

<b>Decision maker:</b>	<b>Cabinet member Infrastructure and transport</b>
<b>Decision date:</b>	<b>Tuesday, 22 October 2019</b>
<b>Title of report:</b>	<b>Hereford Transport Package &amp; South Wye Transport Package</b>
<b>Report by:</b>	<b>Head of Infrastructure Delivery</b>

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards); with particular reference to Stoney Street, Wormside, Belmont Rural, Credenhill, Kings Acre, 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 comprising walking, cycling, bus and public realm improvements.

The original decision to pause and review the bypass and southern link road taken by the cabinet member for infrastructure and transport was taken on 9 August 2019. The decision was called in by General Scrutiny Committee. The decision was discussed at a meeting of the committee on 9 September 2019 and the committee came to the view that the decision should be referred back to the cabinet member to reconsider, giving regard to the matters set out in paragraph 34 below.

This report confirms the final decision having regard to the recommendations made by General Scrutiny Committee.

## **Recommendation(s)**

**THAT, having regard to the recommendations made by General Scrutiny Committee on 9 September 2019:**

- (a) a review of the South Wye Transport Package be undertaken to determine next steps, and work on the Southern Link Road and active travel measures (the scope of which will be determined in a further report and be subject to the agreement of funders to draw down funding or provision being made within the capital programme) is continued whilst the review is undertaken;
- (b) a review of the bypass project to determine next steps be undertaken, and work on the Hereford Transport package active travel measures and the other bypass work as listed below is continued whilst the review is undertaken;

Phase 2a consultation report completion	£12,000
Geophysical survey report completion	£3,000
Ground Investigation Report (GIR) completion	£6,000
Walking and Cycling (WCHAR) assessment completion	£5,000
Traffic Modelling	£22,000
Large Local Major Bid completion	£18,000

- (c) discussions continue with funding organisations to clarify the funding implications of a review and to seek to minimise the risk of loss of any secured funding;
- (d) consultation with parish councils, businesses and members of the public be included within the scope of the review;
- (e) 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 on the scope of the review to be undertaken; and
- (f) the acting director for economy and place be authorised to take all operational decisions necessary to undertake the bypass work listed in recommendation (b) above within a budget envelope of £66,000 and to approve variance between the activities within a tolerance of £5,000.

## Alternative options

1. A number of possible options and the implications of each, were originally presented within the 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

2. The recommendations made by general scrutiny committee at their meeting on the 9 September 2019 have been considered and the constructive challenge made by the committee is welcomed. The recommendations in this report take due regard of the comments made.

## **Key considerations**

3. 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 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
4. 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.
5. It is recognised 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 concern that, as currently developed, the two transport packages may not be compatible with climate change challenge, carbon reduction and emerging policy, and 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
6. 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, mindful of the recommendations made by general scrutiny committee on 9 September 2019.

## **Scheme Background:**

### South Wye Transport Package:

7. 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
8. Without any action of some sort to address these problems access to the HEZ would deteriorate, restricting existing business growth and the ability to fully develop the site. This deterioration would also limit opportunities to attract new business investment, result in continued and increased re-routing of traffic in response to congestion, resulting in additional delays and extended and unreliable journeys. Severance (the barrier effect created by busy roads) would increase as conditions for pedestrians and cyclists would become more challenging and there would be continued road safety issues. Environmental conditions would also deteriorate including increases in traffic noise and a worsening of air quality.
9. 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](https://www.herefordshire.gov.uk/download/downloads/id/13070/south_wye_transport_package_strategic_outline_business_case.pdf)**
10. 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.
11. 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.
12. 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.

13. The Marches LEP has indicated that it would intend to consider the reallocation of funding for the scheme 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.
14. 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 originally anticipated.
15. Appendix 1 provides a summary of the scheme development to date.

