

The detail to be recorded for each flood event will be dependent on the nature and significance of the flood event. The system to be developed and implemented by the council will take the characteristics of each flood event into account and will aim to adopt an approach similar to that summarised in Table 4. Of key importance will be ensuring that the 'core' data of each flood event (i.e. that considered a minimum for minor or isolated events) is recorded in a consistent manner regardless of the nature or significance of the flood event.

The council also intends to enable captured flood records to be geo-referenced and added to the GIS flood data layer to allow the graphical visualisation of historic flooding. This will enable the council to gain a better understanding of areas at risk and how these areas may interrelate, as well as inform better decision making with regards to pro-active maintenance regimes and advice for land use planning.

Table 4: Data to be captured commensurate with flood event characteristics

Characteristics of flood event		
Very minor or isolated events that caused no internal property flooding or travel disruption	Minor to major flooding events associated with local sources of flooding that may have caused some internal property flooding or travel disruption, but that are not classified as Section 19 events (see below)	Major flooding events associated with local sources of flooding that warrant a Section 19 Investigation (discussed in Section 6.3)
Type of data to be collected		
Date	Date	Date
Location and extent	Duration	Duration
Primary source and cause of flooding	Location and extent	Location and extent
Affected receptors	Primary and secondary sources and causes of flooding	Primary and secondary sources and cause of flooding
	Description of event	Description of event
	Depth of flooding at key locations	Depth of flooding at key locations
	No. of residential properties internally flooded	Flow paths
	No. of commercial properties internally flooded	Rainfall/river gauge data
	Addresses of flooded properties	No. of residential properties internally flooded
	Roads flooded and depth where known	No. of commercial properties internally flooded
	Photographs	Addresses of flooded properties
		Roads flooded and depth where known
		Name and extent of flooded roads
		Critical infrastructure affected
		Photographs
		Recommended actions

Other key risk management authorities within Herefordshire, most notably the Environment Agency, Welsh Water and Severn Trent Water, maintain their own records of flooding that are attributable to their assets. For all authorities, these records are essential for driving future investment. As per above, the level of detail recorded will depend on the type and consequence of the flooding event, for example all authorities record more information for flooding events that have caused internal property flooding when compared to those events that only caused flooding of external gardens.

Whilst flood records held by Welsh Water are shared with Herefordshire Council on a quarterly basis, routine data sharing arrangements are not currently in place for Severn Trent Water or the Environment Agency. Going forward, the council will look at ways in which periodic sharing of flood data can be undertaken for the mutual benefit of all involved in the management of flooding within the county. This is likely to be associated with flood events that are considered to be 'significant', in accordance with Section 19 of the Act.

In response to this and to meet the aims of Objective 1:

The council proposes to improve the way in which flooding events are recorded to meet the requirements of the Flood and Water Management Act. The consistent recording of flooding events will enable the council to better understand those areas at greatest risk, communicate this risk to the relevant stakeholders, and where necessary inform the need to take mitigating action to reduce the risk of reoccurrence. The council also proposes to improve the sharing of data between key risk management authorities.

Specifically, the council will:

- Collate and contrast the historic datasets and strive to combine all known historic flood records into a single location or into a format that is compatible with other records.
- Review current methods of recording flooding events and develop an improved method of working that reflects the nature and scale of the event, and which will allow graphical visualisation.
- Implement an agreed method of sharing flood event data with other key risk management authorities.

6.3 INVESTIGATING FLOOD EVENTS

Prior to the Pitt Review and subsequent Flood and Water Management Act 2010, local authorities that are now identified as LLFAs were not required to investigate significant flood events. However, Section 19 of the Flood and Water Management Act places a duty on the LLFA to investigate significant flood events within their area. This duty includes identifying which authorities have flood risk management functions with respect to the incident and what they have done or intend to do. LLFAs are required to publish the results of any investigations carried out and notify any relevant risk management authorities.

Specifically, Section 19 of the Act states:

19 Local authorities: investigations

- (1) On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate -
 - (a) which risk management authorities have relevant flood risk management functions, and
 - (b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.
- (2) Where an authority carries out an investigation under subsection (1) it must -
 - (a) publish the results of its investigation, and
 - (b) notify any relevant risk management authorities.

Although Herefordshire Council has undertaken a number of investigations following the most severe flooding events (e.g. those that occurred in the summers of 2007 and 2012, and the winter of 2013), the completion of Section 19 flood investigations has only relatively recently formed part of the council's standard practices.

The other key risk management authorities within Herefordshire have their own processes for investigating flooding events that are dependent on the type and consequence of the flooding event. Welsh Water and Severn Trent Water prioritise the investigation of events that have resulted in the internal flooding of one property or more. The findings of these investigations can be made available to the public and, in the case of Welsh Water, are issued to the properties affected. The council also intend to identify flooding 'hot spots' on the council's website to identify those areas that have required the completion of a Section 19 Investigation.

In response to significant flooding events associated with local sources of flooding, the council will continue to investigate these events to meet the requirements of the Act. Only events that have 'significant harmful consequences' require a Section 19 investigation to be completed by the council. There is no national definition of 'significant harmful consequences' as local receptors respond in different ways.

As part of the implementation of this local Strategy, Herefordshire Council will adopt an approach that it is considered necessary or appropriate to the scale of flood risk within the county. The definition of a flooding event that is deemed to have caused significant harmful consequences is summarised in Table 5. This takes into consideration the impacts of flooding to human health, residential properties, critical infrastructure and services, non-residential properties and the economy, the road and rail network, environmental receptors and cultural heritage.

Table 5: Definition of a significant event in Herefordshire

Risk Category	Significant Harmful Consequence
Risk to loss of life	Any flood related fatality or risk to life.
Residential property	Three or more properties flooded internally at ground floor level within same locality
Critical services: → Hospitals, health centres, clinics, surgeries, pharmacies, care homes; → Village and parish halls that were being used as rest centres during an emergency situation; → Schools, colleges, day nurseries; → Police, fire, ambulance stations; → Electricity stations and substations, gas stations, sewerage treatment and pumping stations, water treatment and pumping stations.	One or more properties flooded internally above ground floor level. One or more facilities rendered inoperable due to impassable access. One or more flooded critical installations resulting in loss or potential loss of service or causing or potentially causing flooding to other property.
Non-residential property: → Shops/supermarkets/retail premises; → Agricultural or Manufacturing premises; → Offices.	Three or more non-residential properties flooded internally above ground floor level within same locality.

Risk Category	Significant Harmful Consequence
Road and rail infrastructure: → The county's Strategic Network and any motorway or national rail network → Key access routes for emergency services	Any section that becomes impassable due to flooding Any section of road which provides the sole vehicle access to three or more residential properties or any one or more of the critical services defined above which becomes impassable to the police, fire or ambulance services.
Cultural heritage	Subject to local assessment of impact to national or international cultural heritage sites
Environment	Subject to local assessment of impact to local, national or international designated sites

If the same locality suffers multiple flood events which are considered to have significant harmful consequences, the Council will record the date of each event, but do not propose to investigate each separate event. However, should repeat flooding supplement data that was collected during the initial investigation, this will be added to the initial investigation and taken into consideration.

In response to this requirement and to meet the aims of Objective 1:

The council proposes to investigate all significant flood events that occur within Herefordshire in line with the requirements of the Flood and Water Management Act to better understand the causes and effects of flooding and identify the need for further action. The investigations completed by the council will be made available to other risk management authorities, stakeholders and the public.

6.4 COMPLETION OF FURTHER STUDIES

The council has completed a number of robust studies to better understand flood risks within the county, most notably the SFRA that is due to be updated in 2017 to reflect updates in predicted modelling data, historic flooding incidents and improvements to flood management infrastructure. The council are also in regular communication with the Environment Agency who review their indicative flood maps on a regular basis to ensure that they reflect the best available information.

The council has also undertaken a number of detailed flood assessments for communities that have experienced the most severe flooding in the past and that are attributable to local sources of flooding. For example: Lea, Eardisley, Eardisland, Five Bridges, Brimfield and Hope under Dinmore. These studies are typically informed by a review of historic flood records and detailed hydraulic analysis of the catchment. The purpose of these studies is to gain a better understanding of flood mechanisms (i.e. why these areas are prone to flooding) and assess the feasibility of measures that could be installed to reduce the risk of flooding within these areas. The council intends to continue with these types of further studies to continue to improve their understanding of local flood risk within the most vulnerable of communities.

In summary, to meet the aims of Objective 1:

The council are committed to ensuring that, wherever practicable, the most up to date flood data is made available to all relevant stakeholders and used in the delivery of all flood risk management activities. The council are also committed to the completion of detailed flood studies within those communities deemed to be at greatest risk to better understand flood mechanisms and inform future works.

6.5 UNDERSTANDING OF VULNERABLE LAND USES AND THOSE AT GREATEST RISK

Raising awareness of communities and sites at greatest risk is essential to the management of flooding throughout the county. The council maintain regular contact with Parish Councils and vulnerable sites (such as caravan sites and care homes) to highlight current flood risk issues as well as any schemes that may be planned to reduce flood risks within a certain area.

The council has also created the role of Locality Stewards and promotes the Lengthsman Scheme throughout Herefordshire. The role of these two initiatives is to improve two-way communication between local communities, Parish Councils and Herefordshire Council across a range of services areas, including the maintenance of drainage assets and flood risk management.

The council will continue to develop and maximise opportunities for maintaining communication with local communities, particularly those that are identified to be at greatest risk of flooding. This may include initiatives such as using local media to update communities on local flood risks, better use of the council's website for day-to-day updates, promotion of community resilience groups, strengthening the role of the Parish Council and maintaining the Locality Stewards and Lengthsman Scheme initiative.

In summary, to meet the aims of Objective 1:

The council will maintain regular communication with local communities for the purpose of raising awareness of local flood risks, and look for ways to strengthen current initiatives to improve communication in the future.

7

OBJECTIVE 2: MANAGE THE LIKELIHOOD AND IMPACTS OF FLOODING

7.1 OVERVIEW

It is not possible to eliminate the risk of flooding within Herefordshire. However, the council are committed to managing flood risks as far as practicable whilst taking into consideration factors such as the source of flood risk, frequency, hazard, the vulnerability of the affected communities and infrastructure, available funding and community support.

