

Agenda

General scrutiny committee

Date: **Monday 9 September 2019**

Time: **10.15 am**

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:

Tim Brown, Governance Services

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Governance Services on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the General scrutiny committee

Membership

Chairperson **Councillor Jonathan Lester**
Vice-Chairperson **Councillor Tracy Bowes**

Councillor Barry Durkin
Councillor Jennie Hewitt
Councillor Bernard Hunt
Councillor Paul Symonds
Councillor William Wilding

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To receive the minutes of the meeting held on 23 July 2019.</p>	9 - 14
5.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p> <p>Details of the scheme and related guidance are available here:</p> <p>https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p> <p>The deadline for the receipt of questions is Tuesday 3 September at 5.00 pm.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p>	
6.	<p>QUESTIONS FROM MEMBERS OF THE COUNCIL</p> <p>To receive any written questions from members of the council.</p> <p>Deadline for receipt of questions is 5.00pm on Tuesday 3 September 2019.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p>	
7.	<p>CALL-IN OF CABINET MEMBER DECISION ON HEREFORD TRANSPORT PACKAGE AND SOUTH WYE TRANSPORT PACKAGE</p> <p>To consider the call-in of the decision of the cabinet member – infrastructure and transport on the Hereford Transport Package and the South Wye Transport package dated 9 August.</p>	15 - 68
8.	<p>DATE OF NEXT MEETING</p> <p>The next scheduled meeting is Monday 23 September 2019 at 10.15 am.</p>	

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- 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.
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The Chairperson 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 General Scrutiny Committee

Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet.

The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

Council has decided that there will be three scrutiny committees. The Committees reflect the balance of political groups on the council.

The General Scrutiny Committee consists of 7 Councillors.

Councillor Tracy Bowes (Vice-Chairperson)	It's Our County
Councillor Barry Durkin	Conservative
Councillor Jennie Hewitt	Herefordshire Independents
Councillor Bernard Hunt	True Independents
Councillor Jonathan Lester (Chairperson)	Conservative
Councillor Paul Symonds	Liberal Democrat
Councillor William Wilding	Herefordshire Independents

The committees have the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council or the cabinet with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area

- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
- (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness
 - (iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.
- (h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

The specific remit of the general scrutiny committee includes:

- Services within the economy and place directorate and corporate centre
- Corporate performance
- Budget and policy framework matters
- Statutory flood risk management scrutiny powers
- Statutory community safety and policing scrutiny powers

Who attends general scrutiny committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Pale Blue	Cabinet Members – They are not members of the committee but attend principally to answer any questions the Committee may have and inform the debate.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
Green	People external to the Council invited to provide information to the committee.
White	Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

Minutes of the meeting of General scrutiny committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Tuesday 23 July 2019 at 2.30 pm

Present: Councillor Jonathan Lester (chairperson)
Councillor Tracy Bowes (vice-chairperson)

Councillors: Barry Durkin, Bernard Hunt, Paul Symonds and William Wilding

In attendance: Councillors John Harrington (Cabinet Member)

Officers: C Corfield, (Licensing, Travellers & Technical Support Service Manager); M Willimont (Acting Assistant Director for Regulatory Environment and Waste), J Coleman (Statutory Scrutiny Officer).

1. APOLOGIES FOR ABSENCE

None.

2. NAMED SUBSTITUTES

None.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

RESOLVED: That the minutes of the meetings held on 6 March 2019 and 29 March 2019 be approved as a correct record.

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the questions and answers is appended to these minutes.

6. QUESTIONS FROM MEMBERS OF THE COUNCIL

None.

7. GAMBLING POLICY 2019-2022 (REVIEW)

The committee was invited to review the statement of principles (Gambling Policy) to be applied by the council when exercising licensing functions under the Gambling Act 2005 (the Act).

The Acting Assistant Director for Regulatory Environment and Waste introduced the report. He reported that the Gambling Act 2005 required the Council to have a statement of gambling licensing policy. The revised policy, as appended, was largely unchanged. However, amendments had been made to reflect the requirements of two

new codes issued by the Gambling Commission: Licensing Conditions and Code of Practice (LCCP) and the Social Responsibility Code.

In discussion the following principal points were made (references in brackets are to the policy set out in the appendix to the report:

- (para 1.1) The wording currently states ‘to promote gambling in accordance with the licensing objectives’. Clarification was sought on whether this might more accurately reflect the council’s role to ‘enable’ gambling rather than promote it. It was noted that the licensing authority is there to ‘promote compliance’ and not to promote gambling.
- (para 1.4) It was proposed that the word ‘used’ in line one should be replaced by ‘inform’ to read: “The Licensing Authority is required to publish a Gambling Licensing Policy that will inform it when exercising its licensing functions.”. Officers agreed to this proposed wording change.
- A general point was raised about the number of technical and legal terms used in the report. It was argued that the report would be strengthened and would aid the readers understanding if a glossary of terms were to be included.
- It was asked how Herefordshire’s response to the consultation on this policy compared to other local authority areas. In response it was suggested that Herefordshire tended to have a low consultation response compared to larger authority settings, where more contentious licensing decisions were taken.
- (paragraph 5.5) This referred to determining an application for a premises licence without a hearing if the authority thought that the representations were vexatious or frivolous, or would not influence the determination of the application. It was noted that this was terminology drawn directly from the legislation. Its purpose was to allow officers to determine that any objections raised, for example, were not from a competitor businesses who may have financial interests in the outcome of the licensing decision. There were strict criteria that officers would apply in determining whether objections were valid.
- A further question concerned whether the policy included reference to transfers or variation of licenses. Officers commented that transfers and variations were not stated clearly in the document; the functions in the Act provided for the determination of all applications including transfers and variations. The purpose of the policy was to show how Herefordshire Council would carry out those functions locally. The availability of information to applicants about making an application was raised. A general view emerged that it would be helpful to make this information more visible in the policy document.
- (para 15.6) In relation to operating a proof of age scheme for children and young persons, it was noted that there is nothing in the policy around ‘training in child protection’. It was proposed that an additional category in the itemised list in para 15.6 be added around children’s safeguarding.
- (see recommendation e below) Various changes to the wording in the policy document were suggested. Reference was made to the foreword. It was requested that in the second paragraph reference to ‘list of those consulted can be found at the rear’ should be amended to say ‘found in the appendix’. A further point of clarification was requested in relation to the term ‘purpose of the principles’. It was proposed that this should be amended to ‘purpose of the policy. It was also suggested that reference to ‘gambling objectives’ be altered to ‘the objectives regulating gambling’.

- Reference was made to the statement of principles where vulnerable children and other vulnerable persons were described. It was advocated that this should be all children, not just vulnerable children. It was also noted that the three licensing objectives were taken directly from statute – as a result it was difficult to deviate from this wording. A further reference was made to the term 'thriving and sustainable community'. It was suggested that should be changed to 'thriving and sustainable economy'.
- The policy noted that it would be published every three years. It seemed more accurate to say that it would be reviewed every three years. The policy also stated that it may be reviewed from 'time to time'. It was clarified that there were times when the policy would require review, if, for example, there were changes in legislation, to ensure it was compliant.
- (Para4.5) Reference to governance team should be removed
- (Para 5.2) This made reference to a deadline in connection to making representations, but did not clarify the timeframes attached to that deadline.
- Section 18 of the policy covered review of premises licenses... It was noted that a review could be initiated as a result of representations being made, but questioned whether the review provisions should also extend to organisations who failed to uphold the core principles of the policy. It was noted that officers worked with the Gambling Commission on enforcement if licensees were found to be in breach of their conditions of license. This could lead to a review of a licence or in more serious cases, revocation.
- Section 18 of the policy was silent on an organisation's right of appeal against a decision by the licensing authority.

RESOLVED TO RECOMMEND TO THE EXECUTIVE THAT:

- a) **officers review the wording in Para 1.1 of the policy to ensure it places clear emphasis on promoting compliance with the principles set out in the Act, and make clear that it is not about promoting gambling;**
- b) **officers include a glossary of terms to cover all technical and legal terms set out in the report before it goes on to cabinet and full Council;**
- c) **a sentence be added to the policy document to highlight where people can be directed to apply for a licence;**
- d) **a new category (i) be added to the itemised list in para 15.6 of the policy to include training in child protection and child safeguarding;**
- e) **officers look at all of the suggested various changes to wording of the policy suggested in bullet point 7 above and update the policy to ensure there is clarity in the phraseology used;**
- f) **the various references to children and young persons should – for consistency – be changed to children and young people throughout the policy document;**
- g) **officers revise the wording to highlight that the gambling policy is 'reviewed' every three years and to add clarity to the reference of policy review from 'time to time' – with the additional context that this will happen when/if there are changes to legislation during the three year period;**
- h) **officers remove the reference to 'the governance team' in para 4.5 of the policy;**
- i) **officers state clearly what the deadline timeframes are in para 5.2 of the policy;**

- j) **grounds for a review of a premises license as set out at section 18 of the policy should also include any breaches to the principles that the licensing authority, upholds in overseeing the policy and any related enforcement action; and**
- k) **details on rights of appeal should be included in the policy document.**

8. WORK PROGRAMME

The Committee reviewed its work programme.

The principal considerations centred on scrutiny of the budget and medium term financial strategy (MTFS). The options under consideration were to review the budget ahead of/during the formal consultation and/or after the consultation had been completed. It was also noted that the local government financial settlement (LGFS) was scheduled for late autumn (in previous years LGFS has been announced in December). It was proposed that a two stage approach to scrutinising the budget should be the preferred option. In addition, this would be conveyed to the Children and Young People and the Adults and Wellbeing Scrutiny Committees, to ensure their scrutiny could mirror this approach.

The committee agreed that the budget and MTFS would be added to the November Scrutiny meeting and then reviewed again at the proposed January meeting.

The Statutory Scrutiny Officer agreed to provide members of the committee with information on a briefing that was being planned on the question of devolution of car parking revenue to market towns.

RESOLVED:

- That:**
- (a) the draft work programme as set out at appendix 1 to the report be approved as amended;**
 - (b) the Statutory Scrutiny Officer be authorised, following consultation with the chairperson and vice-chairperson, to add items to the work programme where it is necessary to ensure their timely consideration where there is no scheduled meeting to approve their inclusion; and**
 - (c) the Statutory Scrutiny Officer be authorised, following consultation with the chairperson and vice-chairperson to finalise arrangements for scrutiny of topics within the work programme.**

9. DATE OF NEXT MEETING

Monday 23 September 2019 at 10.15 am.

Appendix - Questions from members of the public and answers

The meeting ended at 3.14 pm

Chairperson

PUBLIC QUESTIONS TO GENERAL SCRUTINY COMMITTEE – 23 July 2019

Question 1

Mr P McKay– Leominster

Those cared for at home require visits by carers, service providers, family, etc., not in control of who and when, with HC scheme only permitting one visitor permit, for display before leaving car, yet visitor would not have it, so would have to park, walk to resident to ask for it, back to car to display, and if absent mindedly drove off with it could be lost, and is not replaceable till would have expired, or if second visitor arrived they could not have permit as first visitor would have it, and would have to depart, nor could resident have any family visits of more than one person, and I suggest this be subject of scrutiny ? Some other councils provide packs of single use visitor vouchers to be marked with date enabling 2 or 3 to be displayed.

