

AGENDA

Environment Scrutiny Committee

Date: **Friday 26 March 2010**

Time: **9.30 am**

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

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Environment Scrutiny Committee

Membership

Chairman	Councillor RI Matthews
Vice-Chairman	Councillor PJ Watts
	Councillor CM Bartrum
	Councillor WLS Bowen
	Councillor DW Greenow
	Councillor JW Hope MBE
	Councillor MAF Hubbard
	Councillor TW Hunt
	Councillor PM Morgan
	Councillor A Seldon
	Councillor NL Vaughan

Non Voting

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) 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. COUNCIL VEHICLE FLEET To highlight the current position and outline a programme of work aimed at improving the management of the Council's vehicle fleet.	1 - 6
6. PROGRESS REPORT ON COMMUNITY PROTECTION TEAM To update the Committee on the work of the Community Protection Team since the last Committee Report in September 2009.	7 - 12
7. CONNECT 2 GREENWAY ROUTE OPTIONS To provide an update to the Committee regarding Connect 2 Greenway preferred route key decision.	13 - 26

PUBLIC INFORMATION

HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES

The Council has established Scrutiny Committees for Adult Social Care and Strategic Housing, Children's Services, Community Services, Environment, and Health. An Overview and Scrutiny 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

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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.

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(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*

Overview and Scrutiny Committee

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

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- 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.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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MEETING:	ENVIRONMENT SCRUTINY COMMITTEE
DATE:	26TH MARCH 2010
TITLE OF REPORT:	COUNCIL VEHICLE FLEET
REPORT BY:	ASSISTANT DIRECTOR ENVIRONMENT AND CULTURE

Wards Affected

County-wide

Purpose

To highlight the current position and outline a programme of work aimed at improving the management of the council's vehicle fleet.

Recommendation

THAT subject to any comments the Committee may wish to make, the report be noted.

Key Points Summary

- A total of 204 vehicles have been notified to the Council's Corporate Risk Manager by March 2010 as forming the Council's vehicle fleet.
- As previously reported, a Green Fleet Review has been undertaken that concluded that there are opportunities for achieving annual savings in the region of 1,288 tonnes of carbon (16%) and £180,000 from improved fleet management and operation.
- Fleet administration is done within individual directorates. The council currently has no overarching fleet management strategy. Although there are areas of good practice, such as the management of pool cars, overall asset management is variable and gives little opportunity for shared use, joint procurement and use of IT to help manage mileage and fuel costs.
- The Director of Resources, supported by the Assistant Director Environment and Culture, will lead a programme of work aimed at identifying the best way to improve the council's fleet asset management and it's subsequent implementation. The programme has identified the high level options for improvement and a set of criteria that will be used to decide between the options, upon which Members views are invited.

Introduction and Background

- 1 The committee at their meeting on 23rd September 2009 asked that "a report be made to the next meeting on the findings by the Energy Saving Trust into the Council's vehicle fleet, detailing in particular the number of vehicles owned and maintained by the Council, specifically detailing vehicle age and emissions."
- 2 The report delivered on 23rd November 2009 gave details of the council's fleet, based on

Further information on the subject of this report is available from
Richard Ball, Assistant Director Environment and Culture, 01432 260965

the best available information at that time, together with a summary of the recommendations from the Green Fleet Review carried out by the Energy Saving Trust in August 2009. It also highlighted a number of issues with the council's fleet asset management.

Key Considerations

3 Since the last report, details of the Council's fleet have been further examined to provide an up to date position. The following table identifies those vehicles notified to the Corporate Risk Manager by March 2010. Whilst this provides the latest position, a detailed audit of all vehicles will be undertaken as part of the forthcoming programme of work to establish a robust register of vehicles upon which to base future management arrangements.

4 Make up of Council fleet March 2010

	Number of vehicles	Vehicle Age Range	Range of emissions (gms CO2/km)
Cars	58	1-10 years	104 – 200
Minibus	69	6 months – 14 years	N/A*
Vans	43	6 months – 18 years	N/A
4x4	14	3 -10 years	N/A
Specialist	20	2 -17 years	N/A
Total	204		

* Information on emissions from these vehicles is not available on the DVLA website or collected by service managers.

5 In addition to making recommendations to increase fleet efficiency, the Green Fleet Review highlighted a number of issues with the way the council manages its fleet assets. The review showed that there is no clear strategy for fleet management nor is there any central guidance and oversight on selection, operation and disposal of council owned vehicles. Vehicles tend to be procured, operated and maintained locally by the teams that require them.

6 This situation makes it more difficult to confirm that vehicles are maintained appropriately, are fit for purpose and that all drivers are licensed and trained to use the vehicles that they operate. While we are aware of good practice in some areas, for example in the way that pool cars are managed, it would be difficult to confirm that procedures across the council are robust.

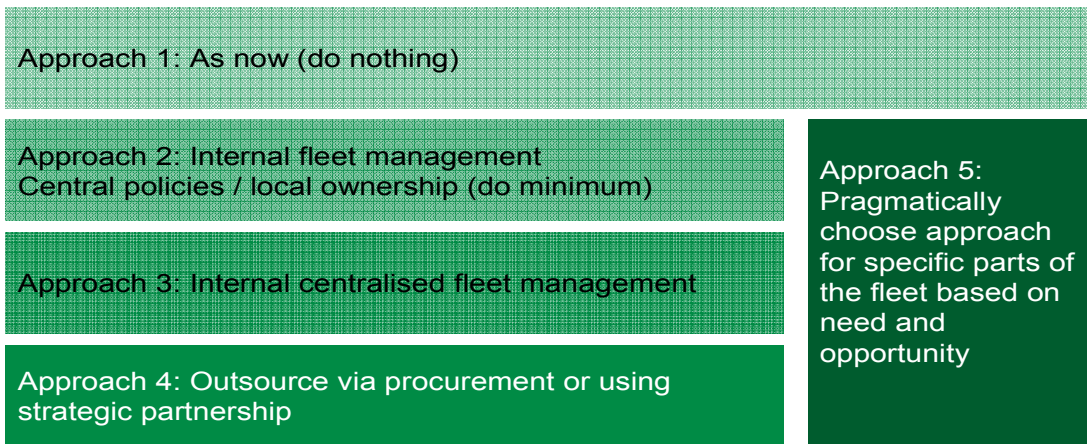
7 The lack of a comprehensive database of all fleet assets and information on their allocation and usage also makes it difficult to put in place appropriate arrangements to manage fleet performance and ensure efficient use of the assets.