This section sets out the processes that are currently in place to manage the likelihood and impacts of flooding, and any improvements to these processes that could be explored further. There are a large number of initiatives that are considered within this Objective and in summary these include:

Managing the likelihood and impacts of flooding throughout Herefordshire to achieve the aims of Objective 2. These will be met through the following key measures:

- Communication with relevant council departments and other risk management authorities;
- Maintaining a register of assets that are considered important for flood risk management;
- Undertaking regular maintenance of assets that are considered important for flood risk management; and
- Developing a clear method of prioritising those communities that are considered to be at greatest risk, and prioritising the most appropriate measures for managing flood risks.

The activities required to meet this Objective comprise a mixture of maintaining current asset management practices and flood management works, as well as proposed improvements to these existing systems as discussed in greater detail below.

7.2 COMMUNICATION

Herefordshire Council appreciate the importance of good communication for the coordinated management of flood risks within Herefordshire. For example, the council created a **Flooding Task and Finish Group**, comprising representatives from those departments within the council considered key to flood risk management. The group met regularly to coordinate inter-departmental activities identify key areas of work required and allocate actions to the responsible person(s). Although this group no longer meets, it laid the groundwork for improved inter-departmental communication.

Herefordshire Council also undertake regular communication with the county's other key flood risk management authorities. Given that the source of flooding is often difficult to determine and can sometimes originate from multiple or inter-related sources effective communication is essential.

The key risk management authorities within Herefordshire include Herefordshire Council, the Environment Agency, Welsh Water, Severn Trent Water and the IDBs. Herefordshire Council currently meets with Environment Agency and Welsh Water on a quarterly and bi-annually basis (respectively) to discuss areas within Herefordshire that are at risk of flooding for the purpose of identifying opportunities to reduce flood risk in a collaborative manner. The council intend to implement a similar system with Severn Trent Water and the IDBs, meeting annually and bi-annually respectively. Collaboration between the risk management authorities is often key to the delivery of schemes, particularly those that may offer multiple opportunities and therefore that may secure funding from multiple sources.

An example of collaborative working includes the Sustainable Drainage Plan initiative led by Welsh Water. These plans comprise catchment-wide plans prepared every 5 years (to coincide with the sewerage authority asset management period (AMP) cycle) to identify potential capacity issues within the sewerage network within the next 5 years and within the next 25 years. Herefordshire Council discusses these plans with Welsh Water to identify where growth in Herefordshire may occur, and identify opportunities to reduce future flood risks that may be of benefit to both Welsh Water and Herefordshire Council.

The council also consult with a number of other key stakeholders that play an important part in the management of flood risk, such as the Parish Councils, Community Resilience Groups and Locality Stewards. This consultation is undertaken as-and-when it is necessary, but it is still essential to identifying risks and opportunities.

In summary, to meet the aims of Objective 2:

The council will maintain regular communication with key stakeholders through existing initiatives for the purpose of understanding areas at greatest risk of flooding, exploring opportunities for reducing flood risks, and discussing opportunities for collaboration.

Communication between these key authorities is also essential for the management of risk during and after a flood event. This is discussed in greater detail in Section 9.

7.3 ASSET REGISTER

Within the context of this strategy 'Assets' is defined as a physical structure or feature which affects local flood risk in some way, by either mitigating or increasing that risk.

In his review of the 2007 floods in the UK, Sir Michael Pitt recommended that local authorities should collate and map the main flood risk management and drainage assets (over and underground) including a record of their ownership and condition. He explained that by collating information and mapping these assets, local authorities would be able to:

- Develop more informed maintenance regimes which can take account of assets important for managing flood risk, particularly in high risk areas;
- Establish where all local drainage and watercourse systems are, allowing for quicker identification of the responsible authority in incidences of flooding; and
- Produce and publish a maintenance schedule for their assets as well as providing guidance to riparian owners as to how they should maintain their assets.

It is important to realise the full potential of maintaining a robust asset register. The asset register is not simply a system for recording assets that are likely to have a significant effect on a flood risk. The asset register presents a means of:

- Informing the public of key flood-related assets in their area;
- Understanding how certain assets affect flood risk;
- Understanding how assets assist in the management of flood risk;
- Assisting investigations of significant flood events by linking flood events to assets within the area that could contribute to or alleviate flooding;
- Informing and influencing the proactive inspection and maintenance of assets to reduce and manage flood risk;
- Informing, influencing and prioritising funding requirements to reduce and manage flood risk; and
- Identifying multiple benefits, such as assets important for effective operation of highways as well as for flood risk management.

The Flood and Water Management Act 2010 implements those recommendations made by Sir Michael Pitt including the recommendation for local authorities to establish and maintain a record of assets. Specifically, Section 21 of the Act states:

21. Lead local authorities: duty to maintain a register

- (1) A lead local flood authority must establish and maintain –
 - (a) a register of structures or features which, in the opinion of the authority, are likely to have a significant effect on a flood risk in its area, and
 - (b) a record of information about each of those structures or features, including information about ownership and state of repair.
- (2) The Minister may by regulations make provision about the content of the register and record.
- (3) The lead local flood authority must arrange for the register to be available for inspection at all reasonable times.
- (4) The Minister may by regulations provide for information of a specified description to be excluded from the register or record.
- (5) In this section, “the Minister” means -
 - (a) the Secretary of State in relation to authorities in England, and
 - (b) the Welsh Ministers in relation to authorities in Wales.

The legal characteristics of the asset register and record are outlined in Table 6.

Table 6 Asset register requirements

	Register	Record
a.	Must be made available for inspection at all reasonable times.	Up to the LLFA to decide if they wish to make it available for inspection.
b.	Must contain a list of structures or features which in the opinion of the authority, are likely to have a significant effect on a local flood risk.	For each structure or feature listed on the register, the record must contain information about its ownership and state of repair.
c.	s.21 (2) of the Act allows for further regulations to be made about the content of the register and record. There is currently no plan to provide such regulations therefore their content should be decided on by the LLFA depending on what information will be useful to them.	
d.	There is no legal requirement to have a separate register and record although as indicated above, only the register needs to be made available for public inspection.	

The majority of assets that are under the ownership of Herefordshire Council, most notably assets that are related to the highways network, are recorded within Confirm that enables geo-referencing of recorded assets. However, we appreciate that not all assets considered to have a significant effect on flood risk may be recorded and of those that are, it can be difficult to identify those that have a significant effect on a flood risk.

The council are also responsible for other assets that are not related to the highways network, such as attenuation features within public open space. Records of these assets are currently held by the department responsible for their maintenance.

Assets that are typically included within the asset register comprise both natural and manmade structures and features such as:

- Formal and informal flood defences and embankments
- Flood alleviation schemes
- Sluice gates and penstocks
- Flap valves and other outfall structures
- Open channels and watercourses
- Culverts and culverted watercourses
- Pumping stations
- Drainage ditches and grips
- Highways gullies and piped drainage systems
- Grills and trash screens
- Bridges over watercourses and open drains
- SUDS features, ponds and flood attenuation features

The council will undertake a review of the current methods of recording assets to identify opportunities for improvement. For example, to ensure that all assets considered most important to flood risk management or that could pose greatest risk if they were to fail are included within an appropriate register.

The council also intend to collate information on assets that are in private ownership or fall under riparian ownership responsibilities that could have significant consequences if they were to fail, for example assets such as agricultural reservoirs or private drainage systems.

The council can designate a feature that is located on private land or that it is in private ownership as a 'flood risk management asset'. The council will give notice to the owner of the asset in accordance with Section 30 of Schedule 1 of the Flood and Water Management Act. Features that have been designated as a flood risk management asset cannot be altered, removed or replaced without the consent of the council.

Enhancing the asset database held by the council will be an on-going process as existing or new assets are added and opportunities to improve existing information are identified. The council therefore propose to utilise the following approach to enhance their asset register and to meet the requirements of the Flood and Water Management Act 2010:

1. Quick wins – add data that is easily available from existing records or that is associated with new assets;
2. High risk – add assets that are located in known high risk areas or that could result in a high risk scenario should the asset fail;
3. Flood incidents – add assets that are identified through undertaking flood investigations;
4. Inspection and maintenance activities – add assets identified through planned or reactive inspection and maintenance works; and
5. All other assets – add all other known assets not identified through the means listed above.

Comprehensive asset registers are also held by the other key risk management authorities, namely the Environmental Agency, Welsh Water, Severn Trent Water and the IDBs. Given the extensive size of Herefordshire and the number of assets that will be important for flood risk management, it is not intended to combine all assets into a single register. However, the council will maintain communication with the other risk management authorities to ensure that the data captured with each register is in accordance with the requirements of the Flood and Water Management Act 2010.

In summary, to meet the aims of Objective 2:

The council will maintain a register of assets that are within the council's ownership and for which the council are responsible, and strive to include assets that are within private ownership that are considered likely to have a significant effect on a flood risk.

The council will also ensure that the register of assets held by other key risk management authorities is appropriate to meet the requirements of the Flood and Water Management Act.

7.4 MAINTENANCE

Many local flooding incidents within Herefordshire have been as a result of temporary blockages that have reduced the capacity of a feature or prevented the feature from operating as it should. Both proactive and reactive maintenance is therefore essential for flood risk management. Implementing a proactive inspection and maintenance regime will not eliminate the need for reactive maintenance, but it will reduce the number of reactive maintenance activities and reduce the impacts caused by defective assets.

The asset register as discussed above is intended to inform and influence the proactive inspection and maintenance of assets to reduce and manage flood risk. This is based upon an assessment of asset condition and consequence of failure, which then informs prioritisation of maintenance activities. This approach enables those assets that are either in poor condition and/or that can be attributed to past flooding within the county to be prioritised above those in good condition and/or have not been known to contribute to actual flooding.

Herefordshire Council currently carries out both proactive and reactive maintenance of assets throughout the county, predominantly for highways and drainage assets.

The proactive maintenance of highways and drainage assets is in accordance with the Highways Maintenance Plan and the annual programme of planned highway maintenance. This is informed through a review of the consequences of failure (e.g. if flooding would affect agricultural land or property within urban areas) and the condition of the asset. The most common issues are associated with blocked screens, root ingress and sediment build up that reduces the capacity of watercourses and culverts. The council intend to undertake a review of the current system of prioritising proactive maintenance to identify any opportunities for improvement, most notably further opportunities to link the need for proactive maintenance with the likelihood and impact of flooding for those assets that are considered likely to have a significant effect on a flood risk, building on the current methods for planning cyclical maintenance activities.

Reactive maintenance is regularly undertaken by the council. The response time for addressing issues as they arise is dependent on the risk category that is assigned to the issue and this prioritises the order in which defects are addressed (e.g. emergency works that are allocated Category 1 status will normally be addressed within 24 hours). Whilst the council's ability to address all identified defects is dependent upon available funding, the council will strive to set an appropriate budget.

