

**Corporate Support Centre**  
Paul Walker - Chief Executive

**To: All members of the Council**

our ref: Council - 8 October 2021  
contact: Matthew Evans, Democratic Services  
telephone: 01432 383690  
email: matthew.evans@herefordshire.gov.uk

30 September 2021

Dear Councillor,

**You are hereby summoned** to attend the meeting of the Herefordshire Council to be held on **Friday 8 October 2021** at the Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

*C Ward*

**Claire Ward**  
**Solicitor to the Council**



# AGENDA

## Council

Date: **Friday 8 October 2021**

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Time: **10.00 am**

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Place: **Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP**

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Notes: Please note the time, date and venue of the meeting. Watch the meeting on the Herefordshire Council YouTube channel through the link: <https://youtu.be/jx8LpZbM7-0>

For any further information please contact:

**Matthew Evans, Democratic Services**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format or language, please call Matthew Evans, Democratic Services on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Council

## Membership

**Chairman**

**Vice-Chairman**

**Councillor Sebastian Bowen**

**Councillor Kema Guthrie**

Councillor Graham Andrews

Councillor Polly Andrews

Councillor Chris Bartrum

Councillor Dave Boulter

Councillor Ellie Chowns

Councillor Gemma Davies

Councillor Toni Fagan

Councillor Carole Gandy

Councillor John Harrington

Councillor Jennie Hewitt

Councillor David Hitchiner

Councillor Helen l'Anson

Councillor Peter Jinman

Councillor Graham Jones

Councillor Jim Kenyon

Councillor Trish Marsh

Councillor Mark Millmore

Councillor Felicity Norman

Councillor Tim Price

Councillor Paul Rone

Councillor Nigel Shaw

Councillor John Stone

Councillor Elissa Swinglehurst

Councillor Kevin Tillett

Councillor Ange Tyler

Councillor William Wilding

Councillor Paul Andrews

Councillor Jenny Bartlett

Councillor Christy Bolderson

Councillor Tracy Bowes

Councillor Pauline Crockett

Councillor Barry Durkin

Councillor Elizabeth Foxton

Councillor John Hardwick

Councillor Liz Harvey

Councillor Kath Hey

Councillor Phillip Howells

Councillor Terry James

Councillor Tony Johnson

Councillor Mike Jones

Councillor Jonathan Lester

Councillor Bob Matthews

Councillor Jeremy Milln

Councillor Roger Phillips

Councillor Ann-Marie Probert

Councillor Alan Seldon

Councillor Louis Stark

Councillor David Summers

Councillor Paul Symonds

Councillor Diana Toynbee

Councillor Yolande Watson

## Agenda

|  |   | Pages     |
|--|---|-----------|
| 1.   | <b>APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence.   |           |
| 2.   | <b>DECLARATIONS OF INTEREST</b><br>To receive any declarations of interest in respect of Schedule 1, Schedule 2 or Other Interests from members of the Council in respect of items on the agenda.   |           |
| 3.   | <b>MINUTES</b><br>To approve and sign the minutes of the annual meeting held on 28 May 2021.  | 11 - 20   |
| 4.   | <b>CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS</b><br>To receive the Chairman and Chief Executive's announcements.   | 21 - 28   |
| <b>How to submit questions</b>   |   |           |
| <i>The deadline for submission of questions for this meeting is:</i>   |   |           |
| <i>5:00 p.m. on Monday 4 October 2021.</i>   |   |           |
| <i>Questions must be submitted to <a href="mailto:councillorservices@herefordshire.gov.uk">councillorservices@herefordshire.gov.uk</a>. Questions sent to any other address may not be accepted.</i>   |   |           |
| <i>Accepted questions and the response to them will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at <a href="https://www.herefordshire.gov.uk/getinvolved">https://www.herefordshire.gov.uk/getinvolved</a></i> |   |           |
| 5.   | <b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b><br>To receive questions from members of the public.   |           |
| 6.   | <b>QUESTIONS FROM MEMBERS OF THE COUNCIL</b><br>To receive any written questions from members of the Council.   |           |
| 7.   | <b>SUBMISSION OF MINERALS AND WASTE LOCAL PLAN (MWLP)</b><br>To approve the submission of the Minerals and Waste Local Plan to the secretary of state for examination in public.  | 29 - 98   |
| 8.   | <b>UPDATE ON THE IMPROVEMENT PROGRAMME WITHIN CHILDREN AND FAMILIES DIRECTORATE FOLLOWING PUBLICATION OF OFSTED FOCUSED VISIT JULY 2021</b><br>To update Council on the outcome of the Ofsted focus visit on 7 - 8 July 2021 and progress to date of the improvement programme. | 99 - 112  |
| 9.   | <b>REVISION OF CAPITAL PROGRAMME BUDGET FOR PRIORITY FLOOD WORKS</b><br>To consider the approval of in year adjustments to the capital programme to allow the realignment of capital spend to priority flood projects that require the reallocation of budget.                  | 113 - 120 |
| 10.  | <b>2020/21 TREASURY MANAGEMENT OUTTURN</b><br>To approve the treasury management outturn for 2020/21.   | 121 - 132 |

|            |  |           |
|------------|--|-----------|
| <b>11.</b> | <b>LEADER'S REPORT</b>   | 133 - 206 |
|            | To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 5 March 2021. |           |
| <b>12.</b> | <b>NOTICES OF MOTION UNDER STANDING ORDERS</b>   | 207 - 212 |
|            | To consider Notices of Motion.   |           |

## **The Seven Principles of Public Life**

### **(Nolan Principles)**

#### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **6. Honesty**

Holders of public office should be truthful.

#### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.





## **The Public's Rights to Information and Attendance at Meetings**

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at [www.herefordshire.gov.uk/meetings](http://www.herefordshire.gov.uk/meetings) and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 260201 / 261699 or at [governancesupportteam@herefordshire.gov.uk](mailto:governancesupportteam@herefordshire.gov.uk)

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

## **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 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.

## **Recording of meetings**

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## **Public transport links**

The three counties hotel is accessible by bus; bus stops in each direction are positioned on the Belmont Road at the front of the hotel.

**Minutes of the meeting of Council held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Friday 28 May 2021 at 10.30 am**

**Present:** Councillor Sebastian Bowen (chairperson)  
Councillor Kema Guthrie (vice-chairperson)

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen I'Anson, Terry James, Peter Jinman, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Felicity Norman, Roger Phillips, Tim Price, Probert, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillet, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

**Officers:** Democratic services manager, Chief Executive and Acting deputy chief executive - solicitor to the council, the Monitoring Officer and Democratic services manager

**1. ELECTION OF CHAIRPERSON**

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded the nomination of Councillor Kath Hey as Chairperson of the Council.

*(Councillor Kath Hey declared a schedule 1 interest and left the meeting for the vote)*

Councillor Terry James proposed and Councillor Bob Matthews seconded the nomination of Councillor Sebastian Bowen as Chairperson of the Council.

*(Councillor Sebastian Bowen declared a schedule 1 interest and left the meeting for the vote)*

*(Councillor Kema Guthrie as the Chairperson called for the vote)*

**RESOLVED: That Councillor Sebastian Bowen is elected Chairperson of the Council for the forthcoming municipal year.**

Councillor Sebastian Bowen made the statutory declaration of acceptance of office.

**2. APPOINTMENT OF VICE-CHAIRPERSON**

Councillor Johnathan Lester proposed and Councillor John Harrington seconded the nomination of Councillor Kema Guthrie as Vice Chairperson of the Council.

**RESOLVED: That Councillor Kema Guthrie is appointed Vice Chairperson of the Council for the forthcoming municipal year.**

Councillor Kema Guthrie made the statutory declaration of acceptance of office.

**3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Jeremy Milln.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest at this stage of the meeting, please see minute 1 above and minutes 7 and 9 below.

**5. MINUTES**

**RESOLVED: That the minutes of the ordinary meeting held on 5 March 2021 and the extraordinary meeting held on 27 April 2021 be confirmed as a correct record and signed by the Chairman.**

**6. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS**

Council noted the Chairman and Chief Executive's announcements as printed in the agenda papers.

**7. ELECTION OF LEADER OF THE COUNCIL**

Councillor John Hardwick proposed and Councillor Ellie Chowns seconded the nomination of Councillor David Hitchiner.

*(Councillor David Hitchiner declared a schedule 1 interest and left the meeting for the vote)*

**RESOLVED: That Councillor David Hitchiner is elected Leader of the Council for the forthcoming municipal year.**

**8. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES**

Council considered the report attached to the agenda relating to appointments to committees of the council and outside bodies in line with the rules of political proportionality. The Chairman outlined a correction to the date in recommendation (g) of the report which should read 28 November 2021. The monitoring officer confirmed that all members had a dispensation for recommendation (f) and could participate in the item.

Recommendation (a)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (a) which was carried.

**RESOLVED: That the list of ordinary committees listed at paragraph 11 are confirmed with their terms of reference as set out in the council's constitution.**

Recommendation (b)

Councillor David Hitchiner proposed and Councillor David Summers seconded recommendation (b).

Councillor Ellie Chowns proposed and Councillor David Summers seconded an amendment to recommendation (b) that Councillor Jim Kenyon be allocated the seat on

the Children and Young People Scrutiny Committee currently allocated to The Green Party and The Green Party be allocated the seat on the Planning and Regulatory Committee currently allocated to the not aligned member. The monitoring officer explained that the vote on the amendment would need to be a nem con vote as it proposed the suspension of the rules of proportionality. The amendment was put to the vote and was lost.

Councillor Jonathan Lester proposed an amendment that Councillor Jim Kenyon be added to the membership of the Children and Young People Scrutiny Committee. Councillor Lester subsequently withdrew his amendment.

The original motion, recommendation (b) was put to the vote and was carried.

**RESOLVED: That the number of seats on each committee as set out at paragraph 11, and the allocation of those seats to political groups as set out at appendix 1 is approved.**

*(There was an adjournment at 11.29 a.m. due to a problem with the live stream for the meeting, the meeting reconvened at 11.45 a.m.)*

Councillor David Hitchiner proposed and Councillor John Hardwick seconded the appointment of the not aligned member, Councillor Jim Kenyon, to the Planning and Regulatory Committee which was carried.

**RESOLVED: That Councillor Jim Kenyon is appointed to the Planning and Regulatory Committee.**

Recommendation (c)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (c) which was carried.

**RESOLVED: That the allocation of seats on outside bodies to political groups as set out at appendix 2 is approved.**

Recommendation (d)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (d).

Councillor Jonathan Lester proposed and Councillor Nigel Shaw seconded an amendment to recommendation (d) to include Councillor Jim Kenyon on the membership of the the Children and Young People Scrutiny Committee. The amendment was carried.

Councillor Gemma Davies proposed and Councillor Jennie Hewitt seconded an amendment to recommendation (d) to include a representative from the teaching sector as an additional co-optee on the Children and Young People Scrutiny Committee. The amendment was carried.

The substantive motion, inclusive of the two amendments carried above, was put to the vote and was carried.

**RESOLVED: That the appointment of five co-opted members of children and young people scrutiny committee are approved as follows:**

- i. one representative as nominated by the diocese of Hereford**
- ii. one representative as nominated by the archdiocese of Cardiff**

- iii. one parent governor as elected from the primary school sector
- iv. one parent governor as elected by the secondary school sector
- v. one parent governor as elected by the special school sector

and additionally;

- vi. one representative from the teaching sector co-optee
- vii. Councillor Jim Kenyon

#### Recommendation (e)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (e), the recommendation was carried with no votes against.

**RESOLVED: That the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Internal Drainage Board, and the Wye Valley AONB Joint Advisory Committee is approved.**

#### Recommendation (f)

Council moved to recommendation (f) and the appointment of chairpersons and vice chairpersons to council committees.

The consideration of each appointment was as follows:

#### **Chairperson of the Adults and Wellbeing Scrutiny Committee**

Councillor Helen l'Anson proposed and Councillor Carole Gandy seconded the nomination of Councillor Elissa Swinglehurst as Chairperson of the Adults and Wellbeing Scrutiny Committee.

There were no other nominations.

Councillor Elissa Swinglehurst was appointed.

#### **Vice Chairperson of the Adults and Wellbeing Scrutiny Committee**

Councillor Alan Seldon proposed and Councillor Pauline Crockett seconded the nomination of Councillor Trish Marsh as Vice Chairperson of the Adults and Wellbeing Scrutiny Committee.

There were no other nominations.

Councillor Trish Marsh was appointed.

#### **Chairperson of the Audit and Governance Committee**

Councillor Christy Bolderson proposed and Councillor Jonathan Lester seconded the nomination of Councillor Nigel Shaw as Chairperson of the Audit and Governance Committee.

There were no other nominations.

Councillor Nigel Shaw was appointed.

#### **Vice Chairperson of the Audit and Governance Committee**

Councillor Peter Jinman proposed and Councillor Dave Boulter seconded the nomination of Councillor Christy Bolderson as Vice Chairperson of the Audit and Governance Committee.

There were no other nominations.

Councillor Christy Bolderson was appointed.

### **Chairperson of the Children and Young People Scrutiny Committee**

Councillor Jonathan Lester proposed and Councillor John Stone seconded the nomination of Councillor Carole Gandy as Chairperson of the Children and Young People Scrutiny Committee.

Councillor Jennie Hewitt proposed and Councillor Paul Symonds seconded the nomination of Councillor Phillip Howells as Chairperson of the Children and Young People Scrutiny Committee.

Councillor Phillip Howells was appointed.

### **Vice Chairperson of the Children and Young People Scrutiny Committee**

Councillor Phillip Howells proposed and Councillor Alan Seldon seconded the nomination of Councillor Jennie Hewitt as Vice Chairperson of the Children and Young People Scrutiny Committee.

There were no other nominations.

Councillor Jennie Hewitt was appointed.

### **Chairperson of the Employment Panel**

Councillor Tony Johnson proposed and Councillor Roger Phillips seconded the nomination of Councillor David Hitchiner as Chairperson of the Employment Panel.

There were no other nominations.

Councillor David Hitchiner was appointed.

### **Vice Chairperson of the Employment Panel**

Councillor Trish Marsh proposed and Councillor Yolande Watson seconded the nomination of Councillor Ellie Chowns as Vice Chairperson of the Employment Panel.

There were no other nominations

Councillor Ellie Chowns was appointed.

### **Chairperson of the General Scrutiny Committee**

Councillor Barry Durkin proposed and Councillor William Wilding seconded the nomination of Councillor Jonathan Lester as Chairperson of the General Scrutiny Committee.

There were no other nominations

Councillor Jonathan Lester was appointed.

### **Vice Chairperson of the General Scrutiny Committee**

Councillor Jonathan Lester proposed and Councillor Jennie Hewitt seconded the nomination of Councillor Tracy Bowes as Vice Chairperson of the General Scrutiny Committee.

There were no other nominations.

Councillor Tracy Bowes was appointed.

### **Chairperson of the Planning and Regulatory Committee**

Councillor Gemma Davies proposed and Councillor David Summers seconded the nomination of Councillor John Hardwick as Chairperson of the Planning and Regulatory Committee.

Councillor Kevin Tillet proposed and Councillor Mark Millmore seconded the nomination of Councillor Terry James as Chairperson of the Planning and Regulatory Committee.

Councillor Terry James was appointed.

### **Vice Chairperson of the Planning and Regulatory Committee**

Councillor Pauline Crockett proposed and Councillor Tracy Bowes seconded the nomination of Councillor Alan Seldon as Vice Chairperson of the Planning and Regulatory Committee.

There were no other nominations.

Councillor Alan Seldon was appointed.

### **Chairperson of the Licensing Sub-Committee**

Councillor Tracy Bowes proposed and Councillor John Hardwick seconded the nomination of Councillor Alan Seldon as Chairperson of the Licensing Sub-Committee.

There were no other nominations

Councillor Alan Seldon was appointed.

**RESOLVED: That the appointment of committee chairpersons and vice chairpersons of the committees are approved as follows:**

| <b>Committee</b>                             | <b>Position</b>  | <b>Councillor</b>              |
|--|------------------|--------------------------------|
| Adults and wellbeing scrutiny committee      | Chairperson      | Councillor Elissa Swinglehurst |
|  | Vice Chairperson | Councillor Trish Marsh         |
| Audit and governance committee               | Chairperson      | Councillor Nigel Shaw          |
|  | Vice Chairperson | Councillor Christy Bolderson   |
| Children and young people scrutiny committee | Chairperson      | Councillor Phillip Howells     |
|  | Vice Chairperson | Councillor Jennie Hewitt       |
| Employment panel                             | Chairperson      | Councillor David Hitchiner     |



|                                   |                  |                            |
|-----------------------------------|------------------|----------------------------|
|                                   | Vice Chairperson | Councillor Ellie Chowns    |
| General scrutiny committee        | Chairperson      | Councillor Jonathan Lester |
|                                   | Vice Chairperson | Councillor Tracy Bowes     |
| Planning and regulatory committee | Chairperson      | Councillor Terry James     |
|                                   | Vice-chairperson | Councillor Alan Seldon     |
| Licensing sub-committee           | Chairperson      | Councillor Alan Seldon     |

#### Recommendation (g) and (h)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendations (g) and (h).

Councillor Gemma Davies proposed an amendment that the dispensation for non-attendance due to COVID-19 related illness should be extended to cover all absences resulting from illness. Councillor Davies subsequently withdrew her amendment.

The original recommendations (g) and (h) were put to the vote and carried.

#### **RESOLVED: That Council**

- i) waives the requirements of Section 85(1) of the Local Government Act 1972 and agrees that any councillor unable to attend a meeting for a period greater than six months for Covid 19 related reasons, receives a dispensation from the requirements of section 85 until 28 November 2020.**
- ii) authorises the Monitoring Officer to approve the individual dispensations requests of any councillor who is unable to attend a council meeting for Covid19 related reasons and notes that the Monitoring Officer will retain a list of those councillors who apply for this dispensation.**

#### **9. COUNCILLORS ALLOWANCE SCHEME**

Council considered a report by the Monitoring Officer to approve the Herefordshire councillors' allowances scheme having regard to the recommendations of the council's independent remuneration panel. A supplement to the report containing an additional recommendation had been circulated on 27 May. The following corrections to the report were outlined to Council:

- Recommendation (b) to be changed to – *a three-step mandatory training element to be included in year three of the electoral term in relation to the basic allowance;*
- In appendix g, the table on page 118 required corrections. The final column of the table should state F/Y 2024/25 and the Chairperson of the Council's proposed allowance rates should state:
  - F/Y 2021/22 - £10,258.29
  - F/Y 2022/23 - £10,596.50
  - F/Y 2024/25 - £10,934.86

The monitoring officer explained that a dispensation had been granted to all members to enable participation in the debate and vote.

### Recommendation (a)

It was proposed that a recorded vote was undertaken to agree the councillors' allowances scheme which was supported by over eight members of the Council.

Councillor Nigel Shaw proposed and Councillor Ellie Chowns seconded option 2 for the councillors' allowances scheme as set out in appendix (g) of the report - *Council accept the Independent Remuneration Panel's recommendation in full, but defer the new allowance scheme to begin in 2023/24 (following all-out local elections) to deliver the new increase.*

Councillor Gemma Davies proposed and Councillor Ange Tyler seconded option 3 for the councillors' allowances scheme as set out in appendix (g) of the report - *Council accept the Independent Remuneration Panel's recommendation in full, but defer the new allowances scheme to begin in 2022/23 to deliver the full increase.*

Councillor Roger Phillips declared an other interest as the Vice Chairman of the National Joint Council.

Council raised the principal points below in the debate:

- The low level of allowances currently paid to Herefordshire councillors relative to other authorities;
- The importance of attracting young and working-age people to become councillors by providing a reasonable level of remuneration;
- The discomfort to councillors of being legally required to set the level of allowances;
- The absence of any uplift in the level of councillor allowances over the previous eight years;
- Concern that any further delay to increasing councillors allowances would result in an increasing deficit between the levels paid at Herefordshire Council and other local authorities;
- Option 2 represented a reasonable compromise between acknowledging the current economic difficulties and the need for an increase in the very low level of basic allowance paid;
- The need to evaluate the level of basic allowance paid to councillors from urban and rural wards, particularly where there existed a large number of parish councils;
- Confirmation that the increase to allowances would be index-linked if option 2 was supported and the uplift occurred following local elections in May 2023; and
- Confirmation that individual councillors could choose to not receive any increase in their allowances.

Councillor David Hitchiner proposed and Councillor Gemma Davies seconded an amendment to recommendation 14 of the Report of the Herefordshire Independent Remuneration Panel to include the wording *and the Leader*. The amendment was carried.

### **RESOLVED: That recommendation 14 of the Report of the Herefordshire Independent Remuneration Panel is amended as follows:**

That the SRA for the role of the Cabinet Support and Cabinet Opposition Support Members remain an allowance of up to 50% of the band 2 allowance (cabinet member allowance) subject to the total budget currently allocated for individual cabinet members ***and the leader*** not being exceeded.

Options 2 and 3 for the councillors' allowances scheme as set out in appendix (g) of the report were put to the recorded vote. Option 2 was carried.

Option 2 (32): Councillors Paul Andrews, Polly Andrews, Bartlett, Bolderson, Bowes, Chowns, Crockett, Durkin, Fagan, Foxton, Gandy, Guthrie, Harrington, Hitchiner, Howells, l'Anson, Johnson, Graham Jones, Mike Jones, Kenyon, Lester, Matthews, Millmore, Norman, Price, Probert, Rone, Shaw, Stark, Swinglehurst, Toynebee, and Wilding.

Option 3 (12): Councillors Graham Andrews, Boulter, Davies, Hardwick, Harvey, Hewitt, Hey, Marsh, Seldon, Summers, Tyler and Watson

Abstain (7): Councillors Bartrum, Bowen, James, Jinman, Phillips, Symonds and Tillett.

**RESOLVED: That Council accepts the Independent Remuneration Panel's recommendation in full, subject to the amendment to recommendation 14 outlined above, and agrees to defer the new allowance scheme to begin in 2023/24 (following all-out local elections) to deliver the new increase.**

Recommendation (b)

Councillor Jennie Hewitt proposed and Councillor Liz Harvey seconded recommendation (b), as corrected above, which was carried.

**RESOLVED: That a three-step mandatory training element is included in year three of the electoral term in relation to the basic allowance.**

Recommendation (c)

Councillor Alan Seldon proposed and Councillor Nigel Shaw seconded recommendation (c) which was carried.

**RESOLVED: That basic and special responsibility allowances are updated annually in line with the national joint council for local government services pay award for a period of not more than four years.**

Recommendation (d)

Councillor Alan Seldon proposed and Councillor Nigel Shaw seconded recommendation (d) which was carried.

**RESOLVED: That the current schemes of travel and subsistence, and childcare and dependants' carers' allowances are retained with a requirement that expenses must be claimed within 12 months of being incurred.**

The meeting ended at 1.41 pm

**Chairman**



**Chairman's Announcements – Council Meeting – 8<sup>th</sup> October 2021**  
**Events attended by the Chairman since the last**  
**Council meeting on 28<sup>th</sup> May 2021**

21<sup>st</sup> June Armed Forces Day

24<sup>th</sup> June St John Day service

12<sup>th</sup> July Mayors Meeting

20<sup>th</sup> July Courtyard Hopeless Romantics Performance

29<sup>th</sup> July The Wye Catchment Partnership Meeting (virtual)

3<sup>rd</sup> August Courtyard – Marry Me a Little Performance

9<sup>th</sup> August Annual commemoration of the atomic bombings of Hiroshima and Nagasaki

9<sup>th</sup> August Citizenship Ceremony

22<sup>nd</sup> August Hay on Wye 75<sup>th</sup> WW2 Remembered Ceremony

26<sup>th</sup> August Shaw Health Care Thank You Presentation

6<sup>th</sup> September 10 Year Anniversary of The Cart Shed

9<sup>th</sup> September Shaw Health Care Thank You Presentation

12<sup>th</sup> September Battle of Britain Service

16<sup>th</sup> September Women's Federation Meeting

16<sup>th</sup> September Hereford College of Arts Graduation

17<sup>th</sup> September High Sheriff Networking Event

19<sup>th</sup> September Lancaster Bomber Memorial Plaque Unveiling

21<sup>st</sup> Mayors Meeting

22<sup>nd</sup> September Hereford & Ludlow Graduation

25<sup>th</sup> September Leominster Mayor Making

26<sup>th</sup> September Civic Service

28<sup>th</sup> September Ultra Filter Opening

2<sup>nd</sup> October Welcome and Installation Ceremony of The Revd Canon Sarah Brown as Dean of Hereford

## **Chief Executive's announcement Full Council 8 October 2021**

It has been a real privilege to learn about Herefordshire since I joined the council six months ago. From Bromyard to the Golden Valley and Kington to Ross-on-Wye, I wanted to see things for myself. I have met with Members and mayors in the market towns and had conversations with parish councillors about their ambitions and plans. I have taken time to build relationships across the West Midlands with leaders and chief executives. I have seen the growth of our Talk Community and volunteer network, and how they come together to connect residents to services within their local community. The same is true for our Veteran Support Centre, which underpins the council's key role in establishing and maintaining an Armed Forces Covenant for the county, which makes sure our veterans get the support they need.

It is important to me to hear all the voices in the council, so I have spent time meeting teams across the council to see for myself how things work and to learn more about the council's history and culture. I've been determined to reach out across all parts from children's centres to planning officers, from adult placement officers to procurement, and I've been out into the libraries and our community facilities. One such facility is Hillside Care Centre which is doing fantastic work providing residential care and dementia services to some of the county's most vulnerable residents. I want to thank the staff at Hillside, and the discharge to assess team, for their invaluable role in supporting placements for those who need further care support and helping to relieve pressure on the NHS during the current Covid-19 pandemic.

There's still a lot of places to see and a lot of people to meet, and I have a continuing programme to do that. Meeting staff has given me the chance to hear what we do well, and to listen to what we can do better. I have been really impressed with the commitment our staff have to the council. Many of the staff who work for us are Herefordians who want to be part of a successful organisation and are passionate about how the council is perceived. I do hope my visible leadership has set a new tone for the council – a shared vision for the future of the council, making the most of the 'Spirit of Herefordshire' which I have seen in our staff.

I believe the success of any organisation is down to its people and the relationships they have with each other and the people they serve. We are continuing to develop our staff and Member communication channels to keep everyone informed and to allow two-way conversations to take place. Our weekly updates to staff and monthly corporate briefings allow me to share what's happening in all parts of the council. My all staff briefings allow me to share my vision for the council, and the staff panels gives people the chance to feed back into corporate matters that affect their working life. I will keep that dialogue open so staff can share what's on their mind, and we can work together to move things forward.

Like many organisations, staff are keen to understand what our future workplace will look like. Covid forced the majority of our office staff to work remotely and I'm keen to learn from that. We have found that many staff valued working remotely and benefited from an

improved work/ life balance. However, some staff reported feeling isolated and some roles required staff to work from a fixed location. I want our staff to feel engaged and empowered to get their work done well, regardless of their location. But we also need to balance that with our customer and organisational needs. To develop the most suitable approach, we are learning from other public sector organisations who have adopted hybrid working, and we are listening to feedback from our staff panels and surveys. The aim is to pilot the 'Flexible Futures' hybrid working plan at our Plough Lane office from January 2022.

There are organisational improvements to make too in the areas of organisational culture, governance and performance management. I have found that there is a limited council-wide approach to strategy and action. I have taken the first step in our 'One Council' corporate transformation programme and restructured our management board with a shift in focus to 'Corporate Director'. This will bring visible and effective corporate leadership with a renewed council-wide focus, rather than working in silos. The new Corporate Directors will lead and develop a more corporate way of working, and will role model those corporate practices and ways of working which we want to adopt throughout the organisation. An interim Director of Transformation will lead and take us through this corporate transformation, and they will also develop modern and efficient ways of working and serving our communities. Interviews for the Corporate Directors will take place in November.

And of course, the improvement journey continues for the council's Children's Services. When I joined the council six months ago, I made a commitment to ensure that we will make all the necessary improvements to our Children's Services. The monthly Improvement Board, chaired by an independent Department for Education advisor, has given me the assurance our improvement journey is underway. The board reviews our Improvement Plan progress, our Early Help services and it will oversee the development of the Children's Safeguarding Partnership. Other reported progress in Children's Services includes the development of 1 to 1 coaching and mentoring sessions for managers, the development of tracking processes for children within the legal system and an ongoing audit of all open cases by the project auditing team.

Our next steps include the development and relaunch of our Children's Service standards, an improved 'front door' safeguarding referral system and a review of our child protection and Independent Reviewing Officer services. This is a hugely challenging time for our Children's Services but our priority must be to ensure that the children of Herefordshire receive safe, supportive and effective services. I want to thank our Children's Services staff for their hard work during such an unsettled time, and I hope they are starting to see some benefits in the changes that have taken place so far.

I want to take a moment to acknowledge the fantastic work that's been done in response to the pandemic, whether that's through our public health team and environmental health officers to our delivery partners who have continued to clean our streets and recycle our waste. Our comprehensive, multi-agency response to the Covid-19 pandemic continues as we adapt to changes in national policy. This includes ensuring the public receive accurate, timely and helpful information and publishing regular intelligence data on the current situation in Herefordshire.



The Outbreak Control Hub continues to do great work quietly behind the scenes. As well as supporting local business to implement Covid prevention measures, they manage local outbreaks in settings such as at schools, colleges and nurseries, care homes and farms. The general public are moving towards making regular testing part of their new normal, and our testing team regularly distribute lateral flow test kits at pop-up stands across the county. Working alongside partners, we continue to support the Covid vaccination programme, with our role particularly focusing on inequalities. We have worked to address these inequalities, which includes co-ordinating vaccinations for seasonal workers and identifying and responding to key groups where vaccine uptake is lower.

I would like to once again add a personal thank you to all staff working in difficult circumstances for their commitment and hard work during the pandemic.

We have now put in place plans to support post-Covid recovery with a £6 million investment in an economic and wellbeing recovery plan to support the county to recover from the impact of Covid-19. Our response to the pandemic has been well-managed, but there is no doubt that our communities and local economy have been severely impacted.

So far we have offered free swimming lessons and announced community grant programmes to support the development of our green spaces and cultural activities. This excellent investment is set to bring physical and mental wellbeing benefits to our residents. Our free and unlimited weekend bus travel offer will bring further benefits to our local economy and help to reconnect our Herefordshire communities.

We held the first Herefordshire Economic Summit in September at the new Shell Store. The summit was about setting the tone for a new conversation, building new relationships and working together with businesses to develop a new economic plan for the county – the Herefordshire Big Plan. I was joined by Councillor David Hitchiner, Jesse Norman MP, Councillor Ellie Chowns and over 80 business leaders to hear presentations and discuss the future of local business.

The Herefordshire Big Plan will set out how the county can think big to drive change and meet opportunities, building new relationships with businesses to deliver growth. We will be developing a Big Plan and City Masterplan, covering the period to 2050, to set out the county's economic direction. These plans must be realistic and business-focused, so it is vital that we work collaboratively with a broad range of businesses across the county.

The strategy will build on our local strengths and opportunities to create a greener, fairer economy for all - revitalising our market towns, city and wider rural county.

I look forward to continuing my learning about Herefordshire and our partners, developing new opportunities, accelerating delivery of key projects and improvements and as always taking time to listen to and work with staff across the council.



## **All necessary decisions in cases of emergency**

Under paragraph 3.7.9 of the constitution the chief executive is authorised to take necessary decisions in cases of emergency.

‘All necessary decisions’ includes decisions to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental wellbeing of the county, its communities and individuals living, working or visiting, and to preserve property belonging to the council or others.

An emergency is defined as any situation in which the chief executive believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual, or that the interests of the council may be compromised.

In the chief executives scheme of delegation emergency decisions are delegated to the chief executive and directors. Before exercising this delegated authority any officer shall use their endeavours if, in their opinion, time or circumstances permit, to consult the Leader, or, in their absence, the appropriate cabinet member, and the chairman of the relevant scrutiny committee and in any case, inform them of their actions as soon as practicable.

Since the beginning of 2020 there have been 2 emergencies: the February 2020 floods and the coronavirus pandemic. Schedules of emergency decisions taken in response to these emergencies were presented to meetings of the full Council on 17 July 2020, 11 September 2020, 9 October 2020, 11 December 2020, 12 February 2021, 5 March 2021 and 28 May 2021.

Paragraph 15 of the chief executive scheme of delegation, requires that all emergency decisions taken by officers are reported to full Council at the next meeting, including the extent to which it has been necessary to operate outside the contract and financial procedure rules. Each decision contains an assessment of risk including finance, legal and equality considerations.

Below is a schedule of all necessary decisions in cases of emergency published since the annual meeting of full Council on 28 May 2021.

### **Covid-19 – July 2021**

#### **Allocation of vacant seat on the Planning and Regulatory Committee to the True Independents political group**

**Decision Maker:** Chief Executive

**Date of decision:** 06/07/2021

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=8034&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=8034&LLL=0)





## Submission of Minerals and Waste Local Plan (MWLP)

**Meeting: Council**

**Meeting date: Friday 8 October 2021**

**Report by: Cabinet member finance, corporate services and planning**

### Classification

Open

### Decision type

Budget and Policy Framework

### Wards affected

All wards.

