

A G E N D A

Community Services Scrutiny Committee

Date: **Monday, 8th January, 2007**

Time: **7.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note that following receipt of evidence this meeting will adjourn and reconvene on Monday, 15th January, 2007, as described in the agenda papers

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Community Services Scrutiny Committee

To:	Councillor	A.C.R. Chappell (Chairman)
	Councillor	H. Bramer (Vice-Chairman)
	Councillors	R.B.A. Burke, M.R. Cunningham, Mrs. S.P.A. Daniels, J.G.S. Guthrie, B. Hunt, J.G. Jarvis, D.C. Taylor, P.G. Turpin and A.L. Williams
	Co-opted Members	Ms. C. Jones (Chamber of Commerce), G. Jones (Tourism Sector), Mrs. E. Newman ((HALC)) and Mr. P. Thomas (Herefordshire NFU)

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY	
To consider suggestions from members of the public on issues the Committee could scrutinise in the future.	
5. CALL-IN OF CABINET DECISION ON THE HEREFORD LIVESTOCK MARKET RELOCATION	1 - 18
To consider Cabinet's decision to approve a site for the purpose of relocating the Hereford Livestock Market.	
EXCLUSION OF THE PUBLIC AND PRESS	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered	
RECOMMENDATION:	
That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act as indicated below.	

6. CALL-IN OF CABINET DECISION ON THE HEREFORD LIVESTOCK MARKET RELOCATION- EXEMPT APPENDIX | 19 - 20

NOT FOR PUBLICATION – this appendix contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

PUBLIC INFORMATION

HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES

The Council has established Scrutiny Committees for Adult Social Care and Strategic Housing, Childrens' Services, Community Services, Environment, and Health. A Strategic Monitoring Committee scrutinises corporate matters and co-ordinates the work of these Committees.

The purpose of the Committees is to ensure the accountability and transparency of the Council's decision making process.

The principal roles of Scrutiny Committees are to

- Help in developing Council policy
- Probe, investigate, test the options and ask the difficult questions before and after decisions are taken
- Look in more detail at areas of concern which may have been raised by the Cabinet itself, by other Councillors or by members of the public
- "call in" decisions - this is a statutory power which gives Scrutiny Committees the right to place a decision on hold pending further scrutiny.
- Review performance of the Council
- Conduct Best Value reviews
- Undertake external scrutiny work engaging partners and the public

Formal meetings of the Committees are held in public and information on your rights to attend meetings and access to information are set out overleaf

PUBLIC INFORMATION

Public Involvement at Scrutiny Committee Meetings

You can contact Councillors and Officers at any time about Scrutiny Committee matters and issues which you would like the Scrutiny Committees to investigate.

There are also two other ways in which you can directly contribute at Herefordshire Council's Scrutiny Committee meetings.

1. Identifying Areas for Scrutiny

At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

Please note that the Committees can only scrutinise items which fall within their specific remit (see below). If a matter is raised which falls within the remit of another Scrutiny Committee then it will be noted and passed on to the relevant Chairman for their consideration.

2. Questions from Members of the Public for Consideration at Scrutiny Committee Meetings and Participation at Meetings

You can submit a question for consideration at a Scrutiny Committee meeting so long as the question you are asking is directly related to an item listed on the agenda. If you have a question you would like to ask then please submit it **no later than two working days before the meeting** to the Committee Officer. This will help to ensure that an answer can be provided at the meeting. Contact details for the Committee Officer can be found on the front page of this agenda.

Generally, members of the public will also be able to contribute to the discussion at the meeting. This will be at the Chairman's discretion.

(Please note that the Scrutiny Committees are not able to discuss questions relating to personal or confidential issues.)

Remits of Herefordshire Council's Scrutiny Committees

Adult Social Care and Strategic Housing

*Statutory functions for adult social services including:
Learning Disabilities
Strategic Housing
Supporting People
Public Health*

Children's Services

Provision of services relating to the well-being of children including education, health and social care.