In summary, to meet the aims of Objective 2:

The council will continue to undertake both proactive and reactive maintenance of assets that are considered likely to have a significant effect on a flood risk, informed by review of the consequences of failure and the condition of the asset.

7.5 PRIORITISATION

Given the size of the county, the extent of local flood risk and our limited budgets, it is not practical to attempt to implement all the required works or studies across the whole of Herefordshire in the short-term. It is therefore necessary for the council to implement a clear and transparent system that prioritises the potential actions and targets resources towards the most significant risks and where interventions can offer the best value for money. When working with communities, the council will provide feedback on their prioritisation status within this system.

The measures that have already been discussed above, most notably the regular maintenance of assets, will provide significant benefit to the reduction of flood risks, often with no need for further action. However, if further measures are deemed necessary, a clear and transparent method is required to prioritise those areas that are considered to be in greatest need. The method promoted by Herefordshire Council aims to guide investment and subsequent action towards those people deemed to be at greatest risk and therefore with the greatest need.

PRINCIPLES OF PRIORITISATION

The council's investment of funding and resources in the mitigation of flood risk will be based on a set criteria designed to identify the greatest need. Mitigation schemes will be assessed against these principles to create a priority 'shortlist'.

Whilst we appreciate that flood events that are not deemed significant (in terms of the criteria below) may still cause considerable stress, damage and inconvenience, our limited budgets mean that studies and schemes must be prioritised according to those people considered to be in greatest need.

Figure 3 Criteria to guide the prioritisation of receptors for flood alleviation

The priorities in Herefordshire are to reduce:

1	Risk to loss of life	Did flooding cause risk to human life? Is it likely to do so in future flooding?
2	Receptor impact	Did properties flood internally? Were important roads impassable or dangerous?
3	Flood frequency	Has flooding occurred before? If so how often? How likely it is that flooding will occur again?
4	Depth and/or velocity	Was the flood water deep or fast flowing? Or both?

These priorities outlined in Figure 3 are not intended to capture every important feature of every flood event but rather to highlight the most significant events that pose greatest risk or cause greatest impact to those affected. The priorities aim to provide structure to a method which will alert decision makers to receptors and/or communities that may require the most immediate action to reduce flooding or reduce the effects of flooding.

OTHER INFLUENCING FACTORS

It is important that this prioritisation remains flexible to account for emerging opportunities and local and wider priorities. The final decision of where action will be taken to reduce flooding will be decided by the relevant risk management authorities and will consider other factors that must be taken into account. This will include looking in greater detail at the other characteristics of the flood event, such as:

- The number of properties that flooded or are at risk;
- The historical or cultural importance of the affected property(s);
- The ability of those affected to protect themselves;
- The severity of health or pollution risks associated with the flood event;
- The duration and extent of the flood event;
- The scale of damage caused, associated costs and disruption, and the ability to recover;

- The impact to other receptors, such as land of important archaeological, environmental, economic or agricultural importance; and
- The support given by the communities that are affected by flooding, for example through Parish Councils, Flood Community Groups, or local funding opportunities.

It is also important for the council to consider flood risks at an individual property level scale and a community level scale. Consideration of individual properties is important to ensure that a single property is not viewed as being low priority simply due to its individual susceptibility to flooding or rural isolation. That said, consideration of larger communities is also extremely important as this will highlight those communities where multiple properties are at risk and therefore where multiple benefits can be achieved by taking action.

The same principles will be applied to individual and multiple properties at risk of flooding, although priority may have to be first given to actions that can address multiple properties if this is where the greatest reduction in flood risk can be achieved.

METHODOLOGIES

Data used to inform the prioritisation process will be obtained from three key sources:

1. Records of historical flood events and anecdotal evidence;
2. Predictions of future flood events based on modelled outputs; and
3. New records of flood events that will be collated by the council as and when flooding occurs.

Wherever possible, priority will be given to those areas that are known to have experienced significant flood risk in the past. The quality and quantity of recorded flood data will improve in the future as the council implement the new method of flood recording (as discussed in Section 6.2).

Modelled flood data is useful to predict areas that are at a high risk of flooding within Herefordshire but which may not have flooded yet and also to supplement data on historical flood events, particularly for those areas of Herefordshire that may not have recorded many historical flood events. Modelled data is also a useful validation tool to allow better understanding of historical flood events and how they may have occurred.

PRIORITISATION OF MEASURES

After consideration has been given to those areas of Herefordshire that are deemed to be at greatest risk, thought must be given to the type of measures that can be implemented and the standard of protection that can be provided. No matter how much planning and work we do, there will still be a risk of flooding and communities will need to be involved in what we do and guide our approach.

The prioritisation of measures needs to take into account a number of considerations as summarised in Table 7.

Table 7 Method of prioritisation of flood management measures

Criteria	Commentary
Committed measures	Certain measures may have already been committed as part of another scheme or plan, for example improvements to existing flood defences or cyclical maintenance works.
The time scale and timing of the measures	Measures could be quick win solutions that can be implemented quickly to provide an immediate solution to a problem. Measures may be given priority depending on available funding opportunities at the time of assessing the problem.
Strategic or non-strategic	Some measures may only address flooding in a small area (such as property level protection) whilst other measures may offer benefit to a much wider area (such as an upstream storage pond).
Cross-boundary	Some measures may require and/or benefit from input from multiple risk management authorities, either due to geographical location (e.g. to address flooding that extends beyond Herefordshire) or due to the nature of the flood risk (e.g. combined fluvial and surface water flooding) which can bring benefit (e.g. additional funding) or cause delay (e.g. due to additional coordination requirements).
Multiple benefits	Measures may offer multiple benefits beyond the management of flood risk, such as improvements in water quality, biodiversity or open space. These measures may also meet the objectives of other Council departments and legislation, such as the Water Framework Directive.
Cost and funding	This not only applies to the capital cost of the proposed measures, but also on-going maintenance requirements and deciding who would be best placed to take responsibility for this. Consideration must also be given to available funding opportunities and the criteria that need to be met to secure funding from the identified source(s).
Legislation	Certain measures may be required to meet legislative requirements, such as completing an asset register or reducing pollution risks to river catchment.

Settlements are prioritised based on an initial review which first involves establishing and validating the flooding mechanism and the number of affected properties. Herefordshire Council engage with the respective Flood Risk Management Authorities and stakeholder groups to prompt subsequent studies and alleviation schemes.

There is an on-going process to establish potential methods to mitigate flood risk at affected settlements. The ultimate goal is to create and update a county wide appraisal that can identify realistic costs to deliver studies and schemes. Where easy wins can be identified, delivery of feasibility studies are prioritised. In other cases, cost estimates for feasibility studies are prepared based on a balance between the likelihood of obtaining grant funding and the task in hand.

Quarterly meetings are held with the Environment Agency to discuss funding mechanisms and to establish projects that may attract grant funding. Meetings are also held with the Regional Flood & Coastal Committee, with the intent of steering funding towards schemes in Herefordshire.

As new flood sites are identified, the Council seeks funding from external sources such as DEFRA grant to complete investigations. Where external funding cannot be secured, internal funding may be available to allow completion of the initial review. Where alleviation schemes have been identified, external sources of funding via Community Infrastructure Levy or S106 (known in grant terminology as 'private contributions') are sought because this increases the likelihood of winning grant.

OTHER RISK MANAGEMENT AUTHORITIES

The other key risk management authorities, most notably the Environment Agency and sewerage authorities, also have their own methods of prioritisation. These will vary from the criteria used by the council, but the overall principles will be similar – most notably that priority will nearly always be given to those properties that are at greatest risk in terms of flood damages, hazard, frequency and past flood history.

The Environment Agency's 'Communities at Risk' initiative is intended to help them prioritise schemes throughout England, focussing more on the use of proactive measures rather than just reactive measures (i.e. predicting those areas that are at greatest risk rather than addressing issues after a flooding event has occurred). Herefordshire Council and the Environment Agency will share information about where flooding is occurring and work together on schemes to address flooding issues.

In summary, to meet the aims of Objective 2:

The council will implement a clear and transparent system for the prioritisation of areas that are considered to be at greatest risk of flooding or that may experience the greatest consequences should a flood event occur. This will take into consideration the vulnerability of those at risk, multifaceted opportunities to coordinate with other risk management authorities, and the support of the local community.

8

OBJECTIVE 3: HELP THE COMMUNITY HELP THEMSELVES

8.1 OVERVIEW

Local communities play an essential role in the management of flood risk. Raising awareness of community responsibilities and opportunities is an important part of the council's strategy for flood risk management throughout Herefordshire.

Local communities have an opportunity to assist in achieving every objective that is proposed within the Local Flood Risk Management Strategy and community support is essential to their success. The financial pressures that are faced by local councils are well understood and the council must therefore look to local communities for support in providing places that are safe for all to live and work.

As discussed in Section 7, Herefordshire Council will implement a clear and transparent system for the prioritisation of areas that are considered to be at greatest risk of flooding or that may experience the greatest consequences should a flood event occur. One of the factors that will be taken into consideration by the council when selecting schemes to be taken forward will be the support that is provided by the local community. In these times of austerity it is essential that all those involved in the management of flood risks join together to provide a partnership approach to flood risk management.

To provide an on-the-ground presence within local communities, the council has created the role of the **Locality Steward** and, since the launch of this initiative in 2014, has appointed 12 Locality Stewards who look after nine areas throughout Herefordshire: Bromyard, Kington, Mortimer, Golden Valley, Ledbury, Ross-on-Wye, Hereford, Leominster and Weobley. The council also promotes the **Lengthsman Scheme** by which participating Parish Councils can take on additional responsibilities for the maintenance of drainage and other highway assets within the local community. The role of the Locality Steward and Lengthsman Scheme can also provide a valuable link between local communities, Parish Councils and Herefordshire Council for any aspects relating to asset management and, therefore, flood risk management.

Some of the key responsibilities and opportunities for local communities are discussed in this section. These include legal responsibilities such as riparian ownership, assisting the council by reporting issues, being part of a local flood group, and managing risks at a local level.

Local communities play an essential role in the management of flood risk. Responsibilities and opportunities that can be explored to achieve the aims of Objective 3 will include:

- Raising awareness of riparian ownership responsibilities and taking action to enforce this within Herefordshire;
- Encouraging local communities that are at risk of flooding to form, join or support a local Community Resilience Group;
- Raising awareness of what to do in the event of a flood and how local communities should report flooding issues; and
- Raising awareness of action that can be taken by local communities to better protect their properties.