Response

This request will be considered as part of the overall work programme prioritisation and you will be informed of the committee's conclusion.

Question 2

Mrs E Morawiecka – Breinton

“At the March 2019 meeting of the General scrutiny meeting a number of public questions on the Hereford Transport Package were not permitted to be asked on the basis the meeting “will not be considering matters that do not relate to the grounds for call-in.” The public were told that under the circumstances the question would normally be redirected to cabinet. However, as there was no cabinet meeting scheduled until after the elections it was intended the public would receive an officer response in due course. When the issue of the Hereford Transport Package is of such high importance to all parties why have officers been unable to provide written responses to these public questions prior to the local elections or since?”

Response

Written answers were provided to the questions accepted for the Committee's meeting on 29 March. Regrettably the provision of answers to the other questions has been overlooked. Answers are being prepared and will be sent to those who submitted questions. We apologise for that.

Question 3

Mr A Morawiecki - Brienton

In July 2018 the Cabinet was advised by WSP & Balfour Beatty on progressing the further development of a bypass route at a cost of £2.54million. These companies were then employed to undertake the additional contract work without any public tender process. Likewise the HTP work costing £3.65million was apparently treated as an extension of the Herefordshire Council contract with Balfour Beatty and did not go through a competitive tender process. To ensure that expert advisors employed by private contractors cannot

speak at length at Council meetings and then leave a meeting with a new multi million contract, will the Scrutiny Committee look at the way in which professional advisors have been appointed, provided evidence and how contracts have then been awarded to parties related to them ?”

Response

BBLP and their sub-consultants WSP professional services costs associated with the preparation of this project are procured through the council’s Public Realm contract and form part of the council’s annual plan and is not an extension as suggested in the question. This public realm contract was awarded to BBLP following a competitive OJEU procurement process in 2012/2013 and design professional services are within the scope of this contract. BBLP and WSP provide professional design resource to deliver this project and provide a fee proposal for delivery of the project which is scrutinised and challenged as part of the annual plan commissioning process. Annual fee proposals are reviewed and monitored prior to work commencing and are subjected to robust change control mechanisms.

Question 4

Dr N Geeson – Hereford

The Hereford Transport Package was discussed at the General Scrutiny meeting of 29 March 2019. The Walking/cycling/bus public consultation related to that had closed on 11th March 2019, but we have not yet seen the results. If the future Scrutiny Committee work programme is to consider sustainable transport, when will the results of this public consultation be available, so that it can inform future transport plans and decisions?

Response

The HTP consultation feedback is being analysed and a report summarising this feedback will be presented to the new administration cabinet later this summer and will published on the council’s website at that time.

Question 5

Mrs J Tonge - Hereford

Hereford has generated much interest from transport specialists with high regulations at national and international levels.

With sustainable transport on the Scrutiny Committee work plan, will the council or this committee be asking such experts as Prof. John Whitelegg and or Brian Deegan to speak to councillors regarding sustainable transport, not just for Hereford city but across the County as a whole ?

Remembering as recently as April 2019 Herefordshire Council declared a 'climate emergency', for which we are grateful, but actions need to go further than words.

Response

This request will be considered as part of the overall work programme prioritisation and you will be informed of the committee’s conclusion.



Meeting:	General scrutiny committee
Meeting date:	Monday 9 September 2019
Title of report:	Call-in of cabinet member decision on Hereford Transport Package and South Wye Transport Package
Report by:	Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To consider the call-in of the decision of the cabinet member – infrastructure and transport on the Hereford Transport Package and the South Wye Transport package dated 9 August.

“Call in” is a statutory right for members of council to call in a decision of the executive after it is made but before it is implemented. Call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision, but may be used in exceptional circumstances and where there is evidence to show there are grounds for doing so.

The cabinet member’s decision has been called in by the following twelve councillors,,:
Councillors Shaw, Phillips, Swinglehurst, Johnson, Durkin, Millmore, Guthrie, James, Gandy, Polly Andrews, Symonds and Tillett.

Recommendation(s)

That the committee determines either:

- (a) not to refer the decision back to the cabinet member to reconsider; or**
- (b) to refer the decision back to the cabinet member to reconsider, and in doing so**

Further information on the subject of this report is available from
John Coleman, Tel: 01432 260382, email: John.Coleman@herefordshire.gov.uk

specifies the concerns that the cabinet member is asked to take into account.

Alternative options

1. There are no alternatives to the recommendations which reflect the options open to the Committee.

Key considerations

2. "Call in" is a statutory right for members of council to call in a decision of the executive after it is made but before it is implemented.
3. Call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision, but may be used in exceptional circumstances and where there is evidence to show that one of the following grounds may apply:
 - a) that there has been inadequate consultation with stakeholders prior to the decision being made;
 - b) that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account;
 - c) that the decision materially departs from the budget and policy framework;
 - d) that the decision is disproportionate to the desired outcome;
 - e) that the decision has failed to take into account the provisions of the Human Rights Act 1998 and or the public sector equality duty;
 - f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the monitoring officer and the chief finance officer, as appropriate, or has failed to have sufficient regard to that advice;
 - g) that the decision exceeds the powers or terms of reference of the decision-maker responsible for the decision; or
 - h) that the access to information rules have not been adhered to.
4. In accordance with the scrutiny rules set out in the council's constitution, the decision by the cabinet member – infrastructure and transport on 9 August 2019: Hereford Transport Package and South Wye Transport Package (at appendix 1) has been called in for consideration by this committee.
5. The validly stated reasons for the call-in are are::

Grounds for call in	
Ground	Evidence
(a) that there has been inadequate consultation with stakeholders prior to the decision being made;	<ol style="list-style-type: none"> i. The business community has not been consulted on the decision. ii. There was no active engagement with all members on such a significant decision. iii. There has been no consultation with the public who must be allowed to voice their views on this subject. iv. The consultation which took place prior to the

Further information on the subject of this report is available from
John Coleman, Tel: 01432 260382, email: John.Coleman@herefordshire.gov.uk

	<p>decision was fundamentally flawed. I was advised by the Leader that 2500 letters went out from him via Balfour Beatty with his expressed wish that all relevant stakeholders be included. He believed this would include all parish councils. This did not happen. In my ward alone at least 2 of my 5 parishes received no such letter. The mailing list used by Balfour Beatty was way out of date and the Leader informed me the letter had been addressed to some people who had died up to 5 years previously causing great distress to relatives. Any previous consultation unless done face to face is therefore totally discredited.</p>
<p>(b) that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account;</p>	<ul style="list-style-type: none"> i. If a pause leads to a loss of the funding for these infrastructure projects not enough consideration was given to the ramifications of failing to deliver the housing requirements of the core strategy ii. There is no material evidence to support a delay in these projects and a further review can only duplicate work that has already been done. iii. The decision fails to take adequate account of the risks to ongoing discussions and timetable of delivery with the Department for Transport, Highways England and Homes England, or the impact on our existing Core Strategy.
<p>(d) that the decision is disproportionate to the desired outcome;</p>	<ul style="list-style-type: none"> i. The pausing of the projects has the potential to jeopardise the allocation of government funding and as a result hamper the delivery of the core strategy, prevent delivery of income from extra council tax and business rates and therefore investment and economic growth as well as jeopardise the funding of active travel measures around the city. Consequently, if so this will be disproportionate to the desired outcome. ii. If the desired outcome is to improve Herefordshire's economy, air quality and infrastructure then there is no evidence presented relating to the long term impact of failing to complete the scheme. iii. There has been no financial or other evidence provided regarding non completion and how this would compare to the benefits to the county of completion.
<p>(f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the</p>	<ul style="list-style-type: none"> i. There is no evidence that the relief road studies documents have been properly checked and assimilated before the decision was made to pause work on the Hereford by-pass

<p>monitoring officer and the chief finance officer, as appropriate, or has failed to have sufficient regard to that advice;</p>	
<p>(g) that the decision exceeds the powers or terms of reference of the decision-maker responsible for the decision; or that the access to information rules have not been adhered to.</p>	<p>i. The decision impacts on both the infrastructure of the county and the finances of the council and therefore was not a decision involving only one portfolio and should therefore have been made by the whole cabinet in the public domain.</p>

6. Having considered the decision in light of the grounds and evidence for the call in, if the committee is still concerned about it, then it may refer the decision back to the decision-maker for reconsideration, setting out in writing the nature of its concerns
7. If the committee is satisfied, the original decision may be implemented immediately.
8. If the committee makes a recommendation to the cabinet member, they shall reconsider any decision referred to them following call-in, taking into account any recommendations made by the relevant scrutiny committee. The cabinet member may either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.

Community impact

9. In accordance with the council's adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.

Equality duty

- 10 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.
- 11 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 any recommendation of the scrutiny committee must be referred

to the cabinet member to consider, we do not believe that it will have an impact on our equality duty.

Resource implications

12. There are no resource implications arising from the recommendations. If the scrutiny committee makes any recommendations to the cabinet member the resource implications of those recommendations will be taken into consideration by the cabinet member.

Legal implications

13. The call-in was determined as valid by the deputy monitoring officer and the meeting has been convened in accordance with the council's constitutional provisions, which in certain circumstances permit an extension to the specified 10 day period within which a call-in meeting is generally held.

Risk management

14. There are no risks identified with the recommendations. If the scrutiny committee makes any recommendations to the cabinet member the risk management implications of those recommendations will be taken into consideration (alongside those already stated in the original decision report) by the cabinet member.

Consultees

15. None.

Appendices

Appendix 1: Decision Notice – decision by cabinet member infrastructure and transport – 9 August 2019.