#### Hereford Transport Package

16. The Hereford Transport Package has been developed following many years of transport and economic studies which have reviewed the main transport issues in the city and assessed a range of possible options and interventions to address them, enable planned growth to take place and provide a network for active travel improvements.
17. There are significant transport issues associated with the existing network which impact on the city, constrain growth and impact the economy of the city and the 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
18. 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 affordable and market 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 and reliable journey times throughout the day

- Improve healthy lifestyles by encouraging more people to walk, cycle and use public transport
  - 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.
19. 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 council's capital programme. The capital programme currently includes budget for 2019/20 of £3.7m which includes 18/19 carry forward. Spend to end September totals £948,000.
20. 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](https://www.herefordshire.gov.uk/download/downloads/id/13069/hereford_transport_package_strategic_outline_business_case.pdf)
21. This would be further developed into an Outline Business Case as the project progresses.
22. 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 1<sup>st</sup> October 2019. Dialogue is ongoing with funders to ensure that the implications of this decision on potential funding is understood and their timescales for decisions. 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.
23. 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 6,500 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 3,250 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 section 106 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 active transport infrastructure to serve the development. Similar agreements would be negotiated for the other urban extensions as planning applications come forward.
24. Appendix 2 provides a summary of scheme development to date.

### Option Review:

25. At the March 2019 meeting of Council two motions were put forward and approved.
26. The first resolution passed was that: 'This Council declares its recognition of the climate emergency and calls on the executive to:
  - 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
27. The council also requested 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.'
28. The executive response to the motion concerning the climate change emergency was determined at Cabinet on 26 September 2019.
29. 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.
30. 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.
31. 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.
32. The following options were originally 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
33. 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 was invited to review each to confirm the preferred options.
34. Having considered all of these options the cabinet member for infrastructure and transport selected options A and B. It was considered appropriate to pause and review the bypass and southern link roads to ensure that the two transport packages are compatible with the climate change challenge, carbon reduction and emerging policy. A review would also enable other options that could deliver transport and growth objectives to be considered.
35. Based on this selection the cabinet member decision taken on 9 August 2019 was as follows:
- 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.**
36. The decision was called in on the following grounds
- that there had been inadequate consultation with stakeholders prior to the decision being made
  - that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account
  - that the decision was disproportionate to the desired outcome
  - 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 and
  - 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.
37. The call in was considered by General Scrutiny Committee on the 9 September 2019 and the committee resolved that:
- The cabinet member seek clarification from the funders of both the South Wye Transport Package and the Hereford Transport Package, of the funding implications of a review;
  - Planned activity, programmed in to take place during the pause, continues while the review is underway;



- The cabinet member hosts a time limited series of ‘open days’ with parish councils, businesses and members of the public to ensure their views are taken into account on all of the evidence under consideration as part of the review; and
  - That all council, and council contractors, contact databases, as far as is practicable, are kept up to date ahead of contacting members of the public
38. These recommendations have been considered and have informed the final recommendations; a detailed response to each recommendation is set out in Appendix 10 of this report.

## **Community impact**

39. The delivery of these transport packages supports the objectives of the current core strategy to meet the housing needs of the community, strengthens Hereford’s role as a focus for the county through city centre expansion and regeneration, provides an alternative route for ‘through’ traffic and additional capacity within the existing network to enable delivery of more active travel measures and access for new developments.
40. The packages aim to address a range of measures set out in the corporate plan including: tackling congestion, enabling walking, cycling, bus and public realm improvements, improving bus punctuality and supporting job creation at locations such as the enterprise zone.
41. 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.
42. 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**

43. 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.
44. It is unclear how a decision to pause and review these packages will impact the community including 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.
45. 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%207%20-%20HTP%20Equality%20Impact%20Assessment%20Friday%2027-Jul-2018%2010.00%20Cabinet.pdf?T=9>**

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

## **Resource implications**

### **South Wye Transport Package**

47. 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.
48. Spend on the SWTP project to the end of 2018/19 was £6.984m.
49. Spend to end September 2019 on the SWTP project in 2019/20 totals £1.110m.
50. 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 annual plan local transport plan budget.
51. The cost of scoping of the review of the Southern Link Road scheme of £50,000 will be funded from the Local Transport Plan local contribution to the SWTP and an appropriate virement would be completed.
52. Further work on the Southern Link Road and the preferred package of active travel measures would be subject to the agreement of funders or provision of funding from the capital programme.

### **Hereford Transport Package**

53. 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.
54. 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.
55. 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 council's capital programme.
56. 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 end September 2019 totals £948,000.