8.2 RIPARIAN OWNERSHIP RESPONSIBILITIES

If a main river, ordinary watercourse, ditch, drainage feature or other form of flood defence asset is located within or bordering privately owned land, it is the responsibility of the land owner unless specific arrangements have been made with another risk management authority. This responsibility is known as 'riparian ownership' and is a requirement in accordance with the Land Drainage Act as discussed in Section 3.

Herefordshire Council has prepared two useful guidance documents to inform and assist riparian owners with their duties, both of which are available on the council's website³:

- Guidance on Landowner Responsibilities; and
- Ditch Clearance Guidelines.

The Environment Agency has also developed a guide entitled 'Living on the Edge' that provides advice regarding the rights and responsibilities of riparian owners.

Key points of relevance to this Strategy include but are not limited to:

- If you own land that has a watercourse running through or underneath it (i.e. within a culvert) it is assumed that you own the stretch of watercourse that runs through your land;
- If your land boundary is next to a watercourse it is assumed that you own the land up to the centre of the watercourse, unless it is clearly stated otherwise;
- You must let water, including flood waters, flow through your land without any obstruction or diversion that may negatively affect others. Natural Flood attenuation measures, as described in Section 10.3, would benefit those downstream so are permitted; and
- You are responsible for the maintenance of the watercourse and any associated features within your land, including keeping the banks and channel clear of anything that could cause

³ <https://www.herefordshire.gov.uk/transport-and-highways/maintenance/roads-maintenance/riparian-owners-responsibilities>

obstruction and increase flood risk, and clearing debris from structures such as culverts, trash screens, weirs and mill gates.

Riparian owners have the right to protect their property from flooding or land from erosion. However, all works to a watercourse (and within c.9 metres of the channel edge) must be agreed with the relevant risk management authority – for example the Environment Agency for main rivers or Herefordshire Council / IDB for ordinary watercourses.

Whilst clearance of vegetation and debris has traditionally been seen as a key element of flood risk management, alternative methods of managing flood risk particularly around natural management processes are being explored. Through this work, there is increasing evidence that debris and vegetation can have a positive influence in slowing the flow of water, thereby providing a small scale natural measure to assist with flood management, which at the same time serves to hold back sediments and improve water quality.

As discussed in Section 7.3, under Section 30 of Schedule 1 of the Flood and Water Management Act 2010 the Council can designate a feature that is located on private land or that is in private ownership as a 'flood risk management asset'. **Features that have been designated as a flood risk management asset cannot be altered, removed or replaced without the consent of the council.** However, the council will give the riparian owner at least 28 days' notice if they decide to make such a designation and the riparian owner has a right to challenge any designation if they do not agree with what is proposed.

If a watercourse or its associated infrastructure is not adequately maintained by the riparian owner, this can cause flooding of properties, the highway and surrounding land. The relevant risk management authority, namely the Environment Agency for main rivers and Herefordshire Council for ordinary watercourses, can take enforcement action against riparian owners if they do not believe that the required maintenance activities are being undertaken and/or if the riparian owner has undertaken works that have increased the risk of flooding.

In summary, to meet the aims of Objective 3:

The council will continue to raise awareness of riparian ownership responsibilities and, where necessary, take enforcement action to ensure riparian owners undertake the necessary maintenance of their assets and do not undertake works that may increase flood risk to properties, the highway or surrounding land.

8.3 COMMUNITY RESILIENCE WORKING GROUPS

Herefordshire Council fully support the role of **Community Resilience Working Groups**. These groups can support individuals within their community to be prepared for a wide range of emergencies and promote an all-hazard approach. This can include flooding, both in terms of understanding local flood risks and helping communities to respond to and recover from a flooding event.

A Community Resilience Working Group can be formed by anyone within the community and it is recommended that this is undertaken with the support of the local Parish Council and Locality Steward. Community Resilience Groups can help the Council fulfil its central role within the county in a number of other ways, such as providing real time information about the extent and effect of local flooding for posting on the council's 'Roads Closed' website and taking active measures on behalf of the council, such as the putting out, and (equally important) the taking back in, of flood warning signage during flood events. Groups can also utilise the resources

mentioned above to help them spread understanding within the community of riparian duties and flood risk issues.

The council is supportive of communities preparing a **Community Resilience Plan**, particularly in areas identified as having high risk from local sources of flooding. A similar initiative, known as Community Flood Plans, is promoted by the Environment Agency. A Community Resilience Plan will summarise where flooding is likely to occur, the 'triggers' that will indicate when the Plan should be implemented, and the actions that should be taken to implement the Plan. The Plan should be prepared by the Community Resilience Working Group and involve the Parish Council and relevant Locality Steward.

It is also recommended that property owners who are aware that they are in an area at risk of flooding should also prepare their own **Personal Flood Plan** setting out the actions they need to take in an emergency. It should include who does what when flooding is forecast and emergency contact numbers. A [Personal Flood Plan template](#) has been prepared by the Environment Agency.

The Herefordshire Council Emergencies and Resilience Team can provide advice and guidance for communities and individuals wishing to prepare Community Resilience Plans or Personal Flood Plans.

In summary, to meet the aims of Objective 3:

The council encourages communities at risk of flooding to form a Community Resilience Working Group and, if necessary, prepare and implement a Community Resilience Plan and/or Personal Flood Plans in consultation with Herefordshire Council, Parish Council and relevant Locality Steward.

8.4 ACTION TO TAKE IN THE EVENT OF A FLOOD

The action to take in the event of a flood is dependent upon the severity of the event and the source of the flooding. In an emergency situation, local communities at risk should always contact the emergency services.

Floodwater can be very dangerous. While the Council endeavours to provide assistance wherever possible, **it is an individual responsibility to protect your person and your property.**

If you are located within a Flood Warning Area as defined by the Environment Agency, it is strongly recommended that you sign up to receive alerts from the Environment Agency. These will provide early warning that a fluvial flooding event may occur.

Whilst there are no flood warning services available for flooding from ordinary watercourses, surface water or groundwater, Herefordshire Council will endeavour to provide real-time road closure information associated with significant flood events on the council website and via local radio. The council propose to investigate and, where practicable, implement opportunities to improve communication with local communities during a flood event, particularly those deemed to be at greatest risk of flooding. This may include initiatives such as better use of the council's website and linking with national websites to highlight road closures that may also be linked to satellite navigation systems. Locality Stewards will also act as a key link with their respective communities.

If you become aware of a flooding issue such as a blocked culvert or flooding of a highway, you are advised to contact Herefordshire Council to report the issue.

Reporting incidents of flooding to the council helps improve its understanding of flood risks throughout the county, as well as build evidence for action to be taken. Such information should include details such as the date, location, duration, source of flooding, if internal property flooding was experienced, how many properties were affected, and if there were any other hazards such as impassable roads. Herefordshire Council primarily capture data via its website.

If you become aware of a flooding issue associated with a main river or the public sewerage network, you are advised to contact the Environmental Agency or your sewerage authority (Welsh Water or Severn Trent Water). If you are unsure of the source of flooding, contact Herefordshire Council for advice.

In summary, to meet the aims of Objective 3:

The council will continue to raise awareness of flood events and the actions to take during a flood event through information provided via the council website and by Locality Stewards. The council will look for opportunities to improve communication of flooding events via locally available media.

The council will continue to emphasise the individual's responsibility to protect themselves and their property during a flood event.

The Herefordshire Council Emergencies and Resilience Team can provide further advice and guidance on what action to take in the event of a flood.

8.5 COMMUNITY-LED INITIATIVES

Herefordshire Council are keen to promote individual and community responsibility for managing local flood risks, thereby promoting ownership of the actions that are taken and the measures that may be implemented.

Community-led initiatives could include:

- Creating or joining a Community Resilience Group, as discussed above;
- Preparing and implementing a Community Resilience Plan or Personal Flood Plan, as discussed above;
- Installing Property Level Protection measures;
- Undertaking maintenance of assets, such as ordinary watercourses, within the community;
- Investigating options and discussing opportunities for improved flood management with the Parish Council and Locality Steward;
- Applying for, securing and contributing towards the funding required to deliver flood management schemes;
- Providing a social network to help those who have been flooded recover from the trauma; and/or
- Helping other communities with advice and with assistance in setting up their own community resilience group.

PROPERTY LEVEL RESILIENCE

It is the responsibility of all homeowners to protect their property against flooding. Property Level Resilience (PLR) measures can provide temporary or permanent protection against flood risk, depending on the nature of flood risk to the affected property. It is advised that people who live in areas at risk of flooding investigate the options that may be available to them and the benefits that they could offer.

Some PLR measures aim to keep flood waters out of a property, for example the use of flood-proof doors and flood-proof air bricks. Other PLR measures will allow flood waters to enter a property, but will minimise the risk of damage to facilitate a quick recovery. Some PLR measures can protect more than one property and it is recommended that the need for PLR is discussed as part of a Community Resilience Working Group.

A lot of good information about PLR is available through websites such as [Blue Pages](#) and [Property Care Association](#).

PLR measures are typically paid for by the property owner. However, if a community and/or individual property is considered to be at significant and/or repeated risk of flooding it will be assessed as part of the council's prioritisation process as set out in Section 7.5. If, after undertaking an assessment of the risk, the use of PLR measures are considered to be the most appropriate then the council may assist in the funding of these measures.

MAINTAINING ASSETS

As discussed in Section 7.4, the maintenance of assets such as watercourses and ditches can be extremely effective in managing flood risks. Whilst the council do not advise local communities to undertake works that would put people in danger, the council are in full support of local communities undertaking relatively minor works that could have a big impact in reducing local flood risk. This could include activities such as maintaining the banks of a channel and any vegetation so they remain clear of debris. The council are willing to support local initiatives by providing advice and promoting the Lengthsman Scheme within participating parishes.

The council encourage the discussion and agreement of such community initiatives within Community Resilience Working Groups with the involvement of their Parish Council, Locality Steward and, where available, their Lengthsman

The council also encourage local communities to contact the council if they notice any other maintenance works that are required to prevent or alleviate flood risk – especially any works that would put members of the community at risk.

FLOOD MANAGEMENT SCHEMES

We recognise the importance of community involvement in managing the impacts of flooding and the need for collective understanding of both the risk and potential solutions. Local communities are often best placed to understand the causes and effects of flooding within their local area. As discussed in Section 7.5, the council may also be able to give preference to those communities which are actively supporting a flood management scheme.

As part of a Community Resilience Working Group, the council encourage local communities to investigate and present opportunities for managing flood risks within their area. The council will look to assist with the funding of these schemes if they are consistent with the council's prioritisation hierarchy, or if the schemes offer multiple benefits or partnership funding opportunities (i.e. if the scheme can offer other benefits such as improved biodiversity, or if the scheme can be part funded by another organisation or the community itself, or both).