Appendix 2 – Cabinet member report – Hereford Transport and South Wye Transport Packages – (August 2019

Appendix 2a – Correction to Cabinet member report

Appendices to cabinet member report

Appendix 1 South Wye Transport Package Scheme Development

Appendix 2 – Hereford Transport Package Scheme Development

Appendix 3 – Option A: Pause all work on the Southern Link Road, undertake a review of the project and evidence base to determine next steps and continue work on SWTP active travel measures

Appendix 4 – Option B: Pause all work on the Hereford Bypass, undertake a review of the project and evidence base to determine next steps and continue work on HTP active travel measures

Appendix 5 – Option C: Stop all work on the South Wye Transport Package

Appendix 6 – Option D: Stop all work on the Hereford Transport Package

Appendix 7 – Option E: Continue the delivery of the South Wye Transport Package

Appendix 8 – Option F: Continue the delivery of the Hereford Transport Package

Appendix 9 - Responses received from affected local ward members

Background papers

None identified

Written statement of a non-key decision
Cabinet member Infrastructure and transport

Title	Hereford Transport Package & South Wye Transport Package
Decision maker	Cabinet member Infrastructure and transport Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	9 August 2019
Report exemption class	Open
Purpose	To determine future actions regarding the Hereford Transport Package (HTP) which includes the Hereford bypass and associated active travel measures and South Wye Transport Package (SWTP) which includes the southern link road and local active travel measures.
Decision	THAT: <ul style="list-style-type: none"> a) all work on the Southern Link Road be paused, a review of the project to determine next steps be undertaken, and work on the South Wye Transport Package active travel measures be continued; b) all work on the Hereford by-pass be paused, a review of the project to determine next steps be undertaken, and work on the Hereford Transport Package active travel measures be continued; and c) the acting director for economy and place be authorised to take all operational decisions necessary to scope the review work for both road schemes within a budget of £50k (Southern Link Road) and £70k (Hereford By-pass) to inform a further decision in this calendar year.
Reason for the decision	As set out in the report. Documents relating to this decision are available at http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?Id=50031125

Options considered	<p>1. A number of possible options, and the implications of each, are presented within the report to enable the preferred options to be determined. These options are as follows:</p> <ul style="list-style-type: none"> • Option A - Pause all work on the Southern Link Road, undertake a review of the project and evidence base to determine next steps and continue work on SWTP active travel measures • Option B - Pause all work on the Hereford Bypass, undertake a review of the project and evidence base to determine next steps and continue work on HTP active travel measures • Option C - Stop all work on the South Wye Transport Package • Option D - Stop all work on the Hereford Transport Package • Option E - Continue the delivery of the South Wye Transport Package • Option F - Continue the delivery of the Hereford Transport Package <p>These options have all been carefully considered together with the views of the ward members. Given the importance of the next steps to the current schemes which were developed under previous administrations, it is appropriate to pause and review to ensure that the right decisions are made for the future of Herefordshire.</p>
Declarations of interest (see below)	<p>Cllr Bowes - The monitoring officer received a written request for a dispensation and granted it (in accordance with Section 33 (2) (c) of the Localism Act 2011), because it is in the best interests of the persons living in the council's area that the views of the ward affected can be provided.</p> <p>Cllr David Hitchiner - The monitoring officer received a written request for a dispensation and granted it (in accordance with Section 33 (2) (c) of the Localism Act 2011), because it in the best interests of the persons living in the council's area that (a) the views of the ward affected can be provided and (b) that as leader of the council he is able to participate in a strategically important decision for this council.</p>
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	15 August 2019

Councillor	Date 9 August 2019
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Cabinet member Infrastructure and transport
(Councillor John Harrington)

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted

Decision maker:	Cabinet member Infrastructure and transport
Decision date:	9 August 2019
Title of report:	Hereford Transport & South Wye Transport Packages
Report by:	Head of Infrastructure Delivery

Classification

Open

Decision type

Non-key

Wards affected

(All Wards); with particular reference to Stoney Street, Wormside, Belmont Rural, Credenhill, Three Elms, Queenswood, Holmer and Whitecross

Purpose and summary

To determine future actions regarding the Hereford Transport Package (HTP) which includes the Hereford bypass and associated active travel measures and South Wye Transport Package (SWTP) which includes the southern link road and local active travel measures.

Recommendation(s)

THAT:

- (a) having regard to the options set out at paragraph 29 below, the preferred options be determined.**

Alternative options

1. A number of possible options, and the implications of each, are presented within this report to enable the preferred options to be determined. These options are as follows:
 - Option A - Pause all work on the Southern Link Road, undertake a review of the project and evidence base to determine next steps and continue work on SWTP active travel measures
 - Option B - Pause all work on the Hereford Bypass, undertake a review of the project and evidence base to determine next steps and continue work on HTP active travel measures

- Option C - Stop all work on the South Wye Transport Package
- Option D - Stop all work on the Hereford Transport Package
- Option E - Continue the delivery of the South Wye Transport Package
- Option F - Continue the delivery of the Hereford Transport Package

Key considerations

2. The approach to addressing Hereford's transport issues is important for the future of not only the city but Herefordshire, the Marches and the Midlands. The Hereford and South Wye Transport Packages have been developed over a number of years by previous administrations in response to the main transport problems in Hereford and the following transport objectives are set out in the adopted Local Transport Plan (2016-2031):
 - Enable economic growth
 - Provide a good quality transport network for all users
 - Promote healthy lifestyles
 - Make journeys easier and safer
 - Ensure access to services for those living in rural areas
3. The development of these packages has involved consideration of a range of possible options to deliver these objectives and the current package elements have been selected from this option assessment. These projects are set out within the current Herefordshire Local Transport Plan (LTP), the Local Plan Core Strategy, the Herefordshire Economic Development Strategy and the Marches Strategic Economic Plan. The Hereford Bypass, which completes a north / south connection from the A49 south to the A49 north to the west of the city is also identified as a priority scheme within the Midlands Connect regional transport strategy.
4. The current executive recognises that decisions taken in relation to major transport infrastructure schemes are important and that the impact of those decisions will last for generations to come. There is a concern that, as currently developed, the two transport packages may not be compatible with climate change challenge, carbon reduction and emerging policy, that there are other options that could deliver transport and growth objectives and these should be considered. Given these lasting impacts and the declared climate emergency, the importance of considering all of the alternative options is essential at this time. For example options to be considered may include:
 - An eastern link / river crossing
 - Electric bus fleet
 - Improved school bus services
 - Improved cycle and pedestrian provision including safer routes to school
 - Trialling of traffic signal removal
 - Ultra-light rail system
5. This report presents the immediate options available in relation to the major transport packages for Hereford, to inform a decision on the approach that the council will take.

Scheme Background:

South Wye Transport Package:

6. The need for interventions in the south wye area and the development of the South Wye Transport Package was based on a technical assessment of the problems in the south wye area supported by public consultation feedback. These can be summarised as:
 - Constraints on economic growth particularly at the Hereford Enterprise Zone (HEZ) arising from traffic levels on existing highway network
 - Car dependency for short distance trips
 - Traffic congestion and journey time unreliability
 - Traffic re-routing and rat running onto unsuitable roads
 - Poor air quality and high noise levels (in particular on Belmont Road)
 - Severance to active travel journeys and related inactivity and consequential health impacts
 - Road collisions and perception of road danger
7. Without any action of some sort to address these problems there would be a deterioration in access to the HEZ restricting future developments, continued and increased re-routing of traffic in response to congestion and additional delays and extended and unreliable journeys. Transport related severance would increase as conditions for pedestrians and cyclists would become more challenging and there would be continued road safety issues. Environmental conditions would deteriorate which would include an increase in traffic noise and a worsening of air quality.
8. The South Wye Transport Package has been developed in response to these problems and an initial Strategic Outline Business Case (SOBC) which includes the Southern Link Road and a package of active travel measures was developed which can be seen by following the link below:

https://www.herefordshire.gov.uk/download/downloads/id/13070/south_wye_transport_package_strategic_outline_business_case.pdf
9. The aim of the South Wye Transport Package is to:
 - Reduce congestion and delay
 - Enable access to developments such as the HEZ
 - Reduce the growth in emissions
 - Reduce traffic noise
 - Reduce accidents and
 - Encourage physical activity
10. On the basis of the SOBC funding of £27m was secured from the Marches LEP growth fund with a commitment of local contribution of £8m from the council's local transport plan. There is an approved SWTP budget totalling £35m in the council's capital programme including £8m contribution from the Local Transport Plan budget.
11. The Marches LEP grant agreement between this council and Shropshire council requires the delivery of the Southern Link Road and a package of measures to improve travel and conditions for pedestrians, cyclists and public transport in the south wye area to deliver the outputs set out in the agreement. These include the delivery of 3.6 miles of new road and a package that will support new jobs and new homes. Grant funds are drawn down following submission of evidence of eligible expenditure.

12. The Marches LEP has indicated that it would intend to consider the reallocation of funding for the scheme in September 2019 if the council does not proceed with the Southern Link Road element of the package. This is to ensure that the Growth Fund allocated to the Marches is capable of being defrayed by March 2021. This funding could be applied to other projects in the Marches LEP area which comply with the qualifying conditions of the funding pot.
13. The case for the scheme has been further developed with the Department for Transport as the project progressed in recent years into a full final business case which would be submitted in due course to the Department for Transport. Subject to this decision the current programme would anticipate submission of the business case in early 2020. This is a revised timescale and later than anticipated.
14. Appendix 1 provides a summary of the scheme development to date.

Hereford Transport Package

15. The Hereford Transport Package has been developed following many years of transport and economic studies by previous administrations which have reviewed the main transport issues in the city and assessed a range of possible options and interventions to address these transport issues, enable planned growth to take place and provide a network for sustainable transport improvements.
16. There are significant transport issues associated with the existing network which impact on the city, constrain growth and impact on the economy of the city and county:
 - Traffic congestion, unreliable journey times and extensive queuing on the network
 - Barriers to growth constraining the delivery of the employment and housing targets, difficulty in attracting new businesses and jobs, difficulty in retaining existing business, difficulty in retaining young people in the city
 - High numbers of short distance car journeys
 - Barriers to safe walking, cycling and bus use with related health impacts, severance of communities due to intimidating busy roads difficult to cross
 - Poor network resilience associated with a single river crossing
 - Poor air quality and emissions due to high levels of congestion and heavy goods vehicles on routes adjacent to homes, schools and leisure facilities
 - High collision rates, accidents and breakdowns on city network
17. The Hereford Transport Package has been developed in response to these problems and the following objectives have been developed from an assessment of problems and consultation feedback:
 - Enable the delivery of future market and affordable housing, employment and educational development by maintaining acceptable peak hour journey times across the city
 - Enable the delivery of future housing, employment and educational development by providing attractive alternatives to the private car for journeys within the city
 - Enable the improvement of regional connectivity by achieving acceptable peak hour journey times on the A49 through the city
 - Ensure the transport network within Hereford is resilient enough to provide consistent journey times throughout the day
 - Encourage healthy lifestyles by encouraging more people to walk and cycle

- Reduce the impacts of transport on air quality and noise within the city
 - Protect the quality of the urban realm to enhance pedestrian connectivity in the city
 - Improve road safety within the city.
18. From 2014/15 to July 2018 revenue spend totalled £5.11m on bypass route option appraisal which was funded from council revenue budgets and reserves. From August 2018 – end March 2019 capital spend on the HTP project totalled £2.908m and was funded from the HTP capital budget in the councils capital programme. The capital programme currently includes budget for 2019/20 of £3.7m which includes 18/19 carry forward. Spend to date in 2019/20 totals £673,931.
19. A strategic outline business case has been developed and can be seen by following the link below:
- https://www.herefordshire.gov.uk/download/downloads/id/13069/hereford_transport_package_strategic_outline_business_case.pdf
20. This would be further developed into an Outline Business Case as the project progresses.
21. Bids have already been submitted by the council for funding for the project to the Housing Infrastructure Fund and Highways England Route Investment Strategy 2 process. Central government is currently considering these bids and announcements are anticipated in the autumn. Midlands Connect has identified the Hereford bypass as a regional priority in the regional transport strategy and for the regional submission to the Department for Transport for Large Local Major road scheme funding. Development of the information required for such a bid is well advanced and Midlands Connect have indicated that they would require confirmation of whether to continue to put forward the scheme for funding by 1st October 2019. If successful, these funding bids could provide funding to deliver this £182m project over the period 2020 to 2025. There are currently no other Government funding streams identified for major road infrastructure projects.
22. The HTP includes infrastructure identified within the Core Strategy necessary to enable the full development of the HEZ and the Strategic Urban Extension housing sites which would support the delivery of the 6,500 homes identified for Hereford during the plan period to 2032. The Core Strategy identifies that necessary infrastructure is required to deliver the 6500 new homes target set out in the adopted strategy document. Without this infrastructure in place housing growth would be constrained to the housing cap of 3250 new homes. The Core Strategy also include policy requirements for the three urban expansion sites at Holmer West, Three Elms and Lower Bullingham to make financial contributions to the delivery of the bypass and active travel measures. The Holmer West site is currently under construction for housing and a s106 planning agreement is in place which includes a phased contribution totalling £1.9m towards the Holmer west link of the bypass and a package of sustainable transport infrastructure to serve the development. Similar agreements would be negotiated for the other urban extensions as planning applications come forward.
23. Appendix 2 provides a summary of scheme development to date.