8 It is clear that there would be benefits from putting in place more robust fleet management arrangements. These include the council's responsibility to ensure that all vehicles, including those owned by employees (and used in the course of their work), are fit for purpose, roadworthy and correctly insured; the need to understand the cost of running the fleet to ensure that the Council secures value for money; the need for a comprehensive

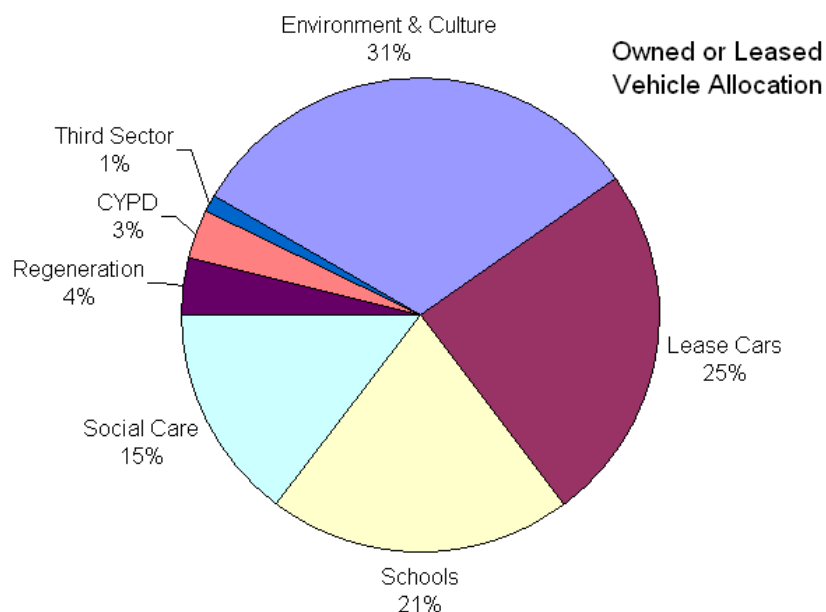
central fleet asset database; the need to influence staff travel habits. This would improve the Council's ability to manage risk, reduce cost and reduce CO₂ emissions.

Action Plan

- 9 Building upon the current fleet information, an audit will be carried out to generate a comprehensive register of all council owned and operated vehicles. This will then be supported by the development of a clear strategy for managing the register in future and the operation of the fleet.
- 10 In developing the strategy consideration will be given to a number of possible approaches including: managing the fleet as now but maintaining a comprehensive asset register and fleet management strategy; putting in place internal centralised fleet management; outsourcing via procurement or using our strategic partnership. The solution may include a blend of these approaches.



- 11 With the exception of the 'do nothing' option (which is not acceptable), all of these approaches imply changes to policies and procedures in all Directorates that use vehicles. The figure below shows the directorates and organisations affected and the proportion of the current fleet that they operate. Any opportunities for joint working with partners will be considered as part of the initial review.



- 12 The Wales Audit Office's Fleet Management Checklist (June 2008) has been used to develop a set of criteria which will be used to assess the chosen approach to ensure that it is in line with best practice:

<i>Suggested criteria for new approach</i>
<ul style="list-style-type: none">• Reduce corporate risk: we need to be able to demonstrate that we follow best practice across the organisation• Put in place effective centralised asset management across the organisation to ensure that we have a fleet that is value for money and fit for purpose• Allow us to make efficient use of fleet assets flexibly across the organisation• Allow us to implement the recommendations in the Green Fleet Review to take advantage of both the carbon footprint reductions and financial savings• Any approach must be capable of being implemented

- 13 Members' views are invited on the above criteria.
- 14 The project will initially analyse the options for future fleet management against the above criteria. In addition, it will explore opportunities for joint management of vehicles across public services. This will enable the selection of preferred option, for which a Fleet Management Strategy will be developed. This will be followed by the implementation of the preferred option.
- 15 Given the urgent need to improve fleet management, the first stage of the project, to confirm the preferred option, will be complete by May 2010. A detailed implementation plan will also be developed to deliver this preferred option as quickly as possible.

Conclusion

- 16 The issues raised by the Environment Scrutiny Committee in relation to the current approach to fleet management have highlighted the need to improve current practice. The Director of Resources has recognised that significant improvements are needed to reduce the Council's exposure to risk and ensure value for money is being achieved. The programme of work identified above aims to deliver improvements to fleet management across the Council and respond to Members concerns.

Financial Implications

There are no financial implications of this project in the short term. However, improved fleet management including fleet performance management offers the potential for efficiency savings and environmental benefits.

Legal Implications

None as a result of this report.

Risk Management

Financial Risks – An improved approach to fleet management has the potential to deliver savings for example, in relation to fuel purchase, servicing of vehicles, lease and short term hire.

Climate change – The council has set itself a target of reducing its own carbon emissions by 20% by 2020 - equivalent to 1.25% a year. The council is also the lead body for the Local Area Agreement target to reduce county carbon emissions by 13.1% over 3 years and thus have a community leadership role – and concomitant reputational risk if we are seen not to be actively managing our own carbon emissions.

Lack of robust fleet management has the potential to expose the council to risks associated with claims against the council, health and safety and road safety.

Background Papers

EST Green Fleet review 2009

Wales Audit Office's Fleet Management Checklist (June 2008)

MEETING:	ENVIRONMENT SCRUTINY COMMITTEE
DATE:	26 MARCH 2010
TITLE OF REPORT:	PROGRESS REPORT ON COMMUNITY PROTECTION TEAM
REPORT BY:	ACTING HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To update the Committee on the work of the Community Protection Team since the last Committee Report in September 2009.