Herefordshire Council also encourage local communities to engage with the Neighbourhood Development Plan initiative. This a key part of the Localism Act that can offer communities opportunities for improved flood management through land use allocation, policy development and implementation, and schemes that may reduce flood risks to facilitate development or reduce the risk to existing development.

FUNDING OPPORTUNITIES

Given the extent of local flood risk within the county, Herefordshire Council's budget for maintaining flood assets, implementing required works or studies is limited and must be carefully planned each year. It is often very difficult for the council to fully fund flood management schemes and so potential actions need to be prioritised and resources targeted accordingly.

The council encourages local communities to research and apply for other sources of funding that may be available for flood risk management initiatives (e.g. government and National Lottery funded regeneration grants).

Further information regarding potential sources of funding is provided within Section 11.

In summary, to meet the aims of Objective 3:

The council encourages local communities to propose and implement local initiatives for managing local flood risk, and where appropriate we will support these initiatives in the council's role as Lead Local Flood Authority.

9

OBJECTIVE 4: MANAGE FLOOD WARNING, RESPONSE AND RECOVERY

9.1 OVERVIEW

Herefordshire Council is part of the West Mercia Local Resilience Forum (LRF) that encompasses Herefordshire, Worcestershire, Shropshire, Telford and Wrekin. LRFs are multi-agency partnerships made up of representatives from local public services, including the emergency services, local authorities, the NHS, the Environment Agency and others. These agencies are known as Category 1 Responders, as defined by the Civil Contingencies Act.

The West Mercia LRF aims to plan and prepare for localised incidents and catastrophic emergencies. It works to identify potential risks and produce emergency plans to either prevent or mitigate the impact of any incident on their local communities. These can range from localised flooding to a terrorist attack.

The council and its partners have a robust system in place to warn communities of severe flood events, to help the most vulnerable of communities during a flood event, and to assist with post-event recovery.

9.2 EXISTING AND PROPOSED ACTIVITIES

FLOOD WARNING

As discussed in Section 8.4, the Environment Agency operates a flood warning service for properties that are located within their Flood Warning Areas. These provide early warning that a fluvial flooding event may occur. If someone is located within a Flood Warning Area, it is strongly recommended that they sign up to receive these alerts from the Environment Agency.

The Environment Agency also operates the Partners Advisory Service by which the Environment Agency will contact the council's Emergencies and Resilience Team to raise awareness of potential flood events. Throughout the event, the Environment Agency will keep the council up to date with key information such as flood levels and heightened risks etc. Herefordshire Council will share these warnings, as well as Severe Weather Warnings that may be raised by the Met Office, with the most vulnerable of people at risk, such as people within elderly care homes and schools.

Flood warning services for flooding from ordinary watercourses, surface water or groundwater sources are only available at a limited number of locations, for example Bodenham. However, Herefordshire Council endeavour to provide real-time information of significant flood events on the Herefordshire Council website and via local radio and social media. This will include sustained road closures.

The council are actively looking at ways to improve their flood warning services, in particular within those areas that are not located within an Environment Agency flood warning area but that may experience significant damage or disruption in the event of flooding from local sources. Community Resilience Working Groups can play a major role by supporting the work of agencies (i.e. establishing their own flood wardens to monitor watercourses and report blockages in time for these to be cleared, warn of rising water levels, etc.). This applies more particularly where there is a threat of flash flooding from minor watercourses/ surface run-off, rather than where the threat is from river (fluvial) flooding since the latter is usually adequately covered by the Environment Agency's warning system.

As discussed in Section 8.4, the council propose to investigate and, where practicable, implement opportunities to improve communication with local communities during a flood event, particularly those that are identified to be at greatest risk of flooding. This may include initiatives such as better use of the council's website and social media, and linking with national websites to highlight road closures that may also be linked with satellite navigation systems. The council also proposes to investigate opportunities to compare river gauge data with anecdotal evidence collected during a flood event to better predict when local communities may be at risk of flooding from local sources and when road closures may need to be enforced.

Local communities can also include 'triggers' within their Community Resilience Plans. This could include monitoring river levels against a local marker, monitoring river level information on the [Gauge Map website](#) or monitoring the [Environment Agency's Live Flood Warning Map](#).

If a flooding event is considered likely, local communities should implement their Community Resilience Plan; affected individuals should use their Personal Flood Plans, and provide assistance to the most vulnerable people within the community.

FLOOD RESPONSE

The scale of response by each organisation is proportionate to the scale of the flood event. For example, where a flooding event is associated with a main river the council will work closely with the Environment Agency to provide assistance. In the most extreme of events, the emergency services will also be deployed to provide assistance. It is recommended that the actions to be taken by the local community during a flood event are included within a Community Resilience Plan and issued to all members of the community that are likely to be at risk.

Herefordshire Council will activate the internal Flood Response Group that is established in the event of a major flood. Its aim is to provide assistance to those at greatest risk, such as the elderly or infirm. Whilst we do not provide sandbags for individual domestic use, some Parish Councils may have a limited supply of sandbags for the use of residents in a flooding emergency and it is recommended that the processes for their use are set out within the Community Resilience Plan. If you wish to keep a stock of sandbags, your local builders merchants should be able to help you. However, we may provide sandbags for strategic deployment during flooding; for the protection of essential services (i.e. electricity or water supplies). Sandbags when used correctly can provide some protection from flood waters.

Herefordshire Council are committed to housing people that are displaced during a flood event and who are unable to stay with nearby friends and family. Community rest centres are typically set up within buildings such as leisure centres and parish halls following an acute flood, as outlined in Community Resilience Plans. Information will be disseminated to communities through local media and on-the-ground staff such as the Emergency Services, Environment Agency, Parish Councils and Locality Stewards.

FLOOD RECOVERY

Herefordshire Council has prepared a multi-agency Recovery Plan that provides a framework to facilitate the rebuilding, restoration and rehabilitation of communities following a flood event. The Plan summarises the key roles and responsibilities of the key risk management authorities, such as the Environment Agency and Herefordshire Council, and also sets out the activities that are expected of local communities.

Short term housing of displaced people may be available by the council for the most vulnerable who are unable to stay with nearby friends and family. The council will provide advice to those that are likely to be displaced for a longer period of time, although it is ultimately the responsibility of individuals to arrange longer term accommodation in consultation with their insurance companies.

Capturing data for the purpose of understanding the causes, extent, duration and damages of a flood event will also form an important part of the flood recovery process. This is closely linked to Objective 1, as understanding flooding events will assist in being better prepared for future events and, where possible, reducing the likelihood of reoccurrence. For significant events, the council or the relevant risk management authority will undertake an investigation in accordance with Section 19 of the Flood and Water Management Act 2010 (as discussed in Section 6.3). The council also capture data via its [website](#). The public are encouraged to enter information regarding local flooding events onto this website to help build the council's understanding of flood risks throughout the county and plan future flood responses.

In summary, to meet the aims of Objective 4:

Herefordshire Council will continue to implement existing processes for flood warning, response and recovery in collaboration with other relevant organisations and authorities.

The council will also seek ways to improve their own activities prior to, during and after a flood event to reduce the risk to Herefordshire communities both now and in the future. This will include investigation of initiatives such as improved communication during a flood event through better use of the council and national websites, and comparing river gauge data with anecdotal evidence to better predict local issues.

10 OBJECTIVE 5: PROMOTE SUSTAINABLE AND APPROPRIATE DEVELOPMENT

10.1 OVERVIEW

Avoiding development within areas that are identified to be at risk of flooding is often the best way to reduce the number of people and properties at risk. This is, however, often difficult to achieve due to increased land use pressure, the redevelopment of sites that are identified to be at flood risk, the location of existing urban centres within areas at flood risk, and many other factors that influence site selection.

A risk-based approach must be taken when selecting sites for development and deciding on the type of development that would be considered acceptable. This must take into account the type of flooding that is predicted, the likely consequences of flooding and any measures that can be included to improve the resistance or resilience of the development to flooding.

All development can assist in the reduction of flood risk, either to the development itself or to people and property elsewhere. The council encourage all new development to go beyond what is considered 'minimum requirements' and instead explore opportunities for 'best practice'.

The tools used by the council that are considered key in the promotion of sustainable and appropriate development include:

- The preparation of an appropriate Local Plan and Neighbourhood Development Plans;
- Ensuring that local and national policies are taken into account within the planning application and approval process;
- The promotion of best practice techniques, including the use of sustainable drainage systems, targeted woodland creation to help mitigate water issues and enhancing biodiversity and habitat creation as part of flood risk management activities, e.g. multifunction green spaces that deliver amenity, flood risk management and environmental benefits.

Herefordshire Council recognises how changes to both land use and land management affect flood risk.

Changes in agricultural land management practices can increase rates of surface water runoff. Typical issues that can have a significant impact include crop selection, removal of hedges and ditches (the removal of ditches requires consent) and soil compaction from grazing. Flood risk management benefits can be also delivered through particular land uses, such as the creation of holding areas on agricultural land to enhance the natural role of floodplains, providing areas which can temporarily fill and drop their water over time.

Agriculture is a major industry throughout the county and in view of this, Herefordshire Council will work with landowners, Parish Councils, the National Farmers Union (NFU), Country Land and Business Association (CLA) and other similar organisations to promote changes in agricultural

land management practices which can reduce the impact of flooding and provide opportunities to incorporate ecological benefits. At the same time there will not be an automatic presumption that agricultural land is sacrificed for flood storage when developing flood alleviation schemes

The farming community is already working closely with others, including Natural England, the Environment Agency and the Wye and Usk Foundation on land management practices to improve water quality and quantity through the Wye Nutrient Management Plan (NMP). This will bring multiple benefits to the environment including reducing flood risk and enhancing biodiversity. To support the Wye NMP, the emerging integrated Natural Flood Management Partnership for the River Lugg and Wye seeks to reduce flood risk and enhance water quality through targeted land use solutions. It focuses on slowing the flow of water in tributary catchments of the river Wye in Herefordshire to reduce risk to communities through in stream features, rural SuDS, woodland planting and innovation interventions on agricultural land to increase infiltration and reduce overland flow into rivers.

Herefordshire Council will:

- Work collaboratively through the Natural Flood Management Partnership for the River Lugg and Wye to deliver the Wye Nutrient Management Plan and influence land use and management practices to reduce the risk of flooding and deliver wider environmental benefits; and
- Work with landowners, communities, Town and Parish Councils, NFU, CLA and other similar organisations to promote changes in agricultural land management practices, which can reduce the impact of flooding and provide opportunities to incorporate wider benefits.