Option Review:

24. At the March 2019 meeting of Council two motions were put forward and approved.
25. The first resolution passed was that: 'This Council declares its recognition of the climate emergency and calls on the executive to:

Further information on the subject of this report is available from
Mairead Lane, Tel: 01432 260944, email: mlane@herefordshire.gov.uk

- Commit to an accelerated reduction of the Council's carbon emissions, with the aspirations to be carbon neutral by 2030; and to change its energy supply to 100% renewable source;
 - Produce a successor to the current Carbon Management Plan (2019-2023) within the early months of the new Council;
 - Work with partners to produce an action plan, covering all relevant council strategies, and to submit this plan via Scrutiny to Cabinet by the end of 2019;
 - Call upon our 'Re-Energise' partners to match or better the council's commitment; to publicise their response and to lead on working with the public to promote and encourage carbon reduction in all aspects of the county's life;
 - Provide the necessary resource for officers to deliver on the council's carbon reduction commitments, and to monitor and report annually on the county position and The council requests the executive to arrange a full day interactive seminar for all councillors as soon as possible to be briefed on and discuss the options that might be open to Herefordshire Council to expedite its carbon footprint reduction aspiration and improve further the natural environment of Herefordshire.'
26. The executive response to the motion concerning the climate change emergency is currently scheduled for 26 September 2019.
27. The second resolution passed was that the executive be asked to consider including in the forthcoming core strategy review a consideration of options for a route corridor for a full city ring road for Hereford to include an Eastern city bridge.
28. Following the May 2019 local elections the executive is duly considering and will respond to these motions. To support this the new cabinet has been briefed on the evidence base informing the development of the two transport packages to date and development work undertaken to date.
29. There is a view that the current transport infrastructure projects may not be compatible with the recently declared climate emergency or emerging policy and therefore the executive wishes to consider a range of options. This report presents the immediate options available in relation to the major transport packages for Hereford, to enable the cabinet member to confirm the preferred option/s.
30. The following options are presented:
- Option A - Pause all work on the Southern Link Road, undertake a review of the project and evidence base to determine next steps and continue work on SWTP active travel measures
 - Option B - Pause all work on the Hereford Bypass, undertake a review of the project and evidence base to determine next steps and continue work on HTP active travel measures
 - Option C - Stop all work on the South Wye Transport Package
 - Option D - Stop all work on the Hereford Transport Package
 - Option E - Continue the delivery of the South Wye Transport Package
 - Option F - Continue the delivery of the Hereford Transport Package
31. A description of each option with key considerations and risks for each are set out in Appendix 3 – Appendix 8 (inclusive) and the cabinet member is invited to review each to confirm the preferred options.

Community impact

32. The delivery of these transport packages supports the objectives of the current core strategy to meet the housing needs of the community, strengthen Hereford's role as a focus for the county through city centre expansion and regeneration and providing an alternative route for 'through' traffic and additional capacity within the existing network enabling more sustainable modes and access for new developments.
33. The packages aim to address a range of measures set out in the corporate plan including: tackling congestion, supporting cycling, bus punctuality and supporting job creation at locations such as the enterprise zone.
34. It is unclear how a decision to pause and review these packages will impact the community. This can be partly addressed by ensuring that the review clarifies the priorities it is seeking to address, and confirm how these priorities impact the community.
35. A decision to pause these projects is likely to impact individual residents and land owners that have been directly engaged in the process of land acquisition, compulsory purchase and mitigation measures. It will be important for any decision to have regard to these impacts with a view to minimising uncertainty for these important stakeholders.

Equality Duty

36. 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.
37. It is unclear how a decision to pause and review these packages will impact the community and those within the community with protected characteristics in terms of the Equality Act 2010.. This can be partly addressed by ensuring that the review clarifies the priorities it is seeking to address, and confirm how these priorities impact the community including those with protected characteristics.
 38. A decision to pause these projects is likely to impact individual residents and land owners including those with protected characteristics that have been directly engaged in the process of land acquisition, compulsory purchase and mitigation measures. It will be important for any decision to have regard to these impacts with a view to minimising uncertainty for these important stakeholders. An equality impact assessment (EqIA) of the Hereford Bypass short list of route options was undertaken in July 2018 which can be seen by following the link below:

<http://councillors.herefordshire.gov.uk/documents/b16362/Appendix%20%20-%20HTP%20Equality%20Impact%20Assessment%20Friday%2027-Jul-2018%2010.00%20Cabinet.pdf?T=9>

39. Further assessments will be undertaken at appropriate points following this decision.

Resource implications

South Wye Transport Package

40. The South Wye Transport Package (SWTP) is currently made up of four elements, these total £35m and the identified funding is a grant of £27m from growth fund via the Marches LEP Growth Fund and £8m coming from the council, utilising part of the LTP element of the capital programme. The current forecast is that the four elements could be delivered for £35m.
41. Spend on the SWTP project to the end of 2018/19 was £6.984m.
42. Spend to date on the SWTP project in 2019/20 totals £902,969.
43. Spend on the SWTP to date totals £7.887m to date. As at the end of March 2019 funding of £3.8m has been received from the Marches LEP and remaining grant can be drawn down following sign off of the final full business case. Remaining costs have been funded from council's capital budgets including the annual plan local transport plan budget.

Hereford Transport Package

44. The Hereford Transport Package (HTP) currently comprises the Hereford bypass and a package of walking, cycling, bus and public realm improvements. The current forecast cost of delivering the HTP is £182m
45. From 2014/15 to July 2018 revenue spend totalled £5.11m on bypass route option appraisal which was funded from council revenue budgets and reserves.
46. From August 2018 – end March 2019 capital spend on the HTP project totalled £2.908m on the detailed design and consultation of the bypass and package measures development and consultation and was funded from the HTP capital budget in the councils capital programme.
47. The capital programme currently includes budget for 2019/20 of £3.702m for development of the bypass design and planning application and consultation and development of the active travel measures. Spend to date in 2019/20 totals £673,931.
48. The capital programme or MTFs makes no assumptions around the costs of building the bypass or installing active travel measures, nor does it assume any council tax or business rate growth, or additional costs relating to this growth.
49. The financial implications of each of the options is set in the option information presented in Appendices 3 – 8 to enable the cabinet member to note as he considers each option.

Legal implications

Authority to make this decision

50. The options covering this decision are different types of decisions.
51. Options A, B E and F are executive decisions these are not key decisions, although taken by a cabinet member, because the result of a pause does not result in the council incurring expenditure which is significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

51. Pausing either or both schemes will not result in a payment of expenditure over £500,000. The pause does not constitute a trigger for claw back of the grant monies. The grant so far totalling £3.8m paid by the LEP, was paid to the council, in arrears for the stages of the scheme certified as allowable expenditure in accordance with the grant conditions. The remaining LEP grant is ring-fenced for Herefordshire but is not guaranteed and is conditional upon certain criteria. In the monitoring officers opinion a pause is also not significant having regard to the strategic nature of the decision or in regard to the impact of a pause on the amenity of the community or quality of service provided. Although further decisions to enable the next stages continuing either or both schemes might be key decisions. The decision at the present time to continue in itself is not key as it is not a different decision to those already taken.
52. Option C and D are decisions contrary to the council's existing policy framework. For SWTP these are the Core Strategy and Local Transport Plan and for the HTP, the Core Strategy and Local Transport Plan. It is also contrary to or not wholly in accordance with the budget approved by council. As a result a cabinet member or cabinet cannot take this decision and this decision may only be taken by council, unless it is an urgent decision, which this is not.

Power to make this decision

53. The council as the highway authority can promote and deliver the schemes following the appropriate procedures laid down in the relevant statutory legislation. There is no statutory requirement to do so. This is a discretionary power. Options A, B, C and E do not change at this stage the exercise of this power. However options E and F are contrary to the Core Strategy and Local Transport Plan which may have implications for other housing and development within the Herefordshire as the polices could be challenged.

Other legal implications

Land issues

54. The compulsory purchase order (CPO) for the SWTP was confirmed in March 2019 pursuant to the Acquisition of Land Act 1981 for the Southern Link Road (SLR) along with the side roads order being made pursuant to the Highways Act 1980;
55. The CPO provides the council with the authority to progress with the purchase of land required for the SWTP but steps have not yet been taken to do so. Compulsory purchase only affects the SWTP SLR. The CPO in place allows the Council to compulsory purchase all land that falls within the CPO corridor for the purposes of building out the road if the general vesting declaration is executed. Once executed, the Council are required to acquire the land within the statutory timeframe of three months from the execution date. The general vesting declaration has to be executed within three years of the date of confirmation of the CPO (March 2022) otherwise the CPO lapses.
56. The Council have in the alternative, negotiated option agreements with all the landowners which, if completed will allow the Council to purchase the land if the general vesting declaration is executed. These option agreements have not yet been completed and are unlikely to do so if Option A or Option C for the SWTP are resolved.
57. Planning permission for the SLR road scheme has been gained and implemented in accordance with the Town and Country Planning Act 1990. Planning has not been secured for the HTP.

58. Where there is planning blight, the property/landowner can serve a blight notice which requires the authority to purchase the affected land at the market value ignoring the effect of the highway project that is proposed on the value of the land. Once planning blight occurs, the affected landowner can bring forward the acquisition of their interest in the blighted land within a timeframe that suits the landowner rather than the project programme of the Council.
59. Blight Notices could be served by claimant landowners whose land falls within the HTP (i) the Relief Road Corridor (shown in Figure 4.2 of the Core Strategy) and or (ii) the Red Route. For SWTP SLR the same applies to the land that falls within the confines of the CPO corridor. If blight notices are received the council assesses them and either accepts or rejects.
60. It is highlighted that pursuant to Section 41 of the Highways Act 1980, there are statutory obligations on the council as the highway authority for the administrative area of Herefordshire to maintain the highway maintainable at the public expense. Given the usage of annual plan monies to fund these road scheme the maintenance of the highway may be impacted. Any impact will be set out in the relevant project decision report.

Risk management

61. The decision to pause and review or stop these projects would raise a number of risks. The scale of these risks reflects the relatively advanced stage of the projects and the activities which have already been undertaken and/or are already in progress.