Community Services Scrutiny Committee

*Libraries
Cultural Services including heritage and tourism
Leisure Services
Parks and Countryside
Community Safety
Economic Development
Youth Services*

Health

*Planning, provision and operation of health services affecting the area
Health Improvement
Services provided by the NHS*

Environment

*Environmental Issues
Highways and Transportation*

Strategic Monitoring Committee

*Corporate Strategy and Finance
Resources
Corporate and Customer Services
Human Resources*

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The Council Chamber where the meeting will be held is accessible for visitors in wheelchairs, for whom toilets are also available.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

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

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

CALL-IN OF CABINET DECISION ON THE HEREFORD LIVESTOCK MARKET RELOCATION

Report By: Director of Corporate & Customer Services

Wards Affected

County-wide

Purpose

1. To consider Cabinet's decision to approve a site for the purpose of relocating the Hereford Livestock Market, which has been called in by three Members of the Committee, namely: Councillors A.C.R. Chappell, H. Bramer and Councillor Mrs S.P.A. Daniels.

Reason For Call-In

2. In accordance with Standing Order 7.3.1 and the Scrutiny Committee Rules set out at Appendix 2 of the Constitution, Cabinet's decision on 21st December, 2006 has been called in for consideration by this Committee.
3. The stated reasons for the call-in are:
 - **To seek confirmation that full and final consultation has taken place and that the public have had every opportunity to have their say.**
 - **To ensure that every alternative site has been examined and that the chosen option is the best solution.**
 - **To ensure that the site is economically viable for a market.**
 - **To ensure that the site represents value for money for the Council.**
4. The draft decision notice (Ref No. 2006.CAB.101), together with the report to Cabinet on 21st December, 2006 are appended to this report.
5. It is for the Committee to decide whether it wishes to accept the decision of the Cabinet or to refer the decision back to Cabinet for further consideration and if so what recommendations, if any, it wishes to make.
6. In view of the large amount of evidence likely to be presented to the Committee on the evening of 8th January, once all the invited witnesses have been interviewed the meeting will adjourn.
7. The meeting will then reconvene at 12.30pm on Monday, 15th January 2007 in the Council Chamber at Brockington, Hereford where it is proposed to take evidence on some of the financial aspects of the proposal. It will be recommended that the public are excluded from this part of the meeting, as permitted by law, to avoid disclosure of information relating to the financial or business affairs of any particular person

Further information on the subject of this report is available from
Colin Birks, Property Services Manager, on (01432) 261980 or
Kevin O'Keefe, Legal Practice Manager, on (01432) 260005

(including the Authority). The Committee will then adjourn again and reconvene in public later that day at 2.00 pm to review the evidence and consider whether it wishes to make any recommendations to Cabinet.

BACKGROUND PAPERS

- None Identified

Further information on the subject of this report is available from
Colin Birks, Property Services Manager, on (01432) 261980 or
Kevin O'Keefe, Legal Practice Manager, on (01432) 260005

WRITTEN STATEMENT OF A KEY DECISION CABINET

ITEM:	HEREFORD LIVESTOCK MARKET RELOCATION
Members Present:	Councillors: RJ Phillips (Leader), Mrs LO Barnett, PJ Edwards, Mrs JP French, JC Mayson, DW Rule MBE (Deputy Leader), RV Stockton, DB Wilcox, RM Wilson.
Date of Decision:	21st December 2006
Exempt:	Appendix 3 only.
Confidential	No
This is a key decision because It is significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards	
The item was included in the Forward Plan.	
A notice was served in accordance with section 15 of the Local Authorities (Executive Arrangements) (Access to Information) Regulation 2000	
Urgent Decision:	No
Purpose:	To inform Members of the results of a selection and consultation process undertaken over the last six months to identify a preferred site for the proposed relocation of the Livestock Market.
Decision:	THAT: (a) Cabinet approval be given for officers to proceed and negotiate the purchase of Site 5 for the purpose of relocating the Livestock Market; (b) Cabinet approval be given for officers to negotiate with Hereford Market Auctioneers (HMA) on the amount of their capital contribution towards the scheme, the heads of terms for the lease and the basis of a fee toll for animals passing through the Market; and (c) Cabinet agree to the principle that the first call on the capital receipts from the sale of the existing livestock market, as part of the Edgar Street Grid Regeneration Project, be used to fund the replacement facility.
Reasons for the Decision:	To secure a site for the relocation of the Livestock Market and negotiate both a capital contribution and lease terms with the party that will be operating the Market.