Recommendation(s)

THAT subject to any comments the Committee may wish to make the contents of this report be noted.

Introduction and Background

- 1 On 14 September 2009 this Committee noted a report on the establishment of the Community Protection Team.
- 2 The Committee agreed that an update on the work of the team should be provided after six months. This report provides that update.

Key Considerations

- 3 The Community Protection Team reached its full establishment of a Team Leader, 5 enforcement officers and 2 Dog Wardens on 4 January 2010.
- 4 The team's main areas of business are fly-tipping, abandoned vehicles, littering, graffiti, and dog related issues (stray dogs and dog fouling). There have been a number of developments/work-streams in these areas over the last six months aimed at making the team's activities as effective as possible
- 5 In general terms the work-load of the team has increased and continues to do so as its existence becomes more widely known.

Further information on the subject of this report is available from
Shane Hancock, Acting Regulatory Services Manager on (01432) 261752

- 6 On 28 September 2009 the Integrated Environment & Regeneration System went 'live' allowing the recording of and reporting on service requests far easier. Since that date, to 28 February 2010 (5 months), the team has dealt with 1387 service requests, as shown in the table below.

Service request category	Number of reports actioned
Fly-tipping	548
Abandoned vehicles	122
Litter	39
Fly-posting	18
Graffiti	14
Dog related issues	500
Miscellaneous issues	146
Total	1387

- 7 Dealing with such service requests involves initial contact with the complainant, investigation and/or targeted patrolling depending upon the report (both can be protracted), file building and keeping the complainant updated. As such a particular service request may be resolved very quickly, i.e. the same day, or may become an inquiry/investigation that takes place over a number of weeks.

Fly-tipping

- 8 Fly-tipping is subject to a national indicator, NI 196, and as such is a key area focussed upon. NI 196 measures a local authority's performance based on a combination of calculating its year on year change in total incidents of fly-tipping dealt with, compared with its year on year change in enforcement actions taken against fly-tipping. In 2008/09 Herefordshire was graded as 2 (effective).
- 9 Year to date (April to February) 2009/10 the total number of reported incidents of fly-tipping is 708. This compares with 793 in the same period in 2008/09, an 11% reduction. Whilst this reduction is good news a reduction in itself will not raise the grading to 1 (very effective). The reduction needs to be complemented by an increased number of enforcement actions, meaning prosecutions, cautions, warnings, duty of care inspections, and stop checks.
- 10 This enforcement activity is now happening through the processes that have been put place over the last six months, albeit they may not be sufficient to achieve a 'very effective' grading for 2009/10. A full year of enforcement activity under the principles now established is likely to achieve a grading of 1 in 2010/11.
- 11 Between April and August 2009, the time during which the team was becoming established and working practices were being developed, there was no significant enforcement activity. In

the last six months (September to February) the following has been achieved:

- a. every reported incident of fly-tipping is investigated to the extent that is practicable, and timely action is taken to remove the fly-tipped waste;
- b. 4 prosecutions and convictions (detailed below under 'successes');
- c. 1 formal caution administered;
- d. 2 formal written warnings;
- e. 82 warning/advisory letters issued;
- f. 2 fixed penalty notices issued;
- g. 39 duty of care inspections carried out;
- h. 4 stop search operations carried out with VOSA;
- i. 15 ongoing investigations with named suspects.

12 With regards to the duty of care inspections the team works very closely with waste management to ensure that inspections are targeted.

13 The team has just started to carry out joint patrols and conduct joint stop and search operations with the Vehicle and Operator Services Agency (VOSA). In the most recent operation 42 vehicles suspected of carrying waste were stopped and checked to ensure they had the appropriate documentation.

Abandoned vehicles

14 The team dealt with 122 reports of an abandoned vehicle between October and February. After investigation many of these proved not to be abandoned, others were removed following intervention with the owner and 8 were removed as abandoned vehicles.

Litter

15 Litter is a significant issue, primarily identified through PACT meetings and surveys, and other meetings. The team works closely with Amey to ensure reported litter accumulations are removed in a timely way, and has conducted targeted patrols in a number of areas that have been identified as hot spots, for example Cathedral Close, Churchill Gardens, and areas around the Colleges. Ten Fixed Penalty Notices have been issued for dropping litter; not a high number, but enforcement is difficult relying as it does on an enforcement officer seeing someone drop and leave litter.

16 Notwithstanding this, patrols specifically targeting litter issues have been introduced each Saturday on a rotational basis across Hereford, the market towns and other villages as required. Littering is also high on the agenda of officers conducting patrols at other times.

Graffiti

17 Whilst the police remain the lead investigatory agency for graffiti the Community Protection Team is involved with the environmental aspects of this, and is particularly conscious of the detrimental impact it can have on areas, the potential to lead to other types of anti-social behaviour, and the negative impact on public perceptions of safety.

18 With this in mind the team was instrumental in the TAAG (Targeted Action Against Graffiti) campaign that ran across the county between 22 February and 5 March. This involved working with Amey, Safer Herefordshire and the police. The two weeks of the campaign involved a clean-up of the worst affected areas, media coverage, and on-street surveys. The ongoing part of the campaign, post 5 March, will be to monitor those areas, ensure timely action on any fresh graffiti, conduct follow-up surveys to measure satisfaction, and ongoing activity to identify and clean other locations that have graffiti.

Dog related issues

19 The two dog wardens who are a part of the team dealt with 228 stray dog reports in the five months October to February. This involved collecting dogs found as strays, taking them to council kennels, and in respect of those where the owner was identified picking the dog up from the kennels and returning it to the owner. This has unfortunately meant that they have had very little time to respond to reports of dog fouling, an issue frequently raised at PACT and other meetings, or to carry out proactive work around responsible dog ownership. That said the Dog Wardens, supported by other members of the team, do carry out targeted patrols whenever possible. Five Fixed Penalty Notices have been issued for dog fouling.

20 With effect from 1 March a new contract and some agreed changes to working practices has meant that most of the stray dog service is now contracted out releasing the time of the Dog Wardens to carry out work around enforcement and education. This is particularly welcome as the work on Dog Control Orders is close to being finalised. Dog Control Orders will remove the current issues that make enforcement difficult, specifically the issues in proving specific areas of land have been designated for the purposes of the Dogs (Fouling of Land Act) 1996.