### Purpose

- To agree the schedule of suggested main modifications and minor changes (Appendix A) to the Herefordshire Minerals and Waste Local Plan (MWLP or 'the Plan') development plan document (DPD) (see background papers), which have been produced following the completion of the pre-submission publication period, consideration of duly made representations and subsequent discussions with statutory undertakers;
- to approve the MWLP, together with the schedule of suggested main modifications and minor changes for submission to the Secretary of State (along with the Plan's supporting documents, including updates as necessary) for independent examination, in accordance with section 20(1) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended); and
- to approve the granting of delegated authority to officers of the council (and their appointed consultants), who will attend the examination, to discuss and agree modifications to the MWLP with the Planning Inspector, so that there are no unnecessary delays to the examination process.

### Recommendations

**That:**

- a) the draft MWLP development plan document (see background papers) and the schedule of suggested main modifications and minor changes (Appendix A) be approved for submission to the Secretary of State for examination in public;**

- b) authority be delegated to the Assistant Director Regulatory, Environment and Waste, following consultation with the Cabinet Member Finance, Corporate Services and Planning, to make any additional minor textual, or graphical amendments to the MWLP or its associated documents and these then added to the schedule of suggested minor changes, prior to the MWLP being submitted to the Secretary of State;**
- c) it be agreed that the Planning Inspector be invited to recommend any main modifications necessary to the MWLP in order to find it legally compliant and sound; and**
- d) it be agreed that delegated authority be given to the Assistant Director for Regulatory, Environment and Waste and to the Lead Development Manager to agree, with the Planning Inspector, any additional modifications to the MWLP, if it is appropriate and necessary to do so, in order to facilitate efficient progress of the Plan through the examination process. Subsequently, such modifications will be subject to public consultation.**

## **Alternative options**

1. Not to progress the MWLP would leave the council in a position where the extant Unitary Development Plan policies are out of date. This would be contrary to the recommendation of the Core Strategy's Planning Inspector, who stated that a separate MWLP should be prepared in accordance with the local development scheme. When adopted, this will form part of the Herefordshire Local Plan.
2. Instead of submitting the MWLP, along with a schedule of suggested main and minor modifications to the Planning Inspector for consideration at the examination, another option would be to alter the text of the Plan and undertake a second regulation 19 (Town and County Planning (Local Planning) (England) Regulations 2012) consultation prior to submission. This option was discussed with the Planning Inspectorate at an Advisory Meeting on the 26 July 2021 and it was considered to be both acceptable and more expedient to continue to the submission stage with the schedule of modifications. (Details about how both the statutory and internal governance consultation requirements have been met during the Plan's development are provided in paragraphs 7-9 and 102-120 below).
3. To undertake a second pre-submission consultation would: significantly delay the progression of the Plan; risk the evidence base which underpins the Plan becoming out of date; mean continued reliance on the out of date saved minerals and waste policies in the Unitary Development Plan; and incur additional consultancy costs.
4. The MWLP and its associated documents are numerous and complex, consequently, minor corrections may come to light following the preparation of this report. Not to delegate authority to make and submit additional minor amendments, to be suggested for consideration at examination, is not recommended because it would be impractical to await a further meeting of Full Council to address small adjustments to the Plan's text.
5. The Planning Inspectorate (at the Advisory Meeting) suggested that approval be sought from Council to give authority to officers to discuss modifications with the Inspector during the forthcoming examination. This is to ensure that these issues can

be dealt with expediently. Not to approve this delegation could significantly delay the examination process and would not be in accordance with the advice of the Planning Inspectorate.

## **Key considerations**

6. The MWLP will provide guidance to developers, local communities and other interested parties on where and when minerals and waste development may be expected over the Plan period (up to 2041), as well as how it will be managed to both reduce adverse impacts and maximise benefits.
7. The MWLP's preparation process is summarised below:
  - 2016 first call for sites
  - 2017 second call for sites
  - 2017 issues and options public consultation
  - 2019 draft plan public consultation
  - 2021 publication draft consultation
  - *2021/2 submission and examination in public*
  - *2022 adoption*
8. During the MWLP's key stages of production, members of Herefordshire Council were involved and their views sought, this included the establishment of a scrutiny panel. In addition to the formal governance procedures which were adhered to, the following are of note:
  - 2017 members' seminar and first minerals and waste panel meeting
  - 2018 two minerals and waste panel meetings
  - 2019 members' presentation and Q&A session
  - 2020 General Scrutiny Committee
9. Regulation 19 consultation on the Publication Draft MWLP (dated January 2021), its associated reports and accompanying evidence base documents, took place over the period 12 April to 24 May 2021. In addition, interactive mapping of the Plan's proposals was made available on the council's website.
10. Due to Covid restrictions, no face to face consultation events were held. However, a video presentation was made available on the council's website, which provided an overview of the policies and proposals of the Publication Draft MWLP and how to get involved in the consultation.
11. In preparing for examination, the council has reviewed the regulation 19 representations received and considered whether any changes should be made to the MWLP prior to its adoption.

## **Key representations made to the Publication Draft MWLP (Reg. 19) Consultation**

12. 81 representations were made as part of 26 submissions in response to the Publication Draft MWLP; each of which has been reviewed and carefully considered. This report does not address each one, but focusses on those that are considered to raise key matters in relation to the Plan i.e. those that the council considers would be appropriately addressed through main modifications to the MWLP.
13. The suggested main modifications (and minor changes) are proposed to be considered by a Planning Inspector through the examination process. The key matters that have been identified relate to:
  - River Wye Special Area of Conservation (SAC) and River Lugg SAC catchment;
  - impacts on heritage assets;
  - Minerals Safeguarding Areas;
  - Mineral Consultation Areas;
  - minerals safeguarding;
  - level of mineral provision;
  - resource/reserve – terminology;
  - circular economy and resource management;
  - Policy W5
  - Policy W7; and
  - Key Development Criteria

#### **River Wye SAC and the River Lugg SAC catchment**

14. In its representation, Natural England (NE) was broadly supportive of the Publication Draft MWLP, however it did seek clarity over the term 'betterment' as used within the Plan.
15. NE also raised concerns in relation to the Habitats Regulations Assessment (HRA) of the Publication Draft MWLP. A meeting was held with NE on 8 July 2021, at which all of the comments raised in its representation were discussed.
16. It was agreed to propose that the term 'betterment' be removed from the MWLP, and the policy wording changed to achieve 'at least nutrient neutrality'. In addition, the glossary of the MWLP has been updated to include 'nutrient' and 'nutrient neutrality'.
17. There was some discussion with NE about the geographic area over which the test of achieving 'at least nutrient neutrality' could be extended. NE's position is that this test can only be applied in projects that would link to a SAC catchment that was failing its water quality objectives. To this end, it was seeking only for the test to be applied to those projects located within the vicinity of the catchment of the River Lugg SAC.
18. The approach within the MWLP has been to require nutrient neutrality from development proposals within the River Wye SAC generally; it is not limited to the River Lugg catchment. Herefordshire Council has since prepared a note for NE on this matter to enable future discussion, with the current approach retained within the MWLP.



19. It was also agreed to ensure the strengthening of wording with regard to the HRA that is likely to be required for each planning application, for example within the key development criteria. This is set out in the suggested schedule of main modifications. Modifications are also proposed to section 3 of the MWLP, to update it in line with the latest guidance on this matter that is available on the Herefordshire Council website.
20. The Environment Agency has made extensive comment on nutrient neutrality and phosphorous recovery. Whilst it is generally supportive of policies W3 and W4, some of these comments look to address matters that fall beyond the remit of the MWLP or there appears to have been a misunderstanding of the context within which the text is provided.
21. The MWLP has been prepared to play a material role in terms of reducing nutrient release into the River Wye SAC (in its totality), including through: the provisions set out in policies W3 and W4; through its consideration of the potential for phosphate release from minerals and waste developments; and the inclusion of key development criteria to address the issues in conjunction with proposed development. No further edits to the text are considered necessary.

### **Impact on Heritage Assets**

22. In its representation, Historic England (HE) welcomed the additional site assessment work that has been undertaken and recommended that the method used for the assessment of heritage assets should be in line with that set out in HE's Advice Note 3. This, however, is the approach which was used when considering all of the sites in more detail and it has been set out in the Plan's accompanying reports.
23. HE also raised a number of concerns in relation to the proposed site allocations, including an objection to the extension at Leinthall Quarry and recommended that further assessment should be undertaken in the form of detailed Heritage Impact Assessments (HIA) for the mineral sites: Leinthall; Wellington; Upper Lyde and Shobdon. The National Trust also objected to the proposed extension to Leinthall Quarry.
24. An HIA of each of these sites is currently (July to September 2021) being undertaken by Herefordshire Archaeology (Herefordshire Council's county archaeological service). The conclusions of which will be incorporated into the schedule of suggested main modifications.
25. The HIA for the extension proposed at Leinthall Quarry has already been completed and made available to HE to provide comment. Its conclusion comments that:
26. *"There is no indication that any expansion of the quarry will directly affect any known archaeological heritage assets within the proposed expansion area."*
27. *"... However, from certain viewpoints the setting impact upon Croft Ambrey Hillfort is considered to be of moderate-high, (albeit already highly compromised by the presence of the existing quarry)."*
28. *"It may be possible to further limit or obscure some of the direct viewpoints from Croft Ambrey Hillfort by future vegetation management on the hillfort and by planting extra tree cover in the close environs to the proposed quarry site. However, due to the height*

*of the hillfort above the proposed area and existing quarry it will not be possible to completely mitigate the visual impact.”*

29. *“It should be stressed that the existence of the present workings at Leinthall Quarry does already present a large setting issue for the same heritage assets that have been considered within this assessment and future setting issues from the proposed extension should be measured against the setting and visual impacts that have already existed for over seven decades.”*
30. It is concluded that the Leinthall Quarry extension remains an appropriate allocation, albeit that some amendment to the wording of the key development criteria will be proposed.
31. HE raises a number of concerns in relation to non-designated heritage assets, which it recognises “...can make a positive contribution to the character of our settlements and enrich our sense of place”. HE advises that “...the views of your chosen specialist archaeological adviser are sought on these proposed allocations to confirm that the evidence base is sufficiently robust to ensure that any proposed allocation is deliverable in accordance with local and national planning policies.”
32. The views of Herefordshire County’s Archaeologist and Building Conservation Officer were sought in the preparation of the Publication Draft MWLP, including advice on the wording that is included within the key development criteria. It is believed that the proposed allocations are deliverable and that few further edits to the text of the Plan are required.
33. HE also makes reference to Palaeolithic archaeology and the potential for effects on water sensitive heritage assets to be more overtly recognised within the key development criteria. Proposed modifications to the key development criteria to incorporate these comments will be considered with Herefordshire Archaeology and proposed in an update to the schedule of modifications at Annex A.
34. HE also makes representations in regard to the proposed waste allocations and the potential impact on heritage assets. These allocations make use of land that is already allocated for Strategic Employment Areas or has already hosted some form of built development. In regard to the Strategic Employment Areas, particularly the Rotherwas Industrial Estate (Hereford Enterprise Zone), a substantial amount of heritage assessment work was previously undertaken to enable that allocation to be adopted.
35. The approach within the MWLP has been that these sites provide appropriate locations for new waste treatment development, in principle. Each development proposal will need to demonstrate how it complies with all relevant policy, including that concerned with heritage. Consequently, the proposed allocations are appropriate and deliverable and do not pose an unacceptable risk of material harm to heritage assets. This matter has been discussed (again) with Herefordshire Archaeology, who continues to support this approach.
36. Representations have been received that text of the MWLP does not recognise the hierarchy of importance for heritage assets, and other environmental designations. This point has been addressed before and the approach remains the same. Hierarchies for designations are set out in national policy and the addressed through policy of the Core Strategy. In short, it is not appropriate or necessary to repeat them

within the MWLP; they will continue to apply to any development proposal submitted for determination.

### **Minerals Safeguarding Areas**

37. Some respondents queried why the mapping in relation to mineral resource was different on the interactive mapping (provided on the council's website) to that provided in the MWLP consultation documents, principally Figure 7.
38. Figure 7 within the MWLP presents the Minerals Safeguarding Areas, including railheads. It is introduced by text at paragraph 6.1.12 of the Publication Draft MWLP: *"Figure 7 presents the Minerals Safeguarding Areas for Herefordshire, incorporating: areas of reserve indicated by the British Geological Survey data; surface coal resource areas from the Coal Authority; currently consented quarries and their associated infrastructure; the operating rail head at Moreton-on-Lugg; and the disused railhead at Moreton Business Park. Figure 7 is available in its original A3 format at Annex A, with key policy details included in the interactive mapping available on the Herefordshire Council website."*
39. Whilst the interactive mapping made available on the council's website did present mineral resource, allocated sites and preferred areas of search; it did not include the data layer for the safeguarding areas (including the railheads). This will be amended prior to the examination.

### **Mineral Consultation Areas**

40. Some respondents (particularly from the minerals industry) objected to the absence of buffer zones around the minerals safeguarding areas and a minerals consultation area.
41. The approach to minerals safeguarding was comprehensively addressed in the preparation of the MWLP and it has been corroborated in revised national planning guidance (National Planning Policy Framework 2021, paragraph 210, bullet c), which confirms that the use of mineral consultation areas is primarily for two tier authorities.

### **Policy M2 Safeguarding etc**

42. Some suggested edits were received in representations from the mineral industry to amend policy M2, to incorporate references to economic viability and infrastructure associated with mineral workings. These edits are proposed within the schedule of suggested modifications.

### **Level of mineral provision within MWLP**

43. Representations were received suggesting that the MWLP relies upon the existing levels of imported mineral. This is incorrect.
44. New text is proposed within section 6 of the MWLP to state that policies M3 and M4 have been drafted on the assumption that reserve in Herefordshire supplies 100% of the forecast demand. The word 'reserve' is used deliberately in this proposed modification, as only resource that has permission to be worked can be included in the landbank (see paragraphs 46 and 47 below).

45. In addition, it is proposed that reference to the Local Aggregates Assessment be added to the monitoring schedule presented at Table 3 of the MWLP.

### **Reserve/Resource**

46. Some respondents questioned whether the term 'reserve' had been used correctly throughout the Plan.
47. The MWLP has been checked throughout; it was found that the term 'reserve' has been used when 'resource' would be the correct option. It is proposed that appropriate changes are made to ensure correct term is used in all circumstances.

### **Reinforcing the Circular Economy and benefits of resource management**

48. The Environment Agency, and other respondents sought greater clarity in regard to the circular economy and policy intent in terms of climate change. Some edits have been proposed throughout the Plan to address these comments.
49. Whilst policy SP1 was generally supported, representations sought greater clarity in the wording used, not least in regard to delivering the circular economy, rather than focussing on climate change. Representations also queried whether the MWLP went far enough to satisfy National Planning Policy Framework policy in regard to promoting the use of secondary and recycled aggregates.
50. The MWLP has been prepared to deliver the waste hierarchy and circular economy within Herefordshire, although these priorities also have to be balanced with enabling sustainable supply of mineral generally, which will continue to rely on raw mineral for the foreseeable future. The evidence base that underpins the minerals policies has considered the potential for secondary/recycled materials.
51. Policy SP1 is extending the remit of a development plan to look beyond just land use policy and setting out the actions that others can play in achieving the desired outcomes. This is explained in the supplementary text. The resource audit is also explained within the supplementary text, albeit the wording within the policy is proposed to be clarified.
52. New text is also proposed at the start of policy SP1, to make explicit reference to the potential for minimal use of primary materials.
53. The Environment Agency has made extensive comment on the circular economy and how it is addressed within the Plan. Many of these comments look to address matters that fall beyond the remit of the MWLP or misunderstand the context within which the text is provided. The MWLP has been prepared to enable the circular economy to be delivered within Herefordshire and further edits to the text are not considered necessary.

### **Policy W5**

54. Representations commented that policy W5 provides operators with no ability to undertake improvements at existing waste facilities. This is a potential limitation of policy W7 (and policy W1) but it is also the spatial strategy of the MWLP. If the edit proposed in the representation were added to policy, then it would apply to all existing operations, including those that are not well sited or well operated.

55. It remains within the developer's gift to demonstrate why development of the type proposed should be permitted despite conflict with development plan policy.

### **Policy W7**

56. Comment was received that policy W7 subsections 3 and 4 were not clear. It is proposed that these subsections be reformatted within the policy to clarify the intent.

### **Key Development Criteria**

57. Some respondents questioned the purpose of the key development criteria, including whether they were intended to form part of policy or not.
58. The key development criteria have been referenced in the site allocations (and preferred areas of search) policies and have consequently been consistent elements of policy. Just prior to finalising the Publication Draft MWLP, regulations about making public documents accessible to a wide range of potential readers were enforced. At that point in time, the key development criteria were only provided in the Allocated Sites Appendix - a pdf document that did not satisfy the relevant legislation.
59. In order to make the key development criteria available in an accessible format, but without breaking the flow of the MWLP, the decision was made to include them within the Plan but in a separate section; Section 9.
60. In order to ensure they remain accessible, Section 9 has been retained, but text referencing within this section has been amended to make it clear that the key development criteria are an element of the policy within which they are stated.
61. The key development criteria themselves have been subject to some proposed modifications. These have been proposed in response to advice from statutory consultees and to ensure that each requirement set out in the key development criteria is clear.

### **Other issues raised in representation to the Publication Draft MWLP (Regulation 19) Consultation**

62. Various other matters were raised in the representations received and are proposed to be addressed through the suggested modifications in Appendix A. These include issues such as:
- reflecting text of the National Planning Policy Framework;
  - missing MWLP objectives and need for a reference to carbon reduction;
  - Policy SP2 and others – amending working from ‘shall be permitted’ to ‘will be supported’; and
  - alignment of MWLP with Herefordshire Council’s Integrated Waste Management Strategy

### **Next Steps**

63. The next step for the Publication Draft MWLP is for it to be submitted for independent examination by a Planning Inspector. The Publication Draft MWLP will be submitted in the same form as it was during the regulation 19 consultation.

64. Any changes that the council considers would be appropriate will be made available for discussion at the examination through the schedule of suggested main modifications and minor changes (Appendix A).
65. Approval is sought from Council for the emerging MWLP, and its accompanying documents, to proceed to this next stage in the plan making process, as outlined above.
66. Once adopted, the MWLP will form part of the statutory development plan for Herefordshire and will be used as such for the purpose of determining planning applications on minerals and waste matters.

## **Community impact**

67. The MWLP seeks to ensure that sites and locations are identified for mineral and waste development according to the forecasted demand until 2041. This is as relevant to the whole population of Herefordshire, and is as pertinent to those residing in the rural parishes, as it is to those in Hereford and the market towns.
68. This report provides Council with the opportunity to comment on how representations to the regulation 19 consultation have been responded to and to approve the MWLP's progression to its formal submission and examination.
69. Members can help to ensure that representations relating to the key issues set out in this report, including the protection of the environment and historic heritage, have been sufficiently addressed in the proposed main modifications.

## **Environmental Impact**

70. The MWLP has had due regard to the council's environmental policy commitments. Many of them underpin its policies and proposals:
71. *Natural resources are used efficiently.* The National Planning Policy Framework identifies the need to ensure that mineral resources should be used sustainably. The MWLP, in assessing future need, only identifies sites for future minerals extraction which are necessary over the Plan period and encourages the use of secondary and recycled materials in preference to the extraction of primary materials. It also safeguards mineral resources and infrastructure for future uses.
72. *Minimise waste.* The MWLP seeks to deliver the circular economy and promotes the concepts of waste hierarchy. The MWLP's sustainable waste strategy will promote waste prevention and the re-use, recycling or use of waste to recover energy, as well as deliver a decrease in the amount of waste disposed to landfill.
73. Waste management facilities are also an element of the circular economy, so long as the materials and/or energy recovered are put to beneficial uses.
74. *Reduce greenhouse gas emissions.* The built form of waste management facilities may, more obviously, align with the expectations of the MWLP's policy commitment, but mineral workings can also make a significant impact. Minerals are to be extracted efficiently and ensure that a high quality of reclamation and after use can be achieved.

75. The winning and working of minerals, and some waste processing operations, is resource intensive. Reduced energy usage can be achieved through good site design to reduce transport movements, for example. Buildings and plant can be designed to reduce resource requirements and consequent carbon emissions, for example, through the use of ultra-low emission vehicles and renewable energy supply (including solar panels, open-loop ground source or surface water source heating and cooling systems).
76. The MWLP will expect increased resource efficiency measures in plant, buildings and operations in order to achieve climate change priorities.
77. *Raise awareness of and mitigate against and adapt to climate change impacts.* The strategy of the MWLP is centred on sustainability: from its vision and objectives, through to its specific policies and proposals. An example of how it addresses climate change is; the reclamation of sites, which provides opportunities in assisting ecological networks to be more resilient and enabling the movement of wildlife as it adapts to a changing climate. The after-use of a site can also deliver objectives to address climate change, for example, creating new habitat that also provides flood storage to alleviate risks elsewhere.
78. *Prevent and reduce pollution.* The waste strategy set out in the MWLP seeks to deliver sustainable management of waste in the county. Its waste policies will prevent and reduce pollution from a variety of waste streams and a specific wastewater management is also included, in order to assist in the minimisation of phosphate levels in the River Wye SAC.
79. *Conserve the natural and historic environment of Herefordshire.* Good design requires full consideration of the surrounding environment, its constraints and the opportunities for enhancement, including change for the better. The MWLP sets out a comprehensive approach, addressing exploration, construction, operation, buildings and machinery and people and place across the lifetime of the site and through its aftercare. This will enable sustainable development to be realised.
80. All minerals and waste development will be expected to incorporate robust measures to ensure that the proposed development does not cause unacceptable adverse impacts on either the environment or local communities, many of which can be overcome by implementing standard measures, which are set out in the Plan. Protection of the landscape, townscape, biodiversity, geodiversity, historic environment and heritage assets (whether above or below ground) are all addressed through the MWLP's policies.
81. *Promote links between environmental sustainability and economic growth and well-being.* Minerals and waste management infrastructure is essential to support a modern economy. Minerals provide many of the raw materials necessary for construction, energy and industry and they are therefore essential in helping to sustain economic growth. Therefore the MWLP plans for their supply, whilst at the same time requiring that the impacts of extracting them are kept within acceptable limits. Dealing with waste is a major challenge for society and needs to be addressed alongside other initiatives to improve the sustainability of our environment and economy.

82. The MWLP provides for a network of waste management facilities and appropriate infrastructure to maximise waste as a resource and to avoid significant adverse impacts on the environment and communities.
83. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

## **Equality duty**

84. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows.
85. A public authority must, in the exercise of its functions, have due regard to the need to:
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
86. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
87. Where a decision is likely to result in detrimental impact on any group with a protected characteristic, it must be justified objectively. This means that attempts to mitigate the harm need to be explored. If the harm cannot be avoided, the decision maker must balance this detrimental impact against the strength of legitimate public need to pursue the service change.
88. It is not considered that the MWLP, or its content, has an impact on the council's Equality Duty. All stages of public consultation on the Plan have been made accessible to all (as far as possible) and were made in accordance with the regulatory requirements of the Town and Country Planning (Local Development) (England) Regulations 2012. An Equality Impact Assessment has been produced and is attached at Appendix B. This does not identify any negative impacts and will be kept under review as the MWLP progresses to adoption.
89. In addition, a Consultation Statement (relating to the regulation 19 consultation) will be produced to assist the inspector at the forthcoming examination in public, when determining whether the MWLP has complied with the requirements for public participation and government guidance.
90. Public involvement at all stages of the Plan's production, bar the regulation 19 consultation, was carried out following the approach set out in Herefordshire's



Statement of Community Involvement (SCI), adopted in 2017. Methods included: emails, letters, Facebook, Twitter, council website, cabinet members' newsletter, hard copies of MWLP made available at info points and/or libraries across the county, a presentation to stakeholders and exhibitions open to the public. Responses could be made via online surveys, via email or letter.

91. The country was in lockdown restrictions due to the Covid-19 pandemic during the regulation 19 MWLP consultation in the spring of 2021. This meant that face to face consultation events could not be held and that paper copies of the Plan documents could not be made available at public libraries or other public venues.
92. To assist those who wanted to comment on the publication draft MWLP, a video was produced and posted on the council's MWLP consultation web page. This provided viewers with a summary of the Plan's strategy, its policies and proposals, as well as information on how to get involved with the consultation.
93. It is acknowledged that those without access to a computer or a smart 'phone may have had difficulties in participating with the regulation 19 consultation, but that there were exceptional circumstances prevailing at the time. In other respects, the consultation was carried out in accordance with the SCI, as far as possible.
94. It is considered that the approach to public engagement throughout the plan-making process has been appropriate and that those with protected characteristics were able to fully engage with it.

## Resource implications

95. The production of the MWLP has been funded through the local plan budget and reserves.
96. There will be a continuing need to fund: the production of suggested updates/modifications to the Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA) reports by consultants LUC; the continued work on the MWLP's modifications and its progression through to submission and examination in public (expected in 2022) by Hendeca (specialist minerals and waste planning consultants). This additional funding will also be sourced from local plan reserves.
97. Costs are estimated to be:
  - SA/HRA (LUC) £10,000
  - Hendeca £30,000
  - Examination £50,000

The costs of the examination will include: a Programme Officer; the Planning Inspector's time (at £1,000 per day); venue hire; legal advice/assistance; and technical equipment such as microphones and requirements for optional remote attendance. Costs are based on the estimation that hearings will last for around one week and that the venue will include the main hearing room, plus additional smaller rooms for the Inspector and officers/consultants of the council.

## Legal implications

98. The council is required to produce a MWLP (a DPD) as part of the Herefordshire Local Plan. This will form part of the council's policy framework, once adopted.
99. Under Part 3 Section 3 of the constitution, Cabinet are required to formulate or prepare the documents consisting of the budget and policy framework and shall make recommendations to Council on their implementation. The MWLP, as a DPD pursuant to Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), is one of the documents within the budget and policy framework, on which Cabinet are required to make recommendations to Council, the adoption thereof being a Council function under Part 3 Section 1 of the constitution.
100. Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the MWLP to be submitted to the Secretary of State for independent examination, once the council is satisfied it has complied with procedural requirements on preparation, publication and consultation (section 19 of the Planning and Compulsory Purchase Act 2004 and regulations 18-20), as laid out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
101. There are no legal problems in doing what is proposed.

## Risk management

### Risk / opportunity

- Risk (procedural and financial): the MWLP is found to be unsound at examination.
- Risk (procedural and reputational): not to proceed to the submission and examination stage of the MWLP's production.

### Mitigation

- The risks of the MWLP being found unsound are low, as the appropriate mitigation measures have been employed to ensure that the Plan has been drawn up using specialist mineral and waste planning expertise. Consultants have assisted in collation of the evidence base (BGS, Hendeca and BBLP/WSP) which underpins the MWLP, developed the Plan's policies and proposals (Hendeca), produced the sustainability appraisal and habitats regulations assessments (LUC) and will continue to be engaged in the next stage of the Plan's production (Hendeca); the examination in public. This risk will be managed at service level.
- This would leave the council without an up to date minerals and waste planning policy framework and would effectively create a policy vacuum. This would be contrary to the requirements set out by the assistant Planning Inspector during the Core Strategy examination, who stated that a MWLP was to be produced. It would also mean that the decision making process on minerals and waste planning developments would not stress the importance of taking into account climate change. This would be contrary to the aims of

Herefordshire Council, as set out in its environmental policy.

This risk will be managed at service level.

- Risk (procedural and financial): the introduction of regulatory changes to the planning system before the MWLP reaches examination in public, which may result in the need to follow a new plan production process.
- If the publication draft MWLP is approved to proceed to submission, then it can be submitted to the Secretary of State in the last quarter of 2021. It is therefore likely that the MWLP will fall into any transitional arrangements, which may be set out by government for development plans that have reached this late stage in their production. Note: It is no longer likely that a new planning act will be approved before the end of 2021. Therefore this risk is very low.  
This risk will be managed at service level.
- Risk (procedural): the targets for levels of aggregate production and waste management requirements set out in the MWLP may become increasingly out of date, both during the Plan production process and after the Plan is adopted.
- Resources have been identified to expedite the preparation of the MWLP and to ensure a robust approach has been adopted. Once adopted, the Plan will undergo a 5-yearly review to ensure that it is kept up to date.

The above risks should be entered in the Strategic Planning Risk Register.

## Consultees

102. Herefordshire Council undertook consultations in 2017 and 2019 to inform the draft MWLP, pursuant to the Town and Country Planning (Local Development) (England) Regulations 2012.
103. The first consultation was undertaken on Issues and Options during late summer 2017, over a 6-week period. The second consultation was carried out on the draft MWLP early in 2019, over a 6-week period. A total of 92 representations were received to these two consultation events.
104. Between April and May 2021 public consultation (regulation 19) on the Publication Draft MWLP took place, which provided the opportunity for representations to be made on legal compliance and soundness of the Plan. The tests of soundness are set out in the National Planning Policy Framework. A Plan should be:
  - positively prepared (i.e. does it meet objectively assessed need for minerals and waste?);
  - justified (i.e. is it based on robust evidence and is it the most appropriate strategy when considered against alternatives);
  - effective (i.e. deliverable, flexible and able to be monitored); and
  - consistent with national policy

105. 26 representations were received, with 81 individual points raised.
106. A Consultation Statement will be made available when the MWLP is submitted for examination. This will set out details of the regulation 19 consultation. It will also show: which bodies and persons were invited to make representations, how those bodies and persons were invited to make such representations; a summary of the main issues raised and the council's responses to them.
107. Public involvement in the MWLP's preparation process (up until regulation 19) was carried out following the approach set out in the council's Statement of Community Involvement (SCI) (2017). The SCI is currently being reviewed and updated and will be made available to the Inspector at the MWLP's examination.
108. The council has used a range of methods to engage with all potentially interested parties, in order to ensure they had the opportunity to make representations. Stakeholders and local community members were informed by email or letter about ways to get involved in the consultations. Methods of responding, both on and offline were given, in order to reach the broadest audience possible.
109. The following approaches to consultation were undertaken during the MWLP's preparation:
  - direct mail or email to contacts on the council's database
  - information made available at libraries and information centres across Herefordshire (not at regulation 19)
  - Cabinet members' newsletter
  - Herefordshire Council website
  - Herefordshire Council social media
  - presentations and exhibitions (not face to face at regulation 19)
110. All relevant documentation was made available to download on a dedicated council webpage.
111. During the last round of public consultation at regulation 19, public restrictions due to Covid-19 meant that the usual face to face consultation events and the placing of paper copies of the MWLP and its accompanying documents in local public places could not take be undertaken. However, to assist in reaching as wide a range of consultees as possible, a video presentation was placed on the council's website which provided: an overview of the Plan; its strategy, policies and proposals; as well as information on how to get involved in the consultation.
112. The council has an extensive consultation database, containing over 3,000 contact names. The list includes individual residents, developers, businesses based across the county, parish councils, community and voluntary groups, infrastructure providers, neighbouring authorities, government agencies and elected members.
113. Notification was sent to: parish councils, specified consultees, all those who had registered an interest in Herefordshire planning, stakeholders, industry contacts,

statutory bodies (such as Historic England), utility companies, neighbouring local planning authorities, agents and land owners. The correspondence included details of where to find further information and how to make representations.

114. In addition to the regulatory consultations, the issues and options, draft and publication draft MWLP stages of preparation were fully discussed with adjoining planning authorities as part of the statutory duty to cooperate. As a result memoranda of understanding or statements of common ground have been signed between Herefordshire, Gloucestershire, Worcestershire, Shropshire and Powys minerals and waste planning authorities. These will be revised prior to submission to ensure they contain the most up to date information.
115. It is also proposed that statement of common ground will be produced, prior to submission, with Natural England on matters relating to water quality in the River Wye SAC and the MWLP's policies and proposals.
116. Local members have also kept informed during the MWLP's preparation. In addition to mandatory governance processes prior to the two stages of statutory consultation on the Issues and Options report and the draft MWLP, a Waste Standing Panel was formed, which met three times during 2017 and 2018. The views raised at the meetings of the panel were fed into the draft MWLP's preparation.
117. On 28 September 2020 the publication draft MWLP was considered by General Scrutiny Committee and its recommendations were considered by Cabinet and subsequently incorporated into the Plan's text prior to regulation 19 consultation earlier this year.
118. Consultation has been undertaken with the council's political groups from 13 - 26 August 2021. Four responses were received.
  - Both Cllrs. Andrews and Matthews were happy with the proposed schedule of modifications;
  - Cllr Stark had no concerns since the Publication Draft MWLP has incorporated the alterations suggested by General Scrutiny Committee in September 2020
  - Cllr Watson made three points: a) questioning the use of the word "alleviate" in MM7.f; b) questioning the use of the word "granted" in MM7.s; and c) the need to remove the words "if not betterment" from MC3.p.
119. Cllr Watson's comments are accepted. In reference to the three points raised: a) "alleviate" has been altered to "address" as it is a more appropriate word to use; b) "granted" has been changed to "support" to build consistency throughout the Plan and to reduce the potential for it to be thought that "support" is a lesser level than "granted", which it is not; and c) it was an error for 'betterment' phraseology to have been used and this has therefore been removed.
120. Cabinet considered the draft MWLP and the schedule of main modifications and minor changes at its meeting of 23 September 2021 and recommended their approval to full Council.