10.2 EXISTING AND PROPOSED ACTIVITIES

THE LOCAL PLAN

Herefordshire Council is currently preparing their updated Local Plan to guide development in the county up to 2031. The Local Plan will be made up of a number of documents including the Core Strategy that sets the overall strategic planning framework. The Core Strategy was adopted in October 2015 and is in support of the approach to flood risk management as set out within the NPPF and its supporting Planning Practice Guidance 'Flood Risk and Coastal Change'.

Herefordshire Council do not allocate specific sites for development within the county, but propose broad strategic directions for growth that can be taken into account within the Hereford Area Plan (prepared by the council) and Neighbourhood Development Plans (prepared by Parish Councils).

Neighbourhood Development Plans are a key part of the Localism Act that aims to give local communities greater power to shape development in their area by having a direct role in the development of planning policies at a local level. These include policies that take local flooding risks into account, and can also identify opportunities for community-wide initiatives to reduce flood risks to facilitate development or reduce the risk to existing development.

The council is currently updating their Strategic Flood Risk Assessment (SFRA) that forms part of the evidence base for the Local Plan and Neighbourhood Development Plans. The SFRA provides a detailed overview of flood risk throughout the county from all sources of flood risk, now and in the future, taking account of the impacts of climate change, and assesses the impact that land use changes and development in the area will have on flood risk.

THE PLANNING APPLICATION PROCESS

The planning application process is essential in ensuring that new development is not at unacceptable risk of flooding and that new development does not increase flood risk elsewhere. All applications for development within Herefordshire must take into account the planning policies set out within the relevant Neighbourhood Development Plan, Local Plan and NPPF. All applications for new development must also take into consideration any additional recommendations made within the SFRA, as well as other documents such as the Herefordshire Highways Design Guide and Local SUDS Handbook.

Herefordshire Council promotes early discussions with developers through the pre-application advice service. This aims to advise developers on the likely flood risk within their area and the measures that may be required to adequately protect against flooding. Through consideration of the Sequential and Exception Tests in accordance with NPPF, this service may also identify that the proposed development is not considered suitable within an area identified to be at risk and is therefore likely to be refused planning permission.

The council will expect all developers to demonstrate that a sequential approach has been taken in the selection of development sites and in the proposed layout of development. This requires flood risks to be taken into account by directing the most vulnerable aspects of a development towards areas at lowest risk. If a development needs to be located within an area at risk of flooding, the council will require the developer to demonstrate how the development will be made safe. This could include flood resistance measures such as raising internal floor levels, or it could include flood resilience measures such as providing a safe means of escape. For vulnerable developments within areas identified to be at risk, a Flood Management and Evacuation Plan may be required.

For all new developments, the developer will be required to demonstrate that the development will not cause any notable increase in flood risk to people, property or infrastructure elsewhere.

BEST PRACTICE DESIGN TECHNIQUES

Wherever possible, the council will promote opportunities for new development to lessen the risk of flooding to the development site or to people, property or infrastructure elsewhere. This is most likely to be associated with opportunities for the sustainable management of surface water runoff, particularly within areas of Herefordshire that are known to experience flooding from surface water runoff or from small watercourses that receive runoff from adjacent land.

At minimum, developers will be required to ensure that new developments do not increase the rate or volume of surface water runoff when compared to the current situation. Furthermore, for previously developed sites and for larger strategic development sites, the council expect developers to be demonstrating betterment over current conditions, particularly if there are known local flooding issues. The Herefordshire Local SUDS Handbook sets out the council's requirements for the management of surface water runoff and use of SUDS features.

Developers should also be looking for opportunities to contribute to other flood management schemes, particularly in communities that have established flooding problems. Providing betterment to local communities is also likely to gain more local support for new developments.

Case Study: Stroud Rural Sustainable Drainage Project

Implementation of a wide range of measures design to slow peak flows, attenuate high flows to reduce flood risk whilst at the same time taking steps to improve water quality and restore biodiversity. The aim was to create a river catchment where water management is fully integrated into land management practices. Where public bodies, private companies and local communities work together to manage water within the landscape, creating valuable habitat for wildlife, and people and limiting flood risk downstream.

Ref: <http://ecosystemsknowledge.net/stroud-rural-sustainable-drainage-project-0>

Case Study: The Case for Trees in development and the urban environment – Forestry Commission

A rich resource of research and practical examples of how trees can be included in new development and existing communities to enrich the environment and also reduce the risk of flooding by attenuating water flows.

Ref: [http://www.forestry.gov.uk/pdf/eng-casefortrees.pdf/\\$FILE/eng-casefortrees.pdf](http://www.forestry.gov.uk/pdf/eng-casefortrees.pdf/$FILE/eng-casefortrees.pdf)

WELSH WATER RAINSCAPE INITIATIVE

The Welsh Water initiative RainScape aims to manage the volume of surface water entering the sewerage system by investing approximately £80 million up to 2020 on various RainScape projects. Reducing the volume of surface water entering the sewerage system will reduce the risk of sewerage flooding; reduce the likelihood of a pollution incident occurring, support future developments and increase resilience against climate change. The RainScape solutions can be incorporated into new developments or installed into the existing sewer system. Welsh Water does not currently have any schemes planned within Herefordshire; however landowners are being encouraged to consider implementing RainScape solutions on their land.

Examples of RainScape solutions:

- Swales – Shallow vegetated channels which store surface water before promoting infiltration into the soil, reducing the speed of surface water;
- Porous paving – Allows surface water to infiltrate through the material into the underlying soil instead of into the sewerage system;
- Rain gardens – Vegetated areas where roof water or a disconnected downpipe can be directed to, to reduce the time it takes for surface water to enter the sewerage system; and
- Rainwater harvesting – Water butts collect water from rainfall which can then be used to water gardens, this will also reduce the volume of water each house consumes.

In summary, to meet the aims of Objective 5:

Herefordshire Council will continue to promote sustainable and appropriate development through the Local Plan, its flood risk management role and the planning approval process. The council will also work closely with developers to identify opportunities for new development to lessen the risk of flooding to the development site or to people, property or infrastructure elsewhere.

11 DELIVERY AND FUNDING MECHANISMS

INTRODUCTION

Sir Michael Pitt's Review of the 2007 floods in the UK recommended that 'Government should develop a scheme that allows and encourages local communities to invest in flood risk management measures'. This recommendation has been realised through the Government policy of Flood and Coastal Resilience Partnership Funding ('partnership funding') that came into force in April 2012.

There is a large number of National and Local funding streams available to contribute towards the funding of flood risk management schemes and activities, commonly referred to as Flood & Coastal Erosion Risk Management (FCERM) schemes and activities.

The majority of funding is provided by Central Government via DEFRA and passed down to the Environment Agency as Flood Defence Grant-in-Aid (FDGiA). The Environment Agency spends this funding directly on FCERM, but also passes some on as grants to local authorities, such as Herefordshire Council, or IDBs. DEFRA also transfers some of its FCERM funding to Herefordshire Council (as LLFA) via the Department for Communities and Local Government (DCLG) to fund local FCERM schemes and activities. Other secondary sources of funding that can supplement these key sources of funding include the Local Levy, Community Infrastructure Levy and Partnership Funding schemes.

Delivery of flood risk management measures will always be dependent on sufficient funding being available. The funding available for any measure will be linked to the outcomes it will provide. Measures that deliver benefits beyond flood risk management, such as enhanced ecosystems, public amenity, economic growth or cultural heritage, are likely to attract funding from alternative sources beyond those typically used to support flood risk management.

This section of the document provides further information regarding potential funding opportunities for FCERM schemes and activities.

FCERM GRANT IN AID FUNDING

The majority of funds available from DEFRA are given to the Environment Agency as Flood Defence Grant-in-Aid (FDGiA). Local authorities, such as Herefordshire Council, can apply to the Environment Agency for grants to assist with the delivery of FCERM schemes and activities.

The FDGiA financing model supports a new partnership funding approach. The amount of funding that will be provided for each scheme that the Council are requesting funding for is calculated based on the number of households protected by the scheme, the damages that will be prevented, and any other benefits to the environment, amenity, agricultural productivity or economy.

Every worthwhile project has the potential to be supported by national FDGiA funding based on the benefits that a scheme provides. The amount of FDGiA funding available may be sufficient to fully fund schemes that have a high benefit to cost ratio. However, any outstanding costs must be met through other funding streams that are available to Herefordshire Council, Parish Councils, other stakeholders or local communities. This partnership funding approach allows Central Government to contribute to a wider range of schemes rather than meeting the full costs of a limited number of schemes.

FDGiA funding will be closely aligned to local flood risk management strategies and development plans produced by local authorities, in consultation with communities or local flood action groups. As long as minimum criteria are met, all new defences and capital maintenance projects are eligible for partnership funding, as are those protecting individual properties and managing risk from surface water and groundwater.

If a FCERM scheme or activity qualifies for partial funding of the total costs, then local partners including local authorities or IDBs can decide what to do. For example, a project qualifying for 90% FDGiA funding can still go ahead if costs are reduced by 10%, or a 10% contribution is found, or a combination of the two.

The FDGiA system aims to improve the transparency of funding and to provide greater certainty to communities over the prospect of national funding for a flood management scheme.

The value of available funding that can be obtained through the FDGiA considers three aspects of a project:

- The value of benefits for householders as a result of flood risks being managed, especially in deprived areas and where risks are significant;
- The value of other benefits achieved, such as the benefits to businesses, agricultural productivity and protection for national and local infrastructure, across the lifespan of the scheme; and
- The environmental benefits of the scheme, needed to maintain healthy ecosystems as well as offset any habitats lost when defences are built to protect people and property.

The maximum amount of funding for a project will be based on multiplying each of the aspects above by a set of payment rates, which are fixed amounts of national funding per unit of outcome or benefit achieved. Payment rates for protecting households will be higher in deprived areas, so that schemes in these areas are more likely to be fully funded by Government.

The share of funding for a project that can be obtained through the FDGiA is therefore equal to:

$$\text{Share of costs funded by FDGiA} = \frac{\text{Household benefits} + \text{other whole life benefits} + \text{environmental outcomes} \times \text{Fixed payment rates}}{\text{Amount of funding required}}$$

This shows that the percentage of FDGiA funding increases in line with the benefits being delivered.

