

Minutes of the meeting of Cabinet held at online meeting on Tuesday 1 December 2020 at 6.00 pm

Present: Councillor David Hitchiner, Leader of the Council (Chairperson)
Councillor Felicity Norman, Deputy Leader of the Council (Vice-Chairperson)

Councillors Ellie Chowns, Pauline Crockett, Gemma Davies, John Harrington, Liz Harvey and Ange Tyler

Cabinet support members in attendance Councillors Jenny Bartlett, John Hardwick and Peter Jinman

Group leaders / representatives in attendance Councillors Terry James, Jonathan Lester and Trish Marsh

Scrutiny chairpersons in attendance Councillors Elissa Swinglehurst, Carole Gandy and Jonathan Lester

Officers in attendance: Director for economy and place, Director for children and families, Solicitor to the council, Chief finance officer, Director for adults and communities and Interim Head of Legal Services

28. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

29. DECLARATIONS OF INTEREST

None.

30. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 6)

Questions received and responses given are attached as appendix 1 to the minutes.

31. QUESTIONS FROM COUNCILLORS (Pages 7 - 8)

Questions received and responses given are attached as appendix 2 to the minutes.

32. OPENING REMARKS

The leader of the council reported that NMITE had received validation from the Open University and would be able to take on its first cohort of students from March 2021. He commented that the council looked forward to supporting the project going forward and that this was good news amid the current difficult times.

33. SUPPORTED ACCOMMODATION FOR CARE LEAVERS - DEVELOPMENT OF A LOCAL FRAMEWORK

The cabinet member children and families introduced the report. She highlighted typographical errors in the recommendations in the report which were noted and corrected. The cabinet member noted that as a result of the feedback received from the children and young people scrutiny committee the launch of the proposed framework would be more gradual.

The head of community commissioning and resources presented the report. He highlighted that the proposed new framework would be part of a wider range of provision for care leavers. Although the new framework would take time to introduce and there was no guarantee as to how it would work in the market it was hoped that it would have a positive impact on both quality and price.

In discussion of the report cabinet members noted that:

- The current framework was often not able to supply the required accommodation resulting in ad hoc arrangements so while there was no certainty that the new approach would increase capacity it was considered worthwhile to try and stimulate the local market;
- The council was also working to source its own accommodation and in the longer term would not rely on the framework for accommodation but more for the support services;
- The council already worked with local suppliers and hoped to provide more business to local companies, although it was noted that local charities and voluntary organisations might need help to understand how they could work with the council;
- The increased in county supply would allow young people more opportunity to remain in the county if that is what they wanted.

Group leaders were invited to give the comments and queries of their groups. The proposals were welcomed and it was noted that:

- There was disappointment that social housing providers seemed increasingly reluctant to provide this kind of support although there were signs of greater interest;
- There might be situations where an out of county placement was appropriate but this should be a choice and increasing in county options would reduce reliance on out county providers;
- The framework would cater for young people with a range of needs, including some providers who can support those with complex needs.

In the concluding discussion it was proposed that reference to 'looked after children' in recommendation (a) be amended to 'care experienced', in line with agreed new terminology.

(Recommended by the cabinet member environment, economy and skills, seconded by the cabinet member commissioning, procurement and assets)

It was resolved that:

- (a) a local framework be established for arranging and purchasing support and accommodation for care leavers and 16 plus care experienced children; and**
- (b) confirmation of the detailed terms and operating arrangements for the framework to be approved by the director for children and families, in consultation with the cabinet member for children and families.**

34. MINERALS AND WASTE LOCAL PLAN (MWLP)

The cabinet member infrastructure and transport introduced the report. He thanked officers for their work, members of the general scrutiny committee for their feedback and recommendations and those councillors and members of the public who had responded to previous consultation on the plan.

The cabinet member noted the requirements of national policy and the need for statements in the plan to be worded positively. He also outlined the process moving towards adoption of a final plan.

The senior planning officer and the council's appointed consultant gave a presentation on the development of the plan and recommendations for consideration at the meeting.

The two supplementary public questions were reviewed and it was suggested that paragraph 5.5.15 be amended to refer directly to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendments to that order so that it would always be up to date. In relation to policy W3 wording would be reviewed to make the policy more robust.