Risk	Mitigation
<p>Policy on land use, transport, housing and economy.</p> <p>These package schemes are identified in both the adopted Local Transport Plan and Core Strategy. These strategies form part of the council's policy framework and there is a risk that not progressing these packages undermines/conflicts with adopted policy.</p> <p>The HTP and SWTP include the infrastructure needs for Hereford identified within the Core Strategy as being necessary to enable the full development of the HEZ and the Strategic Urban Extension housing sites and total housing numbers of 6,500 identified for Hereford during the plan period. Not progressing these packages could restrict or delay the development on the HEZ and prevent or delay the delivery of housing and other developments identified for Hereford in the core strategy. A delay in delivering housing in Hereford could also reduce the housing land supply for the county and restrict the council's ability to resist</p>	<p>The scope of the review will need to identify potential impacts on the council's policy framework. This may require the commencement of a review of these associated policies. A review of the Core Strategy is scheduled to commence this year.</p>

Risk	Mitigation
unplanned housing developments and undermine the plan led approach.	
<p>Reputation.</p> <p>The council has engaged a wide range of stakeholders and partners in progressing its transport strategy and these specific packages. This comprises residents and businesses, organisations looking to invest in the city and wider county, statutory bodies responsible for associated infrastructure and regulation and potential funding bodies. There is a risk that a decision to pause and review the packages will signal a change in priorities, undermine confidence in the council's direction and result in greater uncertainty.</p>	<p>A clear communications strategy will be required to explain the purpose of any review, implications for specific stakeholders (such as landowners affected by the road scheme elements of the packages) and a likely timescale within which the review should be completed and the outcome known.</p>
<p>Financial.</p> <p>Total funding for the packages has not yet been secured. Good progress has been made in pursuing external funding for both packages. A decision to pause and review the packages at this stage might result in allocated funding being withdrawn (SWTP LEP funding) and / or these bids (HTP) being rejected or downgraded by the respective funding body.</p>	<p>Specific communications required with funding bodies to clarify any risks associated with a delay in the council progressing bids, seeking a hold on current bids or the consequences of resubmitting bids in the event that current bids are formally withdrawn.</p>
<p>Financial</p> <p>Changes in the funding profile, in particular the profile of the funds required from council elements, such as LTP, will have a consequential impact on the works and services that are also planned to be funded by those elements. In the event that the entire LTP element for the SWTP were to be required to support any option in a single year, or over a two year period, then given the extent to which LTP capital supports the delivery of highway maintenance activities, this would put the council's ability to meet its duty to maintain its highway asset in jeopardy. In the least, it will bring to a halt the improvement in overall road condition that has been achieved to date, and without mitigation will most likely lead to a decline in the overall condition of the highway asset. If</p>	<p>The consequential impacts of changes to funding profiles, by source, will be assessed for all options and the financial plans for mitigation developed. Those plans will be made on the basis that as a minimum, duty will be met. Such mitigation may require exploration of other funding sources to support the funding profile required by any option.</p>

Risk	Mitigation
<p>the council is unable to meet its duty to maintain the highway asset then it risks exposure to an escalation in demand on its revenue budgets, particularly as a result of third party claims. If highway condition is allowed to decline, then this may also lead to an increase in demand on revenue budgets as a consequence of an escalation in the need to react to safety defects.</p>	
<p>Project risks.</p> <p>There are a number of project specific risks recognising that both projects are at advanced stages of development. Each project was being managed in the context of a project risk register and these will be updated to clarify the risk of pausing and reviewing each project.</p>	<p>Review and update project risk registers.</p>

Consultees

62. Both HTP and SWTP have had several consultations to date. These are summarised in the tables below;
63. South Wye Transport Package (SWTP)

South Wye Transport Package webpage	https://www.herefordshire.gov.uk/info/200196/roads/252/herford_2020/5
South Wye Transport Package Consultation 1 July 2014 to 8 August 2014	Options developed for the SWTP. These options included improvements to encourage sustainable travel and also presented four route options for the Southern Link Road.
Consultation Report	http://councillors.herefordshire.gov.uk/documents/s50021854/Appendix%203%20-%20South%20Wye%20Transport%20Package%20-%20Public%20Consultation.pdf
Cabinet Decision report	http://councillors.herefordshire.gov.uk/documents/s50021851/South Wye Transport Package.pdf
South Wye Transport Package Active Travel 14 September 2016 to 25 October 2016	Possible active travel improvements to complement the SLR
Consultation Report	http://councillors.herefordshire.gov.uk/documents/s50065495/Appendix%201%20for%20South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures.pdf

Cabinet Decision report	http://councillors.herefordshire.gov.uk/documents/s50065494/South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures%20main%20report.pdf
Appendix 2 to the Cabinet Decision report	http://councillors.herefordshire.gov.uk/documents/s50065496/Appendix%20%20for%20South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures.pdf

64. Hereford Transport Package (HTP)

Hereford Transport Package Webpage	https://www.herefordshire.gov.uk/info/200196/roads/252/hereford_2020/4
Phase 1 Consultation 4 April 2017 to 22 May 2017	Introduce the HTP, consult on transport problems in Hereford, issues and constraints within the bypass corridor and ideas for walking, cycling and bus improvements
Consultation report	http://councillors.herefordshire.gov.uk/documents/s50053658/Appendix%201%20for%20HTP%20Options%20Consultation%20Phase%202.pdf
Cabinet Decision report	http://councillors.herefordshire.gov.uk/documents/s50053659/Hereford%20Transport%20Package%20HTP%20Options%20Consultation%20Phase%202.pdf
Phase 2 Consultation 6 February 2018 to 20 March 2018	Seven possible bypass routes and walking, cycling, bus and public realm improvements.
Consultation report	http://councillors.herefordshire.gov.uk/documents/s50058868/Appendix%201%20-%20Phase%202%20Consultation%20Report.pdf
Cabinet Decision report	http://councillors.herefordshire.gov.uk/documents/s50058782/Hereford%20Transport%20Package%20HTP%20main%20report.pdf
Walking, cycling, bus and public space improvements consultation 29 January - 11 March 2019	Walking, cycling, bus and public space improvements were developed further informed by the Phase 2 consultation feedback. Asked for views on these developed proposals and what would encourage people to walk, cycle or use the bus more often.
Consultation report	In preparation. The consultation materials are available on the council's web site here: https://www.herefordshire.gov.uk/consultations/article/10115/hereford_transport_package_-

Further information on the subject of this report is available from
Mairead Lane, Tel: 01432 260944, email: mlane@herefordshire.gov.uk

66. There is strong feeling and opinion about the projects and over recent weeks, the council has received correspondence expressing concerns both for and against the packages.
67. In advance of this decision, residents, landowners and stakeholders included on the council's database of those potentially affected by this decision or who have previously been identified in having an interest or asked to be kept updated regarding the schemes were informed. This included key funding bodies of DfT, MHCLG, Homes England, Highways England, Midlands Connect and the Marches LEP.
68. All affected local ward members below have been asked to comment and five representations were received. These are set out in Appendix 9. The following members were asked for comment:
- Cllr Christy Bolderson
- Cllr David Hitchiner
- Cllr Tracy Bowes
- Cllr Bob Matthews
- Cllr Graham Andrews
- Cllr Pauline Crockett
- Cllr Mark Millmore
- Cllr Dave Boulter

Appendices

Appendix 1 South Wye Transport Package Scheme Development

Appendix 2 – Hereford Transport Package Scheme Development

Appendix 3 – Option A: Pause all work on the Southern Link Road, undertake a review of the project and evidence base to determine next steps and continue work on SWTP active travel measures

Appendix 4 – Option B: Pause all work on the Hereford Bypass, undertake a review of the project and evidence base to determine next steps and continue work on HTP active travel measures

Appendix 5 – Option C: Stop all work on the South Wye Transport Package

Appendix 6 – Option D: Stop all work on the Hereford Transport Package

Appendix 7 – Option E: Continue the delivery of the South Wye Transport Package

Appendix 8 – Option F: Continue the delivery of the Hereford Transport Package

Appendix 9 - Responses received from affected local ward members

Background papers

None

Decision Maker:	Cabinet member Infrastructure and transport
Decision date:	9 August 2019
Title of report:	Hereford Transport Package & South Wye Transport Package
Report by:	Head of Infrastructure Delivery

Please note the following corrections to this report:

There is an error in paragraph 53 of the report. The text should read as follows (correction highlighted):

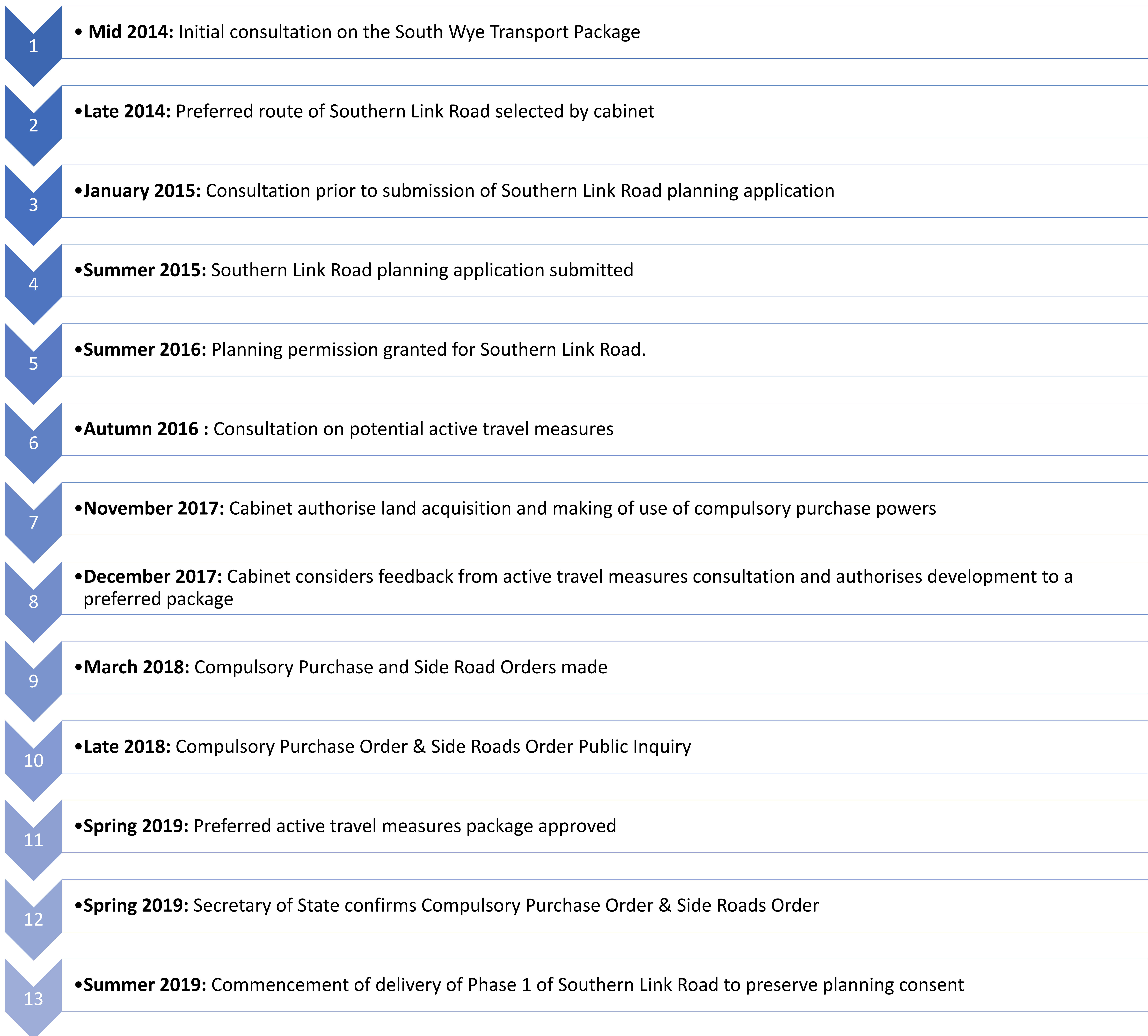
“The council as the highway authority can promote and deliver the schemes following the appropriate procedures laid down in the relevant statutory legislation. There is no statutory requirement to do so. This is a discretionary power. Options A, B, **E and F** do not change at this stage the exercise of this power. However options **C and D** are contrary to the Core Strategy and Local Transport Plan which may have implications for other housing and development within the Herefordshire as the polices could be challenged.”