Options Considered:	<ul style="list-style-type: none">• Market to remain in its present location• To close the Market and risk litigation
Declaration of Interest:	
Date the key decision is due to take effect:	29th December 2006

COUNCILLOR RJ PHILLIPS LEADER OF THE COUNCIL	Date: 21st December 2006
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HEREFORD LIVESTOCK MARKET RELOCATION

PORTFOLIO RESPONSIBILITY: RURAL REGENERATION AND STRATEGY

CABINET

21ST DECEMBER, 2006

NOT FOR PUBLICATION – Appendix 3 only.

Wards Affected

Burghill, Holmer and Lyde
Central
Credenhill
Three Elms

Purpose

To inform Members of the results of a selection and consultation process undertaken over the last six months to identify a preferred site for the proposed relocation of the Livestock Market.

Key Decision

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more Wards. It was included in the Forward Plan.

Recommendations

- THAT:**
- (a) Cabinet approval be given for officers to proceed and negotiate the purchase of Site 5 for the purpose of relocating the Livestock Market;**
 - (b) Cabinet approval be given for officers to negotiate with Hereford Market Auctioneers (HMA) on the amount of their capital contribution towards the scheme, the heads of terms for the lease and the basis of a fee toll for animals passing through the Market;**
 - (c) Cabinet agree to the principle that the first call on the capital receipts from the sale of the existing livestock market, as part of the Edgar Street Grid Regeneration Project, be used to fund the replacement facility.**

Reasons

To secure a site for the relocation of the Livestock Market and negotiate both a capital contribution and lease terms with the party that will be operating the Market.

Considerations

Why we need to provide a Market.

1. The need to relocate the Market has been identified as essential for the development of the Edgar Street Grid. The Market occupies a prime site within the Grid so the proposal is to relocate the cattle market outside the City conurbation, which is a trend set by a number of other towns and cities with Livestock Markets.
2. The present Market is on a very confined site (7.9 acres) with separate parking for vehicles on the Merton Meadow car park. The lorry wash facilities are very basic and the buildings are generally in a dilapidated state. Bio-security is difficult to achieve because of the public access points and adjacent public car parking.
3. An Obligation to Provide a Market? The Royal Charter of 1597 provides for a number of things, but for the purpose of this report, it provides a right to the Mayor, Aldermen and citizens of the City to hold markets. A right to hold a market involves various rights and duties on the part of the owner. These include a duty to provide a place for holding of a market of a size sufficient for the convenient accommodation of all who are ready to buy and sell in it (re Islington market Bill [1835]).
4. The Cabinet has received a number of reports in the past on the matter of the Livestock Market relocation. In 2003 details of the Market Bill were reported and in September 2005 a report recommending a preferred site was considered.
5. There have been five open public meetings and a presentation to Members on this matter. A considerable amount of correspondence has been received by the Council on this subject. Details of the Minutes of the public meeting and correspondence are available from Sally Cole in the Members Support Section but a summary of the principal concerns is appended at Appendix 3.

What the Unitary Development Plan (UDP) states, why in the North West Sector and what the traffic impact will be.