In discussing the draft plan cabinet members noted that:

- the plan contained policies to guide applicants and planning officers, they would then seek the necessary information to make decisions against the background of that policy;
- the plan linked to the council's core strategy through the spatial strategy;
- the plan focused not only on waste management but resources management so that waste was not generated in the first place, this would include a focus on strategic employment locations so that waste could be dealt with on site supporting a circular economy;
- the plan set objectives rather than targets which could become quickly out of date;
- the policy on extraction of unconventional hydrocarbons was as strongly worded as possible in light of national policy and it was felt very unlikely that any such activity would take place in Herefordshire;
- care should be taken in the language used in the plan, for example be clear and consistent on use of word will, shall or may in policies, and ensure that use of words permitting or permitted do not give the impression of assumed consent;
- policies were still open to comment and change during the next stages of preparation and the planning inspector could make recommendations for further changes to make the plan sound;
- the wording of policy SP1 would be tightened to emphasise the requirement for developers to submit a resource audit and to include reference to embodied carbon and lifecycle costs;
- the wording of paragraphs 3.3.25 and 5.5.17 would be updated to reflect the council's commitment to net zero carbon;
- in relation to anaerobic digestion units the wording of policy W3 would be amended to emphasise it would only be intended to manage natural wastes generated primarily on the unit where it is situated;
- it was noted that the policy would need to be supported by evidence and that there would potentially be locations where sharing a unit between more than one site would be beneficial;
- policy W3 would also be amended to emphasise the requirement to deliver nutrient neutrality, or betterment, within the River Wye SAC;
- The plan covered movement and transport of waste with links to transport policies in the core strategy, officers had sought not to repeat policies already included in the core strategy but added specific policies on minerals and waste;
- The driving factor for this plan was to deal with waste within the county.

The chairman of the general scrutiny committee thanked committee members for their work in considering the draft plan and cabinet members for taking on board the comments and recommendations of the committee. He felt that the summary document produced would be very useful. He noted that further documents had come forward since the scrutiny meeting and while it was recognised that production of a policy such as this was an ongoing process, having access to these documents might have coloured some of the recommendations of the committee. He cautioned that the term 'permitted' used next to reference to development could have a different meaning in other situations and that it would be better to find alternative wording.

Group leaders were invited to present the comments and queries of their groups. It was noted that:

- There was concern about the use of biomass boilers and it was suggested that all councillors should receive a briefing on these units;
- It was important that the plan sufficiently addressed the issue of phosphates;
- Paragraph 2 of SP1 was felt to be passive and the wording of SP1 should be reviewed;
- It was queried if the policy achieved the aspirations of the national planning policy framework with regard to the contributions that secondary materials and recycled materials should make.

In concluding the discussion the cabinet member infrastructure and transport proposed that he be granted delegated authority to review the draft plan in light of the points raised before its submission to Council. This was seconded by the cabinet member environment, economy and skills.

It was resolved that:

- a) **that authority be delegated to the cabinet member infrastructure and transport to review the plan in light of amendments discussed at cabinet before submission to council;**
- b) **the responses, at paragraph 128 of this report, to the recommendations made by General Scrutiny Committee be agreed; and the following be recommended to Full Council;**
 - i. **the draft Minerals and Waste Local Plan development plan document as amended be approved for pre-submission consultation;**
 - ii. **authority be delegated to the Programme Director Housing and Growth, following consultation with the Cabinet Member Infrastructure and Transport, to make any technical amendments required to the draft Minerals Local Plan and supporting documents resulting from the completion of ongoing technical work before pre-submission consultation begins; and**
 - iii. **authority be delegated to the Programme Director Housing and Growth, following consultation with the Cabinet Member Infrastructure and Transport, to make any minor textual or graphical amendments, prior to the submission to the Secretary of State; and**
 - iv. **following completion of the pre-submission publication of the Minerals and Waste Local Plan and its supporting documents, the documents be submitted to the Secretary of State for Examination in Public.**

The meeting ended at 8.47 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 1 December 2020

Question 1**Ms H Hamilton, Leominster****To: cabinet member, infrastructure and transport**

Would the cabinet agree with me that policy SP1 is poorly drafted as it fails to incorporate the ambition in 5.5.15 to require a resource audit and does not place any obligation on developers to comply with the audit?

Response

Paragraph 5.5.15 of the MWLP simply identifies those development types that will be required to submit a resource audit, but other types may be asked to do so. It is the policy that states the provision of a Resource Audit and the matters that should be addressed within it. Policy does not place obligation on developers to comply with any approved audit; that is the role of conditions attached to any planning permission that is granted.

Supplementary Question

Why does paragraph 5.5.15 exclude development of 1,000 sq m or more from the types of development that would require a resource audit? This is defined in the DMPO as major development*, alongside the categories that are listed in paragraph 5.5.15 i.e. residential developments of 10 plus units/0.5ha and other development of 1 ha or more.