The recommendation of the report refers to paragraph 29; this should in fact refer to paragraph 30. The recommendation should read as follows:

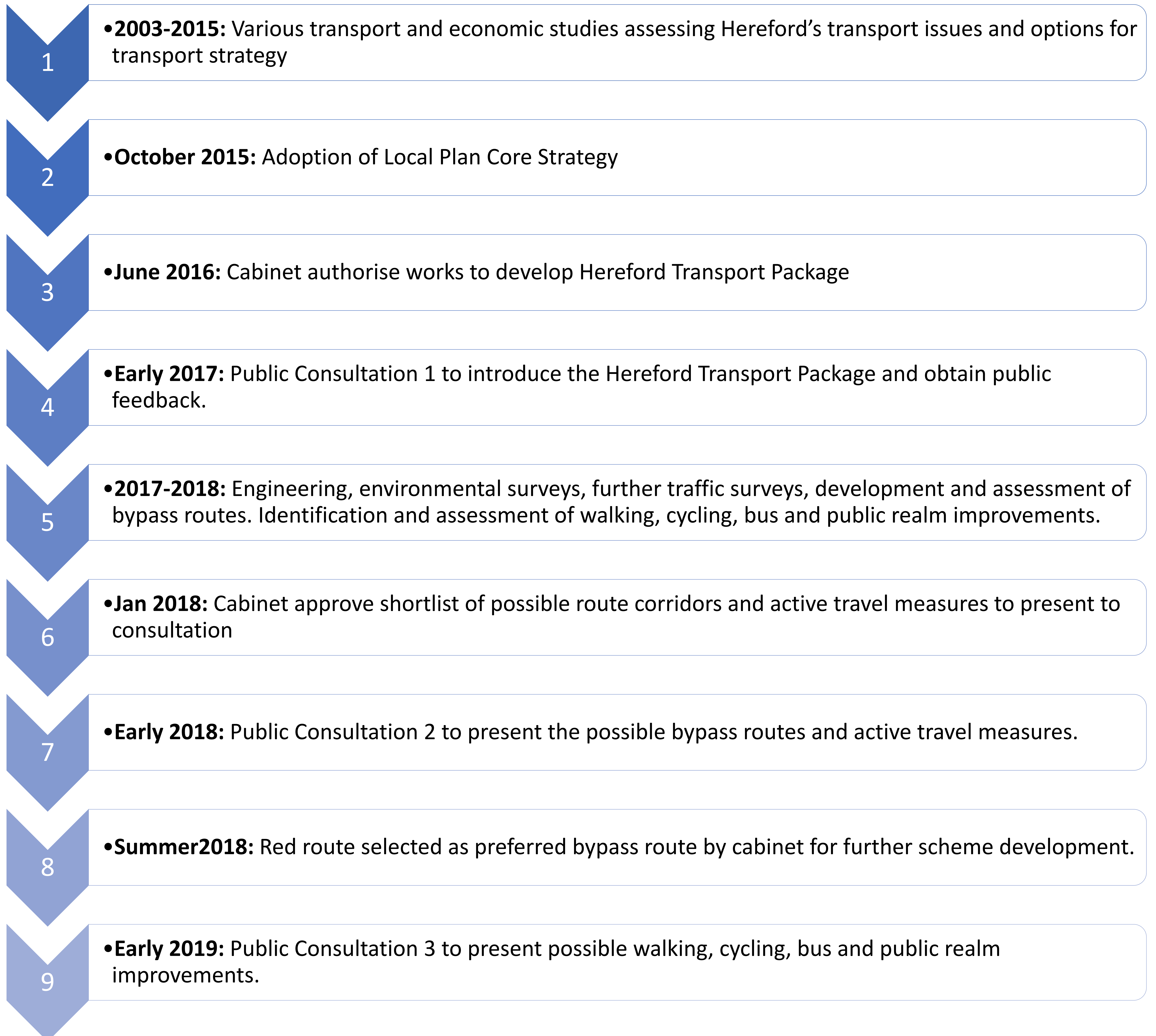
THAT:

(a) having regard to the options set out at paragraph 30 below, the preferred options be determined.

Appendix 1 - South Wye Transport Package Scheme Development



Appendix 2 - Hereford Transport Package Scheme Development



Appendix 3 – Option A

Option	Summary and Implications
<p>Pause all work on the Southern Link Road, undertake a review of the project to determine next steps and continue work on SWTP active travel measures</p>	<p>Scope of work:</p> <p>Pause current SWTP delivery programme.</p> <p>Develop a scope for a detailed technical review of the evidence base developed for the SWTP to date. This could comprise a review of the original problem identification undertaken, a detailed review of the project objectives developed and the option assessment work completed.</p> <p>Initially a budget of £50,000 is estimated to enable the scope of such a commission to be developed and costed. This cost would be funded from the council’s annual plan local transport plan budget.</p> <p>Once a scope and review cost has been developed and estimated a further report would be presented to enable further governance decision to be taken to commission the review and confirm how review will be funded.</p> <p>There is currently no funding to develop and deliver the approved SWTP package of active travel measures. Funding of these schemes could involve a reallocation from the capital programme subject to an appropriate governance decision or negotiation with the Marches LEP to allocate growth fund to the delivery of these active travel measures.</p> <p>A further key decision report will be required to set out the delivery and cost of this package of ATM projects to enable a decision to progress and fund these projects.</p> <p>Consideration & Risks:</p> <p>The SWTP is identified in both the adopted Local Transport Plan and Core Strategy. It forms part of the council’s policy framework and there is a risk that not progressing undermines/conflicts with adopted policy.</p> <p>The HTP and SWTP include the infrastructure needs for Hereford identified within the Core Strategy as being necessary to enable the full development of the HEZ and the Strategic Urban Extension housing sites and total housing number identified for Hereford during the plan period. Not progressing these packages could restrict or delay the development on the HEZ and prevent or delay the delivery of housing and other developments identified for Hereford in the core strategy. A delay in delivering housing in Hereford could</p>

also reduce the housing land supply for the county and restrict the council's ability to resist unplanned housing developments and undermine the plan led approach.

The council has engaged a wide range of stakeholders and partners in progressing its transport strategy and the SWTP project. This comprises residents and businesses, organisations looking to invest in the city and wider county, statutory bodies responsible for associated infrastructure and regulation and potential funding bodies. There is a risk that a decision to pause and review the packages will result in uncertainty which could be detrimental to the reputation of the council.

Business case development would pause and would not be submitted unless a decision is taken to proceed after a pause. This will impact the current funding agreement in place with the Marches LEP for the project and forecast spend profile. The last date the council can seek a draw down from the LEP growth fund is March 2021. This funding is not guaranteed and subject to qualifying conditions including submission of full business case. A pause which results in a significant programme change and completion date after March 2021 will affect the ability to use the existing funding agreements. The remaining unclaimed growth fund would then be a matter for the Marches LEP board to determine how this funding would be spent. The Marches LEP have indicated that it will need to consider the reallocation of funds to other projects in September this year in the event that the southern link road is not proceeding.

If paused it is not known what the position of the DFT and Marches LEP will be. They would have to review and there is the potential for the project to become partially unfunded. The council could be required to identify a further source of funding. Also if the scheme proceeds following a period for review, schemes costs are likely to have increased as a result of inflation and remobilisation costs.

A decision would be required in relation to the current procurement process for the Southern Link Road. If a decision is taken to proceed after a pause it is likely that a new procurement would commence and construction would commence to a revised programme. Additional costs may be associated with this procurement process.. It is likely that this revised programme would require a refresh of some ecological surveys and licences which may no longer be valid, this depending on the length of the pause.

The acquisition of all land required for the scheme that has not already been purchased, which is the subject of the

	<p>confirmed compulsory purchase order, would not be concluded at this time but could be acquired using existing CPO powers up until March 2022. If the CPO is not implemented by that date it would lapse. A pause may cause the land owners affected by the CPO process to take action. Funding of any costs associated with such action would need to be subject to further governance decisions.</p> <p>The decision to pause the works would need to be reviewed on a regular basis. If the outcome of such a review is to cease then all capitalised costs will need to be funded from an appropriate revenue reserve.</p>
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Appendix 4 – Option B

Option	Summary and Implications
<p>Pause all work on the Hereford Bypass, undertake a review of the project to determine next steps and continue work on HTP active travel measures</p>	<p>Scope of work:</p> <p>Pause current HTP delivery programme.</p> <p>Develop a scope for a detailed review of the evidence base developed for the HTP to date. This could comprise a technical review of the original problem identification undertaken, a detailed review of the project objectives developed and the option assessment work completed.</p> <p>Initially a budget of £75,000 is estimated to enable the scope of such a commission to be developed and costed. This cost would be funded from the approved HTP capital budget for 2019/20.</p> <p>Once a scope and review cost has been developed and estimated a further report would be presented to enable further governance decision to be taken to commission the review and confirm how it will be funded. There is currently no allocation specified within the approved HTP capital budget for 2019/20 to develop and deliver HTP walking, cycling, bus and public space improvements only. Therefore a further governance report will be required to set out a delivery programme and cost of these projects to enable a decision to progress and to allocate this capital budget to the delivery of these improvements. Any amendment to the capital programme will require council approval and this decision report will also need to consider if the delivery of these projects meets the test to capitalise this spend.</p> <p>Considerations & Risks:</p> <p>The HTP is identified in both the adopted Local Transport Plan and Core Strategy. It forms part of the council's policy framework and there is a risk that not progressing undermines/conflicts with adopted policy.</p> <p>The HTP and SWTP include the infrastructure needs for Hereford identified within the Core Strategy as being necessary to enable the full development of the HEZ and the Strategic Urban Extension housing sites and total housing number identified for Hereford during the plan period. Not progressing these packages could restrict or delay the development on the HEZ and prevent or delay the delivery of housing and other developments identified for Hereford in the core strategy. A delay in delivering housing in Hereford could also reduce the housing land supply for the county and</p>

restrict the council's ability to resist unplanned housing developments and undermine the plan led approach.

The council has engaged a wide range of stakeholders and partners in progressing its transport strategy and the HTP project. This comprises residents and businesses, organisations looking to invest in the city and wider county, statutory bodies responsible for associated infrastructure and regulation and potential funding bodies. There is a risk that a decision to pause and review the packages will signal a change in priorities, undermine confidence in the council's direction and result in greater uncertainty.