6. **UDP** -The Council's planning policy for the relocation of the Market has been developed through the UDP process. The context is the need to allow the further development of Hereford city centre as a sub-regional shopping and service destination. The Regional Spatial Strategy confirms Hereford as a sub-regional foci - one of five within the region. The Strategy also sets out the role of the city centre as a focus for major retail, leisure, office, cultural, tourist, social and community development uses. The proposals developed through the Edgar Street Grid master plan work take this forward and have been incorporated into the UDP. A key aspect of the proposals is the development of the existing Market site for retail purposes within an extended city centre.
7. Relocation of the Market itself is a necessary precursor. This is provided for by a separate UDP policy that sets out the planning requirements that any new site should meet. This embraces such aspects as land use, traffic and access, infrastructure, design and landscaping. The supporting text to the policy elaborates on the requirements, setting out the overall area of land required (8 hectares) and indicating that a location to the north west of the City offers the best accessibility for both buyers and sellers of livestock.
8. The UDP proposals attracted a number of objections and were considered at Inquiry in 2005.

The Inspector's salient conclusions are:

- Support for the Edgar Street Grid strategy and the regeneration proposals
 - Confirmation that relocation onto a new site is the way forward, rather than retaining the Market on its existing site
 - Little change required to the Market relocation policy, with recommendations that groundwater be referred to as one of the planning considerations and confirmation of requirements for a transport assessment and the likely need for an environmental impact assessment.
 - That the Quarry site at Stretton Sugwas, put forward by the Duchy of Cornwall as a potential site, should not be included in the UDP at this time due to outstanding issues including effects on aquifer, access, amenity and animal welfare.
9. The choice of the north west of Hereford as the area of search for a new Market site has been developed through the UDP process and was not challenged at the Inquiry. Further work has been undertaken as part of the current consultations using the Agricultural Census 2004, information supplied by the Auctioneers and commissioned traffic surveys. This confirms the conclusion that overall a location to the north west of Hereford is preferred. Such a location would best reflect the Market's catchment with the emphasis of trade from the west and take advantage of the recent Roman Road improvement which allows ready access to and from the area via radial routes from the north and east.
10. **Location** - In addition to the UDP recommendation of locating the market in the north west section, the 1997 Donaldson Report also recommended this location. The DTZ Pidea Consulting October 2003 Hereford Livestock Market Development Study also make reference to the north west section as a suitable location.
11. **Traffic Survey Methodology** - In order to determine the capacities and impact of the relocation of the Livestock Market at each site, a number of traffic surveys were undertaken to establish the existing conditions. These ranged from the use of Automated Traffic Counters to assess the existing design speed on the approaches to each site and classified manual turning counts at every major junction within the design cordon.
12. Vehicle counts were also carried out on the entrances to the existing market to establish peak traffic flows and a simple questionnaire undertaken to determine the origins of each market user and their respective route that they use.
13. The results from the questionnaire supported earlier work that the preferred location for the Livestock Market is to the northwest of Hereford with 32%, 16%, 21% and 31% of livestock flow originating to the west, north, east and south of Hereford respectively.
14. PICADY (Priority Intersection Capacity and Delay) and ARCADY (Assessment of Roundabout Capacity and Delay), computer programmes to determine capacities and delays on priority junctions and roundabouts respectively, were used to assess the peak flows on the existing and proposed accesses for each site. The results indicated that all existing and proposed junctions are currently operating within capacity with the existing Roman Road/Tillington junction having the least capacity and which, therefore, may be susceptible to future developments and traffic growth.

15. Summary of the Surveys/Assessment methods are as follows:
- Automated traffic counts to establish design speeds on approaches
 - Classified manual traffic counts on each junction on the surrounding network
 - Entrance/exit traffic counts at the existing market to determine peak flow movements
 - Market questionnaire on 15th February 2006 to establish origins of each vendor/purchaser and resulting flow on the network
 - Assessment of previous 5 year personal injury collisions to determine any trends/contributory factors
 - Assessment of capacities using PICADY for each proposed site access and surrounding junctions with the combined development flows

A detailed traffic impact report resulted from this survey.

