

Supplement to the agenda for

Cabinet

Thursday 2 March 2023

2.30 pm

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
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PUBLIC QUESTIONS TO CABINET – 2 MARCH 2023

Question 1

**From: Helen Hamilton, Marches Planning and Environment,
To: cabinet member, finance, corporate services and planning**

The Cabinet Commission report refers to the WWF et al case of 2015 and says there was no specific outcome for the Wye but an order was made to introduce a trading scheme at Poole Harbour

This is wrong The Lugg was one of the test catchments in the case and the Poole trading scheme was one of several measures in a plan to address nitrogen pollution in the Poole catchment, the contents of which were not mandated by the court. The Court order required DEFRA to produce Diffuse Water Pollution Plans (DWPP) for the affected Natura 2000 catchments, including the Wye.

QUESTION – How do the Cabinet Commission proposals fit into a DEFRA-produced DWPP for the Wye and Lugg catchments?

Response

Ms Hamilton thank you for your question, Natural England tell us in their DWPP theme guidance that their first their priority is to continue to update and implement DWP Plans to ensure they provide a live, user-friendly evidence-led approach to delivery. We see our proposals as a further possible building block for inclusion in a DWPP along with a strengthened Nutrient Management Plan. We are in contact with the agencies over our proposals and will want to discuss with them how the proposal could contribute to the DWPP framework prior to the submission to the Secretary of State and Welsh Government.

Question 2

**From: Mark Franklin, Bromyard
To: cabinet member, infrastructure and transport**

Re item 8 – Eastern River Crossing, I would like to know:

- How much traffic (%) is expected to be removed from the current A49 corridor as compared with the previously proposed Western Bypass and SLR?
- How does the anticipated completion date (2029-31) compare with the previously forecast completion dates for the Western Bypass and SLR?
- With no extension of the corridor through to the A49, how is additional congestion to the north of the river to be avoided?
- What potential funding sources have been identified?
- From which earmarked reserve has the £1 million been allocated?

Response

Dear Mr Franklin, thank you very much for your question. At the time of the Hereford Transport Strategy Review (HTSR) in 2020, the analysis of options suggested that the Western Bypass would initially deliver a 21% reduction in traffic flows on roads in the Air Quality Management Area (AQMA) in the city (*page 114 of the HTSR Technical Report*) and the Eastern Link would initially deliver a 14% reduction in flows on roads in the AQMA (*page 117 of the HTSR Technical Report*). The current work, more detailed, work being undertaken for the Eastern River Crossing

and Link Road (ERiC) is at an early stage, however, early analysis suggests that traffic relief on the A49 could be up to 20%, which is extremely encouraging. The ERiC supports the Hereford Masterplan ambitions and the council's commitment to net zero and is also aligned with central government's decarbonisation agenda. The Western Bypass, as well as being the most environmentally damaging option, had an estimated cost of £190 million compared to an Eastern Link cost of £55 million.

The completion date for the western bypass was circa 2030 (as per HTSR), and ERiC is anticipated to also be completed by circa 2030. We have been careful to factor in allowances for a strict business case development process set by the Department for Transport. There will be opportunities to truncate that timeline but that is a conservative estimate. It must be noted that work on the Western Bypass also comprised several years, if not a decade, under the previous Conservative administration and so, in totality, the time estimated for a Western Bypass is considerably more than the Eastern Link we are working on.

ERiC is not seeking to remove all through traffic from the City, this is a common misunderstanding and we need to look at the data. The HTSR showed that only 7% of trips pass through the city, beginning and ending out of city (*p23 of HTSR report*) and so we are more focused on providing resilience with an additional river crossing and access to residential areas in the north eastern quadrant of the City, as well as providing the conditions which will increase modal shift to walking, cycling and public transport as set out in the City Masterplan.

A number of funding sources have been identified for ERiC, including those set out below. However, further work is anticipated in later business case development to provide more detail on a likely funding package.