Other areas of work

21 Working with the community and partners on various issues is important and the team has been involved in a number of events to promote its work, for example -

- PACT meetings - during the last two rounds of meetings a member of the team has given a presentation on its work. A member of the team will be in attendance at all future PACT meetings to deal with issues raised. Working alongside partners a member of the team also attends as many open PACT meetings as is possible;
- 'Not in my Neighbourhood' week of action (October 2009) - working with the other council departments, the Police, the Fire Service, Amey and Safer Herefordshire on a number of key issues across the County, for example an environmental clean-up day in Bromyard, and information events in Ledbury and Hereford;
- Community Safety Roadshow, High Town on 11 November 2009;
- joint late night shopping patrols with the police in the run up to Christmas.

Prosecutions

22 The team has secured four successful prosecutions, as follows:

- a. 25/09/09 – James ROGERS convicted at Herefordshire Magistrates Court of an offence under the Environmental Protection Act 1990. Fined £1,000 plus £470.92 costs.
- b. 23/10/09 – Neil OSEMAN convicted at Herefordshire Magistrates Court of an offence under the Environmental Protection Act 1990. Fined £105.00, plus £200.00 costs.

- c. 20/11/09 – John BUCKLEY sentenced at Crown Court following conviction by Herefordshire Magistrates for an offence under the Environmental protection Act 1990. Fined £985.00, with a £15.00 surcharge, plus £1,000 costs.
- d. 22/01/10 – Martin CAMPBELL convicted at Herefordshire Magistrates Court of an offence under the Environmental Protection Act 1990. Fined £350.00, with £425.70 costs, plus £135.25 compensation.

Future plans

- 23 During the next twelve months the team will continue to seek to respond to reported incidents of environmental anti-social behaviour in a customer focused way, with the intention of making a difference to local communities in a way that positively contributes to feelings of well-being and satisfaction.
- 24 Specifically the team will strive to achieve a grade 1 rating for the authority in respect of NI 196.
- 25 It will also seek to deliver focused projects/initiatives in respect of its key areas of business. So in each quarter of 2010/11, working with partners, there will be an initiative on either fly-tipping, littering, dog related issues, or graffiti, each initiative capturing aspects of education, prevention and enforcement. Each of these will also seek to contribute to the various National Indicators that measure public perceptions and satisfaction with the way the council (and police as appropriate) deal with anti-social behaviour.
- 26 In terms of education the team has already committed its support to a number of events, for example, the Safer Herefordshire Crucial Crew day, the 'Dying to Drive' event, and a 'Responsible Dog Owners Course. The team will also be exploring how best to take its message into schools.
- 27 Whilst Civil Enforcement Officers (CEO's) have a very specific role in respect of on-street and off-street parking regulation they are also in a position to contribute to the wider community safety agenda. Each day there are possibly a dozen uniformed CEO's on the streets of Herefordshire. As 'eyes and ears' they are already in a position to signpost issues internally or to partners and this does happen. Taking this a stage further would enable them to deal with issues they come across whilst on patrol, for example littering and dog-fouling. This has significant potential to have a positive impact on public perceptions around how the council deals with these aspects of anti-social behaviour, and is of course the rationale for structuring CEO's alongside the Community Protection Team. They have already engaged in some joint patrols and it is not so hard to imagine how as a one large enforcement team they could do even more. Increasingly local authorities are testing the boundaries to maximise the use of this valuable resource. Whilst this is not without challenges it is an area for further consideration and one that we will be exploring during the forthcoming year.

Community Impact

Information/update report only - no community impact considerations.

Financial Implications

Information/update report only - no financial implications.

Legal Implications

Information/update report only - no legal implications.

Risk Management

Information/update report only - no risks identified.

Consultees

Not applicable.

Appendices

None.

Background Papers

None identified.

MEETING:	ENVIRONMENT SCRUTINY COMMITTEE
DATE:	26 MARCH 2010
TITLE OF REPORT:	CONNECT 2 GREENWAY ROUTE OPTIONS
PORTFOLIO AREA:	HIGHWAYS & TRANSPORTATION

Wards Affected

Central, Hollington, St Martins and Hinton & Tupsley

Purpose

To provide an update to the Committee regarding Connect 2 Greenway preferred route key decision (11 March 2010)

RECOMMENDATION

THAT Members note the contents of this report.

Background

1. The Connect 2 cycle scheme seeks to link Hereford City, via Rotherwas to Holme Lacy. The scheme forms part of a national initiative supported by Sustrans with funding through lottery grants. The scheme has been in development for a number of years and following issues identified during the design stage a report has recently been prepared and considered by the Cabinet Member for Highways and Transportation to determine the way forward to deliver the scheme. This report is intended to inform the committee of the issues surrounding this review of the scheme and the decision taken.
2. Additional options were considered for the delivery of the Connect2 scheme due to additional risks and constraints associated with the previously agreed route. A new Preferred Route has been considered in detail and has been accepted by the Cabinet Member in his recent decision.
3. The Connect 2 Route Options Cabinet Member Report dated 3 March 2010, copy attached as Appendix 1 to this report, recommended that the preferred route, subject to any minor amendments considered necessary by the Director of Regeneration, should be progressed and a planning application submitted accordingly and the increased cost of £845,000 be funded from Growth Point and Local Transport Plan capital budgets.

4. Whilst the new preferred route does have associated cost implications, it is considered that the route has a range of benefits compared to the original route including being more attractive to users and having a lower level of risk to delivery. Full details of the comparison of the route options, the cost implications and risks are included within the Cabinet Member report attached.
5. On 11 March 2010 the Cabinet Member took the key decision to progress the preferred route and fund the increased costs from Growth Point funding (Ref No:2010.H&T.002KEY). This decision became effective on 17 March 2010. Affected land owners are now being contacted in advance of the publication of the new preferred route. In this context Appendix A to the Cabinet Members report was marked Not For Publication under Schedule 12A of the Local Government (Access to information) Act 1985 due to information relating to the financial or business affairs of any particular person (including the authority holding that information).

