

COUNCILLOR QUESTIONS TO CABINET – 24 September 2020**Question 1****Councillor Yolande Watson, Kerne Bridge Ward****To: cabinet member infrastructure and transport**

In October 2019, Herefordshire Council resolved that: the executive is requested to write to government to ask them to review the policy regarding part 3 class Q (General Permitted Development Order as amended) applications under the General Permitted Development Order. In light of the response received from the Ministry of Housing, Communities and Local Government dated 2nd July 2020 will the cabinet member seek to put in place a condition that any class Q permitted developments have an agricultural tie placed on them to help provide much-needed homes for family members and agricultural workers, and consult the local community on removing a permitted development right by making an Article 4 direction?

Response

As you will be aware from MHCLG's reply in July 2020, the agricultural to residential permitted development right is seen by the government as an important measure to support our rural communities and help provide much-needed homes, including – but not just for - family members and agricultural workers. The government has also made it clear that they believe it makes best use of existing buildings for our housing supply. These Part Q applications are therefore Prior Approval applications where the development proposed is considered to be permitted development, subject to a number of criteria that need to be satisfied. If these criteria are satisfied, then the council would normally have no option other than for prior approval to be granted.

That said, I am happy to further consider the government's comment (below) about removing this permitted development right by making an Article 4 direction to allow Class Qs to be dealt with like any other planning application where it was felt that it was necessary to protect the local amenity or wellbeing of an area. However, this would in practice be quite difficult to justify, unless in a designated area for example. I would be happy to have officers discuss this with you and Cllr Swinglehurst further to understand the framework template we might use to consider such exceptions and the implications of making an Article 4 direction.

'Where it is felt that it is necessary to protect the local amenity or wellbeing of an area, the local planning authority can consult the local community on removing a permitted development right by making an Article 4 direction. This then requires a planning application which the local planning authority can determine in accordance with its local plan'.

Question 2**Councillor Nigel Shaw, Bromyard Bringsty Ward****To: cabinet member infrastructure and transport**

On 21st July the 151 officer of Shropshire County Council wrote to the Herefordshire Council 151 officer to demand the repayment of £3,843,609-71 due to the LEP following this administrations halting of the South Wye link road project. Has a reply been sent and, if so, can this reply and the original letter now be put in the public domain, in the interests of openness and transparency?

Response

A letter was received on 21 July 2020 from Shropshire County Council and a response was sent on 4 August. Both of these documents are attached as appendices to this response.

Supplementary question

Thank you for publishing both of these letters and I do wish the S151 officer well in the line of defence chosen whilst noting that the sum has already been possibly earmarked from the financial resilience reserve. The leader previously stated the council was not in a position to proceed with the southern link road after the election. I've now shared with him evidence that a re-procurement could have been started in May 2019. Last summer I drew the attention of the S151 officer and the leader to the clawback terms of the LEP grant, LEP board waited until six months after the election to 26 November 2019 for announcing it would be reallocating funding allocated to the SWTP unless the council could provide assurance that it was proceeding with the project by 17 January 2020 and the assurance was not given. The project review was going to report last year, then in the New Year, then in July and we're still waiting. Will you accept that under your leadership you've risked this £3.8million bill to the residents of Herefordshire and are you also gambling with a further £12 million of revenue costs from the bypass? Is this the real reason for the dilly dallying of the delay so that these sums don't crystallise in the accounts?

Response

Leader of the Council: that's a very complex question. The first point you make about evidence it could have been placed – I have to say I haven't followed that through yet and I'm yet to be satisfied that that is an accurate representation.

Cabinet member infrastructure and transport: I don't share Councillor Shaw's view that we could have retendered in time and I find it interesting that Councillor Shaw, who was cabinet member at the time for finance didn't push the previous administration at the time to release that information and to cancel that process much more quickly. I find it extraordinary they waited such a long time to do it and I can only imagine that there was an election coming up and there was some political embarrassment. When we came in we had immediately to try and preserve the planning permission and then discover the issue with failed procurement and then and to try and do our own review. We're perfectly entitled to do all those things. The money as the previous administration has stated was a grant and there have been questions to cabinet and to council where members of the previous administration have responded as such. The review will be finished at the end of this month and it'll be going to scrutiny in the next couple of weeks.

Cabinet member finance and corporate services: It's my understanding that even if it was possible for us to commence a re-procurement we did not have sufficient time available to conduct that procurement, award the contract and for the road to be built before the money needed to have been spent and that was the problem that we inherited from Councillor Shaw's administration and we've been dealing with it ever since. I'd be very grateful if he'd actually just admit that there was a major mess up under his and his colleagues' watch rather than continuing to pick away at the mess that we're having to try and resolve.

Question 3

Councillor Jeremy Milln, Central Ward

To: cabinet member finance and corporate services

In future could we please commonly include a measure for the historic environment in the Environment Scorecard at Appendix 7? This to track our stewardship of our heritage assets including listed buildings, archaeological sites and conservation areas much as we do our natural resources. In respect of scheduled monuments and grade I and II* listed buildings at risk information is obtainable from Historic England.

Response

The Environmental Scorecard is primarily designed to report on performance measures protecting the natural environment, rather than the built one. However, the planning team does monitor the performance of both the Building Conservation team and the Archaeology team at monthly service performance meetings. This management process tracks monthly performance measures which assess the number of both building conservation and archaeological consultations responded to within the specified planning deadline. In this way we ensure that the stewardship of our heritage assets are protected and are effectively considered in the determination of planning applications.

Supplementary Question

My initial question concerned appendix seven, which is the environment scorecard where data provided by the intelligence unit is but it is rather narrowly defined as being the natural environment, and my plea really was simply to ask for data on the historic environment as well. The question was not answered, instead I had a question answered which seemed to suggest that I was questioning the professional performance of officers in planning and conservation which I was not doing. So my supplementary is simply a restatement of my initial question - can we look at having recognition of our stats on how we're performing in terms of our stewardship of the historic environment? For example we've got 64 conservation areas but no real understanding of their condition and whether they're declining or whether they're improving. Historic England records basic data on those at risk and for example those of Kington and Ross are at risk and in declining condition but it was a slightly more subtle assessment of how we're doing for the historic environment in that score card that it was a plea for.

Response

I apologise to Councillor Milln for giving a response that wasn't an answer to his question. I'm very happy to meet with him to discuss this matter further. I agree that it is very important that we take great care of and husband properly our historic assets and our listed buildings and I also agree that it's not presently clear that we have a sound understanding of their current condition or how we might measure how well we're looking after them. All of those questions I'm very happy to explore further.