Response

The cabinet member indicated that this point would be picked up in discussion of the report and that a written response would be provided.

Question 2**Ms M Albright****To: cabinet member, infrastructure and transport**

Herefordshire's Construction Industry Lobby Group (HCILG) are concerned by the wording and inference of Policy W3.

This policy appears to support livestock intensification if the 'waste' can be managed on and off site - without detailing what 'management' should entail, what 'on or off site' means or without seeking improvements in current management. Given the problem Herefordshire faces with agricultural pollution currently is it possible to make the policy more explicit and to consider revising the wording to facilitate ecological protection and change?

For example:

'Planning permission for livestock units on agricultural holdings will only be supported where an independently commissioned waste management method statement demonstrates that the development will be nutrient neutral ,or represent betterment, when considered singularly and with regard to the cumulative impact of other proposals and existing farm activity'

Response

Policy W3 is a wholly innovative, and potentially unique, policy, addressing a waste stream that is not usually managed through the planning regime. The policy itself neither supports or not agricultural proposals; it is simply providing a framework within which to determine applications. The policy requires relevant information to be submitted and it will then be for the planning officer to determine if the proposed approach is acceptable, or not. It is not appropriate for the policy to be more explicit as the details will be different for each agricultural unit and each proposal.

The method statement does not need to be independently commissioned, and this would be an inappropriate and disproportionate request to make of applicants. Instead, the planning officer will provide the independent review of the detail that is submitted and will gain advice from relevant organisations, which include the Environment Agency, Natural England and the National Farmers Union.

The policy makes clear the requirement for development proposals to demonstrate that the approach undertaken with the unit will contribute to achieving nutrient neutrality or betterment. This is the objective to be met, but how it is met will be dependent on the agricultural unit.

Supplementary Question

HCILG appreciate the intention is to prepare a 'wholly innovative' policy and agree that this is needed - especially considering the recent RePhokus presentation regard the true scale of the Wye Catchment issues.

We remain concerned that the wording and expectation should be more clearly defined in order to realise the intentions of Council - namely to reduce and avoid nutrient pollution. We are also concerned about the burden the policy places upon planning officers. To assess multiple applicant generated waste method statements and land management plans across a diverse sector and within broad catchment with very specific nutrient pollution risks is a huge task.

Are the council confident that planning officers have enough resources, training and time to apply W3 with the rigour and certainty that Herefordshire needs to begin to redress our nutrient pollution issues and prevent a similar situation arising in the future?

Response

The cabinet member indicated that this point would be picked up in discussion of the report and that a written response would be provided.

COUNCILLOR QUESTIONS TO CABINET – 1 December 2020

Question 1

Councillor Nigel Shaw, Bromyard Bringsty Ward

To: leader of the council

I note that the administration is now anticipating a £4m overspend by the end of the year which I presume it will seek to cover from reserves. What confidence can the leader give that his budget will be any more accurate next year, given an anticipated fall in income and current rise in revenue expenditure?

Response

The global pandemic has challenged all of us, Herefordshire Council has intervened in a number of ways to help keep our residents safe and support the businesses in Herefordshire. As has been reported to cabinet and council these interventions have taken a number of different forms. Some of these were time limited, dealing with specific emerging issues, and others such as ensuring the provision of PPE are longer term and are likely to continue for a while longer. The Council has been working with central government, providing evidence of the costs of responding to the challenges of Covid 19. Government have provided a number of grants, and we expect to receive further grants. We expect to deliver more of a balanced out turn at the end of the year as grants are confirmed and new grants agreed. However we recognise that by its very nature of the pandemic it is difficult to forecast the financial outturn with complete accuracy.

I am confident that the process to agree next year's budget is robust and will deliver a balanced budget, we have started the consultation process and it will be presented to the council scrutiny meetings shortly. We welcome the Chancellor's announcement in the recent spending review that Government will continue to fund councils into the future as they deal with the pandemic.

Supplementary Question

Thank you for your answer and I hope that your confidence is well placed, given this year's forecast £5m revenue overspend within the looked after children budget.

If the government settlement is not as generous as the current ambition of the administration requires, where will the leader be looking first to cut costs, in order that we can continue to protect our most vulnerable citizens?

Response

I think I can only say that we are looking at what options are available. Consultation has started with the various parishes to start with and no commitments have been made at the moment. We're still not quite sure about the government funding but as Nigel Shaw knows we do have to provide a balanced budget and that is what we'll be doing, working with the officers to ensure that it's robust and deliverable and to make sure that we're complying with our statutory requirements as to how we should operate as a council.