What does the Market Act say?

16. **The Queen Elizabeth I Charter** - On 19th August 1597, Her Majesty Queen Elizabeth I granted Hereford its Charter of Incorporation. This document is of both historical and legal importance. The Charter is written in that which is known as “Court Latin” a stylised version of Classical Latin. For the purposes of this advice, the material part (translated into English) provides –

“further we will and grant for ourselves, our heirs and successors to the Mayor, Aldermen and citizens of the said City forever that they have, hold and keep and can and may have, hold and keep in the said City annual forever three markets each viz on Wednesday, Friday and Saturday”.

17. **Historical Evolution** - The Municipal Corporations Act 1835 brought about major reforms to local government in England, giving Boroughs substantial local governmental functions. The Act identified Hereford as a Parliamentary Borough and treated other Boroughs (including Dorchester to which I will refer shortly) in the same way.

18. The Municipal Corporations Act 1882 repealed and replaced the earlier 1835 Act. Section 250 (i) of the new Act provided –

“Nothing in this Act shall prejudicially affect any charter granted before the commencement of this Act, or take away, abridge or prejudicially affect any of the rights, powers, privileges, estates, property, duties, liabilities or obligations vested in or imposed on any municipal corporation existing at the commencement of this Act . . . every such charter shall continue to operate, and every such corporation shall continue to have perpetual succession ...”

19. **The Extent of “Hereford”** - In the case of a Borough, whose boundaries have changed, it is necessary to consider whether the grant within a Charter is limited to the historic boundaries or whether those have been enlarged as the Borough or City grew over the years. In *Dorchester Corporation v. Ensor* (1869), the Court of Exchequer considered the position of

Dorchester, a borough specified in Section 1 of Schedule (A) of the Municipal Corporations Act 1835. The Court held that an ancient borough market could be lawful held within the new borough at the date of the original Charter. This decision applies to all boroughs listed in Section 1 of the Act, which includes Hereford. It follows, that unless some subsequent Act of Parliament was passed, or a new Charter given by the Crown, that the livestock market could only be relocated within the city boundaries, as they stood at the time of the Municipal Corporations Act 1835.

- 20 **The Hereford Markets Act 2003** - By an Act of Parliament dated 30th October 2003 (The Hereford Markets Act) an enactment was made permitting the Council to relocate “the Markets” to “*any place or places within the district and in connection with the relocation terminate the use of any land for the purposes of the Markets*”.

The Act went to stipulate at Section 4 (iii) that:

“The Council shall not relocate a market under sub-section (1) without first consulting with the market traders and other interests that appear to the Council to be likely to be affected by the proposed relocation”.

The Act therefore enables the Livestock Market to be relocated outside of the boundaries of the City as they were in 1835 to any location within the County.

How has the Site Analysis been undertaken?

21. During the past 10 years consideration has been given to a large number of sites around Hereford. The following reports are a selection that have given consideration as to the future of the Market and where a Market would best be located together with potential sites –
- i Donaldson’s Hereford Livestock Market Study – August 1997
 - ii DTZ Pieda Consulting – Hereford Livestock Market Development Study October 2003 (made reference to west only)
 - iii Owen Williams – Hereford Livestock Market Environmental Feasibility Study – March 2006
 - iv Owen Williams Livestock Market Traffic Study – 2006
22. In total 46 sites were identified under the UDP process. In 2005 a short-list of sites was produced and a preferred site for the Market was identified.
23. In October 2005 six sites were identified for consideration where the owners of five sites were prepared to sell or lease and one site was owned by the Council (see Appendix 1 – Location Plan)
24. A site area of 8 hectares or 20 to 25 acres has been identified as the requirement for this facility.
25. Each of the six sites has been considered in detail. Specialist Consultants were engaged to look at the ecology and hydrology of each site. The traffic consultant considered access to each site and professional staff within the Council considered the suitability of the sites for construction, planning issues, costs and legal issues.