## Appendices

Appendix A: Draft Schedule of suggested Main Modifications and Minor Changes (August 2021)


Appendix B: Equality Impact Assessment – Submission MWLP (August 2021)

## Background papers

- [Statement of Community Involvement \(2017\)](#)
- [Publication Draft MWLP \(January 2021\)](#)
- [Annex A to Publication Draft MWLP \(January 2021\)](#)
- [Allocated Sites Appendix to Publication Draft MWLP \(January 2021\)](#)

## Glossary of Abbreviations

|       |  |
|-------|--|
| DPD:  | Development Plan Document  |
| HE:   | Historic England   |
| HIA:  | Historic Impact Assessment   |
| HRA:  | Habitat Regulations Assessment   |
| LUC:  | Name of consultancy producing Sustainability Appraisal and Habitats Regulations reports on the MWLP (previously known as Land Use Consultants) |
| MWLP: | Minerals and Waste Local Plan  |
| NE:   | Natural England  |
| SA:   | Sustainability Appraisal   |
| SAC:  | Special Area of Conservation   |
| SCI:  | Statement of Community Involvement   |



# Herefordshire Minerals and Waste Local Plan

Schedule of Main Modifications and Minor  
Changes proposed pre-Examination

**Kirsten Berry**

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## 1. Introduction

### 1.1 Context

- 1.1.1 The Herefordshire Minerals and Waste Local Plan, Publication Draft (Publication Draft MWLP, or the Plan) was finalised in January 2021 and made available for consultation during the period 12 April 2021 to 24 May 2021.
- 1.1.2 Responses were received from 26 organisations, some of which have led to proposed modifications to the Publication Draft MLWP.
- 1.1.3 In July 2021, the revised National Planning Policy Framework was published, which prompted the need for some modifications to the Publication Draft MLWP.
- 1.1.4 These are set out in this document.

### 1.2 Main Modifications and Minor Changes

- 1.2.1 Suggested changes to policy text arising from the Regulation 19 responses and other updates that are unlikely to change fundamentally the aims or outcomes of the Plan can be proposed as either Main Modifications or Minor Changes and submitted with the consultation version of the Plan to the Planning Inspectorate for Examination.
- 1.2.2 Main Modifications go to soundness and are for consideration in the Examination. Minor Changes (such as typos, simple updates and corrections) are entirely for the clarity of the Plan and should be kept separate.
- 1.2.3 None of the edits proposed within this document are considered fundamentally to change the aims or objectives of the Plan overall; they are simply clarifications either to update the Plan and/or to ensure that the meaning of policy is clear to all using the Plan.
- 1.2.4 However, the council has taken an approach of erring in favour of defining a change as a Main Modification where there is any change to policy, such that it can be tested through the Examination.
- 1.2.5 Some formatting edits have been made to the Publication Draft MWLP, changes such as making text bold, or deleting unnecessary spaces between words or paragraphs. These are not noted as they make no effect on the Plan other than to tidy it up.
- 1.2.6 Tables 1, 2 and 3 present the schedules of proposed edits to the Plan. The following approach has been used:
  - All policy references, paragraph numbers, figure numbers etc are taken from the Herefordshire Minerals and Waste Local Plan, Publication Draft, January 2021.
  - The edits are presented in the order they appear in this version of the Plan.
  - For each edit, information on the proposed change and the reason for that change is given.
  - The amended text is shown in bold text, with new text underlined (**for example**) and deleted text crossed through (~~for example~~).

- The schedules provide only those whole sentences within which an edit has been made. There may be additional text either side of the sentence, but if it is not reported it has not been changed.

## 2. Main Modifications Proposed pre-Examination

2.1.1 Table 1 presents the schedule of Main Modifications proposed to be considered through the MWLP Examination, prior to submission.

2.1.2 Each proposed edit is referenced MMnumber.letter (eg MM4.b) in which:

- MM stands for Main Modification;
- number is the section of the Plan that is being edited; and
- letter is used to identify the order of the Main Modifications within that section eg MM4.a; MM4.b; etc.  
This letter may be updated at the end of the Examination, when all of the Main Modifications have been identified. A letter has been used in this schedule to aid referencing to the Main Modification throughout the Examination. Letters 'i', 'l', and 'o' have not been used as they could be confused for numerals.

2.1.3 Table 2 presents the schedule of Main Modifications to the Key Development Criteria proposed to be considered through the MWLP Examination, prior to submission. These Main Modifications are presented in a separate table for clarity only; they are an integral part of the MWLP.

2.1.4 The edits to the Key Development Criteria have been proposed to:

- incorporate latest advice from a statutory consultee or from the evidence base; or
- to clarify the text.

**Table 1 Schedule of Pre-Submission Main Modifications to the Publication Draft MWLP, January 2021**

| Mod. Ref.   | Paragraph/policy/<br>figure reference | Proposed Modification   | Reason for Change   |
|---|---------------------------------------|---|---|
| <b>Section 4. Vision, Objectives and Spatial Strategy</b> |                                       |   |   |
| MM4.a   | Vision                                | Over the period to 2041, Herefordshire will deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county's communities, <del>protecting</del> <b>conserving</b> and enhancing environmental, heritage and cultural assets and strengthening the local economy.   | To bring text up to date and provide a more forward looking approach.   |
| Table 1 MWLP Objectives                                   |                                       |   |   |
| MM4.b   | Objective 2                           | To prioritise the long-term conservation of primary minerals through enabling provision of sustainable alternatives, effective use of mineral <del>reserves</del> <b>resources</b> , and promoting efficient use of minerals in new development.  | To replace text with the correct terminology and to ensure the principle is applied more widely than just permitted reserves. |
| MM4.c   | Objective 3 (new)                     | To safeguard appropriate mineral and waste resources, and associated transport infrastructure, within Herefordshire.  | To replace the missing objective.   |
| MM4.d   | Objective 11                          | To address the causes and impacts of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste operations and reclamation activity to <b>decarbonise, to</b> mitigate and adapt to climate change and to leave a positive legacy.   | To incorporate a request made in representation and to explicitly recognise the objective to achieve decarbonisation.         |
| <b>Section 5. Strategic Policy and General Principles</b> |                                       |   |   |
| MM5.a   | 5.1.8 (new)                           | <b><u>Each of the site allocations made in policy of the MWLP is accompanied by key development criteria. To avoid repetition and for clarity in the MWLP, these criteria are provided in the Site Allocation appendix and set out at section 9 of the MWLP; however, they are referenced within and form a part of each policy within which they are referenced.</u></b> | To address comment raised in representation and to clarify the policy status of the key development criteria.                 |

| Mod. Ref. | Paragraph/policy/<br>figure reference    | Proposed Modification  | Reason for Change  |
|-----------|--|--|--|
| MM5.b     | 5.3.1<br>(new sentence)                  | <b><u>In addition, the railheads at Moreton-on-Lugg (operational) and at Moreton Business Park (not-operational) provide the opportunity to increase non-road based transport.</u></b>   | To address comment raised in representation that railheads in Herefordshire were not appropriately recognised. |
| MM5.c     | Policy SP1 (new text at start of policy) | <b><u>Development proposals will be supported where they adopt sustainable design principles, construction methods and procurement policies. This includes using the minimal amount of primary materials, reusing or facilitating the recycling of wastes and materials generated on site and using alternative construction materials sourced from secondary and recycled aggregates.</u></b> | To ensure the policy is explicit about the intended outcome.   |
| MM5.d     | Policy SP1/2                             | requiring <b><u>all applicants to submit</u></b> <del>submission of</del> a Resource Audit that identifies the quantum required and approach to sourcing construction materials, the amount and type of waste that is expected to be produced by the development and end of life considerations for the development materials.   | To ensure the policy is explicit about who is expected to submit the Resource Audit.                           |
| MM5.e     | 5.5.14                                   | New development requires significant volumes of construction materials, and the facilities provided on site can affect <del>how it performs</del> <b><u>the sustainability of that development</u></b> through its operational lifetime.   | To improve clarity in the text.  |
| MM5.f     | Policy SP2/1                             | Planning permission will be <del>granted</del> <b><u>supported</u></b> for mineral development proposals that optimise opportunities to improve public access to open spaces, integrating historic context and green infrastructure as appropriate.  | To make the policy text consistent throughout the MWLP.  |
| MM5.g     | Policy SP3                               | Planning permission will be <del>granted</del> <b><u>supported</u></b> for minerals or waste development where it is demonstrated that the arrangements for the transport of mineral, waste or other materials ...   | To make the policy text consistent throughout the MWLP.  |
| MM5.h     | 5.11.9                                   | As a starting point, developers should refer to the particular issues identified in the key development criteria <del>(section 9)</del> established for <del>the</del> <b><u>each</u></b> allocated sites and the Green Infrastructure Strategy already in place.  | To ensure that the KDC are recognised as an element of policy under which each site is allocated.              |

| Mod. Ref.                  | Paragraph/policy/<br>figure reference | Proposed Modification  | Reason for Change  |
|----------------------------|---------------------------------------|--|--|
| <b>SECTION 6. Minerals</b> |                                       |  |  |
| MM6.a                      | Policy M2/1a                          | the development would not sterilise or prejudice the future extraction of the mineral resource because it can be demonstrated that the resource: is not of economic value; occurs at depth and can be extracted in an <b>economically viable</b> alternative way; does not exist; or has been sufficiently depleted by previous extraction; or | To reflect request made in representation and to explicitly recognise that mineral extraction needs to be economically viable, and to correct the grammar. |
| MM6.b                      | Policy M2/2                           | Where the operation of an existing mineral working, <b>including associated infrastructure</b> , could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant shall be required to provide suitable mitigation before the new development is completed.                                | To ensure the policy is explicit that the agent of change principle applies to infrastructure as well as working.  |
| MM6.c                      | 6.2.3                                 | <b><u>To this end, policy M3 has been drafted on the assumption that reserve in Herefordshire supplies 100% of the forecast sand and gravel demand.</u></b>  | To clarify this position.  |
| MM6.d                      | 6.2.9                                 | <del>In addition to</del> <b>As part of</b> this policy framework, the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal.  | To ensure that the KDC are recognised as an element of policy under which each site is allocated.  |
| MM6.e                      | Policy M3/2a                          | Specific Sites (presented in alphabetical order) subject to the key development criteria <b>set out at section 9:</b>  | To ensure that the KDC are recognised as an element of policy under which each site is allocated.  |
| MM6.f                      | Policy M3/3                           | Only where it is demonstrated to be necessary to maintain an adequate landbank or there is a shortfall in production capacity available at the Specific Sites or Preferred Areas of Search, will sand and gravel extraction <del>will</del> be supported in any other area of <b>reserve resource</b> .  | To replace text with the correct terminology.  |
| MM6.g                      | 6.2.12                                | <b><u>To this end, policy M4 has been drafted on the assumption that reserve in Herefordshire supplies 100% of the forecast crushed rock demand.</u></b>   | To clarify this position.  |

| Mod. Ref.               | Paragraph/policy/<br>figure reference | Proposed Modification  | Reason for Change   |
|-------------------------|---------------------------------------|--|---|
| MM6.h                   | 6.2.18                                | <b>In addition to As part of</b> this policy framework, the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal.   | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.j                   | Policy M4/2a                          | Specific Sites (presented in alphabetical order) subject to the key development criteria <b>set out at section 9</b> :   | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.k                   | Policy M4/3                           | Only where it is demonstrated to be necessary in order to maintain an adequate landbank or there is a shortfall in production capacity available at the Specific Sites or Preferred Areas of Search, will limestone extraction be supported in any other area of <b>reserveresource</b> .  | To replace text with the correct terminology.   |
| MM6.m                   | 6.3.6                                 | <b>In addition to As part of</b> this policy framework, the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal.   | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.n                   | Policy M5/1b                          | the lateral extension and/or deepening of workings at the following consented sandstone extraction sites, subject to the key development criteria <b>set out at section 9</b> :  | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| <b>SECTION 7. Waste</b> |                                       |  |   |
| MM7.a                   | 7.2.15                                | <del><b>In November 2018, judgement was handed down from the Court of Justice of the European Union in the case of Cooperatie Mobilisation (Joined Cases C-293/17 and C-294/17, the ‘Dutch Case’). The Dutch Case concluded that where a site is failing in its water quality objectives, and is therefore classed as being in an unfavourable condition, there is limited scope for the approval of additional damaging effects and that the future benefit of mitigation measures cannot be relied upon at Appropriate Assessment, where those benefits are uncertain at the time of the assessment.</b></del> | To delete text that repeats the content of paragraph 3.3.36.                                      |

| Mod. Ref. | Paragraph/policy/<br>figure reference | Proposed Modification  | Reason for Change   |
|-----------|---------------------------------------|--|---|
| MM7.b     | 7.2.16                                | <del>Herefordshire Council subsequently prepared a Position Statement titled 'Current Development in the River Lugg catchment Area' dated 15 October 2019 (the 'Herefordshire Council Position Statement'. The Herefordshire Council Position Statement advises (on page 2) that:</del>  | To update the text recognising that this was no longer the most recent document on the matter.  |
| MM7.c     | 7.2.17                                | <del>'There remains potential for a positive Appropriate Assessment to enable development to proceed, on Natural England's advice, where it can be demonstrated that any impacts would be neutral (where avoidance / mitigation measures included in the plan or project, counterbalance any nutrient (phosphate) increase from the plan or project), or would lead to 'betterment.'</del>   | To update the text.   |
| MM7.d     | 7.2.25<br>As modified: 7.2.22         | The waste management practices available to the agricultural sector are wide-ranging and varied, and can be expected to change over the plan period, <del>for example Defra is due to publish the Farm Emissions Reduction Plan in 2020, which will also provide a framework of actions.</del>   | To update the text.   |
| MM7.e     | 7.2.26 (new)<br><br>FN50 (new)        | <b><u>The Agriculture and Horticulture Development Board (AHDB) purpose is 'to inspire our farmers, growers and industry to succeed in a rapidly changing world. We equip the industry with easy to use, practical know-how, which they can apply straight away to make better decisions and improve their performance.'</u> It is operated as a statutory levy board and is funded by farmers, growers and others in the supply chain.</b><br><br><a href="https://ahdb.org.uk/">https://ahdb.org.uk/</a> | To incorporate guidance as advised by Herefordshire Ecology & Arboriculture Officer (Planning). |
| MM7.f     | 7.2.27 (new)                          | <b><u>The AHDB provides a wide range of advice to farmers and has prepared a Nutrient Management Guide (RB209 ) to explain the value of nutrients, soil and why good nutrient management is about more than just fertiliser</u></b>  | To incorporate guidance as advised by Herefordshire Ecology & Arboriculture Officer (Planning). |



| Mod. Ref. | Paragraph/policy/<br>figure reference | Proposed Modification   | Reason for Change  |
|-----------|---------------------------------------|---|--|
|           | FN51 (new)                            | <b><u>application. Updates are also available on the website. This advice (as may be amended over time) should be referenced in any development proposal.</u></b><br><br><a href="https://ahdb.org.uk/RB209">https://ahdb.org.uk/RB209</a>  |  |
| MM7.g     | 7.2.28 (new)<br><br>FN 52 (new)       | <b><u>The River Wye SAC NMP River Lugg Catchment Position Statement (April 2021) provides advice on new thresholds relevant to discharges made within the surface or groundwater catchment of a designated site. This advice (as may be amended over time) should be referenced in any development proposal.</u></b><br><br><b><u>Advice regarding nutrient neutrality is likely to change throughout the plan period. Up to date guidance available on Herefordshire Council's website should be consulted in understanding the current approach to nutrient neutrality.</u></b> | To update the text.  |
| MM7.h     | 7.2.29 (new)                          | <b><u>Any development proposal located within the catchment of the River Wye SAC can bring a risk of increased phosphate entering the designated site. It is likely that an appropriate assessment will be required to consider the likely significant effect of that project, along with any measures that may be implemented to address the risk.</u></b>   | To reflect the latest advice from NE.                                  |
| MM7.j     | Policy W3,3                           | All development proposals will be required to demonstrate <del>delivery of a net reduction in nutrient discharges contributing to at least</del> nutrient neutrality, <del>or betterment</del> , within the River Wye SAC.  | To address comment raised in representation and to clarify the policy. |
| MM7.k     | Policy W4                             | Planning permission will be <del>granted to supported for</del> the statutory water and sewerage undertaker to extend, upgrade, or make provision for new infrastructure necessary to ensure the statutory undertaker can continue to undertake its duty to supply potable water and treat foul flows.  | To make the policy text consistent throughout the MWLP.                |

| Mod. Ref. | Paragraph/policy/figure reference | Proposed Modification   | Reason for Change   |
|-----------|-----------------------------------|---|---|
|           |                                   | Works undertaken <del>should contribute to achieving</del> <b>will be required to demonstrate at least</b> nutrient neutrality, <del>or betterment,</del> within the River Wye SAC.   | To address comment raised in representation and to clarify the policy.  |
| MM7.m     | Policy W5/3                       | at the following locations (presented in alphabetical order) subject to the key development criteria <del>set out at section 9:</del>   | To ensure that the KDC are recognised as an element of policy under which each site is allocated.   |
| MM7.n     | Policy W6/2a                      | Former Lugg Bridge Quarry, subject to the key development criteria <del>set out at section 9;</del>   | To ensure that the KDC are recognised as an element of policy under which each site is allocated.   |
| MM7.p     | Policy W6/2b                      | strategic employment areas and industrial estates, subject to the key development criteria <del>set out at section 9;</del>   | To ensure that the KDC are recognised as an element of policy under which each site is allocated.   |
| MM7.q     | Policy W6/3                       | The sustainable disposal of inert wastes will be delivered at the following locations (presented in alphabetical order) subject to the key development criteria <del>set out at section 9:</del>  | To ensure that the KDC are recognised as an element of policy under which each site is allocated.   |
| MM7.r     | Policy W7/1                       | Facilities for the reuse, recycling or recovery of materials <del>shall</del> <b>will</b> be supported where it is demonstrated that the proposed development will enable delivery of the waste hierarchy and/or make a positive contribution to achieving the circular economy in Herefordshire.   | To make the policy text consistent throughout the MWLP.   |
| MM7.s     | Policy W7/2                       | Facilities for the recovery of energy <del>shall</del> <b>will</b> only be supported where it is demonstrated:  | To make the policy text consistent throughout the MWLP.   |
| MM7.t     | Policy W7/3                       | Proposals for new landfill or landraising facilities or extensions to existing facilities <del>shall</del> <b>will</b> be supported where it is demonstrated that:<br><b>a.</b> the proposed development will enable delivery of the waste hierarchy; <b>and</b><br><b>b.</b> the proposed <del>development</del> <b>development</b> incorporates measures for safe working and satisfactory reclamation, particularly in accordance with policy SP4. | To make the policy text consistent throughout the MWLP.<br><br>Amended formatting and tidying up the terminology to clarify the text of the policy. |

| Mod. Ref.                                  | Paragraph/policy/<br>figure reference       | Proposed Modification   | Reason for Change   |
|--|---|---|---|
| MM7.u                                      | Policy W7/4                                 | <del>4-</del> Planning permission may be <b>granted-supported</b> if these expectations are demonstrated to be unachievable but that a material level of benefit is otherwise gained and no unacceptable adverse impact results from the proposed development.  | Amended formatting to clarify the text of the policy.             |
| <b>Section 9. Key Development Criteria</b> |   |   |   |
| MM9.a                                      | 9.1.1                                       | Each allocated site is subject to a number of key development criteria, <b>which form part of the policy</b> . These criteria <b>simply</b> identify <del>the</del> key matters that will be required to be carefully and comprehensively considered in preparing any development project at an allocated site. | To clarify the purpose of the KDC.                                |
| MM9.b                                      | 9.1.2                                       | The key development criteria do not replace development management policy; they are <b>a part of the policy within which they are referenced and are</b> additive to the requirements of all other policies within the development plan relevant to the project being proposed.                                 | To clarify the purpose of the KDC.                                |
| MM9.c                                      | 9.1.4                                       | <b>In-addition,</b> The key development criteria are <b>also</b> presented, along with site mapping, in the Allocated Sites Appendix. The Allocated Sites Appendix is unlikely to be suitable for users of assisted technology, <b>whilst Table 9 has been prepared to be easier to read.</b>                   | To clarify the purpose of the KDC.                                |
| MM9.d                                      | Table 9 Key Development Criteria            | These changes are shown in Table 2  |   |
| <b>Section 10. Glossary</b>                |   |   |   |
| MM10.a                                     | Appropriate assessment                      | Process for assessing impacts on <del>European sites</del> <b>National Network Sites</b> , habitats or species. It is a decision making tool.   | To update the terminology.  |
| MM10.b                                     | <b>Conservation of Habitats and Species</b> | <b>The abbreviated term used for the Conservation of Habitats and Species Regulations (England and Wales) 2017; as amended by the Conservation of Habitats and Species and</b>  | To update the terminology and reflect recent legislative changes. |

| Mod. Ref. | Paragraph/policy/<br>figure reference        | Proposed Modification  | Reason for Change  |
|-----------|--|--|--|
|           | <b><u>Regulations 2017 (as amended).</u></b> | <b><u>Planning (Various Amendments) (England and Wales) Regulations 2018; and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.</u></b>   |  |
| MM10.c    | Green Infrastructure                         | <del><b><u>A planned and delivered network of green spaces and other environmental features designed and managed as a multifunctional resource providing a range of environmental and quality of life benefits for local communities. Green infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.</u></b></del> | To update the Plan reflecting the new NPPF.                                      |
|           |  | <b><u>A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.</u></b>  |  |
| MM10.d    | Habitats Regulation Assessment               | A Habitats Regulations Assessment is the assessment of the impacts of implementing a plan or policy on a <del><b><u>Natura 2000 National Network Site.</u></b></del>   | To update the terminology.   |
| MM10.e    | <b><u>National Network Site(s)</u></b>       | <b><u>The group terminology given to SAC, SPA and Ramsar Sites under the Conservation of Habitats and Species Regulations 2017 (as amended).</u></b>   | To update the terminology.   |
| MM10.f    | <b><u>Nutrient</u></b>                       | <b><u>The ecology of the River Wye SAC including the River Lugg and its catchment are sensitive to nitrate and phosphate concentration. Nitrate and phosphate are nutrients that promote algal growth, affecting the conservation objectives of the SAC.</u></b>   | To address comment raised in representation and to clarify the text of the MWLP. |
| MM10.g    | <b><u>Nutrient neutrality</u></b>            | <b><u>The means of ensuring that development does not add to existing nutrient burdens and provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).</u></b>   | To address comment raised in representation and to clarify the text of the MWLP. |

| Mod. Ref.                          | Paragraph/policy/<br>figure reference | Proposed Modification   | Reason for Change   |
|------------------------------------|---------------------------------------|---|---|
|                                    |                                       | <b><u>Advice regarding nutrient neutrality is likely to change throughout the plan period. Up to date guidance available on Herefordshire Council's website should be consulted in understanding the current approach to nutrient neutrality.</u></b>   |   |
| MM10.h                             | SAC                                   | <b><u>A Special Area of Conservation (SAC) is one given greater protection under Conservation of Habitats and Species Regulations 2017 (as amended). They have been designated because of a possible threat to the special habitats or species which they contain and to provide increased protection to a variety of animals, plants and habitats of importance to biodiversity both on a national and international scale. is defined in the European Union's Habitat Directive (92/43/EEC), also known as the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora.</u></b> | To update the terminology and reflect recent legislative changes. |
| MM10.j                             | SPA                                   | <b><u>A Special Protection Area (SPA) is designated under Conservation of Habitats and Species Regulations 2017 (as amended). Post transition the UK is still required to identify internationally important areas for breeding, over-wintering and migrating birds and designate them as SPA. is a designation under the European Union Directive on the Conservation of Wild Birds. Under the Directive, Member States of the European Union (EU) have a duty to safeguard the habitats of migratory birds and certain particularly threatened birds.</u></b>   | To update the terminology and reflect recent legislative changes. |
| <b>On-line interactive mapping</b> |                                       |   |   |
| Webpage mapping                    |                                       | <b>To include Minerals Safeguarded Areas including railheads</b>  | To correct an omission found in the on-line resource              |

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**Table 2 Key Development Criteria: Schedule of Pre-Submission Main Modifications to the Publication Draft MWLP, January 2021**

| Mod. Ref | Site Name and Policy                        | Key Development Criteria   |
|----------|---|--|
| MM9.d.1  | <b>Black Hill Delve</b><br>Policy M5(1,a&b) | <p><b>Archaeology and geodiversity:</b> Need to demonstrate the potential for archaeological remains or geological features to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Ancient Woodland:</b> Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p><b>Black Mountains SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>Dark Skies:</b> Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 8. Site design should deliver a net gain in biodiversity, linking priority habitats, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Located in the St. Maughans sandstone bedrock formation, classified a secondary aquifer. Need to demonstrate <del>the</del> potential risks <del>for</del>to the water environment, <b><u>including abstractions (public and private supply) wells and springs.</u></b></p> <p><b>MOD Low Fly Zone:</b> Need to demonstrate the level of effect on the current and likely future operations within the MOD Low Fly Zone.</p> <p><b>River Monnow:</b> Need to demonstrate the level of effect on water quality and hydrology of the River Monnow.</p> <p><b>Site Access:</b> Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p> |

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| Mod. Ref | Site Name and Policy                  | Key Development Criteria  |
|----------|---------------------------------------|---|
| MM9.d.2  | <b>Callow Delve</b><br>Policy M5(1,a) | <p><b>Ancient Woodland:</b> Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p><b>Dark Skies:</b> Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Located within the Brownstones formation, classified a secondary aquifer and adjacent to a groundwater spring source protection zone for public drinking water supply. Need to demonstrate <del>the</del> potential risks to the water environment, including <del>private drinking water supply</del> <b>abstractions (public and private supply) wells and springs.</b></p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> <b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment.</del></p> <p><b>Site Access:</b> Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p> <p><b>Woodland at Welsh Newton &amp; Callow Hill LWS:</b> Need to demonstrate the likely effect on the key features of the designated site.</p> <p><b>Wye Valley Woodlands SAC and Wye Valley &amp; Forest of Dean Bat Sites SAC:</b> An Appropriate Assessment is required to demonstrate <del>the no</del> likely significant effect(s) on the SAC. Need to demonstrate how habitat severance for horseshoe bats will be prevented, which may require the periphery woodland to be retained.</p> |

| Mod. Ref | Site Name and Policy                               | Key Development Criteria  |
|----------|--|---|
| MM9.d.3  | <b>Former City Spares Site</b><br>Policy W5(3)     | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Contaminated land:</b> Recognising the site as a former car breakers' yard, there is a high potential for contaminated land. The site is located within a drinking water protected area. Need to demonstrate how any contamination on site will be identified and remediated, particularly with reference to protection of drinking water.</p> <p><b>Landscape:</b> The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Hereford. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> <b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Veteran tree:</b> Need to demonstrate level of effect on ancient black poplar located to the north of the site.</p>   |
| MM9.d.4  | <b>Former Lugg Bridge Quarry</b><br>Policy W6(1,a) | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 2, District Enhancement Zone 2 and Hereford Fringe Zone 1. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>Little Lugg River:</b> Need to demonstrate the level of effect on water quality and hydrology of the Little Lugg River.</p> <p><b>River Lugg SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> <b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> |

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| Mod. Ref | Site Name and Policy  | Key Development Criteria   |
|----------|---|--|
|          |   | <p><b>Site reclamation:</b> Due to the site having a mineral working history and rural location it is required to be reclaimed at the earliest opportunity should current operations cease (as consented under references: 131870/N, dated 22.07.2013; 151184, dated 10.11.2015; and 162032, dated 02.12.2016.</p> <p><b>Utilities:</b> Utility infrastructure (gas) that cross the site may require diversion or a non-working buffer to enable the site to be worked.</p>  |
| MM9.d.5  | <p><b>Hereford Enterprise Zone (Rotherwas Industrial Estate)</b><br/>Policy W5(2)</p> | <p><b>Ancient Woodland:</b> Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Contaminated land:</b> Recognising the site as a former munitions factory, there is a high potential for contaminated land. The site is located within a drinking water protected area. Need to demonstrate how any contamination on site will be identified and remediated, particularly with reference to protection of drinking water.</p> <p><b>Flood Risk:</b> Site-specific flood risk assessment required to demonstrate compliance with Local Development Order. Reference should be made to the Drainage and Flood Management Strategy (2009 and as amended).</p> <p><b>Hampton Grange medical facility:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of this medical facility.</p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s), particularly listed buildings and the scheduled monuments Rotherwas House and Rotherwas Chapel.</p> <p><b>Landscaping:</b> Site design should deliver a net gain in biodiversity, linking priority habitat, and providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p><b>Pool at Rotherwas LWS:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>River Wye:</b> Need to demonstrate the level of effect on water quality and hydrology of the River Wye.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> <b>likely significant effect(s)</b> on the SAC. Development <del>should</del> <b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> |

| Mod. Ref | Site Name and Policy   | Key Development Criteria  |
|----------|--|---|
|          |  | <p><b>River Wye SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>Veteran tree:</b> Need to demonstrate level of effect on ancient black poplars located within the site, with a priority given to avoidance.</p>  |
| MM9.d.6  | <b>Holmer Road</b><br>Policy W5(2)                                   | <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p><b>Hereford AQMA:</b> Need to demonstrate the level of effect on air quality, particularly within the Hereford AQMA.</p> <p><b>Landscaping:</b> Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del><b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Road network:</b> Need to demonstrate the level of effect on the local road network in the vicinity of the site.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (housing and schools).</p> |
| MM9.d.7  | <b>Kington Household Waste and Recycling Centre</b><br>Policy W5(3)  | <p><b>Landscape:</b> The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Kington. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del><b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p>  |
| MM9.d.8  | <b>Land between Little Marcle Road and Ross Road</b><br>Policy W5(2) | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p>   |

| Mod. Ref | Site Name and Policy                              | Key Development Criteria  |
|----------|---|---|
|          |   | <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p><b>Landscape:</b> The site is set at a lower level than surrounding land but occupies a position on the south western boundary of Ledbury. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Leadon:</b> Need to demonstrate the level of effect on water quality and hydrology of the River Leadon.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (housing, hotel and picnic site).</p>   |
| MM9.d.9  | <p><b>Leinthall Quarry</b><br/>Policy M4(2,a)</p> | <p><b>Dark Skies:</b> Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p><b>Downton Gorge SAC:</b> An Appropriate Assessment is required to demonstrate the likely significant effect(s) on the SAC.</p> <p><b>Geodiversity:</b> Need to demonstrate the level of effect on geodiversity and incorporate mitigation measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 9. Site design should deliver a net gain in biodiversity, linking priority habitats, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Located within the hard rock of the Silurian Aymestry Limestone Formation, classified as a secondary aquifer. Need to demonstrate <del>the</del> potential risks to the water environment, <b><u>including abstractions (public and private supply) wells and springs.</u></b></p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage assets and their settings, particularly <del>of</del> Croft Ambrey Hill Fort and Croft Castle Park.</p> <p><b>Phased working:</b> Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted.</p> |

| Mod. Ref | Site Name and Policy                                      | Key Development Criteria  |
|----------|---|---|
|          |   | <p><b>River Teme SSSI and River Lugg SSSI:</b> Need to demonstrate the level of effect on the key features of these designations.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (housing)</p> <p><b>Veteran tree:</b> Need to demonstrate level of effect on ancient yew tree located to the south of the site.</p>  |
| MM9.d.10 | <p><b>Leominster Enterprise Park</b><br/>Policy W5(2)</p> | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p><b>Landscape:</b> The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Leominster. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Lugg:</b> Need to demonstrate the level of effect on water quality and hydrology of the River Lugg.</p> <p><b>River Lugg SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> <b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (schools, cemetery and associated place of worship).</p> <p><b>Source Protection Zone 3:</b> Need to demonstrate how any pathways for contamination will be identified and avoided.</p> |

| Mod. Ref | Site Name and Policy   | Key Development Criteria   |
|----------|--|--|
|          | <p><b>Leominster Household Waste Site and Household Waste Recovery Centre</b><br/>Policy W5(3)</p> | <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s).</p> <p><b>Landscaping:</b> Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Lugg:</b> Need to demonstrate the level of effect on water quality and hydrology of the River Lugg.</p> <p><b>River Lugg SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> <b>will be required to</b> demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p>   |
| MM9.d.11 | <p><b>Llandraw Delve</b><br/>Policy M5(1,a&amp;b)</p>  | <p><b>Dark Skies:</b> Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 8. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Located in the St. Maughans sandstone bedrock formation, classified a secondary aquifer and proximate to the side of the Black Mountains where many springs and watercourses issue off the slopes. Need to demonstrate <del>the</del> potential risks <del>for</del> to the water environment, <b>including abstractions (public and private supply) wells and springs.</b></p> <p><b>MOD Danger Area and Low Fly Zone:</b> Need to demonstrate the level of effect on the current and likely future operations within the MOD Danger Area and Low Fly Zone.</p> <p><b>River Monnow:</b> Need to demonstrate the level of effect on water quality and hydrology of the River Monnow.</p> <p><b>Site Access:</b> Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p> |

| Mod. Ref | Site Name and Policy                         | Key Development Criteria   |
|----------|--|--|
| MM9.d.12 | <b>Model Farm</b><br>Policy W5(2)            | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p><b>Landscape:</b> The site is set at a lower level than surrounding land but occupies a position on the eastern side of Ross-on-Wye. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Wye Valley AONB:</b> Need to demonstrate the level of effect on the AONB.</p> <p><b>Source Protection Zone 2:</b> Need to demonstrate how any pathways for contamination will be identified and avoided.</p> |
| MM9.d.13 | <b>Moreton Business Park</b><br>Policy W5(2) | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Ancient Woodland:</b> Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s), particularly <del>listed buildings and</del> Sutton Walls Hillfort, <b><u>St Mary's Church and the historic core of Malden and other listed buildings.</u></b></p>   |

| Mod. Ref | Site Name and Policy                           | Key Development Criteria   |
|----------|--|--|
|          |  | <p><b>Landscape:</b> The site is set at a lower level than surrounding land but occupies a rural position. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p><b>Rail:</b> Need to demonstrate the potential to use the rail network for the transport of materials or that the proposal does not prevent future use of the rail infrastructure available within the site.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <u>at least</u> nutrient neutrality <del>or betterment</del>.</p> <p><b>Wellington Brook and Moreton Brook:</b> Need to demonstrate the level of effect on water quality and hydrology of these watercourses.</p> <p><b>Wellington Marsh LWS:</b> Need to demonstrate the level of effect on the key features of this designation.</p>  |
| MM9.d.15 | <p><b>Perton Quarry</b><br/>Policy M4(2,a)</p> | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Dark Skies:</b> Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p><b>Geodiversity, Perton Roadside Section and Quarry SSSI:</b> Need to demonstrate the level of effect on geodiversity and incorporate mitigation measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 3. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Located within the Silurian Limestones and shales of the Woolhope Dome structure, classified as a secondary aquifer. Need to demonstrate <del>the</del> potential risks to the water environment, <u>including abstractions (public and private supply) wells and springs</u>.</p> |