Financial Implications

Details are contained within the attached cabinet member report.

Risk Management

Details are contained within the attached cabinet member report.

Appendices

Appendix 1: Connect 2 Route Options: Report to Cabinet Member of Highways and Transportation (3 March 2010)

Background Papers

None

CONNECT2 ROUTE OPTIONS Appendix1

REPORT BY DIRECTOR OF ENVIRONMENT AND CULTURE AND DIRECTOR OF REGENERATION

REPORT TO CABINET MEMBER OF HIGHWAYS AND TRANSPORTATION: 3 MARCH 2010

DATE REPORT CONSIDERED AND DECIDED BY CABINET MEMBER: 11 MARCH 2010

DATE DECISION CAN BE IMPLEMENTED: 17 MARCH 2010

CLASSIFICATION: Exempt - Appendix A - not for publication due to information relating to the financial or business affairs of any particular person (including the authority holding that information).

Wards Affected

Central, Hollington, St Martins and Hinton, Tupsley.

Purpose

To note the route options for the proposed Connect2 Greenway scheme and endorse the Preferred Route to be progressed to the submission of a planning application.

Key Decision

This is a Key Decision because it is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;

and

this is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the County.

Recommendations

THAT:

- (a) **the preferred route subject to any minor amendments considered necessary by the Director of Regeneration should be progressed and a planning application submitted accordingly and;**
- (b) **the increased cost of £845,000 be funded from Growth Point and Local Transport Plan capital budgets.**

Key Points Summary

- Additional options have been considered for the delivery of the Connect2 scheme due to additional risks and constraints associated with the current agreed route. A Preferred Route has been considered in detail.

Further information on the subject of this report is available from Mairead Lane, Acting Construction Manager
Tel: 01432 260944

27 August 2009

- The Preferred Route will be a better quality route (more direct and coherent) which is more likely to attract additional commuter and leisure use.
- Reduced design, construction, environmental and land constraints will result in a lower risk scheme overall.
- If the council wished the route to become a highway, the council have the ability to invoke Compulsory Purchase Order (CPO) powers to acquire land for highway purposes over the Preferred Route but a CPO would be more difficult in this regard if the current agreed route is progressed, given statutory undertaker (Welsh Water) land is included (as further detailed in this report) It should be noted that, if the recommendations in this report are approved, a further report will follow to request a CPO for highway purposes.
- The Preferred Route is likely to have a reduced environmental impact on the River Wye.
- Whilst additional funding of £845,000 is required to pursue the Preferred Route, in continuing with the current agreed route, £461,850 additional funding will be required for a less attractive route. There is a difference in cost of £382,000 between delivery of the Current Route and Preferred Route. These figures include '*worst case scenario costs*' for land acquisition.
- It is recommended that the additional cost of this scheme be funded by a reallocation of resources from Growth Point funding and Local Transport Plan capital budgets.

Alternative Options

- 1 **OPTION 1** (progress current agreed route – Appendix A, Drawing No. 551369/I/014)
 - The current approved route along Outfall Works Road, utilising the Welsh Water bridge and existing railway underpass has been compared with the Preferred Route in detail within the various sections of this cabinet report.

Whilst this option is viable in broad terms, it is recommended that the Preferred Route is progressed for the reasons described in this report and that this alternative is not pursued.

- 2 **OPTION 2** (do minimum scenario)
 - Terminate the Connect 2 scheme but provide improved pedestrian and cycling facilities on Holme Lacy Road.

Advantages ○ Reduced capital cost

- Disadvantages
- Likely loss of Connect2 Status and Big Lottery Funding
 - Loss of potential Sustrans 'Links to Schools' funding (Hereford would be the first known scheme nationally to withdraw from the £50m Big Lottery 'Peoples Millions' Award Programme).
 - Some scheme costs to date would be abortive.
 - Further legal input to terminate or surrender Memorandum of Understanding and any implications thereto.
 - Adverse reaction from steering group and wider public
 - No advantage to commuters north of the river accessing the estate. Would not achieve desired car trip reduction and would compromise the negotiations with the Highways Agency on the development of the estate.
 - No provision of a leisure route or safe route to schools and colleges at Holme Lacy.

It is recommended that this option is not pursued. It should be noted that plans are already in place to introduce safety, pedestrian and cycling improvements along Holme Lacy Road as part of the Local Transport Plan programme.

3 **OPTION 3** (do nothing further scenario)

- Terminate the Connect 2 scheme.

Advantages

- No further capital cost.

- Disadvantages
- Loss of Connect2 Status and Big Lottery Funding
 - Loss of potential Sustrans 'Links to Schools' funding (Hereford would be the first known scheme nationally to withdraw from the £50m Big Lottery 'Peoples Millions' Award Programme).
 - Scheme costs to date would be abortive.
 - Further legal input to terminate or surrender Memorandum of Understanding and any implications thereto.
 - Adverse reaction from steering group and wider public
 - No advantage to any commuters accessing the estate. Would not achieve any car trip reduction and would compromise the negotiations with the Highways Agency on the development of the estate.
 - No provision of a leisure route or safe route to schools and colleges at Holme Lacy.

It is recommended that this option is not pursued.