26. In addition consultation took place with external agencies such as the Environment Agency. As a result of these consultations the following matrices have been compiled considering the following issues:
- i Planning UDP Policy TCR 19 Planning Criteria
 - ii Construction and Access Criteria
 - iii Environmental constraints
 - iv Consultation process
- Each consideration was given a rating of 0 to 3 and a total produced for each site (see Appendix 2 for details)
27. Each of the five land-owners has been approached and asked for a disposal value of the site. The owner of Site 3 is only prepared to consider a leasehold interest and the owners of part of Site 1, Site 2 and Site 4 would prefer a lease and partnership arrangements. However, they would consider disposal as a last resort. Site 6 belongs to the Council so while there would be no acquisition costs one has to consider the lost opportunities for future developments.
28. A Summary of the costs of each Site is detailed in Appendix 3.
29. In conclusion of the analysis Site 5 has been identified as the most suitable for the new Market provision. The ownership of the site is complicated by the fact that a Restricted Covenant exists prohibiting the construction of buildings on the site and stipulating that the site should only be used for agriculture.
30. Discussions have taken place with both parties having the benefit of an interest in this site and in principle the release of the covenant to enable a Livestock Market to be built and sale of the freehold have been agreed. Contracts have been exchanged on options to secure the Council's position insofar as is possible in advance of consideration of this report, although those options do not commit the Council to proceed.
31. The total area of Site 5 is 48 acres. While only 25 acres is required for the Livestock Market the owners have offered all 48 acres for sale.

What are the benefits of relocation?

32. The Edgar Street Grid – the release of this prime area of the Edgar Street Grid will enable work to commence on the regeneration programme.
33. Financial – The capital value of this prime area of land will release funding for further development and acquisition within the Grid.
34. Operational – the completed project will provide a state of the art Market with two sales rings, sheep and cattle pens, offices and accommodation for agricultural-type businesses. This may include an office for a Veterinary Practice, tractor spaces and agricultural feed-type businesses. Adequate car and lorry parking will be provided together with full washing facilities.
35. Environmental aspects – the new Market will incorporate design features based

upon Good Environmental Practice. This will include the following features:

- i) Rainwater harvesting involving the collection of all roof and surface rainwater drainage
 - ii) Membranes to protect the aquifer from contamination
 - iii) Extensive use of re-cycled water provision for washing down and general cleaning
 - iv) Biomass heating plant providing a carbon neutral footprint
36. Maintenance and Running Costs - using high quality materials and good design, the annual maintenance costs of the new Market will be less than the existing Market. The engineering services will be designed to optimum efficiency and the new European levels of insulation.
37. The potential for an increase in the rental income for the Council and the introduction of the animal toll, referred to previously, will create extra income.

What are the Present and Future Tenancy Arrangements?

38. The present Livestock Market is leased to a company known as Hereford Market Auctioneers (HMA). They hold a lease from the Council on the Market site. The lease is protected under the Landlord and Tenancy Act. Previous agreements have been reached to offer the new Market to the same company (HMA). The Heads of Terms for the new lease will be negotiated once a site has been identified and a new market design agreed.
39. The proposal is to negotiate both an initial capital contribution to the scheme by HMA, an annual rent and an annual tariff for livestock passing through the Market. The level of specification and details of the financial contribution are to be agreed with the Council.
40. Preliminary drawings and specifications have been obtained from a market of a similar size, built in Stirling in Scotland. Site visits have taken place to Shrewsbury and Cirencester Markets. An indicative cost in the region of £3 to £5 million is anticipated for the new Market construction. The Council's ability to absorb costs in excess of those that can be funded by sale proceeds as part of the Edgar Street Grid Regeneration Project is very limited, as set out in its Medium-Term Financial Management Strategy. Negotiations will take place with HMA and ESG Ltd. to establish how the Market can be built in the most efficient and cost-effective way.