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| Mod. Ref | Site Name and Policy   | Key Development Criteria  |
|----------|--|---|
|          |  | <p><b>Heritage assets: Need to demonstrate less than substantial harm on Registered Park and Garden Stoke Edith</b></p> <p><b>Peregrine Falcons:</b> This is a species protected under Schedule 1 of the Wildlife and Countryside Act 1981.</p> <p><b>Phased working:</b> Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted.</p> <p><b>River Lugg SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (housing).</p>                     |
| MM9.d.16 | <p><b>Shobdon Quarry</b></p> <p>Policy M3(2,a)</p> <p>Policy W6(2)</p> | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p><b>Geodiversity:</b> Need to demonstrate the level of effect on geodiversity and incorporate mitigation measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Green infrastructure and reclamation:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Enhancement Zone 2. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> |



| Mod. Ref | Site Name and Policy            | Key Development Criteria  |
|----------|---------------------------------|---|
|          |                                 | <p><b>Ground water:</b> Glaciofluvial sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Need to demonstrate <del>the</del> potential risks to the water environment, <b><u>including abstractions (public and private supply) wells and springs.</u></b></p> <p><b>Housing:</b> Need to demonstrate the level of effect on residential amenity at nearby properties.</p> <p><b>Pinsley Brook:</b> Need to demonstrate the level of effect on water quality and hydrology in Pinsley Brook.</p> <p><b>Phased working:</b> Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b><u>at least</u></b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Shobdon Airfield:</b> Need to demonstrate the level of effect on the current and likely future operations of Shobdon Airfield.</p>                                |
| MM9.d.17 | Southern Avenue<br>Policy W5(2) | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b><u>less than substantial harm</u></b> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p><b>Landscape:</b> The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Leominster. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Lugg:</b> Need to demonstrate the level of effect on water quality and hydrology of the River Lugg.</p> <p><b>River Lugg SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> |

| Mod. Ref | Site Name and Policy                             | Key Development Criteria   |
|----------|--|--|
|          |  | <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del><b>the</b> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (schools, cemetery and associated place of worship).</p> <p><b>Source Protection Zones 1 and 2:</b> Need to demonstrate how any pathways for contamination will be identified and avoided.</p>   |
| MM9.d.18 | <b>Sunnybank Delve</b><br>Policy M5(1,a)         | <p><b>Dark Skies:</b> Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 8. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>Housing:</b> Need to demonstrate the level of effect on residential amenity at nearby properties.</p> <p><b>MOD Danger Area and Low Fly Zone:</b> Need to demonstrate the level of effect on the current and likely future operations within the MOD Danger Area and Low Fly Zone.</p> <p><b>Pikes Farm Meadows SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p>   |
| MM9.d.19 | <b>Three Elms Trading Estate</b><br>Policy W5(2) | <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p><b>Landscaping:</b> Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del><b>the</b> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (housing and schools).</p> <p><b>Yazor Brook:</b> Need to demonstrate the level of effect on water quality and hydrology of the Yazor Brook.</p> |

| Mod. Ref | Site Name and Policy  | Key Development Criteria   |
|----------|---|--|
| MM9.d.20 | <b>Upper Lyde Quarry</b><br>Policy M3 (2,a)<br>Policy W6(2) | <p><b>Archaeology:</b> Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Geodiversity:</b> Need to demonstrate the level of effect on geodiversity and incorporate avoidance, mitigation and monitoring measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Green infrastructure and reclamation:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 2 and Hereford Fringe Zone 4. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Glaciofluvial sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Need to demonstrate <del>the</del> potential risks to the water environment, <b><u>including abstractions (public and private supply) wells and springs.</u></b></p> <p><b>Housing:</b> Need to demonstrate the level of effect on residential amenity at nearby properties.</p> <p><b>Phased working:</b> Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted.</p> <p><b>River Lugg:</b> Need to demonstrate the level of effect on water quality and hydrology of these watercourses.</p> <p><b>River Lugg SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b><u>at least</u></b> nutrient neutrality <del>or betterment.</del></p> <p><b>Road network:</b> Highways England identifies the site as located near to the strategic road network. Need to demonstrate the level of effect on the local road network in the vicinity of the site.</p> |

| Mod. Ref | Site Name and Policy  | Key Development Criteria  |
|----------|---|---|
| MM9.d.21 | <p><b>Wellington Quarry</b></p> <p>Policy M3(2,a)</p> <p>Policy W6(2)</p> | <p><b>Archaeology and geodiversity:</b> Need to demonstrate the potential for archaeological remains or geological features to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere (<b>including Leystone Bridge</b>); and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p><b>Footpath:</b> Wellington footpaths 23, 23A and 34 cross the site and may require diversion or a non-working buffer such that the amenity value and connectivity of the footpaths are maintained.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 1 and District Enhancement Zone 3. Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Glaciofluvial sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Need to demonstrate <del>the</del> potential risks to the water environment, <b>including abstractions (public and private supply) wells and springs.</b></p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect less than substantial harm</del> on heritage asset(s) and their setting(s) particularly <b>Sutton Walls Hillfort, St Mary’s Church and the historic core of Malden and other</b> listed buildings <del>and Sutton Walls Fort.</del></p> <p><b>Marches Line:</b> A non-working buffer may be required such that railway safety is maintained.</p> <p><b>Otter:</b> Detail protected species survey required to determine any site-specific mitigation and protection measures.</p> <p><b>Phased working:</b> Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted.</p> <p><b>River Lugg and Wellington Brook:</b> Need to demonstrate the level of effect on water quality and hydrology of these watercourses.</p> <p><b>River Lugg LWS and SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> |

| Mod. Ref | Site Name and Policy                                     | Key Development Criteria   |
|----------|--|--|
|          |  | <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Road network:</b> Highways England identifies this site as located near to the strategic road network. Need to demonstrate the level of effect on the A49 and that vehicles can access and leave the site, to and from the public highway, safely.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (school and housing).</p> <p><b>Utilities:</b> Utility infrastructure (high pressure gas, water mains and foul sewer) that cross the site may require diversion or a non-working buffer to enable the site to be worked.</p>  |
| MM9.d.22 | <p><b>Westfields Trading Estate</b><br/>Policy W5(2)</p> | <p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p><b>Hereford AQMA:</b> Need to demonstrate the level of effect on air quality, particularly within the Hereford AQMA.</p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p><b>Landscaping:</b> Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p><b>Plough Lane LWS, Widemarsh Brook LWS and Yazor Brook LWS:</b> Need to demonstrate the level of effect on the key features of these designations.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (schools).</p> |

| Mod. Ref | Site Name and Policy  | Key Development Criteria   |
|----------|---|--|
|          |   | <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del>the likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Widemarsh Brook and Yazor Brook:</b> Need to demonstrate the level of effect on water quality and hydrology of the Yazor Brook.</p>  |
| MM9.d.23 | <p><b>Westonhill Wood Delves</b><br/>Policy M5(1,a&amp;b)</p> | <p><b>Airfield:</b> Need to demonstrate the level of effect on the current and likely future operations of the nearby airfield.</p> <p><b>Ancient Woodland:</b> Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p><b>Archaeology and geodiversity:</b> Need to demonstrate the potential for archaeological remains or geological features to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p><b>Dark Skies:</b> Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p><b>Green infrastructure:</b> Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 7. Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p><b>Ground water:</b> Located on secondary aquifer of the Devonian. Need to demonstrate <del>the</del> potential risks to the water environment, <b>including abstractions (public and private supply) wells and springs including drinking water</b>.</p> <p><b>Housing:</b> Need to demonstrate the level of effect on residential amenity at nearby properties.</p> <p><b>Heritage assets:</b> Need to demonstrate <del>the level of effect</del> <b>less than substantial harm</b> on heritage asset(s) and their setting(s).</p> <p><b>Merbach Hill LWS, Benfield Park LWS and Westonhill Wood LWS:</b> Need to demonstrate the level of effect on the key features of these designations.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del>the likely significant effect(s) on the SAC. Development <del>should</del> will be required to demonstrate <b>at least</b> nutrient neutrality <del>or betterment</del>.</p> |

| Mod. Ref | Site Name and Policy | Key Development Criteria   |
|----------|----------------------|--|
|          |                      | <p><b>River Wye SSSI:</b> Need to demonstrate the level of effect on the key features of this designation.</p> <p><b>Site Access:</b> Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p> |

### 3. Minor Changes Proposed pre-Examination

3.1.1 Table 3 presents the schedule of Minor Changes proposed for the MWLP, prior to its submission for Examination.

3.1.2 Each proposed edit is referenced MCnumber.letter (eg MC2.a) in which:

- MC stands for Minor Change;
- number is the section of the Plan that is being edited; and
- letter is used to identify the order of the Minor Changes within that section eg MC2.a; MC2.b; etc.

This letter may be updated at the end of the Examination, when all of the Minor Changes have been identified. A letter has been used in this schedule to aid referencing to the Minor Changes throughout the Examination. Letters 'i', 'l', and 'o' have not been used as they could be confused for numerals.



**Table 3 Schedule of Pre-Submission Minor Changes to the Publication Draft MWLP, January 2021**

| Mod. Ref.   | Paragraph/policy/<br>figure reference | Proposed Change  | Reason for Change   |
|---|---------------------------------------|--|---|
| <b>Section 1. The Publication Draft Minerals and Waste Local Plan for Herefordshire</b> |                                       |  |   |
| MC1.a   |                                       | To be deleted in its entirety  | Text is not necessary in final Plan.  |
| <b>Section 2. Introduction and Background</b>   |                                       |  |   |
| MC2.a   | 2.1.6                                 | Habitats Regulation Assessment, which has assessed any impacts on <b>National Network Sites</b> <del>European sites</del> ; and  | To update the terminology.  |
| MC2.b   | 2.3.7                                 | For example, there is a network of household waste recycling centres across Herefordshire, which enables householders to deposit items no longer required at a location where they can be <b>reused</b> , recycled or disposed of safely.  | To incorporate a request made in representation and expand the recognised benefits of HWRC. |
| MC2.c   | 2.4.2                                 | British Geological Survey was commissioned to prepare comprehensive mapping of the geology and mineral <del>reserves resource</del> across Herefordshire. This information became available in early 2017 and has been used in the sites analysis.   | To replace text with the correct terminology.   |
| MC2.d   | 2.4.18                                | Habitats Regulations Assessment (HRA) has been used to assess the emerging MWLP to assess whether there would be likely significant effects on sites of international importance for wildlife ( <del>European sites</del> <b>National Network Sites</b> ).   | To update the terminology.  |
| <b>Section 3. Context</b>   |                                       |  |   |
| MC3.a   | 3.2.2 to 3.2.4                        | <del><b>3.2.2 A detailed review and republication of the Waste Strategy was completed in 2011. This set a suite of principles, policies and targets for the management of municipal waste across both counties. As part of this work, and in line with Government guidance, the authorities committed to review the Strategy at least every 5 years.</b></del><br><del><b>3.2.3 An Addendum to the Waste Strategy was prepared in September 2017, to provide a summary of the 2016 review of the Waste</b></del> | To update the Plan reflecting the new Integrated Waste Management Strategy.                 |

| Mod. Ref. | Paragraph/policy/<br>figure reference | Proposed Change   | Reason for Change |
|-----------|---------------------------------------|---|-------------------|
|           |                                       | <p><del>Strategy. The Addendum confirms that the authorities continue to invest in the existing processing and collection capabilities, with the example of EnviroSort, the material reclamation facility having been refurbished to include the provision of a glass breaker and improved fire protection system. However, the Addendum also makes clear the challenges that lie ahead in delivering the Strategy, recognising financial constraints and budget cuts.</del></p> <p><del>3.2.4 In 2020/21 the Waste Strategy was reviewed again, to incorporate current national municipal waste management targets. It is to be expected that the Waste Strategy will continue to be updated throughout the lifetime of the MWLP.</del></p>  |                   |
|           | 3.2.2 and 3.3.3<br>(new)              | <p><b><u>3.2.2 In July 2021, Herefordshire Council adopted a new Integrated Waste Management Strategy, which identified 6 targets:</u></b></p> <ol style="list-style-type: none"> <li><b><u>1. Net zero carbon by 2030;</u></b></li> <li><b><u>2. Reduce residual household waste arisings to less than 330kg/household/year by 2035</u></b></li> <li><b><u>3. Achieve national municipal reuse and recycling rate targets of 55% by 2025, 60% by 2030 and 65% by 2035;</u></b></li> <li><b><u>4. To meet the requirements of the Environment Bill</u></b></li> <li><b><u>5. No more than 1% of municipal waste to be sent to landfill from 2025 and zero waste to landfill by 2035;</u></b></li> <li><b><u>6. Improve reuse and recycling at all HWRC sites to achieve a reuse and recycling target of 85% by 2035.</u></b></li> </ol> <p><b><u>3.2.3 The new Waste Strategy and the MWLP are aligned and policy of the MWLP will help to deliver these new strategic targets.</u></b></p> |                   |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change   | Reason for Change  |
|-----------|------------------------------------|---|--|
| MC3.b     | 3.3.1                              | At the time of <b>finalising the MWLP, whilst the UK had exited the EU it remained time of writing (March 2020) the UK is</b> in a transition period of negotiation with the EU, <del>expected to last until the end of 2020</del> . During this transition period, existing legislation remains in place and applicable across the UK.   | To update the text and to correct a spelling error.      |
| MC3.c     | 3.3.4                              | The National Planning Policy Framework (the 'NPPF', <del>February 2019-July 2021</del> ) contains the Government's overarching policies on minerals planning.   | To update the Plan reflecting the new NPPF.              |
| MC3.d     | 3.3.7                              | The NPPF seeks to conserve important landscape and heritage assets by requiring that, <b>as far as is practicable</b> , landbanks for non-energy minerals are provided outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites. <del>In National Parks and Areas of Outstanding Natural Beauty, many minerals and waste developments would be classed as 'major development' and should not be granted consent except in exceptional circumstances, as defined by a series of considerations known as the 'major development test'.</del> | To clarify the text.                                     |
| MC3.e     | 3.3.9                              | <del>The NPPF was published (in February 2019) advising mineral planning authorities to recognise the benefits of on-shore oil and gas development, including for unconventional hydrocarbons (at paragraph 209a). Ministerial Written Statement made on 23 May 2019 confirms that 'paragraph 209(a) of the National Planning Policy Framework has been quashed.' In November 2019, the Government issued a moratorium on the hydraulic fracturing of hydrocarbons.</del>   | To update the Plan reflecting the new NPPF.              |
| MC3.f     | 3.3.24 (new)                       | <b>The National Model Design Code (NMDC, January 2021) presents a framework for creating healthy, greener, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality</b>   | To update the Plan to incorporate the new NPPF and NMDC. |

| Mod. Ref. | Paragraph/policy/<br>figure reference | Proposed Change   | Reason for Change   |
|-----------|---------------------------------------|---|---|
|           |                                       | <b><u>standard of design. It is primarily focussed on built forms of development, but the underlying principles can be applied to minerals and waste projects.</u></b>  |   |
| MC3.g     | 3.3.37                                | In response to this judgement, and discussion with Natural England, the council concluded that the measures set out in the River Wye SAC NMP could no longer be relied upon and <b>in March 2020</b> issued three <b>new</b> documents relevant to development that could affect the River Wye SAC. <b><del>At the time of writing the MWLP, the most recent versions of these documents were published in March 2020 and</del></b> titled:   | To update the text recognising that these were no longer the most recent documents on the matter. |
| MC3.h     | 3.3.27<br>As modified: 3.3.28         | There are two Areas of Outstanding Natural Beauty (AONB) in Herefordshire: the Malvern Hills; and the Wye Valley. The Malvern Hills AONB Management Plan <del>2014-2019</del> <sup>20</sup> <u>2019-2024</u> <sup>20</sup> recognises that the striking scenery in the AONB is ultimately dependent on the rocks that lie beneath the ground surface and has a consequent aim to preserve, promote and wisely use the geodiversity of the AONB. The Wye Valley AONB Management Plan <del>2015-2020</del> <sup>21</sup> <u>2021-2026</u> <sup>21</sup> recognises the variety of geological outcrops and rich wildlife habitats, not least as reflected in the presence of separate Special Areas of Conservation. Conserving and, where necessary, enhancing the natural beauty of this unique landscape is a primary theme. These will be revised throughout the lifetime of the MWLP. | To update the text.   |
| MC3.j     | Footnote 20                           | <del><a href="http://www.malvernhillsaonb.org.uk/managing-the-aonb/management-plan/">http://www.malvernhillsaonb.org.uk/managing-the-aonb/management-plan/</a></del><br><del><a href="http://www.malvernhillsaonb.org.uk/wp-content/uploads/2019/04/64217-Malvern-Hills-AONB-Management-Plan-2019-24-v06.pdf">http://www.malvernhillsaonb.org.uk/wp-content/uploads/2019/04/64217-Malvern-Hills-AONB-Management-Plan-2019-24-v06.pdf</a></del>  | To update the weblink.  |
| MC3.k     | Footnote 21                           | <del><a href="http://www.wyevalleyaonb.org.uk/index.php/about-us/management-and-guidance/management-plan-2015-2020/">http://www.wyevalleyaonb.org.uk/index.php/about-us/management-and-guidance/management-plan-2015-2020/</a></del>  | To update the weblink.  |

| Mod. Ref. | Paragraph/policy/<br>figure reference                         | Proposed Change  | Reason for Change   |
|-----------|---|--|---------------------|
|           |   | <a href="https://www.wyevalleyaonb.org.uk/wp-content/uploads/dlm_uploads/Wye-Valley-AONB-Management-Plan-2021-26-finalised.pdf">https://www.wyevalleyaonb.org.uk/wp-content/uploads/dlm_uploads/Wye-Valley-AONB-Management-Plan-2021-26-finalised.pdf</a>  |                     |
| MC3.m     | 3.3.38 (new)<br>This edit also introduced a new footnote (27) | <b><u>In April 2021, the council issued 'Position Statement - Development in the River Lugg Catchment Area, April 2021 An Update'<sup>27</sup> (River Lugg Catchment Position Statement (April 2021)) that confirmed the River Wye SAC NMP is under review with the intention to provide an increased level of certainty around phosphate reduction and timescales. The River Lugg Catchment Position Statement (April 2021) reports on the Interim Phosphate Delivery Plan that is being development in consultation with Natural England and provides a revised position in relation to discharges to drainage fields.</u></b> | To update the text. |
| MC3.n     | 3.3.39 (new)  | <b><u>The River Lugg Catchment Position Statement (April 2021) (under title 'In the Interim') reiterates previous advice that:</u></b><br><b><u>'On Natural England's advice, there remains potential for a positive appropriate assessment, where it can be demonstrated that development is nutrient neutral or would lead to betterment to enable development to proceed. Proposals will need to provide appropriate evidence of avoidance/mitigation measures. (Refer to Stage 2 of the Interim Plan for guidance).'</u></b>   | To update the text. |
| MC3.p     | 3.3.40 (new)  | <b><u>It is clear that the details around phosphate reduction and the protection of the River Wye SAC will change over the plan period; however, the fundamental aim remains to be that any new development with a connection to the River Wye SAC will need to demonstrate at least nutrient neutrality in order to gain planning permission.</u></b>   | To update the text. |
| MC3.q     | 3.4.1 (first bullet under minerals)                           | Ensuring a continuity of minerals supply to meet the social and economic needs of the county to <del>2031</del> <b>2041</b> , taking account of cross-boundary supply challenges.  | To update the text. |

| Mod. Ref.   | Paragraph/policy/<br>figure reference | Proposed Change   | Reason for Change                             |
|---|---------------------------------------|---|---|
| <b>Section 4. Vision, Objectives and Spatial Strategy</b> |                                       |   |   |
| MC4.a   | 4.3.3                                 | Sand and gravel working is to be focussed within the large expanse of <del>reserve</del> <b>resource</b> that wraps around the northern and eastern sides of Hereford and at Shobdon, to the north-west of Hereford. These <del>reserves-resources</del> are well located to supply aggregate for the growth proposed in Hereford and having two areas brings resilience to supply. | To replace text with the correct terminology. |
| MC4.b   | 4.3.4                                 | Focusing future sand and gravel workings within these areas provides the industry with access to a large area of <del>reserves</del> <b>resource</b> , but means that a proliferation of minerals development across the county can be avoided. Optimal extraction can be promoted at these areas before new reserves are opened.   | To replace text with the correct terminology. |
| MC4.c   | 4.3.5                                 | Limestone working will be preferred within the <del>reserves</del> <b>resources</b> located to the north of the county and to the east of Hereford. The two areas provide resilience to supply and provide more local supply potential to the main settlements of Herefordshire.  | To replace text with the correct terminology. |
| <b>Section 5. Strategic Policy and General Principles</b> |                                       |   |   |
| MC5.a   | 5.4.1<br>As modified: 5.4.6           | To relocate this paragraph under the sub heading Landscape and Townscape – Core Strategy policy LD1.  | To improve the flow of text in MWLP.          |
| MC5.b   | 5.4.10                                | The Ecological Mitigation Plan should specify working methods, timings and buffers within the development site to protect vulnerable features, including <del>European sites</del> <b>National Network Sites</b> . The size and shape of the buffer will be defined on a site-by-site basis dependent on the attributes of the feature.   | To update the terminology.                    |
| MC5.c   | 5.7.13                                | Coal has historically been worked in Herefordshire, in the far south of the county with the <del>reserve</del> <b>resource</b> largely contained within the Forest of Dean.   | To replace text with the correct terminology. |
| <b>SECTION 6. Minerals</b>                                |                                       |   |   |

| Mod. Ref. | Paragraph/policy/<br>figure reference | Proposed Change  | Reason for Change  |
|-----------|---------------------------------------|--|--|
| MC6.a     | 6.1.8                                 | Because mineral resources may be substantial, it is possible for more than one quarry to operate within a single <del>reserve</del> area <u>of resource</u> , either through extensions or new quarries opening up in the vicinity of an existing site.  | To replace text with the correct terminology.  |
| MC6.b     | 6.1.9                                 | Figure 7 sets out the mineral <del>reserve resource</del> and key elements of infrastructure safeguarded by policy M1. Policy M2 provides further detail.  | To replace text with the correct terminology.  |
| MC6.c     | 6.1.12                                | Figure 7 presents the Minerals Safeguarding Areas for Herefordshire, incorporating: areas of <del>reserve resource</del> indicated by the British Geological Survey data; surface coal resource areas from the Coal Authority; currently consented quarries and their associated infrastructure; the operating <del>rail head</del> <u>railhead</u> at Moreton-on-Lugg; and the disused railhead at Moreton Business Park. Figure 7 is available in its original A3 format at Annex A, with key policy details included in the interactive mapping available on the Herefordshire Council website. | To replace text with the correct terminology.<br>To ensure the term is presented consistently throughout the MWLP. |
| MC6.d     | Figure 7 (title)                      | <del>Fogire</del> <b>Figure 7</b>  | To correct a spelling error.   |
| MC6.e     | 6.1.15                                | Policy M2 applies to all minerals resources, regardless of whether they have gained the necessary planning permission to be worked. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission. Policy M2 also applies to the infrastructure associated with the mineral resource, including <del>rail heads</del> <u>railheads</u> .   | To ensure the term is presented consistently throughout the MWLP.  |
| MC6.f     | 6.2.4                                 | Therefore, regardless of which forecast most closely represents the real outcome for sand and gravel over the lifetime of the <del>Draft</del> MWLP, there will be a need for additional reserves of sand and gravel to be consented to meet demand from 2027 onwards.   | To update the text.  |

| Mod. Ref.   | Paragraph/policy/<br>figure reference | Proposed Change   | Reason for Change   |
|---|---------------------------------------|---|---|
| MC6.g   | 6.2.7                                 | Sand and gravel working is to be focussed within the large expanse of <b>reserve resource</b> that wraps around the northern and eastern sides of Hereford and at Shobdon, to the north-west of Hereford.   | To replace text with the correct terminology.                             |
| MC6.h   | 6.2.16                                | Limestone working will be preferred within the <b>reserveresource</b> located to the north of the county and to the east of Hereford.   | To replace text with the correct terminology.                             |
| <b>SECTION 7. Waste</b>                                   |                                       |   |   |
| MC7.a   | 7.1.8                                 | Consequently, the policy priority is <b>to</b> provide a positive framework within which to deliver additional waste management capacity, addressing all levels of the waste hierarchy, except non-hazardous disposal, but making development opportunities for residual waste treatment facilities particularly attractive.    | To add in a missing word.   |
| MC7.b   | 7.2.18<br>As modified: 7.2.15         | The River Wye SAC <b>Nutrient Management Plan NMP</b> makes clear that the farming community plays a crucial role in the River Wye SAC catchment.   | To keep the terminology consistent  |
| MC7.c   | 7.2.19<br>As modified: 7.2.16         | <b>Whilst the River Wye SAC NMP is being reviewed, the</b> 'Top 5' recommendations for agriculture directly addressing <b>ing</b> waste management practices, <b>remain relevant</b> including:   | To update the text.   |
| MC7.d   |                                       | Paragraphs formerly numbered 7.2.29 and 7.2.30 are changed to 7.2.28 and 7.2.29.  | Formatting.   |
| <b>Section 8. Delivery, Implementation and Monitoring</b> |                                       |   |   |
| MC8.a   | 8.3.5                                 | It should be remembered that not all the information will be readily available annually. For example, the Environment Agency is responsible for <b>collecting collating</b> information on C&I , CD&E and hazardous waste and recording this it within the Waste Data Interrogator, with an annual update being made available. | To address comment made in representation and clarify the role of the EA. |
| MC8.b   | Table 3<br>(header row)               | <b>Draft</b> MWLP Policy  | To update the text.   |



| Mod. Ref. | Paragraph/policy/<br>figure reference         | Proposed Change  | Reason for Change   |
|-----------|---|--|---|
| MC8.c     | Table 3<br>(indicator, policies<br>M3 and M4) | Record of consented reserve worked annually and destination of mineral, <b><u>the</u></b><br><b><u>Local Aggregate Assessment.</u></b> | To address comment raised in representation and to make clear the role of the LAA in monitoring the MWLP. |



# Equality Impact Assessment (EIA) Form

## 1. Name of Service Area/Directorate

Name of Head of Service for area being assessed: Kevin Bishop (Lead Development Manager)

Directorate: Economy and Place

Individual(s) completing this assessment: Victoria Eaton (Senior Planning Officer)

Date assessment completed: 13 September 2021

## 2. What is being assessed

Activity being assessed

Preparation of the Minerals and Waste Local Plan (MWLP) – a policy and strategy document and its proposed submission to the Secretary of State for examination in public.

What is the aim, purpose and/or intended outcomes of this activity?

The Minerals and Waste Local Plan (MWLP) will set out the council's preferred strategy for meeting Herefordshire's minerals and waste needs until 2041.

The vision of the Plan states that it will:

*"...deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county's communities, protecting and enhancing environmental, heritage and cultural assets and strengthening the local economy."*

The MWLP's strategic objectives are:

#### **A: Social Progress**

1. To enable minerals and waste development to make an appropriate contribution to improve the health, well-being and quality of life of residents, through best practice operations, open space provision, educational and cultural information, green infrastructure and delivery of strategic, landscape scale site reclamation.
2. To prioritise the long-term conservation of primary minerals through enabling provision of sustainable alternatives, effective use of mineral reserves, and promoting efficient use of minerals in new development.
3. To safeguard appropriate mineral and waste resources within Herefordshire and the associated transport infrastructure for the future.
4. To enable the management of waste in accordance with the waste hierarchy and to deliver a circular economy within Herefordshire.

#### **B: Economic Prosperity**

5. To optimise the contribution that mineral working and waste management makes to Herefordshire's economy as land-based industries, balanced with effective protection of people, places and businesses from adverse impacts.
6. To plan for the steady and sustainable supply of minerals present within Herefordshire, to contribute to the county's economic growth, innovation development and energy demands.
7. To deliver new waste management infrastructure to enable Herefordshire to achieve equivalent self-sufficiency and to contribute to the county's economic growth, innovation development and energy demands.
8. To reduce the need to travel and lessen the harmful impacts from traffic growth, promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks.

#### **C. Environmental Quality**

9. To identify suitable locations for minerals and waste development.
10. To achieve sustainable communities and protect the environment by delivering well-designed and well-operated minerals and waste developments that use land efficiently, reinforce local distinctiveness, and are supported by the necessary infrastructure, including green infrastructure.
11. To address the causes and impacts of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste operation and reclamation activity to mitigate and adapt to climate change and to leave a positive legacy.
12. To conserve, promote, utilise and enjoy our natural, built, heritage and cultural assets for the fullest benefits to the whole community, by: safeguarding the county's current stock of valued heritage and significant environmental assets from loss and damage, and seeking

enhancement; reversing negative trends; ensuring good quality landscape design and condition; delivering site betterment; and appropriately managing future assets.

The outcome of the MWLP is to guide development of minerals and waste sites over the plan period to 2041.

### **Consultations and public engagement**

Engagement with stakeholders (including local minerals and waste planning authorities, organisations such as Natural England, Historic England and the Environment Agency, businesses, parish councils and residents) is a key statutory component in the production of local plan documents. Many elements of how and when this engagement should be conducted are set out in relevant planning regulations and guidance, as well as in local documents such as the Statement of Community Involvement (SCI).

### **Submission of MWLP**

The next step in the production of the MWLP is to submit it to the Secretary of State for examination in public. Once this stage has been completed, Herefordshire Council will be in a position to approve the MWLP for adoption as a final development plan document, guiding minerals and waste related development activities in the county.

Name of lead for activity

Victoria Eaton (Senior Planning Officer)

Who will be affected by the development and implementation of this activity?

- Service users
- Patients
- Carers
- Visitors
- Staff
- Communities
- Other:

Is this:

- Review of an existing activity/policy
- New activity/policy
- Planning to withdraw or reduce a service, activity or presence?

What information and evidence have you reviewed to help inform this assessment?

- Statement of Community Involvement (SCI) – to ensure that consultation events on the MWLP are meaningful, proportionate and effective;
- Equality Diversity Policy;
- Government minerals and waste planning guidance; and
- Statutory and regulatory requirements relating to the production of development plan documents

Summary of engagement or consultation undertaken

The Herefordshire Council is the local planning authority for mineral working and waste management developments in the county. In this role, it is responsible for determining planning applications and also for preparing planning policy for those types of development.

Without the right waste management facilities and adequate supplies of minerals, other sectors of the economy could not function properly. They are essential for the county's development, its low carbon agenda and for maintaining and improving the basic infrastructure of roads, buildings and other facilities. The minerals and waste industries also provide important direct local economic benefits, including jobs.