Reasons for Recommendation of 'Preferred Route'

- 4 **OPTION 4** (new river crossing & change of alignment - Appendix A, Drawing No 551369/I/015)
- Recommended for the following reasons:
 - a. It will provide a better quality route from the City Centre to the Rotherwas Industrial Estate and Holme Lacy, avoiding the end user safety risks associated with Outfall Works Road. The alignment of the Preferred Route follows a more favourable desire line and will avoid steep gradients associated with the current agreed route. It is a more direct and coherent route which are key considerations when planning cycle routes. The Preferred Route is unlikely to flood whereas the current agreed route will flood on an annual basis. These factors will encourage its use as a commuter and leisure route reducing city centre congestion, facilitating further development at Rotherwas and promoting health and wellbeing.
 - b. The risks associated with constructing the Preferred Route will be reduced adjacent to the River Wye. Construction of the preferred route will avoid the risks associated with working adjacent to the railway and constraints associated with the underpass. The overall construction time associated with constructing the Preferred Route will be reduced.
 - c. It will secure a new purpose built bridge structure with longer lifespan within the full ownership of the Council. A new bridge would avoid the complex and problematic issues relating to retrofitting ramps and parapets to an existing structure not originally designed for these purposes. A bespoke design for a new bridge could also be seen as an exemplary development by the Council.
 - d. The delivery of the Preferred Route will benefit from the Councils ability to invoke CPO powers to acquire the land needed for the scheme for highway purposes. If the council wished the route to become a highway, the council would have the ability to invoke CPO powers to acquire land for highway purposes over the Preferred Route. However, a CPO would be more difficult if the current agreed route is progressed as a statutory undertaker (in this case Welsh Water) is likely to object and, given this, the order would have to go through the "Certification Procedure" (see para 15 below).
 - e. Both the Current Approved Route and the Preferred Route are subject to Environmental Impact Assessment due to the designation of the River Wye and require an Environmental Statement to support any planning application. The Preferred Route requires less site clearance and riverbank works minimising the impact of the scheme. The current agreed route may be at risk during the planning process as a lower impact alternative exists.

Introduction and Background

- 5 A feasibility report was completed in 2007 which assessed route options for the Connect2 scheme. This included a review of the constraints and scheme costs for two options involving new bridges and a third option to utilise the existing Welsh Water Bridge.
- 6 The option to use the Welsh Water bridge was selected on the grounds of cost and forms the current approved route. This route featured in the submission for funding although a new bridge was recognised as being along a more favourable desire line.
- 7 A memorandum of understanding (MOU) has been signed with Sustrans to secure funding from Big Lottery toward the design and construction of the current approved route.

Key Considerations

- 8 The current approved route incorporates Outfall Works Road (public highway leading to the sewage treatment site). This road is narrow with poor forward visibility and is frequently used by heavy goods vehicles. This element is likely to raise concerns at safety audit and necessitate the Council to confirm exceptions to the Auditor's recommendations to avoid this route altogether. The Preferred Route would avoid this conflict via the construction of a shared footway/cycleway on Eign Road to the new bridge site.
- 9 The current approved route would incorporate two 100m long ramp structures and furthermore, at the nearby railway Underpass, a 1 in 12 gradient to accommodate the path within a very limited location. A better alignment along a more favourable desire line, with no steep gradients and no flood risk would be possible using the Preferred Route.
- 10 The current approved route would be expected to flood approximately once a year whereas the Preferred Route would be flood free up to a 1 in 100 year flood event.
- 11 The construction of either route option has significant constraints however, through the adoption of the Preferred Route, some of those associated with the Current Route could be mitigated or reduced. These include:
 - a. Site access for construction immediately adjacent to the river. Extensive site clearance, haul routes, and the diversion of high voltage overhead cables would be required if the current agreed route is progressed. In addition, construction material and plant to the east side of the river may need to be lifted over the railway line under overnight possessions which would introduce significant delay and cost to the scheme.
 - b. A high risk of inundation of the construction site from the river disrupting and causing hazards to construction operations.
 - c. Extensive requirements to work at height over the river during early inspection and construction.
 - d. Working adjacent to and underneath the live railway during the construction of the underpass.
- 12 The current agreed route utilises an existing structure of unknown structural integrity and residual lifespan. The existing bridge would remain in the ownership of Welsh Water and should security concerns be realised, permission to use the structure may be withdrawn. A new bridge would be fully within the ownership of the council and have a lifespan of at least 120 years.
- 13 The existing bridge was not designed for public access and would require significant works to the parapets and extra security for the Welsh Water works. The proof of the original 1970s design and construction before public use is allowed will require costly inspections and design checks and may result in the bridge being unable to be approved for use. This resource could be used to progress the design of a new structure.
- 14 Current liaison with Network Rail suggests that that use of the railway underpass may be rejected altogether and, if allowed through negotiation, a three month termination clause will be included in the agreement to allow the structure to be filled in at any time.
- 15 The delivery of the Preferred Route will benefit from the Councils ability to invoke CPO powers to acquire the land needed for the scheme, for highway purposes. A CPO for highway purposes would be much more difficult if the current agreed route is progressed, as it is highly unlikely that highway rights could be acquired by CPO over the Welsh Water Bridge. This is because there would probably be an unwithdrawn objection from Welsh Water and consequently it would be subject to the "Certification Procedure". This would involve not only

the usual confirmation from the Secretary of State but also from the relevant Minister responsible for that particular statutory undertaker and he would only grant that consent if the land can firstly be replaced, and secondly without serious detriment to the carrying on of the undertaking. As the land in question involves a bridge, used specifically for the Welsh Water Undertaking, it is highly unlikely that the Council would be able to satisfy this requirement. It should also be noted that such consent from the Minister would be applied for after the normal public inquiry into objections, so there would inevitably be further delay.

- 16 Both the Current Approved Route and the Preferred Route are subject to Environmental Impact Assessment due to the designation of the River Wye and require an Environmental Statement to support any planning application. The Preferred Route requires less site clearance and riverbank works minimising the impact of the scheme. The current agreed route may be at risk during the planning process as a lower impact alternative exists.

Community Impact

- 17 The provision of the Preferred Route will promote increased use as a commuter route to the Industrial estate reducing traffic travelling through the town centre and on the congested A49. This commuter use and increased leisure use will promote health and wellbeing within the community and contribute to a modal shift from car use.
- 18 The public perception of the Preferred Route is likely to be one of a high quality route which will enhance the status of the route. It is a more direct and coherent route which are key consideration when planning cycle routes.

Financial Implications

19 The capital bid for the current agreed route is:

2008/09	£22,819
2009/10	£180,000
2010/11	£500,000
2011/12	£697,181
2012/13	£350,650
Total	£1,750,650

20 Included within this budget is £350,000 allocated by Sustrans through the Big Lottery Fund which will be reclaimed on completion of the scheme. The total scheme budget is therefore £1,750,650 with Herefordshire Council's liability £1,400,650.