A decision to pause and review the bypass element of the HTP will mean that design and development of planning application will not progress to current programme and the planned development of the DfT's Transport Analysis Guidance (webTAG) compliant outline business case for the HTP will pause. Midlands Connect has identified the Hereford Bypass as a regional priority in the regional transport strategy and for consideration in the Department for Transport Large Local Majors funding process. In this option, the submission of a Strategic Outline Business Case to Midlands Connect and DfT as part of the process for Large Local Majors funding would not be progressed and this would impact on this potential funding source for the project.

Development of the information required for the LLM bid is well advanced and Midlands Connect have indicated that they would require confirmation of whether to continue to put forward the scheme for funding by 1st October 2019.

Bids have already been submitted by the council for funding for the project to the Housing Infrastructure Fund and Highways England Route Investment Strategy. These are currently being considered by central Government and no announcements have yet been made. This option could impact upon the likely success of these bids and the ability of the council to deliver in accordance with the terms likely to be applied by these funding routes.

The funding bids identified above could provide funding to deliver the project over the period 2020 to 2025. There are currently no other Government funding streams identified for major road infrastructure projects.

The work done to date on the scheme and business case development could inform continuation of this project if a decision is taken to proceed on completion of the review. Some current data and information may need to be updated

	<p>or resurveyed if it is no longer valid – this would depend on the length of the pause and review duration.</p> <p>A pause on the bypass project may cause the land owners affected by the scheme / preferred route alignment to seek to force the council to acquire their land and there is currently no funding for land acquisition. If this occurs a further governance report will be required to enable a decision to progress and to allocate capital budget from the capital programme. Any amendment to the capital programme will require council approval.</p> <p>If the bypass element of the project recommences after a review scheme costs are likely to have increased as a result of inflation.</p> <p>The decision to pause the works would need to be reviewed on a regular basis. If the outcome of such a review is to cease then all capitalised costs will need to be funded from an appropriate revenue reserve.</p>
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Appendix 5 – Option C

Option	Summary and Implications
<p>Stop all work on the South Wye Transport Package</p>	<p>This option is likely to be contrary to the Council’s Budget and Policy Framework and require referral to full Council.</p> <p>The following provides a considerations and risks of this option, however if the cabinet member was minded to select this option a further key decision report would need to be prepared prior to a decision being taken.</p> <p>Considerations & Risks:</p> <p>All work on the SLR and approved package ATM schemes would cease and development of the DfT business case would cease and would not be submitted for the current project. This will impact the current funding contract in place with the Marches LEP for the project and unclaimed growth fund would return to the Marches LEP for the LEP board to determine how this funding would be spent.</p> <p>The financial impact of ceasing the work on the South Wye Transport Package will be a call on revenue reserves. Land / property already purchased will remain as capital items, all other costs will have to be funded from revenue, i.e. a transfer from an appropriate revenue reserve which will be in the region of £7.887m. This includes spend to date in 2019/2020. Any further costs will need to be fully determined and could include costs associated with the closing down of the current SWTP commission. These would be set out in a further key decision report.</p> <p>In addition the DFT / LEP may seek repayment of the £3.8m funding provided to date to HC in grants.</p> <p>A decision would be required in relation to the current procurement process for the Southern Link Road.</p> <p>The acquisition of all other land required for the scheme not already purchased which is the subject of the confirmed compulsory purchase order would not be concluded and the current confirmed CPO would lapse after three years from the confirmation of orders – March 2022.</p> <p>The SWTP is identified in both the adopted Local Transport Plan and Core Strategy. It forms part of the council’s policy framework and there is a risk that not progressing undermines/conflicts with adopted policy.</p>

	<p>The HTP and SWTP include the infrastructure needs for Hereford identified within the Core Strategy as being necessary to enable the full development of the HEZ and the Strategic Urban Extension housing sites and total housing number identified for Hereford during the plan period. Not progressing these packages could restrict or delay the development on the HEZ and prevent or delay the delivery of housing and other developments identified for Hereford in the core strategy. A delay in delivering housing in Hereford could also reduce the housing land supply for the county and restrict the council's ability to resist unplanned housing developments and undermine the plan led approach.</p> <p>The council has engaged a wide range of stakeholders and partners in progressing its transport strategy and the SWTP project. This comprises residents and businesses, organisations looking to invest in the city and wider county, statutory bodies responsible for associated infrastructure and regulation and potential funding bodies. There is a risk that a decision to halt the delivery of the packages will signal a change in priorities, undermine confidence in the council's direction and result in greater uncertainty.</p> <p>This option could adversely impact upon the bids currently being considered by central Government to Housing Infrastructure Fund and Highways England Route Investment Strategy 2 in relation to the HTP and the council's ability to deliver the HTP in line with the bids which have been submitted.</p>
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Appendix 6 – Option D

Option	Summary and Implications
<p>Stop all work on the Hereford Transport Package</p>	<p>This option is likely to be contrary to the Council’s Budget and Policy Framework and require referral to full Council.</p> <p>The following provides a considerations and risks of this option, however if the cabinet member was minded to select this option a further key decision report would need to be prepared prior to a decision being taken.</p> <p>Considerations & Risks:</p> <p>Design and development of planning application of the bypass for further consultation and design of package of active travel measures would stop.</p> <p>Development of the business case for submission to Department for Transport Large Local Majors fund would cease and not be submitted to Midlands Connect for prioritisation. Current funding applications would be affected and potential funding opportunities lost.</p> <p>The financial impact of ceasing the work on the HTP project will be a call on revenue reserves of approximately £3.582m. This includes spend to date in 2019/202. Any further costs will need to be fully determined and could include costs associated with the closing down of the current HTP commission. These would be set out in a further key decision report.</p> <p>The council will need to decide how to treat the unused proportion of the 2019/20 capital programme. It could be taken out of the programme or allocated to another element of the capital program subject to the normal governance processes.</p> <p>The HTP is identified in both the adopted Local Transport Plan and Core Strategy. It forms part of the council’s policy framework and there is a risk that not progressing undermines/conflicts with adopted policy.</p> <p>The HTP and SWTP include the infrastructure needs for Hereford identified within the Core Strategy as being necessary to enable the full development of the HEZ and the Strategic Urban Extension housing sites and total housing number identified for Hereford during the plan period. Not progressing these packages could restrict or delay the development on the HEZ and prevent or delay the delivery of</p>

	<p>housing and other developments identified for Hereford in the core strategy. A delay in delivering housing in Hereford could also reduce the housing land supply for the county and restrict the council's ability to resist unplanned housing developments and undermine the plan led approach.</p> <p>The council has engaged a wide range of stakeholders and partners in progressing its transport strategy and the HTP project. This comprises residents and businesses, organisations looking to invest in the city and wider county, statutory bodies responsible for associated infrastructure and regulation and potential funding bodies. There is a risk that a decision to halt the delivery of the packages will signal a change in priorities, undermine confidence in the council's direction and result in greater uncertainty.</p>
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Appendix 7 – Option E

Option	Summary and Implications
<p>Continue the delivery of the South Wye Transport Package</p>	<p>Scope of works:</p> <p>Initial works have been completed along the route of the SLR which have preserved the planning consent.</p> <p>Completion of the construction of the SLR and the programme of active travel measures would commence sign off of the full final business case by DfT. In this option the full final business case would be submitted Spring 2020 with construction starting later that year.</p> <p>DfT business case development would be completed and submitted. A revised programme and forecast cost for this work would need to be developed including a decision regarding the current SLR contractor procurement given the passage of time. Additional costs may be associated with this procurement process.</p> <p>The costs of completing the business case for submission to DfT will need to be funded from the local contribution element of the SWTP budget from annual plan LTP budget.</p> <p>A further report setting out the cost and funding to complete the business case to a revised programme will be presented to authorise this. In addition, further governance decisions would be required in due course to submit the full business case, award contracts and commence construction.</p> <p>Considerations & Risks:</p> <p>Capital costs to date would not be affected by this decision although it is possible that scheme costs will increase as a result of inflation cost increase associated with the delay to delivery programme.</p> <p>The acquisition of all other land required other than that already purchased for the scheme which is the subject of the confirmed compulsory purchase order would progress following the sign-off of the business case.</p> <p>If the programme extends beyond March 2021 there is the potential that the scheme will only be partially funded and this will need to be discussed with Marches LEP and DfT. The Marches LEP have indicated that it would need confirmation from the council regarding the programme for delivery of the southern link road by September to inform their consideration of this funding.</p>

Appendix 8 – Option F

Option	Summary and Implications
Continue the delivery of the Hereford Transport Package	<p>Scope of works:</p> <p>A preferred route for the bypass has been selected based on robust assessment work and public consultation feedback.</p> <p>A range of active travel measures has been developed and consulted upon. Consultation feedback has been assessed and demonstrates strong support for delivery of active travel.</p> <p>Scope of work planned for 2019/20 which includes development of the bypass for consultation and planning would continue. Development of an outline business for the HTP planned for 2019/20 would continue and the Large Local Majors (LLM) application would be submitted to Department for Transport via Midlands Connect.</p> <p>Current approved capital budget for 2019/20 of £3.65m would fund development of the planning application for the bypass for consultation and further development of the package of active travel measures which form the HTP with the bypass scheme. Further decisions would need to be taken regarding funding beyond 2019/20 and the next stages of the project such as submission of planning application, confirmation of package elements, outline and full business case, land acquisition and construction.</p> <p>Carrying on would mean a planning application could be submitted late 2020 and with a necessary period for consents and procurement construction could commence from 2023.</p> <p>Considerations & Risks:</p> <p>Capital costs to date would not be affected by this decision although it is possible that scheme costs will increase as a result of revised programme.</p> <p>Midlands Connect has identified the Hereford Bypass as a regional priority in the regional transport strategy and for the regional submission the DfT for LLM funding. Midlands Connect have advised that confirmation is required from Herefordshire Council regarding whether it wishes the scheme to go forward for this funding process by October 2019.</p> <p>Bids have already been submitted for funding from the Housing Infrastructure Fund and Highways England Route Investment Strategy 2 for the scheme and these are currently</p>

	<p>being considered by central Government. This option would ensure that the council would be ready to move forward with the delivery of the scheme, in the event that funding were to be awarded.</p>
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Appendix 9 – Responses received from affected local ward members

Responses were received from five local ward members:

- Cllr Christy Bolderson, ward member for Wormside Ward
- Cllr David Hitchiner, Leader of the council, ward member for Stoney Street
- Cllr Tracy Bowes, ward member for Belmont Rural
- Cllr Bob Matthews, ward member for Credenhill.
- Cllr Mark Millmore, ward member for Holmer

These are reproduced below:

Cllr Christy Bolderson, Ward member for Wormside Ward

As Ward Councillor for Wormside, I appreciate the opportunity to provide feedback about the matter being considered in advance of the publication of the decision report. With limited information in the Report Summary For Consultation With Affected Ward Members, my comments are as follows:

The objectives of the packages as I understand are:

SWTP: Promote economic development with improved access to HEZ; reduce traffic issues; and promote walking and cycling.

HTP: Improve local and regional connectivity by providing an alternative route to the existing A49 through the city; encourage new business and job creation by making Hereford a more attractive place to locate with improved road connections and more reliable journey times; enable the delivery of future housing and educational development, attracting people to live and study in the city; reduce the impact of accidents and breakdowns on the city's roads by providing an alternative crossing for the River Wye; reduce the impacts of transport on air quality and noise within the city, and improve road safety; encourage healthy lifestyles by improving public spaces and encouraging more people to walk and cycle.