National policy and legislation on local plan production requires that all local planning authorities must ensure that local communities, stakeholders and interest groups are effectively engaged in consultation. The council, to guide this consultation and engagement, has adopted a Statement of Community Involvement. As well as consulting groups and organisations that are set out in the government guidance, the council keeps a consultation database. Those that have expressed an interest in minerals and waste planning in the county are added to this database and contact at the next consultation stage.

Consultation was undertaken at Issues and Options, Draft MWLP stages in accordance with the SCI.

The last stage of public consultation on the Publication Draft MWLP was undertaken during the period of public restrictions in place to help control the spread of Covid 19. The usual public exhibitions, face to face consultation events and depositing of paper copies of the Plan in local libraries (or other public locations) could not be undertaken. All consultation took place via a dedicated page on the council's website. In order to help explain the MWLP's policies and proposals to as wide an audience as possible, a presentation with voiceover was recorded and made available on the consultation web page and phone numbers of officers were made available if anyone needed additional assistance in taking part in the consultation.

The Publication Draft version of the MWLP and associated documents, which were produced after September 2020, were published in accessible layouts to enable screen readers to be successfully used. For older documents and/or maps or tables that could not be produced in an accessible format, assistance was offered from members of the Forward Planning Team and appropriate contact details were provided, as part of the consultation information.

The Duty to Co-operate was introduced by the Localism Act 2011. Local planning authorities are required to formally co-operate with other local planning authorities and bodies on strategic matters. Meeting the requirements of the Duty to Co-operate is a key part of the plan making process for the MWLP, and Herefordshire Council is working closely with other mineral and waste planning authorities that are critical for the delivery of an effective minerals and waste strategy in Herefordshire.

The next stage in the MWLP's production is for it to be approved by Council for submission to the Secretary of State for examination in public. Following the examination process, the Council can decide whether or not to adopt the MWLP as part of the suite of development plan documents which make up the Herefordshire Local Plan.

## Summary of relevant findings

The MWLP has been prepared following consideration of responses received on the Draft MWLP (Regulation 18) and Publication Draft MWLP (Regulation 19), which took place in 2019 and 2021, respectively.

Reports on the outcomes of the Draft MWLP consultation are available on the council's website and those of the regulation 19 consultation held earlier this year, will be made available in the same way, when the Plan being submitted to the Secretary of State for examination in public (expected end 2021).

Information gathered though the duty to cooperate work has been recorded throughout the Plan process and has been used to refine the Plan. A full, detailed Duty to Cooperate Report will be prepared and made available on the council's website on submission of the MWLP to the Secretary of State for examination.

Were the Plan not to follow the statutory process of being submitted for examination, it could not subsequently be approved as formal part of the Herefordshire Local Plan. The consequence being that there would be no up to date policies guiding minerals and waste developments in the county. This would be contrary to the advice given by the Planning Inspectorate in 2015. To have such a policy void could result in a lack of minerals and/or waste management facilities, or their possible development in unsuitable locations. This could have undesirable implications on all parts of Herefordshire's population, e.g. insufficient supply of aggregates for building, or problems with managing waste produced by the county's inhabitants and businesses.

## 1. The impact of this activity

| Equality Group  | Potential <u>positive</u> impact | Potential <u>neutral</u> impact | Potential <u>negative</u> impact | Please explain your reasons for any potential positive, neutral or negative impact identified  |
|---|----------------------------------|---------------------------------|----------------------------------|--|
| <b>Age, disability, gender re-assignment, marriage &amp; civil partnerships, pregnancy &amp; maternity, race, religion &amp; belief, sex, sexual orientation, other vulnerable and disadvantaged groups, and health inequalities.</b> | ✓                                | ✓                               | ✓                                | <p>The Minerals and Waste Local Plan policies are unlikely to have a specific impacts on any of the protected groups, to any lesser or greater extent than the general population.</p> <p>The MWLP provides an overarching spatial framework for the whole county and hence does not discriminate against sections of the community.</p> <p>A wide selection of community groups live within the county, therefore, the allocation of minerals and waste management sites does not discriminate against any particular sections of the community. The site selection process takes into account the proximity of sensitive receptors (such as schools and hospitals), thereby helping to minimise the impact on vulnerable sections of the community.</p> <p>Throughout the preparation of the MWLP, the council has consulted a wide cross section of community groups and all consultation material has been deposited at accessible locations (where possible).</p> <p>From consultations undertaken on the MWLP, it has been noted that generally none of the equalities groups have responded. This suggests that minerals and waste planning is relatively secular and</p> |

| Equality Group | Potential <u>positive</u> impact | Potential <u>neutral</u> impact | Potential <u>negative</u> impact | Please explain your reasons for any potential positive, neutral or negative impact identified   |
|----------------|----------------------------------|---------------------------------|----------------------------------|---|
|                |                                  |                                 |                                  | <p>therefore consultation activity for the MWLP has tended to be with mainstream consultation bodies.</p> <p>To submit the MWLP and continue its production to adoption would be positive for all of Herefordshire's population as there would be appropriate planning policies guiding minerals and waste developments.</p> <p>Not to submit the MWLP for examination would mean that its policies could not be formally adopted. Such a policy vacuum could have negative consequences for all of Herefordshire's population (see above).</p> |

### What actions will you take to mitigate any potential negative impacts?

| Potential negative impact   | Actions required to reduce/eliminate negative impact  | Who will lead on action?                            | Timeframe   |
|---|---|---|---|
| Not submitting the MWLP for examination (and thus halting its progress to adoption) | <p>Continuing to follow the advice given by the Planning Inspectorate in 2015, to produce a local plan document dealing with minerals and waste planning matters.</p> <p>Ensuring that the MWLP's production continues in accordance with the statutory framework and in accordance with Herefordshire Council's own formal procedures.</p> | Strategic Planning section of Herefordshire Council | <p>Submission – end 2021</p> <p>Examination and Adoption - 2022</p> |

Where an impact on any of the Equality Groups is realised after the implementation of the project/service/policy, the commissioners and/or providers of the project/service/policy will seek to minimise the impact and carry out a full review of this EIA.

## 2. Monitoring and review

How will you monitor these actions?



|  |
|--|
| The Council will seek to ensure the MWLP's development will continue within the statutory framework set out for the production of development plan documents of this kind.   |
| The Statement of Community Involvement is being updated and any future consultations required prior to the formal adoption of the MWLP will be carried out in accordance with this revised and updated version.  |
| The MWLP contains an implementation and monitoring section, which sets indicators and targets to monitor the effectiveness of the policies.  |
| The minerals and waste needs assessment which underpin the MWLP, will be updated regularly, as a systematic check on the Plan's progress.  |
| The Local Aggregate Assessment, which also informs the Plan, on whether there is a steady and adequate supply of minerals, will be updated annually.   |
| Should any development be proposed for minerals or waste development, the council is subject to a statutory requirement to conduct consultations on planning applications and these consultations will include all residents living in close proximity to the application site(s). |

When will you review this EIA?

|   |
|---|
| Since it is anticipated that the MWLP will be adopted in 2022, it is considered unnecessary to review this EIA before that time.  |
| However, a new EIA will be produced during the production of future development plan documents providing other (non-minerals and waste related) planning policy guidance across the county. |

### 3. Equality Statement

- All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics.
- Herefordshire Council will challenge discrimination, promote equality, respect human rights, and design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others.
- All staff are expected to deliver services and provide services and care in a manner which respects the individuality of service users, patients, carers etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics.

Signature of person completing EIA

|                |
|----------------|
| Victoria Eaton |
|----------------|

Date signed

|                   |
|-------------------|
| 13 September 2021 |
|-------------------|





## **Title of report: Update on the improvement programme within Children and Families directorate following publication of Ofsted focused visit July 2021**

**Meeting: Council**

**Meeting date: Friday 8 October 2021**

**Report by: Cabinet member children and families;**

### **Classification**

Open

### **Decision type**

Non-key

### **Wards affected**

(All Wards)

### **Purpose**

To update Council on the outcome of the Ofsted focus visit on 7 - 8 July 2021 and progress to date of the improvement programme.

### **Recommendation(s)**

**That:**

- a) Council note the outcome of the Ofsted focussed visit on the 7 – 8 July;**
- b) Council note the progress to date against the service priorities identified by Ofsted and other independent reviews undertaken**

## Alternative options

1. There are no alternative options.
2. The council is under duty to accept the outcome of the review and address the areas highlighted as part of the overall Children's improvement programme.

## Key considerations

### Background and introduction

3. With effect from 30<sup>th</sup> September the Interim Director for Children and Families is Darryl Freeman.
4. A planned focused visit took place on 7 July 2021, in line with the inspection of local authority children's services (ILACS) framework.

Ofsted's focus was on Children in Need or subject to a Child Protection Plan and looked at:

- thresholds
  - step-up/step-down between children in need and child protection
  - children on the edge of care
5. The focussed visit outcome letter was published on 17 August and identified three areas for priority action these being:
    - Address inconsistent and variable social work practice to ensure that children are the focus of assessments, planning and interventions.
    - The frequency and effectiveness of case supervision and the monitoring of children who are subject to child in need and child protection planning.
    - Shortfalls in case-holding capacity for social workers, including newly qualified social workers, to allow them to respond effectively to children in need of help and protection.
  6. There is a requirement that Herefordshire Council submits an action plan to Ofsted that responds to the areas for priority action within 70 days of receipt of the letter. A draft operational action plan is in development with the final submission to Ofsted scheduled for early November 2021.
  7. At the time of the focussed inspection, diagnostic reviews commissioned by the then interim Director of Children and Families and the senior leadership team had already been undertaken or were underway. These diagnostic reviews have made several recommendations for improving services to children and families and are being drawn together with the Ofsted recommendations and included in one overall operational improvement plan.

Other reviews (to date) have included:

- Forensic review - Independent, self-directed, evidence-based review of Herefordshire Children Social Care (CSC) business operation
  - Review of Early Help
  - Review of Children with Disabilities services
  - Ongoing assurance audit of all open cases (up to 11 June 2021)
  - Review of Special Guardianship (SGO)
  - Improvement actions have also been collected from a range of performance and quality mechanisms, observation of practice and staff feedback
8. The Ofsted visit, review findings and audit outcomes are creating a comprehensive understanding of the strengths within social work practice and the areas for improvement.
9. This report aims to indicate the extent of the required improvement, the time needed to achieve sustainable change and the additional resources it is likely to take to embed good quality practice.

### **Establishing the improvement framework**

10. There will be different levels of plans required within the overall improvement framework. A strategic plan that will be used by the Improvement Board to bring together improvement activity required across the council and the wider strategic partnerships and an operational action plan that will focus at the practitioner level work between the council and other statutory bodies. These will encompass the Ofsted priority actions.
11. The operational plan will be overseen by an operational board of officers chaired by the interim Director of Children and Families.
12. The operational plan will support and feed into the wider strategic improvement plan and will be overseen by the Improvement Board, chaired by the independent Department of Education (DfE) advisor.
13. The strategic improvement plan will be submitted to the DfE led Improvement Board for approval on 11 October 2021. The strategic and operational plan and an update on progress on the improvement activity will be presented to Cabinet on 28 October 2021.
14. Regular progress reports to Cabinet and full Council on the improvement programme will then follow the reporting cycle set out in the last cabinet report (3 June 2021).
15. The following activity has been undertaken as part of implementing the management framework to oversee the improvement programme:
- Appointment of an independent DfE advisor

- Establishment and commencement of the Improvement Board (multi agency and chaired by the independent advisor).
- Collaborative development of the strategic improvement plan (planned for approval in October 2021)
- Financial packages of support obtained from the DfE and Local Government Association (LGA)
- Telford and Wrekin Council (rated Outstanding by Ofsted) have been appointed as the sector led improvement partner (SLIP) to support the improvement programme
- Interim Director of Children's Services (Darryl Freeman) has now joined the organisation
- Project management approach and resources are aligned
- Establishment of a Resources board, chaired by the Section 151 officer to oversee spend allocation of additional funding made available to the service
- Permanent recruitment of the Director for Children and Families is now in progress with the selection process planned for October 2021

### **Key findings and operational challenges**

16. The outcome of the Ofsted visit supported the findings and views of independent assessors recently commissioned as part of the improvement programme. Evidence gathered to-date through audits supports the Ofsted view that practice is heavily process driven, parental led and lacks a focus on children and their needs.
17. Diagnostic reviews and case audits have revealed that managers are not consistently demonstrating good management skills and expertise or exercising sound decision making. Weaknesses in management grip have resulted in inadequate support to create an environment for quality social work practice to flourish and practitioners not receiving the support and leadership they need to develop.
18. Managers and heads of service were overstretched. One cause of this is the removal of a layer of service management from within the structure some years ago. This weakness in the management structure has resulted in managers being overstretched and taking on roles in some cases without the necessary skills, knowledge and experience, or the support through a training and mentoring programme, to do so.
19. The service has functioned on predominately newly qualified social workers who have not received the support and direction required and yet were holding highly complex cases without the required experience.
20. Staff morale and confidence following the recent Ofsted visit, High Court judgements and ongoing diagnostic process is being impacted. This is also affecting staff retention during a time when recruitment (permanent and agency staff) of experienced social work practitioners is an ongoing challenge and made more acute due to:

- Herefordshire's commitment to the regional Memorandum of Understanding (MOU) regarding recruitment of agency workers. The rationale behind the MOU, was to ensure consistency across local authorities in the pay of agency workers, which prevented/avoided social workers moving around Local Authorities in the region.
  - Location and accessibility of Herefordshire for travel
  - Affordable rental and overnight accommodation
  - Reputation
21. The tools and support available for social care practitioners are not effective and hamper the time available to devote to the children and families they are supporting.
  22. Newly qualified social workers do not feel properly prepared and supported for the job and there is a lack of ongoing development and specialisation.
  23. Social workers feel that their profession is undervalued, poorly understood and under constant media scrutiny, which makes it hard to do their jobs and can make it hard to attract new recruits into the profession.
  24. The cost of children's social care is escalating and funding is increasingly absorbed by acute services and away from effective early help and support, reiterating calls for an increased investment and focus on prevention and early intervention. Change and improvements that are embedded and sustained through an early help model will take time and require cultural change across the system and with partners.
  25. It should be noted that many of the challenges highlighted are symptomatic of wider issues within the sector, such as recruitment and retention of experienced social workers. This will compound the local issues faced by Herefordshire Council.

### **Operational Improvement - Priority areas progress update:**

26. The priority operational action plan has ensured a focus on several critical activities to ensure progress across the improvement agenda, these include:
  - Development of a Quality Assurance Framework to ensure ongoing assurance processes are in place through the external project auditing team
  - 1-2-1 coaching and mentoring sessions for all managers to support improved auditing, shared understanding of audit outcomes, reflective practice, and management of risk
  - Away-day for service managers/heads of service as part of developing service area plans and agreeing performance dashboard data
  - Review and redevelopment of case panels to ensure senior management oversight and scrutiny of critical areas of practice
  - Practice workshops developed for all managers and social workers, delivered by managers, across children's services to support practice challenges

- Development of tracking processes for children within the legal system and requiring adoption to ensure that timeliness is improve, the quality of practice reduces drift and delay for the child
- Re-alignment of some teams and services to ensure smooth transition of the journey of a child through the system
- Key leadership positions appointed to on an interim basis to stabilise structure and provide clear robust decision making on case work
- Surgeries with the social workers/team managers in the Assessment Service reviewing and reflecting on 304 cases. Closing the Loop support programme with all Team Managers with the Assessment service
- External review of the Early Help and Children with Disabilities services, undertaken by external former HMI consultants
- Management review and oversight of the Care Concerns Helpline set up in response to the recent High Court Judgement
- Review of Special Guardianship Orders undertaken by the external assurance team, brought in following the recent High Court Judgement
- Review of all open cases across the directorate up to and including 11 June 2021 undertaken by the external project auditing team. Current progress is around 50% of cases completed
- Three weekly all staff briefings led by the Director of Children's Services (which is well attended)
- Development needs assessment of front-line managers, Independent Review Officers /Child Protection chairs and Advanced Social Work Practitioner's through external consultants to inform training needs analysis
- Staff engagement mechanisms set up and baseline taken on current engagement levels

### **Workforce Recruitment and Retention**

27. Recruitment and retention of staff has generally been good in respect of newly qualified social workers. There has been a rolling recruitment programme for qualified social workers, with permanent contracts being offered to social workers, many of whom have either already joined or are due to join the council shortly.
28. Recruiting workers to permanent posts has benefits of longer-term stability and financial savings. However, it is critical that within such recruitment, the same rigour and quality assurance process that is expected of the analysis and monitoring of practice is applied.
29. Whilst there has rightly been a drive to replace agency staff with a permanent workforce, which has subsequently seen a significant reduction in the use of agency staff from 56% in 2018 to 16% currently, as previously indicated this has not been without a cost to the



service, namely, the experience and resilience of those staff that have been recruited to key positions.

30. For example: The current recruitment strategy does not appear to recognise the need to balance permanency with experience, which has left the service vulnerable. The combination of an inexperienced team manager group and removal in 2016 of critical service manager posts from the structure, resulted in too large spans of control for heads of service.
31. It is evident from the inspection focus visit, diagnostic and audit work that has been undertaken that the skill base of managers and some social workers is not at a level required to drive forward such a challenging improvement agenda, at the pace needed, to satisfy external scrutiny from the DfE and Ofsted. Although part of the strategy is rightly to develop and support all managers, the concern around current practice issues, cannot wait for this to be fully implemented.

### **Interim Changes to Service Structure**

32. In order to provide additional capacity and stability, there have been some required changes to organisational structures with additional interim capacity at the assistant director level and a realignment of services to support this. The current interim structure and services are as follows:

#### **Children Safeguarding and Families Support Service (Assessment & Safeguarding)**

Includes Early Help, Early Help Hub, Domestic Abuse Hub, MASH, Assessment, Contextual Safeguarding Hub and the Child Protection and Court Service and Edge of Care teams

#### **Corporate Parenting (Children in Care, Care Leavers, Fostering & Adoption)**

Includes Children in Care social work teams, Care Leavers teams, fostering team; Connected Carers & SGO Teams, Placement Team, Children Contact Service (Family Links) and Adoption links with the Regional Adoption Agency (RAA). Matrix management of team manager Children with Disabilities.

#### **Quality Performance Improvement & Partnerships**

Safeguarding & Review, Quality Assurance, Principal Social Worker, Academy, Safeguarding Partnership Business Unit, Local Authority Designated Officer.

#### **Education Development and Skills Children's and Families**

Schools, Adult Learning, Early Years, Send and Children with Disabilities, Education Business Intelligence unit.

### **Social Work Processes and Practice:**

33. A review of our Care Experienced Children and Young People service identified significant weaknesses in placement planning, permanency, assessment, and care planning. Views, wishes and feelings of children are not routinely checked when placement decisions are being made and placement instability is significantly high for a small number of children.

34. There are significant and exceedingly worrying delays in completing pathway plans for young people preparing for adult life. For those young people with pathway plans, most of these plans are of poor quality and not informed by their aspirations. This weakness regarding pathway plans, however, is largely because they were completed by social workers who hardly knew the young person due to a transfer point at 16+. Immediate steps have therefore been taken to change this transfer point to address this shortfall. Issues relating to the quality of pathway planning are also being addressed.
35. Oversight management tracking has been introduced to tackle challenges relating to care planning and decision making. Although the impact of this oversight is too early to assess, it is evident that, from the cases reviewed so far, are starting to see a shift in the right direction. Furthermore, social workers in the 16+ team have been realigned as a Children in Care Team. This allows children to have one social worker and to belong to one team throughout their care experience.
36. The fostering service is currently underdeveloped and therefore immediate steps have been taken to develop the fostering service in compliance with the Fostering Services Regulations and National Minimum Standards. All foster carers are now allocated with a supervising social worker. A fit for purpose foster carers register as well as the 'Independent Fostering Panel Members Central List' are being developed. A comprehensive fostering service development and improvement plan is now in place to address the weaknesses identified.
37. The review of Special Guardianship (SGO) by the Independent Assurance Team identified significant weaknesses in assessment and support of SGO carers. In response to the findings and recommendations, a dedicated Permanence Team is being established and it is anticipated that this will be operational from September 2021.
38. The overall corporate parenting services in Herefordshire is currently underdeveloped. In response to this, a programme of action is being implemented from September 2021 to reorganise the service with the following as immediate strategic priorities:
  - Reconstitution and training of Corporate Parenting Committee/Board
  - Establishment of Children in Care and Care Leavers Council
  - Realignment of Participation Officer(s) to develop and drive Participation Strategy
  - Establishment of a Programme Board of officers to address Placement Sufficiency
39. Although overall the quality of social work practice is unsatisfactory, there are examples of some good practice and wherever good practice has been identified, staff are always commended and their work has been identified to share across the service as an exemplar as part of the ongoing improvement and development.
40. It is recognised that the service has been under significant pressure and capacity has been an issue but also that the pandemic has led to a different way of working for the past 18 months across the country and some of the issues are not specifically

Herefordshire's. Consideration is currently being given to the current working arrangements for key roles/teams and whether a return to the office be accelerated to support practice development.

41. It needs to be recognised and acknowledged that a refocus on practice will potentially result in a greater number of children progressing to assessment and potentially an increase in Initial Child Protection Conferences. This will have an impact on service capacity and will need to be monitored in order that appropriate timely action can be taken to address pressures. This will also need to be factored into medium term service structure planning.
42. The challenges identified above highlight the extent of the required improvement journey and this shift in culture and practice will take many years to achieve. The impact of changes at this stage are difficult to evidence but clear baselines are being obtained and mechanisms being put in place to enable ongoing measurement of impact.

## **Community impact**

43. The notice requiring improvement will have a direct and indirect effect on the lives of both current and future children and families in Herefordshire.
44. The county plan 2020-2024 includes the ambition to 'strengthen communities to ensure everyone lives well and safely together', specifically the council aims to:
  - Ensure all children are healthy, safe and inspired to achieve;
  - Ensure that children in care, and moving on from care, are well supported and make good life choices; and
  - Protect and improve the lives of vulnerable people.

## **Environmental Impact**

45. There are no specific environmental impacts arising from this report. The work of the committee will be undertaken with consideration to minimise waste and resource use in line with the council's Environmental Policy.

## **Equality duty**

46. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
47. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

## Resource implications

48. There are significant revenue resource implications for the improvement work required. There are no expected capital resource implications.
49. The resource implications are not included in the base budget. The current additional resource allocation of £5.2m across all services; including direct children services and corporate support services is expected to increase. A report on the expected financial implications will be included as part of the improvement plan papers to Cabinet in October 2021. Spend/commitments to the end of August were £1,875k of which £1,463k was Children and Families, £179k Legal, £203k HR and £30k Communications.

## Current allocation

| Revenue or Capital cost of project (indicate R or C) | 2021/22      | 2022/23      | Future Years | Total        |
|--|--------------|--------------|--------------|--------------|
|  | £000         | £000         | £000         | £000         |
| <i>Improvement Board</i>                             | 130          | 130          | -            | 260          |
| <i>Support for families</i>                          | 100          | 100          | -            | 200          |
| <i>Legal</i>   | 551          | 551          | -            | 1102         |
| <i>External legal fees</i>                           | 525          | 325          | -            | 850          |
| <i>Human resources support</i>                       | 364          | 289          | -            | 653          |
| <i>Assurance and transformation</i>                  | 292          | 85           | -            | 377          |
| <i>Interim staffing</i>                              | 890          | 890          | -            | 1780         |
|  |              |              |              |              |
| <b>TOTAL</b>   | <b>2,852</b> | <b>2,370</b> |              | <b>5,222</b> |

| <b>Funding streams (indicate whether base budget / external / grant / capital borrowing)</b> | <b>2021/22</b> | <b>2022/23</b> | <b>Future Years</b> | <b>Total</b> |
|--|----------------|----------------|---------------------|--------------|
|  | £000           | £000           | £000                | £000         |
| <i>Ear marked reserves</i>   | 2,852          | 2,370          |                     |              |
| <i>DfE grant</i>   | 214            |                |                     |              |
|  |                |                |                     |              |
| <b>TOTAL</b>   | <b>3,066</b>   | <b>2,370</b>   |                     |              |

| <b>Revenue budget implications</b> | <b>2019/20</b> | <b>2020/21</b> | <b>Future Years</b> | <b>Total</b> |
|------------------------------------|----------------|----------------|---------------------|--------------|
|                                    | £000           | £000           | £000                | £000         |
|                                    |                |                |                     |              |
|                                    |                |                |                     |              |
| <b>TOTAL</b>                       |                |                |                     |              |

Further bids of approximately £1.5m have been made to the DfE for further grant funding.

## Legal implications

50. The Council has been issued with a non-statutory improvement notice by the Department for Education on 18 May 2021. To comply with this notice the Council must comply with a number of measures and to summarise these include:

- Secretary of State Appointment of an Improvement Advisor - **Completed**
- Implementation of an Improvement plan - **in progress**
- Establishment of an Improvement Board with an independent chair (to be set up and chaired by the DfE Improvement Adviser) - **Completed**
- Officials or advisers from the Department of Education will undertake reviews of progress against the improvement plan at least every six months and more regularly where appropriate - **The first review is scheduled for October 2021**
- The Department will offer dedicated improvement support through its Partners in Practice arrangements and may consider additional requests for support as part of the review process - **Complete and in progress**
- The Improvement Adviser will provide to the Department, 6 weekly reports of progress or concern against the areas set out in this notice; and progress against the improvement plan; and any other such information relevant to the improvement journey - **Complete and in progress**

51. The notice sets out that the council should aim for actions included in the improvement plan to be delivered by the end of April 2022 or sooner, where appropriate. If there is a failure to comply with this notice, ministers may choose to invoke their statutory powers of intervention (s497A Education Act 1996) to direct the council to enter into an appropriate arrangement to secure the improvements required in children's services (potentially resulting in the establishment of a trust).

## **Risk management**

52. The improvement notice is clear that should the council be unwilling or unable to comply with this improvement notice, or should ministers not be satisfied with the council's progress at any stage, ministers may choose to invoke their statutory powers of intervention (s497A Education Act 1996) to direct the council to enter into an appropriate arrangement to secure the improvements required in children's services.
53. Statutory improvement notices could be issued and more critical or enduring underperformance may necessitate the use of Statutory Directions compelling the council to take certain actions. In extreme cases the DFE can direct partial or complete outsourcing of children services to a third party or the establishment of a children's trust.

## **Consultees**

54. The arrangements for governance of the improvement process, including the various individuals and bodies that will be briefed, are set out in the previous report to Cabinet on 3 June 2021.
55. Children and Young People's Scrutiny Committee received an update on improvement progress on 7 September 2021.
56. As part of the ongoing development of the improvement programme, a number of workshops and engagement sessions have been held with statutory partners, elected members and staff. This will continue in the coming months to ensure ownership of the improvement plan at all levels of the organisation and across the partnership.
57. Cabinet received this update report at its meeting on 30 September 2021.
58. We are developing feedback processes to engage more Young People in their children in care reviews in order that they can be more proactive in planning. The participation service is being reviewed with a view to broaden the span of engagement with children and young people to ensure that they are not only engaged in their own individual plans but also have a voice in ongoing service development, review and improvement.

## **Appendices**

None

## **Background papers**

None







## **Title of report: Revision of Capital Programme Budget for Priority Flood Works**

**Meeting: Council**

**Meeting date: Friday, 8 October 2021**

**Report by: Cabinet Member Infrastructure and Transport**

### **Classification**

Open

### **Decision type**

Budget and policy framework

### **Wards affected**

(All Wards);

### **Purpose**

To consider the approval of in year adjustments to the capital programme to allow the realignment of capital spend to priority flood projects that require the reallocation of budget.

### **Recommendation(s)**

**That:**

- a) **Council approves in year adjustments to the capital programme set out in paragraph 11 below to allow realignment of capital spend to flood repair projects that require the allocation of budget within the programme budget of £4.027m as follows:**

**Fownhope Landslip Budget reduced from £1.565m to £0.510m**

**Fownhope Retaining Wall Collapse budget increased from £1m to £1.15m**

**Unallocated budget of £905k from combined Fownhope budgets remains as contingency for remaining flood works**

- b) **The Cabinet member for infrastructure and transport is delegated authority (in consultation with the Section 151 officer) to realign the Whitney on Wye and/or the Various Damage site budgets as costs for these works are confirmed.**

## Alternative options

1. Not to approve the proposed amendments. This is not recommended as:
  - a. This would mean that sums certified as due for works that were required to complete the Fownhope repairs could not be paid. The council would be in breach of contract and have acted contrary to the requirements of the Housing Grants, Construction and Regeneration Act 1996.
  - b. It may not be possible to complete all remaining Priority Flood Repair Works.
2. Not to seek a delegation to make the in-year amendments to the capital budget. This is not recommended as the re-alignment of the capital budget is within the overall programme budget envelope of the £4.027m allocated by Council for the repair of the Priority Flood Repair Works and therefore does not adversely impact on the council's financial position.

## Key considerations

3. Storm Dennis hit Herefordshire during the weekend of 15 and 16 February 2020, resulting in significant damage and flooding, from both runoff and river overspill, with many of the rivers reaching their highest levels in 200 years. As part of a multi-agency response and recovery group the council successfully mobilised all resources to respond to the event.
4. The Bellwin scheme did not fund all repair needs following flooding in February 2020. With no further funding having been specifically made available by Government for recovery from Storm Dennis, the significant gap between what the Bellwin schemes provided and the cost of all necessary repairs, had to be met from within the capital programme.
5. A decision to progress priority flood repair works was taken under emergency powers at section 3.7.9 of the council's constitution on 30 April 2020.
6. Subsequently on 23 July 2020 cabinet considered funding options and made recommendations to Council for funding of the high priority repair works. On 4 August 2020 at an extraordinary council meeting council confirmed that the priority flood repair works project be added to the capital programme.
7. The decision taken by the Council on 4 August 2020 was that £4.027m (Priority Flood Repair Works) be added to the capital programme as a new programme; and that they were to be funded by extended prudential borrowing.
8. The £4.027m was made up from the following estimates:

| Scheme                           | Estimated Cost |
|----------------------------------|----------------|
| Fownhope Landslip (Lechmere Ley) | £1,565,000     |
| Fownhope Retaining Wall Collapse | £1,000,000     |
| Whitney on Wye Instability       | £500,000       |

|                              |            |
|------------------------------|------------|
| Various Damage Sites (67 No) | £962,000   |
| Total                        | £4,027,000 |

9. As work has progressed on these priority flood works the true cost of the repairs has materialised and these differ from the original estimates made in the period following Storm Dennis. Consequently, project budgets are requested to be realigned to account for project outturn to date and enable all payments due for these necessary repair works to be made. This all with a view to completing the programme within the overall budget set for the entire programme of Priority Flood Repair Works.
10. Realignment of funding is required as follows:
- Given that:
    - the estimated cost for the repair of the Fownhope Landslip was £1.565m; and
    - the sum certified as due in accordance with the Public Realm Services Contract (PRSC) for this completed scheme is £0.508m,
 approval is sought to reduce the budget for this scheme to £0.51m.
  - Given that:
    - the estimated cost for the repair of the Fownhope Retaining Wall Collapse was £1m; and
    - the sum certified as due in accordance with the PRSC for this completed scheme is £1.066m; and
    - c£36k of other expenditure has been necessarily incurred to gain access to land and provide revised public transport arrangements during the closure of the B4224 at Fownhope.
    - Further land and compensation costs may be incurred
 approval is sought to increase the budget for this scheme to £1.15m.
  - It should be noted that:
    - the sum certified as due for the Fownhope Retaining Wall Collapse includes c£70k costs that have yet to be paid to BBLP and interest will be due on this late payment, funded from revenue budgets.
    - construction contracts are subject to the requirements set by the Housing Grants, Construction and Regeneration Act 1996. In the event that the contractor had to perform additional work to complete the construction, and the reason for that additional works is a matter which is identified as being at the client's risk, then the contractor is due to be paid that additional sum as part of the sums due to them. The sum due must be certified under the contract for payment.
    - council officers can only make payments in accordance with the authority delegated to them. Meaning that whilst the aforementioned sums are certified as

due, officers do not have the authority to make the payment that is due, unless the budget is realigned as described. Payment of Stone Cottage costs above approved budget have been withheld by Section 151 officer to date,

- as a consequence of this realignment the sums due for works done can now be paid in accordance with the PRSC and the requirements for payment in construction contracts as established by Section 111 of the Housing Grants, Construction and Regeneration Act 1996.
- Given that the:
  - report to Council on 4 August 2020 set the budget for this programme of Priority Flood Repair Works at £4.027m;
  - the total of realigned capital estimates for the two completed schemes is £0.905m below the total of the original estimates. Original costs were based on estimates produced shortly after the Storm Dennis flood events based on the level of anticipated works required at that time. This has been updated as the design were developed and works completed.
  - the service does not anticipate any substantial further expense in respect to works for both the Fownhope Landslip and the Fownhope Retaining Wall Collapse further to those set out above; and
  - a review of estimates for the necessary work that remain, which will be best completed following receipt of tenders and the detailed contemporary quantification of works on a site by site basis, may identify the need for an adjustment in the budgets required for the remaining elements of this programme.

the Cabinet member for infrastructure and transport is delegated authority (in consultation with the Section 151 officer) to realign the Whitney on Wye and/or the Various Damage site budgets as costs for these works are confirmed.