21 The cost estimate has been refined and the current estimate for the current agreed route is £2,968,740. However, additional funding is being sought through Sustrans 'Links to School' for Section 4 (Sink Green to Holme Lacy) amounting to £756,240. Herefordshire Council's liability is therefore £1,862,500 (an additional £461,850). This increase has occurred due to increased costs associated with constructing the ramps at the Welsh Water bridge and the capital bid not including amounts for design and supervision fees.

22 The cost estimate for the Preferred Route is £3,350,740 and, taking account of the 'Links to School' funding opportunity, Herefordshire Council's liability would be £2,244,500 (an additional £843,850).

23 A more detailed breakdown of the cost estimates for the scheme route options can be seen in the Route Appraisal Table in Appendix B.

24 It is recommended that the additional cost of this scheme is funded from Growth Point budget and if necessary Local Transport Plan capital budgets. In October 2006 Herefordshire was awarded Growth Point status following the Government's invitation to submit expressions of interest from local authorities as part of its commitment to increasing housing supply. In December 2008 an award for 2009/10 and 2010/11 was announced. In summary the award was:

Growth Fund Announcement 10th December 2008	Revenue	Capital
2009/10	£171,424	£1,460,000
2010/11	£171,034	0
Total	£342,458	£1,460,000

25. The capital allocation of £1.46 million was specifically in response to the bid for expenditure to implement the Park and Ride (North) site however the Grant Award is not ringfenced. Following a recent review of the Business Case for Park & Ride which recommends the provision of smaller car parks than intended when the grant point application was made which means it is possible to divert this funding to deliver Connect 2. The Connect2 project fits with the theme of

sustainable transport infrastructure which enables growth to take place whilst mitigating impacts.

Legal Implications

26. Health and Safety legislation, and regulations place duties upon parties in the construction industry to minimise, so far as is reasonably practicable, the risks to workers and the public through the construction, use, maintenance and decommissioning of the structures designed.
27. Legislation requires the specific protection of selected species and an obligation to minimise any impacts upon the environment from any construction works.
28. As detailed in Paragraph 15 above, as regards a CPO.

Risk Management

Risk Associated with the Current Approved Route	Mitigation and Management as a result of the adoption of the Preferred Route
Risk to users of the route due to conflict with HGVs on Outfall Works Road.	Reduced risk by adoption of Preferred Route along Eign Road.
Route subject to annual flooding causing damage and discouraging its use.	Reduce flood risk by adoption of Preferred Route which has a higher level alignment.
Access to both sides of the river is problematic requiring possessions over the railway line and costly diversion of overhead electricity cables.	Avoid risk by adoption of Preferred Route which has good site access throughout and no major conflicts with statutory undertakers apparatus.
Extensive site clearance required along the riverbank on the approaches to the Welsh Water structure could have unacceptable environmental impact.	Reduce risk by adoption of Preferred Route to minimise works to the riverbank. Residual risks associated with the visual impact of a new structure on adjacent residential properties.
Risk of disruption of Construction works due to inundation of site during flooding.	Reduced complexity and programme associated with construction will reduce risk of inundation.
The existing Welsh Water bridge is a post-tensioned structure requiring costly inspection and design checks which may result in the bridge not being usable.	Avoid risk by adoption of Preferred Route requiring a new bridge structure.
Future use of the Welsh Water structure at risk due to withdrawn permission for use following any security concerns and reduced bridge lifespan.	Avoid risk by the adoption of Preferred Route requiring a new bridge structure within the total control of the Council.
Risk to route use due to breakdown in landowner negotiations and no potential to use CPO powers to adopt route as a highway.	Reduce risk by adoption of Preferred Route due to fewer landowners. Potential to use CPO powers and adopt the route as a highway.
Risk to use of the railway underpass from rejection of scheme or a three month termination clause in the agreement to allow the structure to be filled in at any time.	Avoid risk by adoption of Preferred Route requiring a no crossing of the railway.

Consultees

- Connect2 Steering Group
- Welsh Water
- Environment Agency
- Network Rail
- Central Networks
- Affected Landowners
- Affected Parish Councils & County Councillors
- Respective Herefordshire Council departments via the Major Projects Board and internal project team.

Note: Most consultation has been associated with the current agreed Route. Limited consultation has taken place on the Preferred Route due to the sensitive nature of land negotiations. However, preliminary discussions have been made with one of the affected landowners, Herefordshire Council Planning Authority and the Environment Agency.

Appendices

Appendix A *Appendix A of this report is exempt by virtue of paragraph 3 of the Access to Information Procedure Rules set out in the Constitution pursuant to Schedule 12A Local Government Act 1972, as amended.*

Drawing Number 551369/I/014

Drawing Number 551369/I/015

Drawing Number 551369/I/016

Appendix B Route Appraisal Table

Background Papers

Amey Consulting Bridge Options Report – June 2009
Connect2 Feasibility Report - 2007