57. 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.
58. 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 considered each option.
59. The cost of scoping the review of the bypass scheme of £70,000 will be funded from the HTP capital budget for 2019/2020.
60. The work listed below will continue whilst the review is undertaken as it is considered reasonable to complete and publish the 2019 consultation report, complete various studies which are close to completion and continue the traffic modelling work to submit the Large Local Majors bid and to support the proposed bypass review. Funding for the work on the Hereford Transport Package active travel measures and the other bypass work as listed below which is to continue whilst the review is undertaken will be funded from the HTP capital budget for 2019/2020 within a budget envelope of £70,000 and the acting director for economy and place would be authorised to approve variance between the activities within a tolerance of £5,000.

Phase 2a consultation report completion	£12,000
Geophysical survey report completion	£3,000
Ground Investigation Report (GIR) completion	£6,000
Walking and Cycling (WCHAR) assessment completion	£5,000
Traffic Modelling	£22,000
Large Local Major Bid completion	£18,000

## Legal implications

### Authority to make this decision

61. This is an executive decision which is non key, although taken by a cabinet member. This is because the review and pause on construction for the SLR 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.
62. Similarly the review and pause on construction for the SLR will not result in a payment of expenditure over £500,000. The construction 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 officer's 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 to continue 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.

## Other legal implications

### Land issues

63. 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;
64. 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.
65. The Council have 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.
66. Planning permission for the SLR road scheme has been granted and implemented in accordance with the Town and Country Planning Act 1990. Planning has not been secured for the HTP.
67. 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 proposed highway project 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.
68. 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 them.
69. 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 schemes, the maintenance of the highway asset may be impacted. Any impact will be set out in the relevant project decision report.

### Scrutiny

70. In accordance with the constitution, the cabinet member for infrastructure and transport must reconsider any decision referred to them following call-in, to take into account any views expressed by the relevant scrutiny committee and may either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.
71. The recommendations have been considered as set out in appendix 10 and this decision has been amended as a result of that call in.

## Risk management

72. 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 unplanned housing developments and undermine the plan-led approach.</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>
<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>

Risk	Mitigation
<p>Financial.</p> <p>Total funding for the packages has not yet been secured although there have been three bids for external funding made. 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 will be 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 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>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>
<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</p>	<p>Review and update project risk registers.</p>

<b>Risk</b>	<b>Mitigation</b>
updated to clarify the risk of pausing and reviewing each project.	

## Consultees

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

South Wye Transport Package webpage	<a href="https://www.herefordshire.gov.uk/info/200196/roads/252/hereford_2020/5">https://www.herefordshire.gov.uk/info/200196/roads/252/hereford_2020/5</a>
South Wye Transport Package Consultation 1 July 2014 to 8 August 2014	Options developed for the SWTP. These options included improvements to encourage active travel and also presented four route options for the Southern Link Road.
Consultation Report	<a href="http://councillors.herefordshire.gov.uk/documents/s50021854/Appendix%203%20-%20South%20Wye%20Transport%20Package%20-%20Public%20Consultation.pdf">http://councillors.herefordshire.gov.uk/documents/s50021854/Appendix%203%20-%20South%20Wye%20Transport%20Package%20-%20Public%20Consultation.pdf</a>
Cabinet Decision report	<a href="http://councillors.herefordshire.gov.uk/documents/s50021851/South%20Wye%20Transport%20Package.pdf">http://councillors.herefordshire.gov.uk/documents/s50021851/South Wye Transport Package.pdf</a>
South Wye Transport Package Active Travel 14 September 2016 to 25 October 2016	Possible active travel improvements to complement the SLR: <a href="https://www.herefordshire.gov.uk/consultations/article/10037/south_wye_transport_package_active_travel_measures_consultation">https://www.herefordshire.gov.uk/consultations/article/10037/south_wye_transport_package_active_travel_measures_consultation</a>
Consultation Report	<a href="http://councillors.herefordshire.gov.uk/documents/s50065495/Appendix%201%20for%20South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures.pdf">http://councillors.herefordshire.gov.uk/documents/s50065495/Appendix%201%20for%20South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures.pdf</a>
Cabinet Decision report	<a href="http://councillors.herefordshire.gov.uk/documents/s50065494/South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures%20main%20report.pdf">http://councillors.herefordshire.gov.uk/documents/s50065494/South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures%20main%20report.pdf</a>
Appendix 2 to the Cabinet Decision report	<a href="http://councillors.herefordshire.gov.uk/documents/s50065496/Appendix%202%20for%20South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures.pdf">http://councillors.herefordshire.gov.uk/documents/s50065496/Appendix%202%20for%20South%20Wye%20Transport%20Package%20-%20Active%20Travel%20Measures.pdf</a>