In summary the budgets for the Priority Flood Repair Works Capital Programme be realigned as follows:

| Project                                 | Original Capital Estimates | Realigned Capital Estimates | Rationale                         |
|---|----------------------------|-----------------------------|-----------------------------------|
| Fownhope Landslip                       | £ 1,565,000                | £510,000                    | To align to project outturn cost  |
| Fownhope Retaining Wall Collapse        | £ 1,000,000                | £1,150,000                  | To align to project outturn cost  |
| Whitney on Wye Instability              | £500,000                   | £500,000                    |                                   |
| Various damage Sites                    | £962,000                   | £962,000                    |                                   |
| Unallocated Budget / Contingency within |                            | £905,000                    | To account for uncertainty in the |

|                          |            |            |  |
|--------------------------|------------|------------|--|
| overall programme budget |            |            | delivery of remaining schemes. This given that detailed scheme design has yet to conclude and approximately 18 months has passed since the original capital estimates were derived |
| Total                    | £4,027,000 | £4,027,000 | No change to programme budget  |

11. Council can provide a specific delegation for in year changes to the capital programme. This it is suggested is required to ensure that these vital works take place, as a decision for the cabinet member.
12. The remaining works comprise:
  - Completion of the Whitney on Wye design by BBLP through the Public Realm Contract followed by a tender process to secure a contractor to undertake the works outside of the PRC. Scheme costs will be reviewed as the detailed design is progressed prior to tenders being invited to undertake the repairs.
  - Award of contract to the successful contractor / tender to complete the 67 flood repair sites outside of the PRC. Costs will be updated following receipt of tenders and the detailed quantification of works on a site by site basis of the 67 sites.

## Community impact

13. These highway maintenance and flood repair works will contribute to the County Plan 2020 – 2024 ambitions by protecting the environment, safe communities and providing infrastructure that supports our economy. The investment will ensure the network is resilient to the extremes of weather and ensure the safety and availability of the infrastructure for our public and users of Herefordshire’s highway network.

## Environmental Impact

14. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire’s outstanding natural environment.
15. The allocation of funding for priority flood damage repairs and for works to enhance the resilience of the county’s infrastructure to future storm events will contribute to the

success of the County Plan by helping to increase flood resilience and improve residents' access to green space in Herefordshire via the highway network.

16. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
17. The development of these works has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance. This through minimisation of waste and enabling sustainable and active travel options across the county as a result of improvement in the condition of our highways and restoration of access throughout the highway network by the repair of flood damage.

## **Equality duty**

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

## **Resource implications**

19. The proposed resource implication is the realignment of capital funding within the sum decided for the works programme, this to enable the completion of all Priority Flood Repair Works and the payment of all sums certified as due for the completed works.
20. Project budgets are realigned to account for project outturn to date and enable all payments due to be made.

21. In summary the budgets for the Priority Flood Repair Works Capital Programme be realigned as follows:

| Project  | Original Capital Estimates | Realigned Capital Estimates | Rationale  |
|--|----------------------------|-----------------------------|--|
| Fownhope Landslip  | £ 1,565,000                | £510,000                    | To align to project outturn cost   |
| Fownhope Retaining Wall Collapse                                 | £ 1,000,000                | £1,150,000                  | To align to project outturn cost   |
| Whitney on Wye Instability                                       | £500,000                   | £500,000                    |  |
| Various damage Sites   | £962,000                   | £962,000                    |  |
| Unallocated Budget / Contingency within overall programme budget |                            | £905,000                    | To account for uncertainty in the delivery of remaining schemes. This given that detailed scheme design has yet to conclude and approximately 18 months has passed since the original capital estimates were derived |
| Total  | £4,027,000                 | £4,027,000                  | No change to programme budget  |

## Legal implications

22. There are no legal implications arising from this in year change to the budget.

## Risk management

23. Funding all priority highway repairs, including those needed as a consequence of Storm Dennis, will ensure that the council is meeting its duty to maintain the highway network as Section 41 of the Highway Act.
24. Realignment of the capital programme as set out above will take account of past and current uncertainty in the delivery of remaining flood repair schemes given that detailed design of all elements has yet to conclude and approximately 18 months have passed since the original capital estimates were calculated.

25. The wellbeing, connectivity and prosperity of residents and business across the County, and potentially in neighbouring Counties, be unduly compromised by the ongoing deterioration in the condition of the highway. This particularly if that deterioration necessitates further road closures on the grounds of safety.
26. Sites damaged by Storm Dennis in February 2020 have suffered further damage and deterioration and will continue to do so by the time repairs are actioned, resulting in the need for further repair work and an increase in the time and cost of the repair of all sites. Some contingency for this has been included for in the realignment as proposed.
27. Ongoing deterioration of the highway at these storm damaged site, coupled with the time that will elapse before repairs can be delivered by the chosen procurement route, will increase the likelihood and potentially severity of damage or injury to highway users and their vehicles, also the risk of damage to adjacent property will increase.
28. In addition to the need to meet the duty to maintain as established by Section 41 of the Highways Act 1980 through the response to all highway defects in accordance with the Highway Maintenance Plan, the unduly prolonged closure of any route will expose the council to risk that it is not meeting its network management duty as established by Section 16 of the Traffic Management Act 2004. Confirmation of the budget available for the remaining works will best enable the repair of all works.

## **Consultees**

29. General Scrutiny Committee considered a report at their meeting on 22 September 2021. The agenda and the report can be viewed on the councils website by following the link below:  
<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=809&MId=8214&Ver=4>
30. The recommendations from this meeting were considered by cabinet at their meeting on 30 September 2021. The scrutiny committee's recommendations were accepted by Cabinet in full except for recommendation a; the executive agreed that a report of the requested breakdown would be provided to the scrutiny committee rather than included in this report to Council.

## **Appendices**

None.

## **Background papers**

None.





# Title of report: 2020/21 Treasury Management Outturn

**Meeting: Council**

**Meeting date: Friday 8 October 2021**

**Report by: Cabinet member finance, corporate services and planning**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

To approve the treasury management outturn for 2020/21.

The 2020/21 net treasury budget outturn was a surplus (underspend) of £1.0m, reflecting slippage in capital investment spend resulting in no need to secure new borrowing in 2020/21.

Cabinet reviewed the outturn at its meeting on 3 June 2021 and recommended it for approval.

An annual report is presented to Council in line with the CIPFA's Code of Practice on Treasury Management.

## **Recommendation(s)**

**That:**

- a) **The treasury management outturn for 2020/21, as detailed in appendix A, be approved.**

## Alternative options

1. There are no alternative options, the council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management. Before the start of every year the Code requires local authorities to produce Prudential Indicators and a Treasury Management Strategy Statement detailing the policies and objectives of the council's treasury management activities for the forthcoming year, report on this performance during the year and the treasury management outturn after the year end. This outturn report compares actual activity to the Council approved strategy's policies and objectives.

## Key considerations

2. Treasury management is where the council manages the cash flow position, through investments and borrowings, with the security of funds being the paramount objective.
3. The net treasury budget outturn was a surplus (underspend) of £1.0m being less interest costs incurred than expected. When the 2020/21 budget was approved by Council in February 2020, pre Covid 19, the expectation was that substantial new capital investment would be incurred generating a need to borrow funds in 2020/21.
4. As explained in the 2020/21 outturn report to Cabinet on 3 June 2021 actual capital investment was much lower than expected and no new borrowing, short or long term, was required in 2020/21. External borrowing instead decreased by £3.5m in 2020/21 from £130.3m to £126.8m.
5. The council's borrowing strategy is determined each year within the treasury management strategy, which is approved as part of the budget setting process. External borrowing is only secured to support the council's capital programme and borrowing limits are set in accordance with the Prudential Code for Capital Finance in Local Authorities.
6. Appendix A provides the detailed outturn report and includes an analysis in line with the CIPFA code of practice on treasury management. Herefordshire Council has adopted the recommendations made in CIPFA's Treasury Management in the Public Services: Code of Practice, which was revised in 2017. One of the clauses (identified in Section 5 of the code) is that full Council will receive reports on treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year; a mid-year review; and an annual report after its close.
7. The Council complied with its Prudential Indicators, Treasury Management Policy Statement and Treasury Management Practices for 2020/21 as detailed in Annex 1 of Appendix A.

## Community impact

8. The effective management of resources enables the council to direct those resources to support corporate plan priorities.
9. In accordance with the code of corporate governance, Herefordshire Council must ensure that it has an effective performance management system that facilitates effective and efficient delivery of planned services. Effective financial management, risk management and internal control are important components of this performance management system. To support effective accountability the council is committed to reporting on actions completed and outcomes achieved, and ensuring stakeholders are able to understand and respond as the council plans and carries out its activities in a transparent manner. Providing a report on the performance of our treasury management activity ensures openness and transparency is maintained.

## **Environmental Impact**

10. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

## **Equality duty**

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
12. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a factual update, we do not believe that it will have an impact on our equality duty.

## **Resource implications**

13. None arising from the recommendations, the outturn report is a factual summary of performance in 2020/21.

## **Legal implications**

14. Regulation 24 of the Local Authorities (Capital Finance and Accountancy) (England) Regulations 2003 states that a local authority shall have regard to the Code of Practice on Treasury Management in the Public Services: published by CIPFA, as amended or reissued from time to time.
15. There are no direct legal implications arising from the recommendations in this report which are not covered in the body of the report. The council has complied with its statutory obligations arising from the Local Government Act 2003, and all relevant CIPFA guidance.
16. The constitution states that approval of the Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision are the function of council. This approval of the outturn forms part of the annual approval process.

## **Risk management**

- 17 Council approves the treasury management strategy for the year ahead as part of the annual budget setting process which details the risk mitigation processes. Council is then required to approve the treasury management outturn position under financial reporting requirements with monitoring reported to cabinet throughout the year.

### **Consultees**

- 18 None.

### **Appendices**

Appendix A 2020/21 Treasury Management Outturn

### **Background papers**

None identified

## Annual Treasury Management Report 2020/21

**1. Introduction**

- 1.1. The council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management. Before the start of every year the Code requires local authorities to produce Prudential Indicators and a Treasury Management Strategy Statement detailing the policies and objectives of the council's treasury management activities for the forthcoming year. This outturn report compares actual activity to those policies and objectives.
- 1.2. The council borrows and invests substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of these risks are central to the treasury management strategy.

**2. Economic Background**

- 2.1. **Growth:** The financial year 2020/21 will go down in history as being the year of the pandemic. The first national lockdown in late March 2020 damaged an economy that was unprepared for such an eventuality. This caused an economic downturn that exceeded the one caused by the financial crisis of 2008/09. A short second lockdown in November did relatively little damage but by the time of the third lockdown in January 2021, businesses and individuals had become more resilient in adapting to working in new ways during a three month lockdown so much less damage than was caused than in the first one. The fast programme of vaccinations promises to lead to a return to something approaching normal life during the second half of 2021. This has been instrumental in speeding economic recovery and the reopening of the economy. In addition, the household saving rate has been exceptionally high since the first lockdown in March 2020 and so there is plenty of pent-up demand and purchasing power stored up for services in the still-depressed sectors like restaurants, travel and hotels as soon as they reopen. It is therefore expected that the UK economy could recover its pre-pandemic level of economic activity during quarter 1 of 2022.
- 2.2. **UK Monetary Policy:** The Monetary Policy Committee (MPC) cut Bank Rate from 0.75% to 0.25% and then to 0.10% in March 2020 and embarked on a £200bn programme of quantitative easing QE (purchase of gilts so as to reduce borrowing costs throughout the economy by lowering gilt yields). The MPC then increased QE by £100bn in June and by £150bn in November to a total of £895bn. While Bank Rate remained unchanged for the rest of the year, financial markets were concerned that the MPC could cut Bank Rate to a negative rate; this was firmly discounted at the February 2021 MPC meeting when it was established that commercial banks would be unable to implement negative rates for at least six months – by which time the economy was expected to be making a strong recovery and negative rates would no longer be needed.
- 2.3. **Inflation:** Average inflation targeting was the major change adopted by the Bank of England in terms of implementing its inflation target of 2%. The key addition to the Bank's forward guidance in August was a new phrase in the policy statement, namely that "it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and achieving the 2% target sustainably". That seems designed to say, in effect, that even if inflation rises to 2% in a couple of years' time, do not expect any action from the MPC to raise Bank Rate – until they can clearly see that level of inflation is going to be persistently above target if it takes no action to raise Bank Rate. This sets a high bar for raising Bank Rate and no increase is expected by March 2024, and possibly for as long as five years. Inflation has been well under 2% during 2020/21; it is expected to briefly peak at just over 2% towards the end of 2021, but this is expected to be a temporary short lived factor.

## Annual Treasury Management Report 2020/21

**3. Borrowing**

- 3.1. The council continues to choose to utilise accessing lower cost short-term loans from other local authorities, should it need to, rather than more expensive longer term debt due to the differential between short and longer-term interest rates. This policy is expected to continue in 2021/22 but should this differential decrease and short term borrowing costs increase, the council will begin securing additional fixed long term debt to fund its borrowing requirements.
- 3.2. In 2020/21 no new borrowing was required. The weighted average interest rate paid on council borrowing increased to 4.00% (3.96% in 2019/20) reflecting the higher cost of older long term borrowing.
- 3.3. It is council strategy to maintain borrowing and investments below their underlying levels by using “internal borrowing”, utilising usable reserves. This maintains borrowing and investment balances to a minimum level, reducing interest cost and counterparty exposure risk.
- 3.4. Gilt yields and public works loan board (PWLB) rates fell sharply from the start of 2020 and then spiked up in March due to the pandemic. Once the UK vaccination programme started making rapid progress in the new year of 2021, gilt yields and PWLB rates started rising sharply as confidence in economic recovery rebounded. A consultation was held with local authorities and on 25th November 2020, the Chancellor announced the conclusion to the review of margins over gilt yields for PWLB rates; the standard and certainty margins were reduced by 1% but a prohibition was introduced to deny access to borrowing from the PWLB for any local authority which had purchase of assets for yield in its three year capital programme. There is likely to be only a gentle rise in gilt yields and PWLB rates over the next three years.
- 3.5. The premium charged by the PWLB for the early repayment of PWLB debt remained too expensive for existing loans in the council’s portfolio to be repaid and rescheduled. No rescheduling activity was undertaken in 2020/21, this option will continue to be constantly considered.
- 3.6. Borrowing activity during the year is summarised below:

| <b>Borrowing Activity in 2019/20</b>   | <b>01/04/20 Balance £m</b> | <b>New Borrowing £m</b> | <b>Debt Maturing £m</b> | <b>31/03/21 Balance £m</b> |
|--|----------------------------|-------------------------|-------------------------|----------------------------|
| Short-term borrowing   | 0.0                        | 0.0                     | 0.0                     | 0.0                        |
| Long-term borrowing  | 130.3                      | 0.0                     | (3.5)                   | 126.8                      |
| <b>TOTAL BORROWING</b>   | <b>130.3</b>               | <b>0.0</b>              | <b>(3.5)</b>            | <b>126.8</b>               |
| Other long-term liabilities*   | 50.9                       | 0.4                     | (2.9)                   | 48.4                       |
| <b>TOTAL EXTERNAL DEBT</b>   | <b>181.2</b>               | <b>0.4</b>              | <b>(6.4)</b>            | <b>175.2</b>               |
| <i>*Other long term liabilities represent existing commitments under PFI arrangements included in the medium term financial strategy</i> |                            |                         |                         |                            |

- 3.7. Total borrowing decreased by £3.5m representing repayments made during the year. No new external borrowing was required during 2020/21.

## Annual Treasury Management Report 2020/21

3.8. The council's underlying need to borrow is measured by the Capital Financing Requirement (CFR). As at 31/03/2021 this totalled £313.7m. The difference of £138.8m between the CFR and total external debt shown in the table above represents internal borrowing from usable reserves, working capital balances and the outstanding loan balance with Mercia waste of £34.4m.

3.9. The council's capital financing costs in 2020/21 were as follows.

| <b>Capital financing costs for 2020/21:</b>                                  | <b>Budget</b> | <b>Outturn</b> | <b>Over / (under) spend</b> |
|--|---------------|----------------|-----------------------------|
|  | <b>£m</b>     | <b>£m</b>      | <b>£m</b>                   |
| <b>Minimum Revenue Provision</b> (provision for repayment of loan principal) | <b>7.6</b>    | <b>7.6</b>     | <b>-</b>                    |
| <b>Interest payable on all loans</b>   | <b>6.2</b>    | <b>5.2</b>     | <b>(1.0)</b>                |
| <b>TOTAL</b>   | <b>13.8</b>   | <b>12.8</b>    | <b>(1.0)</b>                |

3.10 The underspend has arisen from a slippage in the capital investment budgeted spend in 2020/21 meaning no new borrowing was required to fund this spend which delivered an underspend in expected interest payable. The saving in a reduced minimum revenue provision cost has been used to set up an ear marked reserve recovery fund.

#### **4. Investments**

4.1. The council invests significant funds, representing income received in advance of expenditure plus balances and reserves. During 2020/21 the council's investment balances averaged at £77m and ranged from £111m in January 2021 to £56m in May 2020. Much of this increased cash balance reflected the receipt of central government grant funding in advance of spend in response to Covid 19.

4.2. Security of capital remained the council's primary objective. Investment income remained low due to the continued low interest rate environment.

4.3. Investments held at the start and end of the year were as follows:

| <b>Investments</b>      | <b>31/03/20 Balance £m</b> | <b>Investments Made £m</b> | <b>Maturities/ Withdrawals £m</b> | <b>31/03/21 Balance £m</b> |
|-------------------------|----------------------------|----------------------------|-----------------------------------|----------------------------|
| Instant Access Accounts | 19.00                      | 385.83                     | (387.28)                          | 17.55                      |
| Notice Accounts         | 5.00                       | 8.88                       | -                                 | 13.88                      |

## Annual Treasury Management Report 2020/21

|                                |              |               |                 |              |
|--------------------------------|--------------|---------------|-----------------|--------------|
| Fixed Term Deposits            | 14.00        | 45.00         | (29.00)         | 30.00        |
| <b>Total</b>                   | <b>38.00</b> | <b>439.71</b> | <b>(416.28)</b> | <b>61.43</b> |
| <b>Increase in investments</b> |              |               |                 | <b>23.43</b> |

4.4. Interest received during the year was as follows:

| Month          | Average amount invested |              | Average rate of interest earned |             | Budget     | Interest earned | (Surplus) /deficit |
|----------------|-------------------------|--------------|---------------------------------|-------------|------------|-----------------|--------------------|
|                | Actual<br>£m            | Budget<br>£m | Actual<br>%                     | Budget<br>% | £000       | £000            | £000               |
| Apr-20         | 78.5                    | 40           | 0.50                            | 0.50        | 17         | 30              | (13)               |
| May-20         | 63.2                    | 40           | 0.47                            | 0.50        | 17         | 25              | (8)                |
| Jun-20         | 67.0                    | 40           | 0.39                            | 0.50        | 17         | 21              | (4)                |
| Jul-20         | 79.4                    | 40           | 0.24                            | 0.50        | 17         | 16              | 1                  |
| Aug-20         | 75.7                    | 40           | 0.20                            | 0.50        | 17         | 13              | 4                  |
| Sep-20         | 72.2                    | 40           | 0.17                            | 0.50        | 16         | 10              | 6                  |
| Oct-20         | 71.9                    | 40           | 0.15                            | 0.50        | 17         | 9               | 8                  |
| Nov-20         | 82.2                    | 40           | 0.10                            | 0.50        | 16         | 7               | 9                  |
| Dec-20         | 84.1                    | 40           | 0.09                            | 0.50        | 17         | 6               | 11                 |
| Jan-21         | 92.0                    | 40           | 0.08                            | 0.50        | 17         | 6               | 11                 |
| Feb-21         | 85.4                    | 40           | 0.09                            | 0.50        | 15         | 6               | 9                  |
| Mar-21         | 72.3                    | 40           | 0.11                            | 0.50        | 17         | 7               | 10                 |
| <b>Outturn</b> |                         |              |                                 |             | <b>200</b> | <b>156</b>      | <b>44</b>          |

4.5. The interest received in the year was lower than the budget because, despite having high balances invested, the interest rates dropped in response to the Covid-19 pandemic.

4.6. The average interest rate achieved during 2020/21 was 0.22%, lower than budgeted due to the Covid-19 pandemic and the subsequent base rate reductions. This compares favourably with the generally accepted benchmark of the average 7-day London Inter-Bank Bid (LIBID) rate of (0.07%).

4.7. In addition to interest earned on balances interest has been accrued in relation to the energy from waste plant loan to Mercia waste. This totalled £2.4m, the net loan position is set aside to fund increased waste disposal costs in future years.

## 5. Compliance with Prudential Indicators

5.1 The Council complied with its Prudential Indicators, Treasury Management Policy Statement and Treasury Management Practices for 2020/21 as detailed in Annex 1. A prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.



## Annual Treasury Management Report 2020/21

## Annex 1

**Performance Indicators****1. Treasury Management Indicators**

The council measures and manages its exposures to treasury management risks using the following indicators.

**1.1 Maturity Structure of Fixed Rate Borrowing**

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

| <b>Maturity Structure of Fixed Rate Borrowing</b> | <b>Lower Limit %</b> | <b>Upper Limit %</b> | <b>Actual Fixed Rate Borrowing 31/03/21 £m</b> | <b>% Fixed Rate Borrowing 31/03/21</b> |
|---|----------------------|----------------------|--|--|
| Under 12 months                                   | 0%                   | 10%                  | <b>2.37</b>                                    | <b>2%</b>                              |
| 12 months and within 24 months                    | 0%                   | 10%                  | <b>6.53</b>                                    | <b>5%</b>                              |
| 24 months and within 5 years                      | 0%                   | 25%                  | <b>15.21</b>                                   | <b>12%</b>                             |
| 5 years and within 10 years                       | 0%                   | 35%                  | <b>17.91</b>                                   | <b>14%</b>                             |
| 10 years and above                                | 0%                   | 80%                  | <b>84.78</b>                                   | <b>67%</b>                             |
| <b>Total</b>                                      |                      |                      | <b>126.80</b>                                  | <b>100%</b>                            |

Two LOBO (“Lenders Option then Borrowers Option”) bank loans of £6m each are repayable in 2054 however if the lenders seek to increase the interest rate charged, currently 4.50%, the council has the opportunity to repay the loans.

**1.2 Upper Limit for Total Principal Sums Invested Over 364 Days**

The purpose of this limit is to contain exposure to the possibility of financial loss that may arise as a result of the council having to seek early repayment of the sums invested.

| <b>Upper Limit for Total Principal Sums Invested Over 364 Days</b> | <b>2020/21 Approved £m</b> | <b>2020/21 Actual £m</b> | <b>2021/22 Estimate £m</b> | <b>2022/23 Estimate £m</b> |
|--|----------------------------|--------------------------|----------------------------|----------------------------|
| <b>Total</b>   | <b>5</b>                   | <b>0</b>                 | <b>5</b>                   | <b>5</b>                   |

During 2020/21 no long-term investments were made for a period exceeding 364 days.

**2. Prudential Indicators****2.1 Estimates of Capital Expenditure**

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on council tax.

Capital expenditure has been and is expected to be financed or funded as follows:

## Annual Treasury Management Report 2020/21

| Capital Financing    | 2020/21          |                | 2021/22          | 2022/23          | 2023/24          |
|----------------------|------------------|----------------|------------------|------------------|------------------|
|                      | Estimate<br>£000 | Actual<br>£000 | Estimate<br>£000 | Estimate<br>£000 | Estimate<br>£000 |
| Capital grants       | 46,539           | 43,672         | 41,788           | 21,587           | 11,600           |
| Capital receipts     | 9,563            | 696            | 13,410           | 7,041            | 4,020            |
| Revenue funding      | 1,000            | 38             | 500              | -                | -                |
| Prudential borrowing | 32,914           | 10,604         | 42,172           | 38,006           | 5,559            |
| <b>Total</b>         | <b>90,016</b>    | <b>55,010</b>  | <b>97,870</b>    | <b>66,634</b>    | <b>21,179</b>    |

Generally prudential borrowing finance is provided where the return on the investment exceeds the debt financing cost.

### 3. Capital Financing Requirement (CFR)

Estimates of the council's cumulative maximum external borrowing requirement for 2020/21 to 2022/23 are shown in the table below:

| Capital Financing Requirement | 2020/21<br>Estimate<br>Approved<br>£000 | 2020/21<br>Actual<br>£000 | 2021/22<br>Estimate<br>£000 | 2022/23<br>Estimate<br>£000 |
|-------------------------------|---|---------------------------|-----------------------------|-----------------------------|
| <b>Total CFR</b>              | <b>380,369</b>                          | <b>313,663</b>            | <b>346,032</b>              | <b>373,021</b>              |

Total debt is expected to remain at or below the CFR during the forecast period.

### 4. Authorised Limit and Operational Boundary for External Debt

The Local Government Act 2003 requires the Council to set an Affordable Borrowing Limit or Authorised Limit. This is a statutory limit which should not be breached.

The Operational Boundary is based on the same estimates as the Authorised Limit but reflects the most likely, prudent but not worst-case scenario without the additional headroom included within the Authorised Limit.

|                             | 2020/21<br>Approved<br>Operational<br>Boundary<br>£m | 2020/21<br>Approved<br>Authorised<br>Limit<br>£m | Actual External<br>Debt as at<br>31/03/21<br>£m |
|-----------------------------|--|--|---|
| Borrowing                   | 340.0  | 350.0  | 126.8   |
| Other Long-term Liabilities | 60.0   | 70.0   | 48.4  |
| <b>Total</b>                | <b>400.0</b>   | <b>420.0</b>                                     | <b>175.2</b>                                    |

### 5. Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

## Annual Treasury Management Report 2020/21

| <b>Ratio of Financing Costs to Net Revenue Stream</b> | <b>2020/21<br/>Approved<br/>%</b> | <b>2020/21<br/>Actual<br/>%</b> |
|---|-----------------------------------|---------------------------------|
| Net Revenue Stream                                    | 156,099                           | 157,155                         |
| Financing Costs                                       | 13,573                            | 12,786                          |
| <b>Percentage</b>                                     | <b>8.6%</b>                       | <b>8.1%</b>                     |

**6. Adoption of the CIPFA Treasury Management Code**

This indicator demonstrates that the council has adopted the principles of best practice.

The council has incorporated the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2017 Edition* into its treasury policies, procedures and practices.





# Leader's report to Council

**Meeting: Council**

**Meeting date: Friday 8 October 2021**

**Report by: Leader of the Council**

## Classification

Open

## Decision type

This is not an executive decision

## Wards affected

(All Wards);

## Purpose

To provide an update on the work of the Cabinet since the previous meeting of the Council and an annual report on the priorities of the Cabinet and progress made in meeting those priorities. A brief summary of decisions taken by the executive is provided at appendix A and all decision reports and notices are available on the [council's website](#).

The report provides a summary of progress made against the areas of focus identified in the County Plan. More detail about the council's performance and how that is reported is available on the performance management page of the council's website

## Recommendation(s)

**That:**

- a) **The report be noted.**

## Alternative options

1. There are no alternative options; the constitution requires the Leader to provide Council with reports on the activities of the executive.

## Key considerations

2. I am pleased to provide to Council my Annual Leader's report. This report principally covers the key decisions taken since my last report to Council for the meeting on 5

March to the date of this report (Thursday 30 September). All decisions taken since July 2020 (the annual reporting period) are also included and have been set out in line with the reporting in to council timeframes in Appendix A.

3. Within the report I have set out the priorities of the cabinet and progress made in meeting the ambitions and objective that are set out in the council's County and Delivery plans.

### **Children's Services – improvement journey**

4. During this reporting period the highly critical court judgement involving a child in the care of the Council (the YY case) was handed down by His Hon Justice Keehan. This Judgement was not the first in which His Hon Justice Keehan had raised concerns regarding Herefordshire Children's Services. I know we have all shared huge concern and upset about the impact that this council's failings have had on the families involved with these cases.
5. As difficult as it was to read the High Court Judgement, the recent Ofsted inspection, and to hear directly from staff and local residents, we accept the recent findings and are committed to improve the quality of service that our children, young people and their families should expect and deserve.
6. Our top priority as a Council must be to protect and improve the lives of our most vulnerable children and young people, and knowing that we have let them down weighs heavily on us. We must do better.
7. Council and the Cabinet members have fully accepted accountability for His Hon Justice Keehan's findings and have committed to delivering sustained improvement of children's services. In May 2021, the council received a non-statutory improvement notice and we have developed an Improvement Plan to set out the practical steps we are taking.
8. Since the judgement there have been changes in the senior leadership team at Herefordshire Council. As you will be aware, Catherine Knowles was appointed as Interim Director of Children and Families but has recently resigned from her position. I would like to take the opportunity to thank Cath for all her hard work over the last 6 months in Herefordshire and I wish her well for the future.
9. I am pleased to report that Darryl Freeman, recruited by us as Children's Improvement Director, has agreed to take over the role as statutory Director of Children's Services with immediate effect. Darryl will work alongside Paul Walker as Chief Executive and the lead member for Children and Families (Cllr Diana Toynbee). Recruitment for a permanent director is currently under way.
10. This is a challenging period of change for our Children and Families colleagues and there are further challenges ahead to enable us to develop and deliver improvements needed across the services.
11. A Department of Education (DfE) approved independent improvement advisor (Ms. Gladys Rhodes White) has been appointed to support the improvement journey and is the Chair of the newly established Improvement Board. Herefordshire Council has also sought external advice and support through the DfE, Ofsted and the Local Government Association (LGA) and has recently been successful in obtaining grant funding from the DfE (£215k) to provide additional expertise and capacity to support practice improvement. We are working with the LGA and Centre for Governance and Scrutiny to strengthen the scrutiny training offer we provide to members and officers.

12. We are keen to make progress, and also understand that, on this journey to ‘getting to good’, all changes made must be measurable and sustainable. This is essential for rebuilding trust, and ensuring that we provide compassionate and effective children’s services that last into the future.
13. Following this improvement journey will be the collective priority for everyone with a responsibility for supporting children and families - elected members, council employees across every service, and the partners who work with children every day.
14. A central underpinning to this plan is our commitment to make ‘working together’ a reality not just an aspiration. This means placing the voice of the child at the heart of everything we do, better engagement with parents to ensure that we get the right support available at the right time, and evolving our children’s services to deliver good outcomes.
15. We must not forget the very difficult job that social care staff carry out. They are dedicated and conscientious. We will ensure that they receive the support and development they need to do their jobs with confidence, empathy and professionalism.

### **Progress reporting against the County and Corporate Delivery Plans**

16. A summary of the most significant decisions the executive have taken since my last report in March 2021 (**17 a To 17u**) below. I also include a list of all key decisions taken by cabinet and cabinet members in Appendix A.
17. I would like to highlight the following.
  - a. **Covid.** The Cabinet continues to receive weekly verbal and written reports on the response to the Covid epidemic. Since the last Council meeting we have also seen an easing of the lockdown measures and the successful roll out of the vaccination programme in Herefordshire. Numbers of infections per 100,000 have risen significantly in the last month or so but so far have not resulted in pressure on the NHS nor a rise in deaths similar to past peaks of infection, For the first time infection rates has exceeded the average for the country.
  - b. **Covid Recovery Plan.** In June cabinet approved a £6.144m [Covid Recovery Plan](#). This paves the way for a wide range of activity to support the economy and the wellbeing of local people as we look to build back a greener, fairer society for all. The plan incentivises local residents to get back out socialising, spending time with friends and family, getting active and supporting local businesses. There is support for businesses to start up and grow, and to help and advice for those that are seeking new jobs or to re-train. I am also delighted that the plan will help continue the excellent business led visitor economy marketing and PR campaign after LEP funding ended in July.
  - c. **Core Strategy/Local Plan update.** Work is continuing to revise and extend the Council’s Core Strategy through a local plan update. This will extend policies out to 2041. Current work is focussing on developing the plan’s vision and objectives to ensure that the County Plan ambitions are embedded within the new development plan. At the same time a set of options for the spatial strategy are being developed in order to form the basis of an extensive consultation process anticipated to take place early in 2022. Various evidence base studies

are also being prepared to provide background information for the preparation of the plan's policies. The aim is to develop a draft plan in 2022 for publication early in 2023 followed by submission to the secretary of state for examination in public, with adoption anticipated in 2024. During the autumn members will have an early opportunity to view and discuss the emerging work on the options for the spatial strategy.