- DfT Major Road Network fund.
- DfT Local Growth Fund.
- DCLG Housing Infrastructure Fund.
- DLUHC Levelling Up Fund.
- DCLG Housing Infrastructure Fund (HIF).
- Developer contributions and Community Infrastructure Levy (CIL).
- County council / local authority capital programmes.
- Prudential borrowing by the local authority, paid back over the long term by business rates.

The £1m for the further development of the Eastern River crossing business case project is funded from the settlements monies ear marked reserve, as per the cabinet decision on 29th September 2022

<https://hc-modgov.herefordshire.gov.uk/ieListDocuments.aspx?CId=251&MId=8394&Ver=4>

Question 3

From: Philip Price, Preston on Wye

To: cabinet member, finance, corporate services and planning

Legacy P was previously blamed on ploughing up swards in the Second World War. Now you are saying that the deposition of legacy P is so great that there is no swift route to river recovery. The views expressed that you don't understand the subject and much has to be done, yet you are going to train and support farmers in the use of appropriate tools to rectify the problem. Can the Cabinet please explain to the farming community based on this report, how they will engage with them, when this report suggests that the scientific evidence on the movement of Phosphate is so poorly understood?

Response

Mr Price thank you for your question, the Rephokus Report published last year specifically identifies need for further research and tool improvement in a number of areas. At the Commission's suggestion, DEFRA have brought together Lancaster University, the Scottish Rural College, Rothampstead Research and the AHDB to better understand the evidence gaps and develop the tools needed to enable farmers to make better choices about the application of nutrients in the catchment.

EA, NE, NRW and Welsh Government, together with the supply chain, Farm Herefordshire and the Council also participated in these discussions with leading national specialists. They have agreed to take an end to end approach to the scientific evidence and how it can be applied to on-farm solutions.

As of last week their agreed position is, *'We don't have enough evidence of measures that have been and are being taken or required on the levels and movements of P (both legacy and present) to drive community engagement and enact change.'* The DEFRA sponsored group are working up a project proposal to address the evidence gap through new on-farm tools and training. Around this, a comprehensive farmer-to-farmer engagement and consultation process will also be commissioned to work through the challenges presented by managing down Phosphates including legacy P.

Question 4

From: Ms Reid, Hereford

To: cabinet member, children and families

Two priorities of the Cabinet are improving Children's Services and wise expenditure on CS etc.

Local Government Interactive Tool show rates of Children Looked After (CLA) per 10,000 children of:

	2021-2022	2020-2021
Herefordshire:	112.0	87.0
Statistical Neighbours' average:	64.3	60.2
England:	70.0	67.0

Respectively for the years the number of CLA in Herefordshire has increased to 378 from 312 (392 at 31/10/22, 24/11/22 Cabinet meeting).

The base budget for CLA in 2023-24 is £28.724m net (£32.671m gross). Average cost per child is expensive (residential: £263,432pa).

Roughly, the number of children in care could be halved thus halving expenditure on CLA.

The rate of care proceedings is about double that of SNs – cost could be slashed.

What is the current number and rate of CLA in Herefordshire (with date) and latest rates for Herefordshire compared with Statistical Neighbours' average (with date)?

Response

We do not accept your assertion in the question that the number of children in care could be halved and that if that were to happen, the budget would similarly be halved.

In answer to your question:

As at Monday 27 February 2023 the number of children in our care was 406 (including 25 Unaccompanied Asylum Seeking Children) giving a rate per 10,000 of 113).

Excluding the number of Unaccompanied Asylum Seeking Children there are 381 children in our care, which equates to a rate per 10,000 of 105.

We receive and support Unaccompanied Asylum Seeking Children as a part of the National Transfer Scheme and the number in our care has doubled in the past twelve months.

England and statistical neighbour averages are published annually and the most recently available data is as you have presented in your question.