Funding is also available for the design stages of a project to develop suitable measures for flood risk management. Herefordshire Council would need to bear the cost of the first stages of the business case to identify areas at greatest risk of flooding, prioritise those areas, initially assess the flood management solutions in terms of costs and benefits and identify suitable funding partners. However, FDGiA funding can be applied for to continue the development of the scheme through detailed studies and design works. Funding for these early stages does not guarantee that the project will be funded for the remaining appraisal, design, construction and maintenance phases of the scheme.

LOCAL LEVY

Local levy funding is an additional locally-raised source of income, gathered by way of a levy on Local Authorities and collected via the council tax. The levy is administered by the relevant Regional Flood and Coastal Committee (RFCC) and the RFCC is responsible for deciding how the levy is spent within the region each year.

The RFCC initiative aims to bring together several LLFAs within a particular catchment to discuss and develop appropriate catchment-wide plans for managing flood risks; encourage efficient, targeted and risk-based investment in FCERM; and provide a link between the Environment Agency, LLFAs, and other relevant bodies to build understanding of flood risks.

Herefordshire sits within the English Severn and Wye RFCC. The levy that can be granted by the RFCC can be used to support flood risk management projects that are not considered to be national priorities and hence do not attract national funding through FDGiA. Alternatively, local levy funding can be applied to FDGiA projects, at the discretion of the RFCC, to meet the partnership funding requirements.

FUNDING FROM DEVELOPMENT

The council has powers to secure contributions to infrastructure of community benefit from developers.

Section 106 of the Town and Country Planning Act allows a local planning authority to enter into a voluntary agreement with a landowner or developer in association with the granting of planning permission. A Section 106 agreement is used to address issues that are necessary to make a development acceptable to the local planning authority, such as supporting the provision of services and infrastructure.

One of the recommendations of DEFRA's 'Making Space for Water' (2014) was that local planning authorities should make more use of Section 106 agreements to ensure that there is a strong planning policy to manage flood risk. This means that any flood risk which is caused by, or increased by, new development should be resolved and funded by the developer.

Where possible, Herefordshire Council will seek to use Section 106 agreements to obtain funding to deliver flood risk management schemes that are required to facilitate the new development. Currently the number of separate Section 106 contributions that can be pooled to deliver larger flood risk reduction schemes is capped at four. Any contributions sought must meet the statutory legal tests set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended.

The tests are that the contribution must be:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

FUNDING PARTNERSHIPS

As discussed above, the Environment Agency will often only allocate FDGiA to fund a project if the lead authority can secure additional contributions to help fund the project – although 100% FDGiA project funding is possible for some projects that are considered eligible (typically projects that would offer significant risk reduction as well as other amenity, biodiversity and/or economic benefits).

Implementing schemes that offer multiple benefits are therefore more likely to secure the necessary funding and therefore more likely to be implemented. For schemes that offer multiple benefits, it is expected that the key stakeholders that are associated with the scheme and/or that will benefit from the scheme will also contribute in some part towards the required funding.

Organisations that may contribute towards flood risk management projects are typically those that would benefit from the scheme and/or those with a vested interest in flood risk management. This could include organisations such as:

- Relevant departments within Herefordshire Council, such as the Property Services and Highways Department;
- The Environment Agency, especially for projects that contribute to combined flood risk management from local sources and main rivers (for example);
- Welsh Water and Severn Trent Water;
- The River Lugg IDB and Lower Severn IDB;
- Highways England and Network Rail;
- Community Resilience Groups;
- Natural England or local wildlife groups;
- English Heritage or local archaeological groups;
- Riparian owners;
- Developers;
- Parish and Town Councils; or
- The local community and local businesses.

OTHER SOURCES OF FUNDING

The council encourages local communities to research and apply for other sources of funding that may be available for flood risk management initiatives (e.g. government and National Lottery funded regeneration grants). Herefordshire Council will continue to let communities know about any help or assistance that may be available following a flooding event. Communities may also wish to explore opportunities for local fundraising.

For further information regarding available funding, communities are advised to refer to information on www.herefordshire.gov.uk or www.gov.uk websites. As regards alternative funding streams that may be available to support community-led initiatives, visit the [Hereford funding update website](#).

12 ENVIRONMENTAL SCREENING

12.1 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

The SEA is a systemic process designed to evaluate the environmental and socio-economic effects of plans and programmes to ensure that environmental and sustainability issues are assessed and integrated at the earliest opportunity in the decision-making process, and that sustainable development is at the heart of the plan-making process.

Article 1 on the SEA Directive states that the aim is to:

‘provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development’

Local Government Association guidance states that LFRMS is subject to the requirements of SEA and a screening decision should be made on whether further SEA is required⁴. A separate document has been prepared to support SEA screening.

The SEA screening has been undertaken in order to determine whether an SEA of Herefordshire LFRMS is required.

The key issues which are likely to be determinative are the extent to which the LFRMS sets a framework for the future development consent of projects, and/or is likely to give rise to significant environmental effects. Given the nature of the LFRMS objectives, actions and outcomes (e.g. collection, & dissemination of information small scale resilience measures), ‘no’ to both criteria have been determined. It is therefore concluded that an SEA is not required for Herefordshire LFRMS.

However, it is recognised that a precautionary approach should be applied to future flood risk management activities. If actions in the Strategy are further developed and could lead to additional maintenance works in sensitive areas or development of infrastructure, then the LFRMS should include provisions for safeguarding the environment. These would include project level applications such as:

- Environmental risk assessments (alongside for instance health and safety) for any maintenance works such as clearance of watercourses to ensure sensitivities such as potential for breeding birds or protected species are identified.
- Where any activities such as watercourse maintenance may affect a European site, HRA screening should be repeated to ensure that there are no likely significant effects (see 2.1 below).

⁴ Local Government Association, November 2011, Framework to Assist the Development of the Local Strategy for Flood Risk Management, pgs. 19, 49.

- Where any activities such as watercourse maintenance are undertaken, good environmental management practices such as avoiding silty run-off and prevention of diesel spills are applied,

Communicating awareness of these measures alongside the LFRMS is equally important so that riparian responsibilities are understood.

12.2 HABITATS REGULATIONS ASSESSMENT (HRA)

- 12.2.1** Under Article 6 of the Habitats Directive an 'appropriate assessment' is required where a plan or project, not directly connected with or necessary to the management of a Natura 2000 site, either individually or in combination with other plans or projects, is likely to have a significant effect upon that site. Natura 2000 is a network of areas designated to conserve natural habitats and species that are rare, endangered, vulnerable or endemic within the European Community.
- 12.2.2** The first stage of the HRA process, screening, initially identifies the likely impacts upon a European site of a plan or project, either alone or in combination with other plans or projects, and considers whether these impacts are likely to be significant.
- 12.2.3** The HRA of the LFRMS has assessed the potential for Likely Significant Effects on European site and concluded these can be screened out.
- 12.2.4** However, it should be noted that where further flood risk management actions are to be undertaken (beyond the existing Strategy) then they should be screened for likely significant effects on European sites as part of the HRA process. This is particularly important for objectives or actions which may then lead to flood defence infrastructure or changes in water levels/ drainage.

Appendix A

ACTION PLAN 2016 - 2022

APPENDIX A-1

ACTION PLAN 2016 - 2022

Action ID	Strategy Objective	Proposed Action	Details of Action	Outcome	Timeframe for Implementation
001	Objective 1: Understand flood risks throughout Herefordshire.	Collate and analyse existing historic flood records held by Herefordshire Council.	Review historic flood records by the Council. Combine multiple data sources into a single location or into a single format that is compatible with other flood records. Analyse flood records to illustrate properties and communities at greatest risk. Produce mapped outputs of analysis.	To collate existing data into a format that can be used to gain improved understanding of flood risk.	March 2018
002		Review, develop and implement a comprehensive system to record future flood events that occur throughout Herefordshire.	Evaluate the methods by which flood events are currently recorded. Develop a comprehensive, appropriate and consistent system for the recording of future flood events. Agree and implement minimum 'core' information required for all flood events, and additional data that should be collected for more significant flood events.	To have a consistent and user-friendly method for the recording and review of flooding events.	December 2017 Review annually
003		Review and, where necessary, improve the sharing of flood event data between the key risk management authorities.	Review current data sharing arrangements and, where appropriate, improve the sharing of flood event data associated with Section 19 flood events with the Environment Agency, Welsh Water and Severn Trent Water to develop and agree a standardised approach.	To improve awareness of significant flooding events from non-local sources of flooding and to help to identify opportunities for collaborative working.	March 2018 Review annually
004		Continue to investigate significant flooding events in accordance with Section 19 of the Act	Ensure 'significant' flood events are investigated in accordance with Section 19 of the Act using the standardised investigation template developed by the Council.	To improve understanding and awareness of significant flooding events from local sources of flooding, and to better inform the decision making process.	On-going throughout delivery of Strategy
005		Publish Section 19 Investigations in accordance with Section 19 of the Act.	Make the key findings of Section 19 Investigations available to other risk management authorities, stakeholders and the public. Develop an appropriate process to implement this to protect potentially sensitive information.	To improve understanding and awareness of significant flooding events from local sources of flooding, and to better inform the decision making process.	On-going throughout delivery of Strategy
006		Use Section 19 Investigations to improve understanding of flood risk and prioritisation process	Link Section 19 Investigations to historic flood records for the purpose of highlighting the location of events considered to be 'significant', identifying those communities at greatest risk of flooding and informing the prioritisation process.	To identify communities likely to be at greatest risk of flooding.	On-going throughout delivery of Strategy