- d. **Waste Strategy.** The council's new waste strategy was approved at Cabinet on 29 July. The strategy contains ambitious targets for us to achieve over the next 14 years. It sets out an action plan which sets short, medium and long term priorities for the council and will need a strategic director to deliver this. At its heart the strategy seeks to put waste prevention as a top priority. This is followed by reuse, recycling, recovery (producing energy from waste) and finally disposal. And linked to this, Herefordshire has recently been invited to work with the Industry Council for Packaging and the Environment 'Incpen' (together with Hertfordshire, Kent, Surrey, Somerset and Staffordshire waste authorities to develop a new national industry wide charter to promote public confidence in recycling. Our participation is already giving advanced access to the latest opinion research on recycling.
  
- e. **Stronger Towns Fund.** Progress has been made on the bid that was made to central government. This is another example of the Council working closely with business, the community and community and voluntary sector. I am pleased to report that some projects are planned to involve the use of Maylord Orchard, an option that would have been much more difficult to realise had the Council not owned this property outright.

In June the government committed £22.4m towards the implementation of the Hereford [Town Investment Plan](#) (TIP), which is fantastic news for the city and wider county. The development of the TIP has been a truly collaborative approach, with partners from across the public, private and community sectors coming together through the Stronger Towns Fund Board to identify a clear long term vision. Communities from across the city put forward ideas for project that were shortlisted for inclusion in the plan.

The funding from government includes support for three council led projects, the redevelopment of Hereford Museum and Art Gallery to create a new world class attraction and cultural hub, the redevelopment of Maylord Orchard including a new Learning Resource Centre helping to regenerate and re-purpose the heart of the city centre, and a project to improve the greening of the city, improve active travel measures and visitor information points. As required by government, we are now developing detailed full business cases for each of these projects by June 2022.

- f. **Local schools showing continuing progress.** Herefordshire moved up to 7th place in England for Key Stage 2 performance. 98.6% of our pupils in primary schools rated Good or Outstanding following recent Ofsted inspections. While this is, of course, very welcome news for our local pupils and schools, it also sends out a great message that Herefordshire is not just a great county to visit, but a great place to live and work.



- g. **Visitor Economy Marketing Campaign.** In July, the £444K funding from the Marches LEP came to an end. I would like to thank all those involved in the successful delivery of the projects linked to this funding and especially those from the private sector who contributed significantly. This project exceeded all of the initial targets it was set. It generated over 1.3 million social media impressions, reaching 8.3m people, and gained significant and most welcome coverage in a wide range of national newspapers and magazines. As a great conclusion to the campaign, the first ever Herefordshire TV advert was launched. To capitalise on this positive momentum the council has included some further funding in the Covid Recovery Plan to ensure the continued delivery of the campaign through until the end of March 2022.
- h. **Support [Centre for Veterans](#) re-opened.** In April, this one stop shop for advice, guidance and signposting for serving personnel, veterans, their families and carers re-opened following further lifting of Covid 19 restrictions. This Centre, based at 19 West Street in Hereford, is facilitated by Herefordshire Council who, through grant funding, supported the set-up of the Centre and has successfully secured further funding to directly employ and manage the Veteran Support Centre Manager. The Centre is a legal charity in its own right and has an active Management Group made up of representatives from organisations who have an interest in the delivery of this work in Herefordshire.
- i. **Afghan Refugees.** The council has committed to welcoming refugees from Afghanistan under the Government's two schemes, the Afghan Citizen Resettlement Scheme (ACRS) for Afghan Citizens generally and the Afghan Relocation Assistance Policy (ARAP) scheme for those who were employed supporting UK forces. We have recently offered to accommodate and support 56 refugees, to arrive during November and December. These will be the first of at least 125 people to be resettled in Herefordshire by 2025.

A specialist support service is being commissioned and provision arranged in relation to schools, health services and learning English. The council is working closely with partners including the National Health Service, Police, voluntary and community organisations and the armed forces community.

- j. **Affordable housing delivery.** Through negotiation of affordable housing as part of the planning process and partnership working with Registered Providers and general providers Strategic Housing we successfully exceeded the affordable housing target set for 2020–21 delivering 229 dwellings.
- k. **Green Homes Grant.** Also in June, the council received the [Green Homes Grant Local Authority Delivery phase 2 \(GHG LAD 2\) funding](#) via the Midlands Energy Hub (MEH). The capital funding of up to £1,460,600 will support around 150 fuel poor households in the county with energy efficiency and renewable technology measures. The primary purpose of the LAD Phase 2 scheme is to raise the energy efficiency rating of low income and low Energy Performance Certificate (EPC) rated homes (those with EPCs of D, E, F or G) in an effort to alleviate fuel poverty, contribute to tackling the climate and ecological emergency, improve local air quality and support the green economic recovery in response to Covid-19.

- l. **Environmental Building Design Standards.** The Cabinet has approved new standards to apply to council developments and council retrofit of housing schemes across the county. This will be followed by the development and consultation on new Environmental Building Standards Supplementary Planning Document (SPD). These standards should raise expectations and inspire the council and others to provide the higher quality greener homes and help towards the achievement of zero carbon targets agreed by Council.
- m. **Council Housing Building Programme.** We continue to have this as a top priority. Various papers have been considered by Cabinet and cabinet members, and potential sites are being considered. We have a regular dialogue with Homes England with a view to unlocking more difficult sites.
- n. **Fastershire.** Since July, over half of the properties in the North Herefordshire parliamentary constituency can now access a Full Fibre Gigabit Capable connection. Excellent progress is being made in Ross on Wye by Full Fibre Ltd. 80% of the town, from August, is now able to order a full fibre connection. Nash & Knill and Castle Frome, Thornbury, Tretire & Three Ashes and Eywood were awarded a combined £330,000 to get Airband to bring Full Fibre to these remote communities through the Fastershire Community Grant. The final structure has been completed on Fastershire's contract with Openreach in Hereford.

ZZOOMM continues to also make good progress with their full fibre deployment for the entirety of Hereford City. All of these operators will be working intensively in Herefordshire during 2021 and 2022. This is excellent news for the county's digital connectivity bringing associated benefits to the Herefordshire economy, environment and society.

- o. **Public realm, annual plan 2021/22.** The [Public Realm Contract Annual Plan](#) for 2021/22 was published in April. Investment in the asset capital budget this year will increase spend on drainage, structures, footways and cycleways and will mean a reduction in resurfacing. This is deemed the optimum use of available funding against the risk profile of the network. Drainage is crucial to the integrity of our road surfaces and because of cuts to our public realm budgets over the last decade, drainage has suffered as scarce resources has been used more reactively on our roads. For the county's roads to be maintained to the proper standard our residents expect, what we need is additional guaranteed revenue and capital funding from central government.
- p. **Talk community hubs.** There are now 28 Talk Community Hubs. A recent addition is one in Ross-on-Wye Community Garden. It is one of our more unique hubs, because although it's located in the centre of Ross-on-Wye, it is within a community garden, which provides a safe and tranquil space for people to relax and take some time out from the busy hubbub of daily life. To keep up to date with Talk Community you can visit the dedicated web-site on the following link:

<https://www.talkcommunitydirectory.org/keeping-well-staying-healthy/keeping-yourself-well/talk-community-hubs/where-is-my-nearest-talk-community-hub/y>

- q. **National Bus Strategy: Bus Back Better.** On 15 March, the government set out steps to encourage local transport authorities and bus operators to work more closely together to increase patronage, reliability and satisfaction of bus services. The strategy comes with the promise of up to £3bn for investment in public transport outside of London. Government is requiring local authorities to produce Bus Service Improvement Plans underpinned by statutory Enhanced Partnerships with local bus operators if they want to access this funding. Many of the aspirations of the strategy align closely with those identified in the Hereford Transport Strategy Review including increasing patronage, bus priority and getting more school children on buses.

The council has secured £100k Capacity Funding from the Department for Transport to fund this work over the coming year which will include preparation of a Bus Service Improvement Plan. [The council's plan](#) is expected to be launched in October this year, I look forward to reporting on progress in my next report. It is regrettable that the Council currently has limited control over bus companies, which makes achieving our goal of making bus travel a more common feature of our communities, including rural ones more challenging

- r. **People:** The Council is currently working with three interim Directors. I am very grateful for the efforts of those who have stepped into interim roles. There are also several departments in the Council which are recruiting additional staff. Inevitably this places pressure on the existing staff and I very much appreciate their efforts, and the patience of Councillors and members of the public as we seek to achieve a full complement of staff. Recruitment at all levels is taking place. As far as recruitment at Director level is concerned, this has started and the process as set out in the Constitution will be followed.

Recruitment of social workers is of particular concern with effort being concentrated in this area. Being able to recruit and retain great social workers is a key part our children's improvement plan.

Work is underway on all aspects of recruitment to ensure we put our best foot forward on the recruitment market. This work includes making sure we have a competitive salary and benefits package, good development and career progression opportunities, robust induction and a supportive working environment where good social work practice can thrive. We all know that Herefordshire is a great place to live, work and bring up children. We need to get that message out!

- s. **Project Management.** I am pleased to report the establishment of the Project Management Office which will help to deliver projects especially in the Economy and Place Directorate. This is very much a subject for management rather than any Cabinet decisions, so as cabinet members we must be careful not to cross a line. I believe we have a correct balance at the current time.
- t. **Hereford Enterprise Zone.** The development of Hereford Enterprise Zone continues to go from strength to strength. The council successfully implemented a £5.4m Marches Local Enterprise Partnership grant between October 2021 and March 2022, primarily focussed on bringing the northern magazine area back in to economic use. A number of major milestones have been achieved, in June Robert Jenrick opened the very impressive £7.4m Shell Store Business

Incubator building, the £9m Midlands Centre for Cyber Security construction has now been completed and is due to open in October, and NMITE's Centre for Timber Technology and Centre for Advanced Manufacturing is currently being constructed by Speller Metcalfe (local construction firm). Since 2011 the Enterprise Zone has delivered 22 hectares of land sold for development or developed out directly, 67,000 sq m of development built or committed to being built, with over 1,000 jobs associated with that development.

- u. **Phosphates in our Rivers.** There have been many meetings since the last Council meeting involving cabinet members and officers seeking solutions to this problem which is preventing new building in the north of the County, and damaging the health of our rivers. We are engaging with our MP's, the Environment Agency, Ministers, officers and Councillors of neighbouring local authorities, Welsh Water, the farming community and the food processing industry. All acknowledge the problem We are seeking solutions together but are in the hands principally of Central Government and, through them, an underfunded Environment Agency.

Plans are advanced for land to be purchased for the development of wetlands and we now have in place a dedicated resource to press on with this project at a quicker pace.

### Reporting progress against stated commitments in the Delivery Plan

18. A list of the decisions taken by cabinet and cabinet members since the last report to Council (covering the period between 6 March 2021 to 30 September 2021) is provided at appendix A. Details of all these decisions, and of those taken by officers under delegated authority, are published on the councillors and democracy pages of the council's website.

19. Since my last report, two key decisions were taken under the general exception provisions (giving more than five but less than 28 days' notice). Four key decisions were taken under the urgency provisions (less than five days' notice) and no decisions were subject to call in. As identified in appendix A

20. The following table provides a brief summary of some of the cabinet's decisions and progress against the priorities we have set out to in our delivery plan (adopted 26 November 2020). Whilst there are a number of projects planned, the proposed top strategic priorities for delivery in the coming years remain:

- I. Delivery of affordable homes built to strong environmental standards
- II. Improving the digital connectivity of the county
- III. Creating jobs and skills that enable our residents to earn higher wages
- IV. Creating a modern and resilient transport network within the City and County

| <i>Links to County and Delivery Plan ...</i>  | <i>The steps and decisions we have taken in this reporting period</i>  |
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| <p><b>County plan ambition is to:</b></p> <p><i>Target of carbon neutrality by 2030</i></p> | <p><b>A: Acceptance and implementation of Solar PV for schools project</b></p> <p>This decision gave approval for the Council to undertake an invest to save programme to install solar photovoltaic panels (PV) on maintained schools in Herefordshire.</p> |

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| <p><b>Corporate delivery plan priority:</b></p> <p><i>Increase the % of investment that contributes significantly to achieving climate and nature goals</i></p> <p><b>Decision maker:</b></p> <p><i>Cabinet member environment and economy</i></p>   | <p>In taking this decision we wish to develop power purchase agreements (PPA) with schools so that there is no upfront cost for schools for the solar PV systems. Here schools would share the financial benefit through discounted costs for the renewable energy and the income from the sale of the energy would be used to repay the capital investment and further reduce the council's energy bill.</p> <p>This project will contribute towards the council's commitment to achieve carbon neutrality by 2030/31, will help to improve local energy security and will generate financial savings for both schools and the council</p>  |
| <p><b>County Plan Ambition is to:</b></p> <p><i>Children and young people in this county to have a great start in life</i></p> <p><b>Corporate delivery plan priority:</b></p> <p><i>Reducing the number of school leavers who are not in education, training or employment (target to be set but with the caveat of potential impact of COVID-19 on opportunities).</i></p> <p><b>Decision maker:</b> <i>Cabinet Member environment and economy</i></p> | <p><b>B: To accept and approve the gateway delivery of additional Kickstart scheme placements, providing work experience placements to 16 to 24 year olds.</b></p> <p>This decision sought approval to accept and deliver additional grant funding offered by the Department of Work and Pensions (DWP). The council has successfully applied to DWP to be a gateway organisation for the delivery of the Kickstart scheme across Herefordshire. As part of the Covid 19 recovery programme, the Kickstart scheme funds 6 monthly work experience placements for 16 to 24 year olds receiving universal credit.</p> <p>The council successfully applied to DWP to be a gateway organisation in October 2020, providing a route for both the council and local employers to participate in the scheme. A Cabinet Member decision was taken on 4 February 2021 to accept and deliver up to £986,124 of support through the scheme.</p> |
| <p><b>County plan ambition is to ensure:</b> <i>Action to tackle the climate emergency.</i></p> <p><b>Corporate delivery priority is:</b> <i>Create a new countywide climate &amp; ecological emergency partnership, strategy and action plan to improve biodiversity and achieve countywide carbon neutrality by 2030</i></p> <p><b>Decision maker:</b> <i>Cabinet</i></p>  | <p><b>C: Allocating the use of the climate reserve</b></p> <p>This decision sets out the Council's ambitious plan to lead the local response to the Climate &amp; Ecological Emergency including the development of a new Herefordshire Climate &amp; Nature Partnership and to allocate the use of the Council's dedicated climate reserve in order to accelerate the delivery of our net zero carbon and nature rich commitments.</p> <p>Since the publication of the Council's first Carbon Management Plan in 2011, Herefordshire Council has made excellent progress reducing emissions from the Council's operations and is currently delivering the third 5-year carbon management plan. This plan sets out the Council's route to zero carbon by 2030/31 and sets out an ambitious interim carbon reduction target of a 75% by 2025/26.</p>  |

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| <p><b>A County Plan ambition is to:</b> <i>Improve the mental wellbeing of Herefordshire residents</i></p> <p><b>Corporate delivery plan Objective</b> <i>Improve the overall mental and physical health and wellbeing of residents of all ages</i></p> <p><b>Decision maker:</b> Cabinet</p>  | <p><b>D: Mental Health Aftercare Arrangements as required under section 117 of the Mental Health Act 1983</b></p> <p>This decision approved the joint policy and standard operating procedure (SOP) for section 117 aftercare, which is required under the Mental Health Act 1983. People who have been detained in hospital for treatment of their mental health needs may require care and support after they leave hospital. This aftercare will be arranged by the council or the NHS and provided in a variety of ways, depending on people’s needs.</p> <p>Herefordshire Council and Herefordshire and Worcestershire Clinical Commissioning Group have a joint responsibility in law to make available appropriate aftercare services for people who have previously been detained in hospital for treatment under the Mental Health Act 1983. In practice, this responsibility applies only to aftercare for people who have been detained in hospital for more than 28 days.</p>  |
| <p><b>A County Plan priority is to:</b><br/><i>Improve energy efficiency of homes and build standards for new housing</i></p> <p><b>Corporate Delivery Plan Objective:</b> <i>Introduce supplementary planning guidance on environmental building standards to ensure all new buildings are compatible with our climate and nature goals</i></p> <p><b>Decision maker:</b> Cabinet</p> | <p><b>E: Environmental Building Design Standards</b></p> <p>This decision approved the output of the proposed environmental building design standards which will set the standard for future developments and retrofit of housing schemes across the county. At Cabinet on 26 November 2020 the decision was taken on how the council would progress the delivery of net carbon zero affordable housing across the county over the coming years. Cabinet also approved the appointment of an independent expert to advise on building housing to maximise the environmental benefits to meet the council’s climate emergency responsibilities.</p> <p>The council commissioned Zero Carbon House to create a proposal and advise on standards for building housing to maximise the environmental benefits to meet the council’s climate emergency responsibilities. Working alongside other council policies, such as the forthcoming Environmental Building Standards Supplementary Planning Document (SPD), these standards should raise expectations and inspire the council and others to provide the higher quality greener homes needed.</p> |
| <p><b>A County Plan priority is to:</b> <i>Protect and promote our heritage, culture and natural beauty to enhance quality of life and support tourism</i></p> <p><b>Corporate Delivery Plan Objective:</b> <i>Implement the Leominster Heritage Action Zone Project, to act as a</i></p>  | <p><b>F: Leominster Heritage Action Zone.</b></p> <p>This decision approved expenditure to deliver activities as detailed in the Leominster Heritage Action Zone Delivery Plan.</p> <p>There are currently more than 60 High Streets Heritage Action Zones (HAZ) schemes across England in the HAZ Programme. This is a £95m nationwide initiative designed to secure lasting improvements to historic high streets for communities who use them. The programme is funded with £40 million from the Department for Digital, Culture Media and Sport’s Heritage High Street Fund, £52 million from the</p>  |

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| <p><i>catalyst to the regeneration of the town and to attract new visitors</i></p> <p><b>Decision maker:</b> Cabinet</p>   | <p>Ministry of Housing, Communities and Local Government's Future High Streets Fund, and a further £3 million from the National Lottery Heritage Fund.</p> <p>The council is now putting in place the match funding, including funding for the public realm projects, and delegating operational decisions to the Director for Economy and Place. The match funding will allow the start of first stage of the public realm projects. This is the procurement of professional services support to carry out the consultation and design of the public realm schemes. This procurement will be carried out in consultation with the council's Commercial and Infrastructure teams and will follow the council's contracts procedures rules.</p>  |
| <p><b>A County Plan priority is to:</b><br/><i>ensure that all children are healthy, safe and inspired to achieve; it will protect the lives of vulnerable people; and invest in education and skills.</i></p> <p><b>Decision maker:</b> Cabinet</p>           | <p><b>G: Herefordshire Capital Investment Strategy 2021-2030 For Specialist Settings Educating Children and Young People with Special Educational Needs and Disabilities</b></p> <p>This decision approved this strategy for Herefordshire Council to support implementation of capital improvements to specialist SEND education accommodation.</p> <p>Herefordshire council has a statutory responsibility to provide sufficient high quality accommodation for pupils with an Education Health Care plan (EHCP) for their Special Educational Needs and Disabilities (SEND). In order to ensure that sufficient places are available in safe and suitable accommodation to cater for the full range of needs identified within EHCPs</p> <p>The strategy ensures that there is high quality sustainable specialist educational accommodation for children and young people (CYP) with an education, health and care plan (EHCP) for SEND in Herefordshire.</p> |
| <p><b>Corporate Delivery Plan Objective:</b> <i>Hereford City Centre and our market towns being reimaged, refocused and transformed as the way in which we live</i></p> <p><b>Decision maker:</b> Cabinet Member, Finance, Corporate services and Planning</p> | <p><b>H: Town Deal Heads of Terms</b></p> <p>In late 2019 Hereford was included, along with another 101 towns across England, within the government's Towns Fund programme. At the geographic heart of Herefordshire, Hereford is the sub-regional driver for over 192,000 people. With a unique heritage, and a striking rural identity, alongside a thriving artisan food and drink culture, Hereford is an attractive town both to visit and in which to live.</p> <p>This is an opportunity to come together to drive long-term economic and productivity growth in Hereford, particularly as we meet the challenges presented by Covid-19. The Hereford Towns Fund Board and the council submitted a Town Investment Plan at the end of January 2020 to government seeking £25million and on 8 June 2021 it was announced that the Hereford Towns Fund Programme had been allocated £22.4million.</p>  |

## **Outside Bodies – Annual Reporting**

21. Since 2018, the council has commissioned short annual reports covering the work and activities from our recognised outside bodies. I am very grateful to the members and officers for their time in preparing these reports. Those that have been received at the time of publication are included in Appendix C.

## **Community impact**

22. The County Plan shapes the future of Herefordshire and aims to encourage and strengthen our vibrant communities, create a thriving local economy and protect and enhance our environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business. The plan guides the work of the council and our relationship with individuals, families, communities and partners through to 2024. The council's delivery plan outlines the detailed work that we have committed to delivering over the next eighteen months.
23. The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the code of corporate governance principle of implementing good practices in transparency, reporting and audit to deliver effective accountability.

## **Environmental Impact**

24. A central underpinning of Herefordshire Council's County Plan is healthy, connected and vibrant ecosystems strongly support the local economy, improve health and wellbeing and make the county an attractive place to live and to visit. It is a commitment of the plan to protect and enhance this environment while stewarding it for future generations.
25. The council's delivery plan is underpinned by the commitment of this executive to use our unique role as leaders of the places we represent to help people feel safe, supported and proud of our unique and beautiful environment and we shall tackle the climate challenge through new approaches to sustainability. In doing this we will base our work on the lessons we have learned, what our residents and businesses tell us and our understanding of what our county needs for a successful future.

## **Equality duty**

26. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;



(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

27. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
28. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

### **Resource implications**

29. There are no financial implications arising from the recommendations of this report. The financial implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform any future decision making.

### **Legal implications**

30. The council and committee, and cabinet rules within the constitution require the Leader to provide a report to Council on the work of the cabinet since the last meeting of Council and, at the first meeting to follow the annual meeting of Council (except in a year when there are ordinary elections), on the priorities of the cabinet and progress made in meeting those priorities. This report ensures these requirement are met
31. Appointment of cabinet members and allocation of portfolio responsibilities are responsibilities of the Leader of the Council, and the constitution requires that any changes are subsequently reported to Council. This report ensures these requirement are met.
32. There are no legal implications arising from the recommendations of this report. The legal implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken

### **Risk management**

33. There are no risks arising from the recommendations of this report. The risks of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform future decision making.

### **Consultees**

34. None.

### **Appendices**

- Appendix A - Executive decisions taken from 17 July 2020 to 30 September 2021.
- Appendix B – Cabinet Member Portfolios
- Appendix C – Annual reports, 2020/21 received from the council's recognised Outside Bodies

### **Background papers**

None

**Appendix A: Executive decisions taken since the last annual reporting period 17 July 2021.**

**Executive decisions taken between 6 March to 30 September, 2021**

| Decision and purpose  | Decision date | Decision Type            | Taken by  |
|---|---------------|--------------------------|---|
| <b>Herefordshire's co-ordinated admissions arrangements for 2022/2023:</b> To approve Herefordshire Council's proposed admissions arrangements for the academic year 2022/2023. The proposed arrangements comply with the current School Admissions Code which came into force on 19 December 2014. The recommendation applies to admission arrangements determined in 2021 for admission in school year 2022/2023 for those schools in Herefordshire for whom the council is the admissions authority. | 11/03/21      | Non Key                  | <b>Cabinet member children and families</b>                 |
| <b>Project Plan for the Local Plan update:</b> To set out a project plan for the preparation of an updated Herefordshire Local Plan.  | 23/03/21      | Non Key                  | <b>Cabinet member Infrastructure and transport</b>          |
| <b>Property services estates capital works programme:</b> To agree the property services estates capital works programme. The proposed programme of works as set out in appendix A and B incorporates a series of planned project works that enables the council to deliver on its obligations to maintain buildings fit for purpose utilising the agreed £2.067m capital budget which was approved at council budget meeting of 12 February 2021   | 31.3.21       | Key<br>(Special Urgency) | <b>Cabinet member commissioning, procurement and assets</b> |
| <b>Property Services Planned and Reactive Maintenance Programme 2021/22:</b> To agree the property services planned and reactive maintenance programme 2021/22 to ensure the continuing upkeep, improvements and maintenance of the council's property assets and also to allow the council to fulfil its obligations to carry out statutory compliance inspections and related remedial works.   | 24/03/21      | Key                      | <b>Cabinet member commissioning, procurement and assets</b> |
| <b>Hoople Service Level Agreement 2021/22:</b> To approve the Hoople Ltd service level agreement for 2021/22.   | 25/03/21      | Key                      | <b>Cabinet member finance and corporate services</b>        |
| <b>Executive response to the Climate and Ecological Emergency Task and Finish Group Review:</b> The Executive response to the Climate and Ecological Emergency Task and Finish Group Review which reported to general scrutiny on January 25.   | 25/03/21      | Non Key                  | <b>Cabinet member environment and economy</b>               |

| Decision and purpose   | Decision date | Decision Type | Taken by   |
|--|---------------|---------------|--|
| <b>Car Parking Charges:</b> To approve new parking charges and hours of charging to apply in council car parks and on street pay and display. To continue with a review of parking operations, including cashless payment methods and service delivery.  | 26/03/21      | Key           | <b>Cabinet member Infrastructure and transport</b>                       |
| <b>High Needs Budget 2021/22:</b> To approve the Dedicated Schools Grant (DSG) high needs budget for 2021/22 as recommended by Schools Forum   | 31/03/21      | Key           | <b>Cabinet member children and families</b>                              |
| <b>Member Development Strategy:</b> Herefordshire Council is committed to providing high quality development to its elected members to enable them to effectively fulfil their roles, now and in the future. This Member Development Strategy provides a framework for working with members to set out their principal development needs. Underpinning the strategy is a baseline survey of first time elected and returning members. This survey drew upon the LGAs Political Skills Framework toolkit to provide an understanding of member's leadership, relationship building, communications and political skills and experiences. Herefordshire Council is committed to providing high quality development to its elected members to enable them to effectively fulfil their roles, now and in the future. | 31/3/21       | Non Key       | <b>Cabinet member finance and corporate services</b>                     |
| <b>Withdrawal of the Bromyard Depot Site from the Development Regeneration Partnership (DRP):</b> To withdraw the Bromyard Depot from the DRP as the council has not been able to secure vacant possession of the entire development site, and therefore current scheme cannot be taken forward at this time.  | 07/04/21      | Key           | <b>Cabinet member housing, regulatory services, and community safety</b> |
| <b>Licensing Fee increase 2021/2022:</b> To agree the updated licensing charges across all chargeable licences and services in line with the council's full cost recovery policy.  | 16/04/21      | Non Key       | <b>Cabinet member housing, regulatory services, and community safety</b> |
| <b>External audit – audit Plan 2020/21:</b> That the draft audit plan for 2020/21 as presented by WR Partners attached at Appendix 1 be approved. That the commissioning of WR Partners to undertake the audit in accordance with the audit plan be approved.  | 02/03/21      |               | <b>West Mercia energy joint committee</b>                                |
| <b>Internal audit – Performance reports to March 2021:</b> That the Committee consider and endorse, with appropriate comment, the performance to date against the 2020/21 Audit Plan as set out in this report.  | 02/03/21      |               | <b>West Mercia energy joint committee</b>                                |
| <b>Internal audit – strategic plan 2021/22:</b> That the proposed programme of audits for 2021/22 be endorsed.   | 02/03/21      |               | <b>West Mercia energy joint committee</b>                                |

| Decision and purpose  | Decision date | Decision Type            | Taken by   |
|---|---------------|--------------------------|--|
| <b>Anti-Slavery and Human Trafficking statement 2020/21:</b> That the draft WME Transparency Statement for 2020/21 be approved. That authority be delegated to the Director to finalise the WME Transparency Statement and publish it in accordance with section 54 of the Modern Slavery Act 2015.   | 02/03/21      |                          | <b>West Mercia energy joint committee</b>                                |
| <b>Risk management update:</b> That the WME Risk Management Strategy attached at Appendix A be approved and the position as set out in the report be noted.   | 02/03/21      |                          | <b>West Mercia energy joint committee</b>                                |
| <b>Annual business plan and budget 2021/22 including a review of 2020/21 (Exempt):</b> That the recommendations contained within the exempt report be approved.   | 02/03/21      |                          | <b>West Mercia energy joint committee</b>                                |
| <b>Executive response to the Waste Management Strategic Task and Finish Group Review:</b> To approve the executive response to the report from the Task and Finish group review concerning the Waste Management Strategic Review. The General Scrutiny committee made 23 recommendations.   | 22/04/21      | Non Key                  | <b>Cabinet member commissioning, procurement and assets</b>              |
| <b>Herefordshire Capital Investment Strategy 2021-2030 For Specialist Settings Educating Children and Young People with Special Educational Needs and Disabilities SEND:</b> To approve the Herefordshire Capital Investment Strategy for specialist settings for Special Educational Needs and Disability (SEND) 2021-2030. The strategy seeks to ensure that there is high quality sustainable specialist educational accommodation for children and young people with SEND in Herefordshire.       | 22/04/21      | Key                      | <b>Cabinet</b>   |
| <b>Public Realm Service Annual Plan 2021/22:</b> To confirm the annual plan 2021/22 for the public realm services contract with Balfour Beatty Living Places  | 26/04/21      | Key                      | <b>Cabinet Member Infrastructure &amp; Transport</b>                     |
| <b>Draft Housing Strategy:</b> To approve the draft housing strategy for community consultation.  | 30/04/21      | Non Key                  | <b>Cabinet member housing, regulatory services, and community safety</b> |
| <b>Additional Restrictions Grant - Business Recovery Programme:</b> To urgently seek approval to accept and spend the Additional Restrictions Grant (ARG) funding (£1.7m) January 2021 allocation from government, and, if funding conditions are met, to accept and spend the additional £1.791m ARG top up Restart Grant allocation to support businesses and charities affected by the continuing lockdown restrictions and their ongoing recovery. The principal funding condition to trigger the | 04/05/21      | Key<br>General Exception | <b>Cabinet member environment and economy</b>                            |

| Decision and purpose  | Decision date | Decision Type            | Taken by   |
|---|---------------|--------------------------|--|
| additional £1.791m allocation is the achievement of full spend of the existing £1.7m ARG allocation from January 2021.  |               |                          |  |
| <b>Housing Pipeline Investigation Account:</b> Create a Housing Pipeline Investigation Account which could be utilised to procure technical services to undertake initial site studies for sites in third party ownership in order to develop a pipeline of housing schemes.  | 05/05/21      | Non Key                  | <b>Cabinet member housing, regulatory services, and community safety</b> |
| <b>Complex Needs Framework:</b> To approve the joining of the Worcestershire complex needs framework.   | 14/05/21      | Key                      | <b>Cabinet member health and adult wellbeing</b>                         |
| <b>Approve the option to deliver the residential and respite service for adults with a learning disability and complex needs:</b> To agree the business case to deliver the residential and respite learning disabilities and complex needs service.  | 17/05/21      | Key                      | <b>Cabinet member health and adult wellbeing</b>                         |
| <b>To accept and approve the gateway delivery of additional Kickstart scheme placements, providing work experience placements to 16 to 24 year olds:</b> To gain approval to accept and deliver additional grant funding offered by the Department of Work and Pensions (DWP). The Council has successfully applied to DWP to be a gateway organisation for the delivery of the Kickstart scheme across Herefordshire. As part of the Covid 19 recovery programme, the Kickstart scheme funds 6 monthly work experience placements for 16 to 24 year olds receiving universal credit. | 19/05/21      | Key<br>General Exception | <b>Cabinet member environment and economy</b>                            |
| <b>Mediation arrangements in relation to a contractual dispute with a third party:</b> To approve and put in place arrangements for settlement by way of mediation of a contractual dispute between the council and a third party and to ensure that those participating in the mediation have the authority to participate.  | 26/05/2021    | Key<br>Special Urgency   | <b>Cabinet member finance and corporate services</b>                     |
| <b>Lugwardine: A438 Improvement scheme:S106 Works Pedestrian Crossing and footway:</b> To approve the allocation of highway contributions secured by way of a S106 agreement to deliver works through the public realm contract. These works are to be undertaken using S106 monies which will deliver a pedestrian crossing and extend a footway to the bus stop. The works are in the vicinity of the school and are aimed to ensure safety for children accessing the school and access for all to the bus waiting facilities  | 26/05/21      | Non Key                  | <b>Cabinet member Infrastructure and transport</b>                       |