Risk Management

- Failure to relocate the Market will result in a delay in the Edgar Street Grid regeneration programme.
- The Council could face legal challenges from traders and the auctioneers to comply with the legal requirement to hold a Charter Market and an ancillary risk of forfeiture to the right to hold a market to the Crown.

Alternative Options

- Market to remain in its present location
- To close the Market and risk litigation

Consultees

Director of Environment	Hereford Market Auctioneers
Director of Resources	Environment Agency
Director of Adult and Community Services	Defra
Head of Highways and Transportation	National Farmers Union
Property Services Manager	Country Landowners' Association
Legal Practice Manager	Statutory Consultation
Chief Forward Planning Officer	5 Public Meetings
Chief Planning Officer	Herefordshire Council Web site
Chief Executive of Edgar Street Grid Ltd	Literature including 'Frequently Asked Questions'
Local Members	

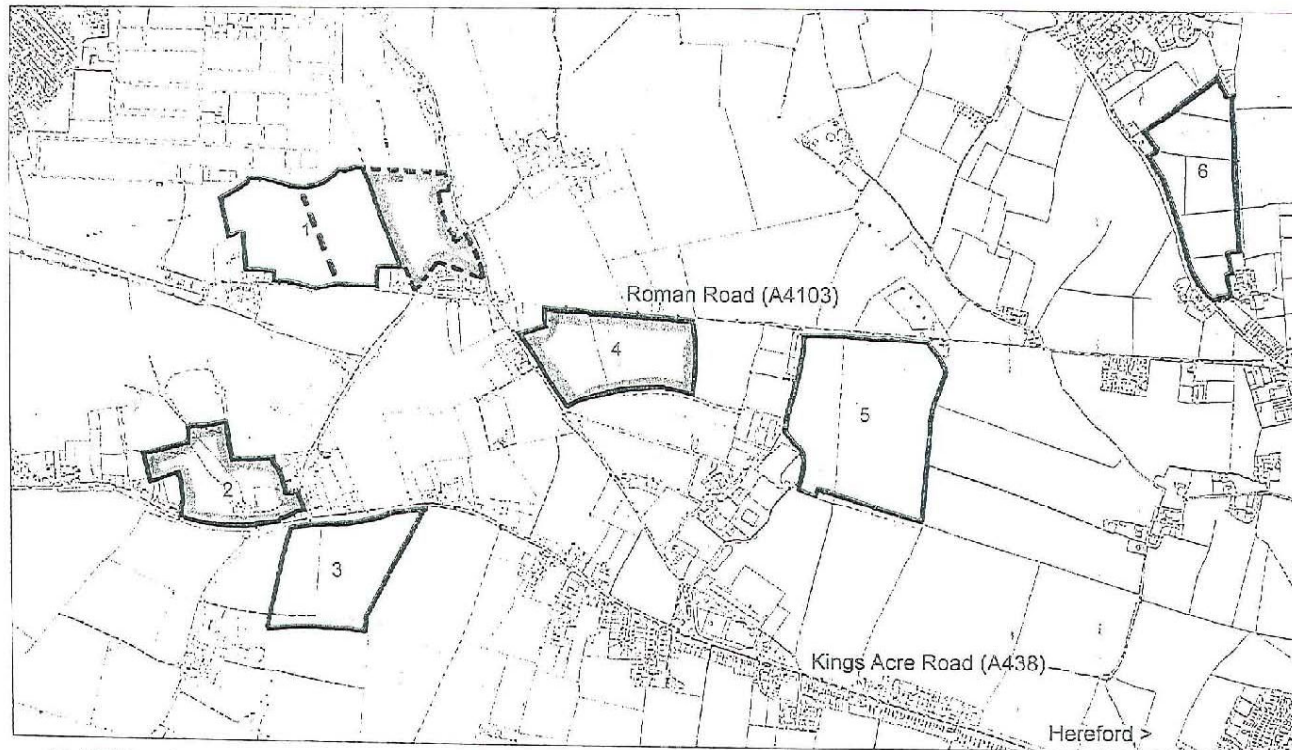
Appendices

Appendix 1 - Location Plan
Appendix 2 - Ratings for Proposed Locations
Appendix 3 - Summary of Costs for Each Site (Confidential)