007		Continue to improve and share understanding of flood characteristics and mechanisms.	Update and publish the Herefordshire SFRA.	To ensure the most up to date flood data is made available to all relevant stakeholders and used in the delivery of all flood risk management activities	November 2017
008		Investigate and implement improved methods of communication.	Review the Council's website and, where appropriate, implement initiatives to raise awareness of flooding within communities at greatest risk, such as promotion of community resilience groups, strengthening the role of the Parish Council and maintaining the Locality Stewards and Lengthsman Scheme initiative.	To ensure that the most vulnerable of communities are aware of the risks of flooding within their locality.	April 2018 Review annually
009		Ensure consistency in communication	Review the Council's website and, where necessary, ensure that the website is aligned with the current processes and procedures as set out within the LFRMS.	To ensure consistency in the management of flood risk.	March 2018
010	Objective 2: Manage the likelihood and impacts of flooding.	Maintain and improve communication with key risk management authorities	Maintain regular communication with the Environment Agency (quarterly) and Welsh Water (bi-annually), and implement similar systems of communication with Severn Trent Water (annually) and the IDBs (bi-annually).	To improve communication and collaboration between risk management authorities.	underway: Review annually
011		Develop a register of assets that are considered to have a significant effect on a flood risk	Review and, where necessary, enhance the Council's existing register of assets for which the Council are responsible. Where assets are recorded elsewhere, ensure that the information held within alternative records is appropriate. Ensure key assets are included within the register(s), most notably those assets that are considered most important to flood risk management or that could pose greatest risk of they were to fail.	To identify those assets which are considered to have a significant effect on flood risk, and to inform proactive maintenance of these assets.	Completed, reviewed annually
012		Maintain a register of assets that are considered to have a significant effect on a flood risk	Continue to add assets that are considered important for flood risk management to the asset register. Review and, where appropriate, include assets that are within the ownership of other Council departments or in private ownership but that are considered likely to have a significant effect on flood risk.	To identify those assets which are considered to have a significant effect on flood risk, and to inform proactive maintenance of these assets.	On-going throughout delivery of Strategy
013		Ensure other risk management authorities are maintaining a register of assets that are considered to have a significant effect on flood risk	Ensure that the register of assets held by other key risk management authorities is appropriate to meet the requirements of the Flood and Water Management Act.	To identify those assets which are considered to have a significant effect on flood risk, and to inform proactive maintenance of these assets.	Reviewed annually

014		Continue to undertake proactive maintenance of assets that are considered to have a significant effect on a flood risk	Continue to undertake maintenance activities and, where appropriate, review the current system of prioritising proactive maintenance to identify any opportunities for improvement, building on the current methods of planning cyclical maintenance activities.	To continually improve the planning of maintenance works for the benefit of improved flood risk management.	On-going
015		Implement a clear and transparent system for the prioritisation of communities and infrastructure at risk of flooding.	Undertake a review of available flood risk data sources. Implement the proposed principles of prioritisation to identify those communities considered to be at greatest risk of flooding or that may experience the greatest consequences should a flood event occur, and to inform the selection of appropriate measures.	To ensure a fair and transparent process for the assessment and implementation of flood management measures.	On-going throughout delivery of Strategy
016	Objective 3: Help the community help themselves.	Raise awareness and enforce riparian ownership responsibilities.	Continue to raise awareness of riparian ownership responsibilities and, where necessary, take enforcement action to ensure riparian owners undertake the necessary maintenance of their assets and do not undertake works that may increase flood risk to properties, the highway or surrounding land.	To ensure that local communities take responsibility for managing flood risk.	On-going throughout delivery of Strategy
017		Promote the role of Community Resilience Groups.	Continue to actively promote communities at risk of flooding to form a Community Resilience Group and, if necessary, prepare and implement a Community Resilience Plan and/or Personal Flood Plan in consultation with the Parish Council and relevant Locality Steward.	To raise awareness of flooding within local communities and encourage communities to be better prepared.	On-going throughout delivery of Strategy
018		Investigate and implement improved methods of communication.	Investigate and, where appropriate, implement initiatives to improve communication during a flooding event such as using local media, better use of the Council's website and linking with national websites.	To improve knowledge of flooding throughout Herefordshire and thus reduce the risks associated with flooding.	March 2018 Review annually
019	Objective 4: Manage flood warning, response and recovery.	Improve local flood warning systems and road closure information.	Investigate opportunities to compare river gauge data with anecdotal evidence to better predict when local communities may be at risk of flooding from local sources and when road closures may need to be enforced.	To ensure that communities can be better informed of flood risks and local road closures.	March 2018
020	Objective 5: Promote sustainable and	Improve the management of surface water runoff.	Implement the newly published Local SUDS Handbook to promote the appropriate management of surface water runoff through the planning approval process.	To identify and encourage opportunities to manage runoff to prevent increased flood risk and reduce existing flood risk.	On-going throughout delivery of Strategy

021	appropriate development.	Implement robust and appropriate planning policy.	Complete the Herefordshire SFRA and implement appropriate policies in the Local Plan, Neighbourhood Plans and NPPF.	To encourage a best practice approach for land use planning and development design.	June 2017
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Local Flood Risk Management Strategy – Non-technical summary

As Lead Local Flood Authority, Herefordshire Council’s aim is to continually improve the way in which flood risks are managed throughout the county to reduce the impacts of flooding on lives and livelihoods. The Roles and Responsibilities of key flood risk management authorities in Herefordshire are outlined below:

Roles and Responsibilities:

Table 1: Responsibilities of key flood risk management authorities in Herefordshire

Source of flooding	Environment Agency	Herefordshire Council	Welsh Water and Severn Trent Water	Internal Drainage Boards
Main Rivers	✓			
Ordinary Watercourses		✓		✓*
Surface Water Runoff		✓		
Highway Assets		✓		
Public Sewerage System			✓	
Groundwater		✓		
Reservoirs	✓			

*IDB maintained watercourses

A detailed summary of Flood Risk in Herefordshire is available through review of the Environment Agency’s Indicative Flood Map and the Council’s [Strategic Flood Risk Assessment \(SFRA\)](#) and [Preliminary Flood Risk Assessment \(PFRA\)](#).

The [Environment Agency \(EA\)](#) is responsible for taking a strategic overview of the management of all sources of flooding and coastal erosion throughout England which includes operational responsibility for managing the risk of flooding from main rivers and reservoirs, also for flood forecasting and flood warning. The [Environment Agency](#) is also responsible for issuing levies to local authorities to support the implementation of flood defence schemes and managing the allocation of funding for flood defence and flood resilience schemes.

As Lead Local Flood Authority, [Herefordshire Council](#) is responsible for managing the risk of flooding from local sources of flood risk, namely surface water, groundwater and ordinary watercourses (any watercourse that is not designated as a main river). The Council are also responsible for managing the flood risk associated with highway assets in the Council’s ownership (excluding any trunk roads managed by Highways England).

The Council is also the main Land Drainage Authority and is therefore responsible for issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses that are not under the responsibility of the relevant IDB. The Council also play a lead role in emergency planning and recovery after a flood event.

The water and sewage authorities (in Herefordshire’s case, [Welsh Water](#) and [Severn Trent Water](#)) are responsible for managing the flood risks of flooding from surface water, foul or combined public sewerage systems that serve more than one property.

Internal Drainage Boards (IDBs) (for Herefordshire, [River Lugg IDB](#) and [Lower Severn IDB](#)) are responsible for the maintenance of the land drainage assets within the low-lying land with their respective catchments. They are responsible for issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses within their districts.

Landowners which own land through which an ordinary watercourse or main river flows are the responsible riparian owners for the watercourse. The Environment Agency have developed a guide entitled '*Living on the Edge*' that provides specific advice regarding the rights and responsibilities of riparian landowners. Herefordshire Council has also published a useful guide of riparian ownership responsibilities named '*Ditch Guidelines*', which is available on the Council website.

Other Local Stakeholders (*Highways England* and *Network Rail*) are responsible for managing flood risks that are associated with or may affect their assets.

The Local Flood Risk Management Strategy sets out how the Council are approaching flood risk management to meet the **5 key objectives**. The measures set out by Herefordshire Council within this local Strategy are compatible with the Environment Agency's National Strategy.

Objective 1: Understand Flood Risks in Herefordshire

In order to continue to improve the understanding of flood risk throughout the county, the Council will continue to record and investigate flooding events as well as continue to improve understanding of flood risk through the completion of flood management studies.

The Council proposes to improve the way in which flooding events are recorded to meet the requirements of the Flood and Water Management Act. The Council also proposes to improve the sharing of data between key flood risk management authorities.

The Council proposes to investigate all 'significant' flood events that occur within Herefordshire in line with the requirements of the Flood and Water Management Act to better understand the causes and effects of flooding and identify the need for further action. The investigations completed by the Council will be made available to other flood risk management authorities, stakeholders and the public.

Objective 2: Manage the likelihood and impacts of flooding

The activities required to meet this Objective comprise a mixture of maintaining current asset management practices and flood management works, as well as proposed improvements to these existing systems.

The Council will maintain regular communication with relevant Council departments and other flood risk management authorities. The Council will also maintain the register of assets that are within the Council's ownership and strive to include assets within private ownership which are considered to have a significant effect on a flood risk, in addition to continuing to undertake both proactive and reactive maintenance of these assets. The Council will also develop a clear method of prioritising those communities that are considered to be at greatest risk and prioritise the most appropriate measure for managing flood risks.

The Council will implement a clear and transparent system for the prioritisation of areas that are considered to be at greatest risk of flooding or that may experience the greatest consequences should a flood event occur. This will take into consideration the vulnerability of those at risk, multifaceted opportunities to coordinate with other flood risk management authorities, and the support of the local community.

Objective 3: Help the Community Help Themselves

Local communities play an essential role in the management of flood risk, thus raising awareness of community responsibilities and opportunities is an essential part of the Council's Strategy for flood risk management throughout Herefordshire.

Responsibilities and opportunities that can be explored to achieve the aims of this objective will include:

- Raising awareness of riparian ownership responsibilities;
- Encouraging local communities that are at risk of flooding to form, join or support a local Community Resilience group;
- Raise awareness of what to do in the event of a flood and how flooding events should be reported;
- Raise awareness of how local communities can better protect their properties.

Objective 4: Manage Flood Warning, Response and Recovery

Herefordshire Council will continue to implement existing processes for flood warning, response and recovery in collaboration with other relevant organisations and authorities.

The Council will also seek ways to improve their own activities prior to, during and after a flood event to reduce the risk to Herefordshire communities both now and in the future. This will include investigation of initiatives such as improved communication during a flood event through better use of the council and national websites, and comparing river gauge data with anecdotal evidence to better predict local issues.

Objective 5: Promote Sustainable and Appropriate Development

A risk-based approach must be taken when selecting sites for development and deciding on the type of development that would be considered acceptable. To promote sustainable and appropriate development, the Council will utilise the Local Plan and Neighbourhood Development Plans to ensure that local and national policies are taken into account within the planning application and approval process (including the implementation of Sustainable Drainage Systems).

All development can assist in the reduction of flood risk, either to the development itself or to people and property elsewhere. The Council encourage all new development to go beyond what is considered 'minimum requirements' and instead explore opportunities for 'best practice'.

Herefordshire Council will work collaboratively through the Natural Flood Management Partnership for the River Lugg and Wye to deliver the Wye Nutrient Management Plan and influence land use and management practices to reduce the risk of flooding and to deliver wider environmental benefits.

In addition the Council will work with landowners, communities, Town and Parish Councils NFU, CLA and other similar organisations to promote changes in agricultural land management practices, which can reduce the impact of flooding and provide opportunities to incorporate wider benefits.