Appendix B – Route Appraisal Table

	2007 Feasibility Report	Scheme Termination	Holme Lacy Road Improvements	Welsh Water Bridge – Current Approved Route	New Bridge – Preferred Route
Section 1	City Link Not included in report		13,000	17,500	17,500
	Footpath HER18 Improvements 72,000		N/A	N/A	N/A
	Holme Lacy Rd Improvements N/A		350,000 (nominal figure as design not commenced or costed)	N/A	N/A
	Outfall Works Rd Improvements N/A		N/A	50,000	N/A
Section 2	Eign Road Improvements N/A		N/A	N/A	150,000
	West/North River Approach 57,800		N/A	285,000	100,000
	Ramps / River Bridge 500,000		N/A	850,000	1,300,000
	East/South River Approach / Railway Underpass 125,500		N/A	206,000	80,000
	Section 2 Total 755,300		350,000	1,391,000	1,630,000
Section 3	Rotherwas Link 384,000		132,000	132,000	132,000
Section 4	Holme Lacy Link 756,240		756,240	756,240	756,240
Total Construction Cost	1,895,540	0	1,251,240	2,296,740	2,535,740
Land Acquisition / Compensation	Not included in report		Not Included	£190,000 (worst case scenario)	£215,000 (worst case scenario)
Consultants Design Fees	Not included In report 150,000	Spend to Date	200,000	282,000	400,000
Construction Supervision Fees	Not included in report 100,000		100,000	200,000	200,000
Total Scheme Cost (£)	2,145,540	Spend to Date	1,551,240	2,968,740	3,350,740
External Funding Available	350,000	0	0	350,000 (Connect2 - Big Lottery)	350,000 (Connect2 - Big Lottery)
Herefordshire Council Liability	1,795,540	Spend to Date	1,551,240	756,240 (Sustrans - Links to School)	756,240 (Sustrans - Links to School)
Current Capital Allocation	1,400,650		1,400,650	1,862,500	2,244,500
Capital Allocation Shortfall	394,890		150,590	1,400,650	1,400,650
				461,850	843,850
Cost Profile**					
2008/9/10	693,550	Spend to Date	200,000	282,000	200,000
2010/11	353,550		900,000	905,740	1,105,740
2011/12	353,550			1,746,225	2,006,750
2012/13	743,550			34,775	38,250
Programme	Not Given	Not Applicable	August 2010	February 2011	November 2011
Bridge Opening					

	2007 Feasibility Report	Scheme Termination	Holme Lacy Road Improvements	Welsh Water Bridge – Current Approved Route	New Bridge – Preferred Route
Design / Construction	Assumes the route avoids HGVs on outfall works road by using and upgrading footpath HER18. Highlights riverside protection works necessary or additional land from Welsh Water. Includes parapet upgrade requirement. Includes overhead electricity cable diversion.	Not Applicable	Major improvements required to Holme Lacy Road to focus upon the narrow road through the railway bridge. Improvements required to the shared footway cycleway. Junction improvements to reduce crossing distances. (See Holme Lacy Road Improvement Scheme Scoping Report from June 2007 prepared by Aney)	Existing bridge will require costly inspection and design check process which still has the potential to preclude its use. Inspection works may require significant temporary works with effects not yet quantified on the project costs and programme. Land access on both sides of the river difficult to achieve due to the railway line, river, housing and Welsh Water plant. Costly diversion (approximately £70,000 to £80,000) of overhead electricity cable. Railway possessions are likely to be required to facilitate plant and materials deliveries east of the river.	Bridge designed by tendered delivery consortium. Land access good to both sides of the river assuming landowner compliance. Minimal / No Statutory Undertakers diversion necessary (local supplies on Eign Road may be effected). No need to undertake costly overhead electricity cable diversion.
Environmental	States that the reuse of the Welsh Water bridge has a reduced environmental impact than a new bridge. This is now known no longer to be the case.	Not Applicable	Minimal Environmental Impact for Holme Lacy Road Section of the route.	Major Site Clearance and removal of mature trees. Short term impact on Bat foraging corridor and roosting sites. Extensive works adjacent to long length of River Wye which has SSSI designation and European SAC designation. Known badger sett to be closed. Development requiring a full Environmental Statement for Planning. Extensive riverbank requirement within Active Floodplain.	Less Site Clearance but still requires removal of mature trees. Short term impact of potential bat roosting site. Much Less Extensive works adjacent to River Wye which has SSSI designation and European SAC designation. No known Badger Activity. Potential Otter Activity. Development requiring a full Environmental Statement for Planning with additional requirement for impact on visual amenity.
Health and Safety	Concerns raised about HGVs on Outfall Works Road and around the sewage plant entrance. Overhead Cable proximity highlighted.	Not Applicable	Working adjacent to live carriageway.	15 pier foundation excavations directly adjacent to river. New parapet fixing necessary above the river. Risk to the public/ Exceptions to Safety Audit where no footpath exists and also along Outfall Works Road.	2 pier foundation excavations directly adjacent to river. Parapets prefabricated on superstructure to minimise working at height. Reduced risks of Outfall Works Road, although some risk on Eign Road.
Planning	No Comments	Not Applicable	Requires formal screening opinion but may not require formal planning permission.	Risk to planning due to environmental impact of scheme. Adoption of the route not possible.	Risks to planning due to possible objection from limited number of residential properties adjacent to bridge site. Adoption of route as a public highway a strong possibility.
Land	Welsh Water concerns about security highlighted.	Not Applicable	No additional land required for the Holme Lacy Road section of the route.	Six Separate Landowners requiring separate agreements for the route from the City Centre to Sink Green. All liaison has commenced.	Three landowners effected requiring agreements for the route from the City Centre to Sink Green. Limited liaison regarding this option to date with one landowner indicating some support.
Public Engagement	No Comments	Major adverse reaction likely through steering group and wider public.	Adverse reaction likely through steering group and wider public. Little amenity benefit provided for leisure users. Loss of Connect2 branding and support from Sustrans / Big Lottery.	Currently designs not well received by the steering group. Some amenity benefit for leisure users. Continued Connect2 branding and support from Sustrans and Big Lottery. Reduced journey time for cyclists North of the River and for pedestrians and cyclists to the east of the city centre accessing the estate, Holme Lacy and countryside amenities.	Greater support expected from steering group. Wider public support also expected. High amenity benefit for leisure users. Continued Connect2 branding and support from Sustrans and Big Lottery. Best desire line with greatest reduction in journey time for cyclists North of the River and for pedestrians and cyclists to the east of the city centre accessing the estate, Holme Lacy and countryside amenities. Most improvement to route safety, comfort, amenity and therefore greatest likely use with maximum shift from car use.
Maintenance / Whole life	No Comments	Not Applicable	If signalled narrowing is provided at the railway bridge then there will be an ongoing maintenance cost	Structure from the 1970s so potentially shorter residual life which cannot be determined before inspections are complete. Ongoing inspection and maintenance cost similar for all options. Current liaison suggests that the agreement for the use of the bridge could be terminated by Welsh Water at any time.	New bridge with full design life (125 years) wholly owned and maintained by the council. Ongoing inspection and maintenance cost similar for all options.