75. Hereford Transport Package (HTP)

Hereford Transport Package Webpage	<a href="https://www.herefordshire.gov.uk/info/200196/roads/252/hereford_2020/4">https://www.herefordshire.gov.uk/info/200196/roads/252/hereford_2020/4</a>
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 <a href="https://www.herefordshire.gov.uk/consultations/article/27/hereford_area_plan_hap_and_hereford_transport_package_htp_consultation">https://www.herefordshire.gov.uk/consultations/article/27/hereford_area_plan_hap_and_hereford_transport_package_htp_consultation</a>
Consultation report	<a href="http://councillors.herefordshire.gov.uk/documents/s50053658/Appendix%201%20for%20HTP%20Options%20Consultation%20Phase%202.pdf">http://councillors.herefordshire.gov.uk/documents/s50053658/Appendix%201%20for%20HTP%20Options%20Consultation%20Phase%202.pdf</a>
Cabinet Decision report	<a href="http://councillors.herefordshire.gov.uk/documents/s50053659/Hereford%20Transport%20Package%20HTP%20Options%20Consultation%20Phase%202.pdf">http://councillors.herefordshire.gov.uk/documents/s50053659/Hereford%20Transport%20Package%20HTP%20Options%20Consultation%20Phase%202.pdf</a>
Phase 2 Consultation 6 February 2018 to 20 March 2018	Seven possible bypass routes and walking, cycling, bus and public realm improvements. <a href="https://www.herefordshire.gov.uk/press/article/10062/hereford_transport_package_htp_-_hereford_bypass_consultation">https://www.herefordshire.gov.uk/press/article/10062/hereford_transport_package_htp_-_hereford_bypass_consultation</a>
Consultation report	<a href="http://councillors.herefordshire.gov.uk/documents/s50058868/Appendix%201%20-%20Phase%202%20Consultation%20Report.pdf">http://councillors.herefordshire.gov.uk/documents/s50058868/Appendix%201%20-%20Phase%202%20Consultation%20Report.pdf</a>
Cabinet Decision report	<a href="http://councillors.herefordshire.gov.uk/documents/s50058782/Hereford%20Transport%20Package%20HTP%20main%20report.pdf">http://councillors.herefordshire.gov.uk/documents/s50058782/Hereford%20Transport%20Package%20HTP%20main%20report.pdf</a>
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. Consultees were asked for views on these developed proposals and what would encourage people to walk, cycle or use the bus more often. <a href="https://www.herefordshire.gov.uk/consultations/article/10115/hereford_transport_package_-_walking_cycling_bus_and_public_space_improvements_consultation">https://www.herefordshire.gov.uk/consultations/article/10115/hereford_transport_package_-_walking_cycling_bus_and_public_space_improvements_consultation</a>
Consultation report	In preparation. The consultation materials are available on the council's web site here: <a href="https://www.herefordshire.gov.uk/consultations/article/10115/hereford_transport_package_-_walking_cycling_bus_and_public_space_improvements_consultation">https://www.herefordshire.gov.uk/consultations/article/10115/hereford_transport_package_-_walking_cycling_bus_and_public_space_improvements_consultation</a>

76. 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.
77. 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, Ministry of Housing, Communities



and Local Government, Homes England, Highways England, Midlands Connect and the Marches LEP.

78. 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

A number of these councilors have dispensations to enable them to participate in this consultation as published in their register of interests.

## **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

Appendix 10 - Response to recommendations of General Scrutiny Committee

## **Background papers**

None