Background Papers

Owen Williams – Ecology Survey
Owen Williams – Traffic Impact Survey
UDP extracts about the Market Sites
Presentation to Public Meetings (Power Point)

1. Barnsfield 2. Quarry Site 3. Sugwas Farm 4. Field Opposite School 5. Field Along Roman Road 6. Hospital Farm



SITE OPTIONS FOR HEREFORD LIVESTOCK MARKET

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LIVESTOCK MARKET – RATINGS FOR PROPOSED LOCATIONS

UDP policy TCR19 Planning criteria	Site 1 Barnsfield	Site 2 Quarry	Site 3 Sugwas Farm	Site 4 Field Opposite School	Site 5 Griffiths	Site 6 Hospital Farm
Restriction to use as Market & ancillary uses	0	0	0	0	0	0
Size and nature are capable of accommodating development with no detrimental effect on surrounding area or its immediate setting	2	1	2	3	3	2
Satisfactory access can be provided to primary road network without unacceptable impact on the highway network	2.5	2	2	3	3	2
Can be serviced, inc water supply and treatment or disposal of trade effluent and surface water	2	2	2	3	3	2
Includes sustainable drainage and measures to prevent contamination of watercourses or groundwater	2	2	2	2	2	3
Development/design respects its surroundings and character, protects local amenity and minimises landscape impacts	1	3	2	3	3	1.5
Landscaping scheme is provided to help assimilation of development and safeguard landscape character	2.5	3	2.5	3	3	2

0 = not applicable

1 = site not capable of meeting requirement

2 = site capable of meeting requirements subject to special provision or mitigation

3 = site readily capable of meeting requirements with no exceptional provision

LIVESTOCK MARKET – CONSTRUCTION AND ACCESS CRITERIA

CONSTRUCTION AND ACCESS CRITERIA	Site 1 Barnsfield	Site 2 Quarry	Site 3 Sugwas Farm	Site 4 Field Opposite School	Site 5 Griffiths	Site 6 Hospital Farm
Ease of Development	3	2	2	3	3	2
Size limitation of Site	3	2	2	3	3	2
Aquifer Issues	2	2	2	2	2	2
Foundation Problems	3	2	3	3	3	3
Statutory Services Provision	3	2	2	3	3	2
Access to Highway	2	2	2	3	3	
Archaeology Issues	2	3	3	2	3	3
Totals	18	15	16	19	20	16+

0 = not applicable

1 = site not capable of meeting requirement

2 = site capable of meeting requirements subject to special provision or mitigation

3 = site readily capable of meeting requirements with no exceptional provision

MATRIX CORRELATING RESULTS FROM PUBLIC CONSULTATION

	Site 1 Barnsfield	Site 2 Quarry	Site 3 Sugwas Farm	Site 4 Field Opposite School	Site 5 Roman Road	Site 6 Hospital Farm
Restrictive Covenants	0	2	0	2	0	1
Cost Concern	2	2	2	2	2	3
Noise Impact on Community	1	3	3	1	3	1
Number of written objections	2	3	2	2	3	2
Animal Welfare concerns	1	2	3	1	3	3
Traffic concerns	2	2	2	1	2	1
TOTALS	8	14	12	9	13	11

0 = not applicable

1 = site not capable of meeting requirement

2 = site capable of meeting requirements subject to special provision or mitigation

3 = site readily capable of meeting requirements with no exceptional provision

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