COUNCILLOR QUESTIONS TO CABINET – 2 MARCH 2023

Question 1

From: Councillor Jeremy Milln, Central Ward

To: Cabinet Member, finance, corporate services and planning

The Cabinet Commission report recommends setting up a Phosphate trading scheme for the agricultural sector with a legally binding MoU. It claims that such trading schemes promote nutrient efficiency.

While it is being discussed in relation to Poole and a scheme was set up in 2017 in Holland specifically to manage dairy cattle manure, the UK has no experience of such a scheme for phosphates.

Commodifying pollutants, so the purchase of permission credits become a business cost to continue polluting, does not strongly incentivise change, at least not the rapid progress we need to make on phosphates (or indeed on emissions).

Given the novelty, complexity and risks associated with such a scheme would the Cabinet member agree that it would be better the Commission not progress this aspect, unless it can be demonstrated beyond doubt that it would be effective?

Response

Thank you Councillor Milln, the proposal before Cabinet is to move to the development of an outline business case, during the course of which the further assessments will be undertaken which would be necessary to answer your questions in more detail.

I agree with you - the right regulatory driver needs to be part of the solution.

In such a scheme, the EA could be asked to use the Environmental Permit Regulations to set a mandatory target and require all farms to report annually on their progress to report the leaching of phosphate. With criminal penalties if data is not reported or is falsified.

The link between changing inputs and managing down phosphates is subject to many variables and so a scheme allowing farmer's time to phase in the adjustments would aid transition and secure better buy-in by those impacted.

Such a scheme would represent an inter-farm trading approach during the managed reduction "glide path" phase to delivery of the end-state nutrient targets. Ultimately, all farms would be required to reach the end-state targets, or face prosecution and the imposition of a WPZ at the end of the scheme period - which in Poole's case is ten years - ensuring that trading is only an interim solution between farmers to a complex pan-catchment challenge. All farms will ultimately be required to reach end-state targets.

This is the regulated voluntary approach in operation for the Poole scheme and would be explored as an option during the business case development phase of a viable scheme for the Wye.

Question 2

From: Councillor Nigel Shaw, Bromyard Bringsty Ward
To: Cabinet Member, Infrastructure and transport

Can I be provided, perhaps in the form of a table, with the amounts that the authority has spent on Beryl bikes, by year, with the source of the funding, and how many bikes were purchased and whether they are still in service?

Response

Summary Table of City Bike Share Spend

19/20	20/21	21/22	22/23
£69,067	£177,390	£88,188	£86,942
<i>Grant: DfT Access Fund</i>	<i>Grant: DfT Access Fund & Towns Fund accelerated projects</i>	<i>Grant: DfT Access Fund</i>	<i>Directorate Revenue</i>

200 pedal power bikes and 72 electric bikes are available to the public. The number of electric bikes is set to increase to 102 over the next few months.

Question 3

From: Councillor Jennie Hewitt, Golden Valley North Ward
To: Cabinet Member, finance, corporate services and planning

Re proposed phosphate commission Scheme

Please can you describe in outline how this scheme will deal with the legacy phosphate issue in the Wye catchment?

Response

Phosphates can only usefully leave fields by uptake into livestock or uptake in crops, sometimes small amounts are windblown in soil too, otherwise Phosphates remains in situ or leach into water courses, so it is vital that legacy P is managed correctly.

At the Commission's suggestion, DEFRA have brought together Lancaster University, the Scottish Rural College, Rothampstead Research and the AHDB to better understand the evidence gaps and develop the tools needed to enable farmers to make better choices about the application of nutrients in the catchment. EA, NE, NRW and Welsh Government, together with Farm Herefordshire and the Council have participated in these discussions.

Two tools are under development - one of which better measures total phosphates in soils including legacy P, and the other measures leaching of phosphates from farms. Discussions have commenced as to whether these tools can be trialled on the Wye later this year when research reaches that phase.