1. The objectives of the HTP are far broader than the SWTP. I do not understand why these packages are being reviewed together and not independently.
2. Each of the packages are at very different stages of their life cycle and therefore they should be assessed independently. For example, there should be an opportunity to proceed with one and pause/reflect/proceed on the other.
3. The possible options outlined are very city centric and do not reflect that Hereford is the 4th most rural county in England.
4. The possible options outlined do not appear to consider the socio-economic impact of stopping the HTP:
 - a. Evidence outlined in the independent report **Hereford Relief Road – Economic & Business Impacts (SQW)** suggests a relief road would:
 - i. Improve business growth prospects

- ii. Improve access to existing and new markets
 - iii. Improve access to suppliers, expanding production and taking on more staff
 - iv. Enable improvements to efficiency of local labour markets
 - v. Improve access to high quality labour – creating jobs, attracting inward investment, making Hereford a more attractive place to live, reducing commuter times, stemming out-migration of young adults
 - vi. Improve efficiency of business operations, costs and the productivity of existing jobs
 - vii. Encourage inward investment
 - viii. Improve the scale and speed of development on existing land
 - ix. Create temporary construction jobs
- b. To meet the central government housing target for Herefordshire, 6500 new houses was to be delivered as part of the HTP. Possible options do not consider the impact on rural parishes and infrastructure if the road is not built and the houses are not delivered. Rural parishes are already under significant pressure as Herefordshire is not currently delivering on required land supply.
- c. With reduced income from central government, how would the loss of income from new houses and business rates be compensated so that adequate funding can be provided to services (once statutory obligations to vulnerable children and adults is fulfilled). For example, if a fleet of electric buses are introduced, it would need to be a heavily subsidised service due to the rural nature of our county.
5. Money to fund active travel measures for the SWTP was to be provided as part of the LEP funding. How does the council intend to fund these measures if the road is to be paused or stopped?
6. Many of the active travel measures associated with the SWTP (eg. TRO on Belmont Road) can only be implemented in conjunction with the opening of the SWTP. In addition, local Parishes were in discussions with Herefordshire Council to implement further TROs on local roads to improve road safety in conjunction with the opening of the SWTP. How will these measures be implemented if the SWTP is paused or stopped?
7. Cllr Harrington was taken on a tour of the Wormside Ward on Friday 19 July 2019. He witnessed first-hand the number of HGVs using narrow laneways not suitable for such heavy traffic. In addition, he met with key businesses that provided him with statistical evidence to support the need for both the SWTP and HTP.
8. One business alone with the Wormside Ward has over 150 lorries going through the centre of Herefordshire each day. Cllr Harrington was presented with evidence indicating that the amount of greenhouse gasses emitted by these vehicles driving stop/start through central Hereford is much higher than when they are doing 60 miles per hour on a bypass. In this instance, the HTP would

be helping to reduce carbon emissions and would continue to support rural businesses and residents as electrification of vehicles increases.

9. Over 17 relief road studies and reviews of the Eastern Link Road have already been performed. Many are reported here https://www.herefordshire.gov.uk/downloads/download/593/relief_road_studies_documents. I question the need to further explore the viability of an Eastern Link Road. Examples of reports commissioned by Herefordshire council include (and not limited to):
 - a. **Hereford Relief Road: Study of Options (Amey)** – looked at inner and outer relief road route options on both the east and the west of the city. The study concluded that the eastern corridors, although having greater time saving qualities due to most of the overcapacity junctions being located on the east, present a high risk in terms of delivery due to environmental constraints especially the Lugg Meadows Special Area of Conservation site. This would make it likely that any plans would be successfully opposed by Natural England under the Countryside and Rights of Way Act 2000. Therefore the report suggests that this route should not be pursued any further. The study also highlighted that a corridor too far outside the city would not provide a short enough route to attract through-traffic or local trips. An inner western route was considered to be the preferred option as it would have a reduced impact on the Special Area of Conservation sites. An inner western route would also have a shorter crossing over the River Wye minimising environmental impact and construction costs.
 - b. **Hereford Relief Road Technical Studies (Parsons Brinkerhoff Ltd):** independent report reinforced conclusions in the Amey report.
 - c. **Hereford Relief Road – Economic & Business Impacts (SQW)**
 - d. **Hereford Relief Road Impact Study -Addendum on the economic and social impacts of a proposed Eastern Link Road (SQW)**
 - e. **Independent Review of Hereford Eastern Links Study (Parsons Brinkerhoff Ltd)**

Cllr David Hitchiner, Leader of the Council, Ward Councillor for Stoney Street

I am asked for feedback as Ward Member of one of the wards affected by the various major infrastructure proposals being considered by the present administration.

I should declare that my home could be affected by the outcome of these decisions.

I have observed the traffic situation in Hereford for nearly 20 years, the first three and a half from working in Hereford, and the next 14 or so commuting daily to Droitwich which has required either travelling through Hereford or going south and using the M50.

There are clearly many complex issues to be balanced. Were it a simple matter the issues would have been settled many years ago.

I believe that the significant issue for residence in my ward is traffic going into Hereford especially, but not exclusively, during the morning “rush hour”. I am not satisfied that the

plans put forward by the previous administration will solve this problem and I would welcome the opportunity to examine this further.

So far as the western bypass is concerned, I am concerned that this might result in considerably increased heavy goods vehicle traffic passing around Hereford attracted by those from South Wales by a shorter route than using the M5. Such traffic would pass along the A49 which is unsuitable for such increased traffic, passing through and disrupting many small communities between Ross and Shrewsbury, and increasing the prospect of road accident casualties. Such road use would also increase pollution to the immediate area of road, as well as the A49.

The construction of a western bypass, and the southern relief road, will irreversibly convert farming land into a road network. If there are less environmentally damaging feasible alternatives available these should be carefully considered, especially in the light of the recently declared climate emergency. All options should be carefully considered, with more consideration given to public transport, footpaths and cycleways, improved rail links and park and rides.

On the other hand the existing plans point to the improvements deliverable to the local economy through their adoption. These are important and need to be weighed carefully.

Cllr Tracy Bowes, Ward member for Belmont Rural

Firstly, in the spirit of openness and transparency I should declare that my home would be affected by the proposed Western “bypass”.

I know from personal experience about the traffic chaos in Hereford. Daily I travel up and down the Belmont Road, so like **all** residents I am keen for the traffic problems in Hereford to be fixed. However, residents do not believe the planned measures will address the issues they face and in time will probably increase the amount of traffic and pollution.

Studies show that eighty percent of Hereford city traffic is local, people wanting to get into the city for work, education and shopping amongst other things. **This means only twenty percent of traffic is through traffic.**

You should understand that Belmont residents also want to find solutions to the traffic issues. They are some of many residents that are affected daily, travelling to and from work or on the school run. I spoke to numerous residents during recent elections and they clearly said they want the council to prioritise walking, cycling and active transport measures designed **to tackle the issue.**

They want the council to look at other ways of reducing traffic, they want safer ways of getting into the city, extending cycle and walking paths, reducing the “stop start” traffic lights and improving bus services, which were greatly reduced across the county by the previous administration.

People in rural areas have almost no bus service which means people have to use cars to get into the city. Residents want to be able to send their children to school on buses which are environmentally friendly, subsidised and reduce the number of cars needed to do the school run. They agree we do not have enough bridges and that we need to invest in another bridge to the East of the City. It would cost a fraction of the cost of the proposed bypass and could be built relatively quickly.

As part of the “bypass” consultation exercise Belmont Rural Parish Council asked residents to attend an extra ordinary meeting on 16th March 2018, members and Officers from Herefordshire Council including Councillor Price attended and heard the various concerns raised. As a result of this meeting the Parish Council formally replied to the consultation, stating that residents did not support the bypass and **if** the road were to go ahead then their preferred option would be the olive/black route as this would have the least impact on Belmont residents.

The red route will have a massive effect on residents living in Canterbury Close, Tintern Close and Dorchester Way, as well as other residents across the ward. Other options which meant the road could have been built further away from existing homes, lessening the impact of pollution and noise levels were not chosen.

Residents were incredibly upset and frustrated, not only were their views ignored but, in their opinion, the red route was chosen to allow more housing, rather than helping to alleviate traffic congestion issues, therefore, not only would residents suffer from more pollution, but the measures would not address the traffic problems.

In summary we need to pause and review the transport packages, the data is out of date and we need to seriously consider the climate emergency declared by Council. The traffic schemes **MUST** be fit for purpose and must provide long term and sustainable solutions to our traffic problems.

Cllr Bob Matthews, Credenhill Ward.

As Ward Member of one of the wards affected by the various major infrastructure proposals being considered by the present administration, I found the four options forwarded to me for consideration and feedback to be extremely negative.

I would be surprised if any elected member would oppose an additional river crossing to the east of the city which would provide an alternative route for our emergency services, and at the same time greatly enhance the growth and provision of well paid jobs from within the Rotherwas Enterprise zone.

I fully agree that all options have to be carefully considered, such as public transport, footpaths and cycleways, improved rail links, privately constructed park and rides and the urgent upgrading of the Belmont/ Bridge Sollars Road.

It is vitally important that any scheme being considered should deliver long term benefits. The last thing needed by our hard pressed local business people at the moment is uncertainty. Provide the appropriate infrastructure required and I am confident that they will deliver the growth and jobs so desperately needed.

Cllr Mark Millmore, Ward Councillor for Holmer

The people of Holmer want us to get on with building the bypass.

There are many reasons to why we should not waste time and money on new enquires because all this work has been done extensively in the past. Follow this link

https://www.herefordshire.gov.uk/downloads/download/593/relief_road_studies_documents

Therefore, why are we messing about when all the material facts are at our finger tips?

For example

The planning committee from 12th January 2017 and council 24th January 2017 states.

‘A very comprehensive study of options by Amey came down in favour of a western route, for many reasons not simply the complications of Lugg Meadow being a Site of Special Scientific Interest. This was sufficiently controversial for Herefordshire Council to commission a review by Parsons Brinckerhoff who supported Amey’s conclusion. That conclusion is written into the core strategy which can be revised in five years provided there is a sufficient body of evidence to support such a revision. There is no credible technical case for challenging the conclusion now, nor with the core strategy published would there be an opportunity to present such a case even if one could be developed.’

These public enquires and consultations have been going on for decades here’s one from 27 years ago.

M.D Kavanagh’s B, Sc.(Eng) said in October 1992 when talking about public consultations concerning the Lugg Meadows.

‘The only effective way of overcoming these objections is to adopt an alternative route to the west of the city which was one of the two propositions put forward at the time of the public consultations. Such a route would be much less detrimental environmentally, whilst still providing a substantial cost benefit according to the Department’s figures’

Hereford is at a fork in the road we must build a comprehensive infrastructure now – bikes and electric buses are a small part of the solution.

For us to pass up a £180 million investment would be a staggering level of incompetence that would haunt this administration.

We need to tell the rest of the country that we’re open for business and create a future for our children.

Not to do so would be an appalling legacy of this council.

Do we want to go down in history as the councillors who demoted Hereford to becoming an irrelevant backwater?

Political agendas must be subservient to our duty to the people of Herefordshire.