| Decision and purpose  | Decision date | Decision Type | Taken by   |
|---|---------------|---------------|--|
| <b>Affordable Housing Supplementary Planning Document (SPD):</b> To seek approval on the adoption of the Affordable Housing Supplementary Planning Document (SPD) following consultation  | 02/06/21      | Non Key       | <b>Cabinet member Infrastructure and transport</b>             |
| <b>Q4 Budget &amp; Performance Report:</b> To review the councils final 2020/21 budget output and performance against the 2020-2022 Delivery Plan   | 03/06/212     | Non Key       | <b>Cabinet</b>   |
| <b>Department for Education Improvement Notice:</b> To note receipt of improvement notice and establishment of improvement board.   | 03/06/21      | Non Key       | <b>Cabinet</b>   |
| <b>Adoption of the Madley neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Madley neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.   | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b> |
| <b>Adoption of the Ross on Wye neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Ross on Wye neighbourhood development plan as part of the statutory development plan for Herefordshire and approved the consequential updates to the countywide policies maps.                                  | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b> |
| <b>Adoption of the Bromsash, Gorsley and Linton neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Bromsash, Gorsley and Linton neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps. | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b> |
| <b>Adoption of the Clehonger neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Clehonger neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.                                       | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b> |
| <b>Adoption Of The Much Birch Neighbourhood Plan And Consequential Updates To The Countywide Policies Map:</b> To make the Much Birch neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.                                     | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b> |
| <b>Adoption of the Allensmore neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Allensmore neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.                                     | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b> |



| Decision and purpose  | Decision date | Decision Type | Taken by  |
|---|---------------|---------------|---|
| <b>Adoption of the Colwall neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Colwall neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.   | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b>    |
| <b>Adoption of the Brampton Abbots and Foy neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Brampton Abbots and Foy neighbourhood development plan as part of the statutory development plan for Herefordshire and approved the consequential updates to the countywide policies maps.  | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b>    |
| <b>Adoption of the Garway neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Garway neighbourhood plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.   | 07/06/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b>    |
| <b>Town Deal Heads of Terms:</b> The purpose of the report is to seek authorisation and delegation to sign the Heads of Terms that has been received by the Towns Investment Partnership Board and Herefordshire Council.   | 18/06/21      | Key Reg 11    | <b>Cabinet member finance and corporate services and planning</b> |
| <b>Herefordshire Community Renewal Fund submission:</b> To approve the submission to government of a shortlist of projects applying to the UK Community Renewal Fund for a combined maximum amount of £3m, and for the council to agree to be the accountable body for any Community Renewal Funding awarded to those projects shortlisted by the council and approved by government. | 11/06/21      | Key           | <b>Cabinet member environment and economy</b>                     |
| <b>Acceptance and implementation of Green Homes Grant Local Authority Delivery (GHG LAD) Phase 2 funding project:</b> The report seeks approval for the Council to accept Green Homes Grant Local Authority Delivery Phase 2 (GHG LAD 2) capital funding of up to £1,460,600 via the signing of a Grant Letter agreement with the Midlands Energy Hub.                                | 16/06/21      | Key           | <b>Cabinet member environment and economy</b>                     |
| <b>National Bus Strategy:</b> To agree the approach to progressing the National Bus Strategy requirements locally. To include preparation of a Bus Service Improvement Plan and intention to establish an Enhanced Partnership with bus operators. This will require publication of a statutory notice to confirm the council's intentions by 30th June 2021.                         | 18/06/21      | Key           | <b>Cabinet member Infrastructure and transport</b>                |
| <b>Hereford Transport Strategy:</b> To agree the approach to developing and delivering the transport strategy in 2021/22 and to agree the allocation of revenue budget to support the development and delivery of the strategy.   | 24/06/21      | KEY           | <b>Cabinet</b>  |
| <b>Covid 19 Recovery Plan:</b> To approve the county Covid 19 Economic Recovery Plan.   | 24/06/21      | KEY           | <b>Cabinet</b>  |
| <b>New Arrangements for Commissioned Home Care:</b> To approve a new approach and model for commissioned home care services.  | 24/06/21      | KEY           | <b>Cabinet</b>  |

| Decision and purpose   | Decision date | Decision Type | Taken by   |
|--|---------------|---------------|--|
| <b>Sensory Impairment Contract:</b> To approve a competitive market tender for the provision of a sensory impairment contract due to the current contract cessation on 31 January 2022.  | 05/07/21      | KEY           | <b>Cabinet member health and adult wellbeing</b>               |
| <b>A465 Aylestone Hill Walking and Cycling Improvements:</b> To approve the development and delivery of a walking and cycling improvement scheme on the A465 Aylestone Hill following the allocation of £120k of Active Travel Fund from the Department for Transport.   | 15/07/21      | Non Key       | <b>Cabinet member infrastructure and transport</b>             |
| <b>Executive response to General Scrutiny Recommendations Regarding the Waste Management Strategic Task and Finish Group Review:</b> To approve the executive response to recommendations made by general scrutiny committee regarding the Waste Management Strategic Review.  | 16/07/21      | Non Key       | <b>Cabinet member commissioning, procurement and assets</b>    |
| <b>Executive Response to General Scrutiny Recommendations Regarding the Climate and Ecological Emergency Review:</b> To approve the executive response to recommendations made by general scrutiny regarding the climate and ecological emergency review. On 26 April the General Scrutiny committee made a further 11 recommendations after reviewing the executive response to the initial 58 recommendations in the climate and ecological emergency review.  | 16/07/21      | Non Key       | <b>Cabinet member environment and economy</b>                  |
| <b>Approval of the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures:</b> To approve the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures from July 2021 - June 2023.   | 21/07/21      | Key           | <b>Cabinet member finance, corporate services and planning</b> |
| <p><b>Recommendation for potential sites to progress affordable housing delivery in Herefordshire:</b> This paper seeks agreement to proceed with the outline design of a number of selected council owned sites identified across the county. At Cabinet on 26 November 2020 the decision was taken on how the council would progress the delivery of net carbon zero affordable housing across the county over the coming years.</p> <p>Cabinet also approved Phase 2 of this strategic work to develop a pipeline of sites suitable for development as affordable housing to support discussions with key partners including Homes England.</p> | 22/07/21      | Key           | <b>Cabinet</b>   |
| <b>Hereford City Centre Transport Package (HCCTP) - Development of the remaining element:</b> To confirm next steps to progress the design development and public consultation of the remaining elements of the HCCTP.   | 22/07/21      | Key           | <b>Cabinet</b>   |
| <b>Adoption of the Dinedor neighbourhood plan and consequential updates to the countywide policies map:</b> To make the Dinedor neighbourhood plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.  | 28/07/21      | Non Key       | <b>Cabinet member finance, corporate services and planning</b> |
| <b>Major contract performance update:</b> To update the Cabinet on the major contract performance review action points reported to Cabinet 24 September 2020   | 29/07/21      | Non Key       | <b>Cabinet</b>   |

| Decision and purpose  | Decision date | Decision Type | Taken by   |
|---|---------------|---------------|--|
| <b>2022/23 budget setting and consultation:</b> To recommend the approach for consultation to inform the 2022/23 budget and developing the medium term financial strategy (MTFS). Cabinet is required to publish its timetable for making proposals to Council for the adoption of the MTFS, its capital budget and setting a revenue budget, and its arrangements for consultation of those initial proposals. | 29/07/21      | Non Key       | <b>Cabinet</b>   |
| <b>Allocating the use of the Climate Reserve:</b> This report seeks Cabinet approval to allocate the use of the dedicated Climate Reserve and to draw down funds in support of the recommended projects.  | 29/07/21      | Key           | <b>Cabinet</b>   |
| <b>Recovery and Investment Fund:</b> For Cabinet to approve the establishment of a COVID 19 recovery and investment fund to support Herefordshire businesses.   | 29/07/21      | Key.          | <b>Cabinet</b>   |
| <b>Mental Health Aftercare Arrangements as required under section 117 of the Mental Health Act 1983:</b> To approve the revised joint Section 117 (Aftercare) policy and Standard Operating Procedure between Herefordshire Council and Herefordshire and Worcestershire Clinical Commissioning Group   | 29/07/21      | Key           | <b>Cabinet</b>   |
| <b>To set out the councils new Integrated Waste Management Strategy and Waste Handling Pilots:</b> To adopt the councils new Integrated Waste Management Strategy and to agree an outline plan of potential waste handling pilot schemes  | 29/07/21      | Key           | <b>Cabinet</b>   |
| <b>Empty Property Strategy for Herefordshire 2021-2024:</b> To approve the Empty Property Strategy for Herefordshire  | 29/07/21      | Key           | <b>Cabinet member housing, regulatory services, and community safety</b> |
| <b>West Midlands Rail Executive and DfT Collaboration Agreement:</b> To set out the changes to the Collaboration Agreement between West Midlands Rail Ltd and the Department for Transport and seek cabinet member approval to support these changes.   | 30/07/21      | Key           | <b>Cabinet member Infrastructure and transport</b>                       |
| <b>Empty Property and Development Capital Budget:</b> To approve expenditure and approach to delivering the Empty Property and Development Capital Budget   | 04/08/21      | Key           | <b>Cabinet member housing, regulatory services, and community safety</b> |
| <b>Freehold Transfer of Hinton Community Centre to a third party community organisation:</b> To approve the freehold transfer of Hinton Community centre to a third party community organisation.   | 06/08/21      | Non Key       | <b>Cabinet member commissioning, procurement and assets</b>              |
| <b>Welcome Back Fund:</b> To gain approval to accept and spend the Welcome Back Fund (WBF) amounting to £172,188 from the Ministry of Home, Communities, and Local Government (MHCLG). WBF builds from the Reopening of the High Street Safely Fund (RHSSF). HC's allocation is £172,188.   | 06/08/21      | Non Key       | <b>Cabinet member environment and economy</b>                            |

| Decision and purpose  | Decision date | Decision Type | Taken by   |
|---|---------------|---------------|--|
| <p><b>Maylord Shopping Centre – Management Services:</b> The current contract for the management of the Maylord Shopping Centre has been in place since the council obtained outright control of the asset in June 2020. The management service provided by a third party is due to expire on the 31st September 2021. It is necessary to ensure that new arrangement for management service is in place when the contract expires and it is proposed that the service is undertaken by Hoople Limited (Hoople) from the 1st October 2021. This is to ensure that the shopping centre can operate and that rent and service charges are collected and administered.</p>   | 10/08/21      | Key           | <p><b>Cabinet member commissioning, procurement and assets</b></p> |
| <p><b>New Arrangements for Commissioned Supported Living Framework:</b> To approve a new approach for commissioned supported living services.</p>   | 17/08/21      | Key           |  |
| <p><b>Town Fund – Projects List (Annex A) Submission:</b> The purpose of the report is to seek authorisation and delegation to submit details of Towns Fund projects to be taken forward and the plan for addressing key conditions attached to those project individually and the Town Investment overall (Annex A) to Ministry, Housing, Communities and Local Government (MHCLG) that has been agreed between the Towns Investment Partnership Board and Herefordshire Council.</p>  | 23/08/21      | Key           | <p><b>Cabinet member finance and corporate services</b></p>        |
| <p><b>Acceptance And Implementation Of Solar PV For Schools Project:</b> This report seeks approval for the Council to undertake an invest to save programme to install solar photovoltaic panels (PV) on maintained schools in Herefordshire. The proposal is to develop power purchase agreements (PPA) with schools so that there is no upfront cost for schools for the solar PV systems. Here schools would share the financial benefit through discounted costs for the renewable energy and the income from the sale of the energy would be used to repay the capital investment and further reduce the council’s energy bill. This project will contribute towards the council’s commitment to achieve carbon neutrality by 2030/31, will help to improve local energy security and will generate financial savings for both schools and the council.</p> | 26.08.21      | Key           | <p><b>Cabinet member environment and economy</b></p>               |
| <p><b>Executive Response to the General Scrutiny Committee recommendations following the Fownhope Flood Repair Work Review:</b> To approve the executive response to the general scrutiny committee recommendations in respect of the Fownhope Flood Repair Work. The committee made 10 recommendations.</p>  | 3/09/21       | Non Key       | <p><b>Cabinet member Infrastructure and transport</b></p>          |
| <p><b>Executive Response - Follow Up Recommendations To The Committee’s Review Of The Climate And Ecological Emergency July 2021:</b> To approve the executive response to recommendations made by general scrutiny committee regarding the climate and ecological emergency review. On 19 July 2021 the General Scrutiny Committee made a further three recommendations after reviewing the executive response to the follow up 11 recommendations that were made in response to the original 58 recommendations.</p>  | 13/09/21      | Non Key       | <p><b>Cabinet member environment and economy</b></p>               |
| <p><b>Executive Response To General Scrutiny Recommendations Regarding Herefordshire Council’s Response To The Covid Pandemic:</b> To approve the executive response to</p>   | 14/09/21      | Non Key       | <p><b>Leader of the Council</b></p>                                |

| Decision and purpose  | Decision date | Decision Type | Taken by   |
|---|---------------|---------------|--|
| recommendations made by general scrutiny committee regarding the council's response to the Covid pandemic.  |               |               |  |
| <b>Variation To West Mercia Energy Joint Agreement:</b> This report recommends to Cabinet and seeks approval that the Joint Agreement be varied to update the formulae for the distribution of the accumulated surplus each year. The proposed new method ensures that if one Member Authority decides to adjust their margin compared to the other Member Authorities, then the impact is solely on the Member Authority making the change. The Joint Agreement includes the provision that accumulated surpluses identified for distribution are allocated to Member Authorities each year.   | 16/09/21      | Non Key       | <b>Cabinet</b>                                   |
| <b>Environmental Building Design Standards:</b> This paper seeks agreement to approve the output of the proposed environmental building design standards which will set the standard for future developments and retrofit of housing schemes across the county. At Cabinet on 26 November 2020 the decision was taken on how the council would progress the delivery of net carbon zero affordable housing across the county over the coming years. Cabinet also approved the appointment of an independent expert to advise on building housing to maximise the environmental benefits to meet the council's climate emergency responsibilities.               | 17/09/21      | Non Key       | <b>Cabinet</b>                                   |
| <b>Commissioning of Technology Enabled Living Services (TELS) Reactive Call Monitoring Service, Adult Social Care Out Of Hours Service And Lone Worker Services:</b> To approve the re-commissioning of a reactive call monitoring service, incorporating TELS reactive call monitoring, adult social care out of hours (OOH) and the lone working service. These services are currently provided separately and combining them will provide a simplified contract arrangements and potential efficiencies and quality improvements in service delivery. It is proposed that a contract is awarded for two years, with options to extend for two further years. | 17/09/21      | Non Key       | <b>Cabinet member health and adult wellbeing</b> |

**Executive decisions taken from 4 December to 26 February 2021.**

|    | <b>Decision and purpose</b>  | <b>Decision Type</b> | <b>Implementation Date</b> | <b>Taken by</b>   |
|----|--|----------------------|----------------------------|---|
| 1. | <b>West Midlands Rail Ltd - proposed governance change:</b> To agree the council's response to proposed changes in the governance of West Midlands Rail Limited (WMRL).  | Key                  | 19/12/2020                 | Cabinet member<br>Infrastructure and transport          |
| 2. | <b>Herefordshire Council social value:</b> To agree Herefordshire Council's social value pledges and key value indicators to be used to inform the development of a corporate social value framework.  | Key                  | 22/12/2020                 | Cabinet member<br>commissioning, procurement and assets |
| 3. | <b>Brimfield, Orleton and Little Hereford Flood Alleviation Scheme.</b> The report seeks approval for the Council to accept funding of £234,465, to survey, design and install Property Flood Resilience measures.   | Non Key              | 23/12/2020                 | Cabinet member<br>Infrastructure and transport          |
| 4. | <b>Recommendation for the first proceedable affordable housing scheme:</b> To approve the development work for the first proceedable site for affordable housing in Herefordshire.   | Non Key              | 24/12/2020                 | Cabinet   |
| 5. | <b>Local authority school buildings maintenance works 2021-2023:</b> To approve the proposed expenditure of capital grants for school buildings maintenance works.   | Key                  | 24/12/2020                 | Cabinet   |
| 6. | <b>Review of fostering allowances and fees for foster carers:</b> To increase fostering allowances and fees for foster carers so that the Fostering service can recruit and retain sufficient foster carers to meet the needs of children and young people in care.  | Key                  | 24/12/2020                 | Cabinet   |
| 7. | <b>Transfer of Get Building Funding the New Model Institute Technology and Engineering:</b> To enable the accountable body, Shropshire Council, to delegate responsibility for the managing of the Get Building Funding grant and the relationship with the successful grant applicant (NMiTE) to the council. The full grant amount of £1.6m for project will be transferred from the | Key                  | 12/01/2021                 | Cabinet member<br>finance and corporate services        |

|       | Decision and purpose  | Decision Type                      | Implementation Date | Taken by   |
|-------|---|------------------------------------|---------------------|--|
|       | accountable body to the council in advance of project delivery. The grant funding will be utilised to accelerate development of NMITE's Centre for Automated Manufacturing on the Herefordshire Enterprise Zone.  |                                    |                     |  |
| 8.    | <b>Workforce and OD Strategy:</b> The workforce and organisation development strategy outlines the work we will do over the next two years to support the delivery of the corporate plan by how we recruit, manage, develop, reward and engage our employees. Cabinet are asked for their views on this strategy.   | Non Key                            | 19/01/2021          | Cabinet member finance and corporate services        |
| 9. 17 | <b>£2m Investment in the C and U road network - confirmation of the delivery programme:</b> To approve the programme of works on the C and U road network further to the decision by the cabinet member of 6 August 2020 and resolution of the Council of 14 February 2020.   | Key                                | 21/01/2021          | Cabinet member Infrastructure and transport          |
| 10.   | <b>Hereford Transport Strategy:</b> For cabinet to set out its recommendations with regard to current road proposals and allocation of capital funds for consideration of full council and confirm how it will take forward its preferred transport strategy for Hereford.  | Key<br>Budget and Policy Framework | 21/01/2021          | Cabinet  |
| 11.   | <b>Property services estates capital programme 2021/22:</b> To agree the property services 2021/22 estates capital works programme. The proposed programme of works as set out in appendix A, incorporates a series of planned project works that enables the council to deliver on its obligations to maintain buildings fit for purpose utilising the agreed £1.39m capital budget which was approved at council budget meeting of 15 February 2019 | Key                                | 28/01/2021          | Cabinet member commissioning, procurement and assets |
| 12.   | <b>Schools Capital Investment Programme</b><br><br>To approve the proposed expenditure of the preliminary works budget included in the capital programme.   | Key                                | 28/01/2021          | Cabinet  |
| 13.   | <b>Hereford Towns Fund town investment plan submission</b><br><br>Endorsement of the Hereford Towns Fund town investment plan submission and approval to act as accountable body for any subsequent Town Deal agreed with government.   | Key                                | 28/01/2021          | Cabinet  |

|     | Decision and purpose   | Decision Type  | Implementation Date | Taken by |
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| 14. | <p><b>2021/22 Council Tax reduction Scheme:</b> To recommend to Council the 2021/22 local council tax reduction scheme (CTR). Council tax charges can be reduced where the bill payer meets certain set criteria contained in the council tax reduction scheme (CTR). The current scheme was initially approved by Council on 18 December 2015, amendments to the scheme are recommended to commence from 1 April 2021 to increase the discount support available. It is a legal requirement to annually review the council's council tax reduction scheme and the decision to approve the scheme is reserved to full Council.</p>   | <p>Budget and Policy Framework</p> <p>Forwarded to Council</p> | 28/01/2021          | Cabinet  |
| 15. | <p><b>2021/22 Capital Investment Budget and Capital Strategy Update</b></p> <p>To recommend to Council for approval the capital investment budget and capital strategy for 2021/22 onwards.</p> <p>Appendix A provides details of the proposed additions to the existing capital programme that have been identified and the impact of approving these additions. Eleven capital investment budget proposals totaling £20.7m have been identified, to be funded by capital grants (£14.5m), redirected funding from revenue reserves (£1.0m), returns on capital investment (£0.4m) and prudential borrowing of (£4.8m).</p> <p>In line with the Chartered Institute of Public Finance and Accountability (CIPFA) requirements a capital strategy has been written to reflect future direction for capital investment, the strategy is included at appendix D and in line with the guidelines requires Council approval.</p> | <p>Budget and Policy Framework</p> <p>Forwarded to Council</p> | 28/01/2021          | Cabinet  |
| 16. | <p><b>2021/22 Budget Setting:</b> To agree the draft 2021/22 budget and associated medium term financial strategy and treasury management strategy for recommendation to Council on 12 February. The proposed budget reflects current and expected service delivery requirements and the provisional local</p>   | <p>Budget and Policy Framework</p>                             | 28/01/2021          | Cabinet  |



|     | Decision and purpose   | Decision Type        | Implementation Date | Taken by                                    |
|-----|--|----------------------|---------------------|---|
|     | <p>government settlement announced on 17 December. Overall the base budget for 2021/22 is proposed to increase to fund budget pressures. Savings of £11.2m are required in 2021/22 and an increase in council tax of 4.99% (inclusive of 3% adult social care precept) is proposed to deliver a balanced budget.</p> <p>The draft medium term financial strategy (MTFS), attached at appendix A, has been updated to reflect current assumptions on future years funding and service requirements in line with the County Plan. The treasury management strategy includes the proposed borrowing and investment strategy, the council's expected minimum revenue provision and the associated prudential indicators which demonstrate that the council's proposed capital investment budget is affordable, prudent and sustainable</p> | Forwarded to Council |                     |   |
| 17. | <b>Hereford City Centre Transport Package (HCCTP):</b> This report provides an update on the budget for the Hereford City Centre Transport Package (HCCTP) project and seeks approval of budget adjustments.   | Key                  | 29/01/2021          | Cabinet member Infrastructure and transport |
| 18. | <b>Strengthening the recruitment of Council Foster Carers:</b> To approve the business case for investment in marketing and engagement services to strengthen the council's in-house fostering service, increase the number of general and specialist foster carers and reduce the reliance on the more costly IFA (independent fostering agency) sector.  | Key                  | 29/01/2021          | Cabinet member children and families        |
| 19. | <b>Capital grant for homelessness hub:</b> To approve a capital grant to Citizen Housing for improvement works to enable the launch of a homelessness hub in Hereford. It is proposed to make a grant of capital to Citizen Housing to enable redecoration and refreshment of the accommodation at 107a Whitecross Road. The grant for works to create a homelessness hub will funded be entirely from a capital grant awarded for the purpose to the council by the Ministry of Housing, Communities and Local Government (MHCLG) The hub will launch during April 2021 and provide drop-in advice and support, eight units of emergency accommodation and four self-contained flats for transition.  | Non Key              | 29/01/2021          | Cabinet member health and adult wellbeing   |

|     | Decision and purpose   | Decision Type             | Implementation Date | Taken by   |
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| 20. | <b>Maylord Shopping Centre - Procurement of Management Contract:</b> The current contract for the management of the Maylord Shopping Centre has been in place since the council obtained outright control of the asset in June this year. The management contract is for a period of one year and is due to expire on the 12 June 2021. It is necessary to procure a new contract with a service provider in order that the shopping centre can operate and that rent and service charges are collected and administered.  | Key                       | 02/02/2021          | Cabinet member commissioning, procurement and assets |
| 21. | <b>Recommendation for potential sites to progress affordable housing delivery in Herefordshire:</b> At Cabinet on 26 November 2020 the decision was taken on how the council will progress the delivery of net zero carbon affordable housing across the county over the coming years. Cabinet also approved Phase 2 of this strategic work to develop a pipeline of sites suitable for development as affordable housing to support discussions with key partners including Homes England.<br><br>This paper seeks agreement to proceed with the outline feasibility of an initial number of selected council owned sites and any suitable sites in third party ownership identified across the county in order to progress the pipeline of suitable sites. The aim is to identify sites and prioritise using a market needs analysis | Non Key                   | 04/02/2021          | Cabinet  |
| 22. | <b>To accept and approve the gateway delivery of the Kickstart scheme, providing work experience placements to 16 to 24 year olds:</b> To gain approval to accept grant funding offered by the Department of Work and Pensions (DWP). The council has successfully applied to DWP to be a gateway organisation for the delivery of the Kickstart scheme across Herefordshire. As part of the Covid 19 recovery programme, the Kickstart scheme funds 6 monthly work experience placements for 16 to 24 year olds receiving universal credit.<br><br>An urgent decision was required to accept and implement this scheme to meet the DWP deadline to accept the grant by 4 February 2021 as part of the Covid 19 response.  | Key<br>Special<br>Urgency | 04/02/2021          | Cabinet member environment, economy and skills       |
| 23. | <b>Schools Budget 2021/22:</b> To approve school forum's recommended budget proposals for school budgets, central school services and early years within   | Key                       | 06/02/2021          | Cabinet member                                       |

|     | Decision and purpose   | Decision Type             | Implementation Date | Taken by   |
|-----|--|---------------------------|---------------------|--|
|     | the Dedicated Schools Grant (DSG) for 2021/22. Dedicated Schools Grant funding for the schools block in 2021/22 is £112.95m, which is an increase of £4.5m for primary pupils, £3.8m for secondary pupils, a total of £8.3m although this includes £5m of grant for Teachers pay and pensions which was previously paid separately. The funding for high needs and early years block are provisional and are both subject to final adjustments for pupil numbers and commissioned places. The school funding values and formula calculations are in accordance with the national school funding formula as set by government. The funding above that required to implement the national funding formula is proposed to be distributed to schools at £17 per pupil and £300,000 transferred to the high needs block for 2021/22 |                           |                     | children and families                                |
| 24. | <b>Recommissioning of Independent Advocacy Services:</b> To recommission services for the provision of independent advocacy for adults.  | Key                       | 10/02/2021          | Cabinet member health and adult wellbeing            |
| 25. | <b>Building maintenance, small works and cleaning services - Service Continuity Plan:</b> Approval is being sought to enter into a new arrangement for the current Building Maintenance, Small Works and Cleaning contract which is due to cease on 31 March 2021. A procurement process for these services was undertaken but interrupted by the Covid-19 pandemic in 2020. The procurement exercise was relaunched in the autumn of 2020 that has now concluded and been unsuccessful. This therefore presents a risk in respect of service continuity. A review of available options has been undertaken so that an urgent decision can be taken to mitigate the risk and ensure continuity of service.   | Key<br>Special<br>Urgency | 10/02/2021          | Cabinet member commissioning, procurement and assets |
| 26. | <b>Additional funding in support of Lengthsman Grant:</b> To approve £60k capital works under the public realm annual plan 2020/21 and £10k additional revenue funding to the lengthsman scheme to allow all applications received from parishes under the lengthsman scheme to be undertaken.   | Non Key                   | 11/02/2021          | Cabinet member Infrastructure and transport          |
| 27. | <b>To review and authorise a resourcing plan that will be required to take forward and implement the outcome of the waste management review:</b><br>The council are currently undertaking a waste management review where by   | Key                       | 12/02/2021          | Cabinet member                                       |

|     | Decision and purpose  | Decision Type | Implementation Date | Taken by   |
|-----|---|---------------|---------------------|--|
|     | the council is likely to be responsible for delivering a significant change programme to deliver changes in the way that waste is collected and disposed of throughout the county. There will be a need for expertise across waste contract procurement, public communications, strategic waste management and the capacity to implement change within the organisation.  |               |                     | commissioning, procurement and assets                |
| 28. | <p><b>Community Improvement Project relating to Wilton Sports Centre, Ross-on-Wye:</b> To approve the granting of £173k to the Ross Sports Centre community interest group (CIC) to undertake the works required to the pavilion as a result of flooding in 2020. The amount is what has been agreed with the insurance brokers and is appropriate for the costs of the insured element of the reinstatement works to the building. The council requires the CIC to complete all works to the required regulatory and statutory requirements.</p> <p>Currently the whole site is made up of four separate leases, in order to ensure that the CIC can obtain maximum amounts of external funding it would be appropriate to surrender the existing leases and create one lease that demonstrates the multifunctional sports use of the site</p> | Non Key       | 19/02/2021          | Cabinet member commissioning, procurement and assets |
| 29. | <p><b>Provision of children centre service in Bromyard:</b> To approve proposals for the temporary extension of a contract for the provision of children's centre service in the Bromyard reach area for a period up to 12-months. The Bromyard Reach area is the only part of Herefordshire where Children's Centre provision is externally commissioned. All other areas are supported via an in-house service which is centrally governed and managed.</p>   | Key           | 26/02/2021          | Cabinet member children and families                 |

**Executive decisions taken from 2 October to 3 December 2020.**

|           | <b>Decision and purpose</b>   | <b>Decision Type</b>         | <b>Implementation Date</b> | <b>Taken by</b>  |
|-----------|---|------------------------------|----------------------------|--|
| <b>1.</b> | <b>Building maintenance, small works and cleaning services for Herefordshire Council:</b> The council building maintenance and cleansing services were amalgamated under a single contract, which was procured through an open market tender exercise and this contract is due to terminate on the 31 March 2021. This contract now needs to be procured for a period from 1 April 2021 to 30 April 2023  | Key<br><br>General Exception | 2 October, 2020            | Cabinet member<br>commissioning<br>, procurement<br>and assets |
| <b>2.</b> | <b>Public Realm Commuted Sums - Spend Allocation:</b> Commuted sums are collected by the council to maintain new assets when adopted within the public realm. This commuted sum is intended to ensure the costs of maintaining the new highway and public open space asset, when adopted, is funded. This report sets out the process for allocating monies collected to date, over the previous five year period, which have not yet been spent to date to be allocated towards the public realm contract for maintenance purposes for which they were required. The intention is to invest the current commuted sums into the public realm over the next 5 year period which is broadly the period over which they have been collected as set out in the recommendation and report. | Key                          | 5 October, 2020            | Cabinet member<br>Infrastructure<br>and transport              |
| <b>3.</b> | <b>Approval to Spend £5.432k o the Marches Local Enterprise Partnership Funding That Was Allocated To Further Develop The Hereford Enterprise Zone:</b> The council has been successful in bidding for and securing £5,432k Growth Deal funding from The Marches Local Enterprise Partnership (LEP) to undertake additional infrastructure work at Hereford Enterprise Zone (HEZ). This report seeks approval for the funds to be spent to deliver that additional infrastructure.  | Key                          | 5 October, 2020            | Cabinet member<br>environment,<br>economy and<br>skills        |
| <b>4.</b> | <b>Weston Under Penyard: A40 Road Improvement Scheme: S106 Works:</b> To approve the allocation of highway contributions secured by way of S106 agreement to deliver works through the public realm contract in conjunction with the programmed resurfacing scheme approved by the Cabinet Member in April, 2020, as set out in the Public Realm Service Annual Plan 2020/21 report and appendices. These works to be done using S106 monies comprise engineering features and road markings which will change the environment of the village and reduce the speed through the village.   | Non-Key                      | 6 October, 2020            | Cabinet member<br>Infrastructure<br>and transport              |

|    | Decision and purpose  | Decision Type | Implementation Date | Taken by  |
|----|---|---------------|---------------------|---|
| 5. | <b>Hereford Transport &amp; South Wye Packages Review:</b> This report seeks Cabinet member approval to confirm an extension to the programme for the Hereford transport review for completion to the end of September 2020, and to increase the budget for works to cover this extended period which includes provision for technical support to the subsequent decision making process.   | Non-Key       | 9 October, 2020     | Cabinet member Infrastructure and transport           |
| 6. | <b>Equality Policy 2020-2023:</b> The council's previous Equality Policy expired in January 2020, and this new policy is designed to run from 2020-2023. It is a key decision because it is significant in its impact on the community. The policy sets out our commitment to equality and details some of the main initiatives that we already undertake, and some actions to which we are committing. Its audience will be both internal (members of staff) and external (public). It will be published on our website and on our intranet. An internal communication will promote it to staff.   | Key           | 13 October, 2020    | Cabinet member finance and corporate services         |
| 7. | <b>Fostering and Adoption Service Annual Reports 2019/20:</b> To review Adoption and Fostering Services performance and approve related documents 2019 - 2020   | Non-Key       | 15 October, 2020    | Cabinet   |
| 8. | <b>Endorsement of the Herefordshire Cultural Strategy 2019-2029:</b> The council has been an active member of the Herefordshire Cultural Partnership for a number of years. Through its membership of the Herefordshire Cultural Partnership and support for other projects such as Herefordshire's A Great Place, the council has had a central role in the development of the Cultural Strategy. The strategy has five priority objectives. These are Herefordshire as a Great Place providing a resilient cultural infrastructure supporting people who live work and visit the county; listening to children and young people and connecting them to creativity and culture; building and supporting vibrant and creative economies; ensuring the arts and culture are available to everyone; and raising Herefordshire's national and international profile through cultural tourism. Each of these priorities align with and support the council's wider social, economic and cultural priorities as outlined in the Herefordshire Council County Plan 2020-2024. | Non-Key       | 15, October, 2020   | Cabinet   |
| 9. | <b>Review of Waste Management Services:</b> To seek the views of the cabinet member in response to the councils collection and disposal contracts expiring in 2023/24 there is an opportunity to review the service and how it will operate going forward so the modelling work evaluates the current waste collection and disposable methods adopted by Herefordshire Council. This report identifies and evaluates alternative approaches, based on the recommendations put forward by the General Scrutiny Committees on the agreed recommendations made by the Waste Task and   | Non-Key       | 26 October, 2020    | Cabinet member commissioning , procurement and assets |

|    | Decision and purpose  | Decision Type            | Implementation Date | Taken by                                       |
|----|---|--------------------------|---------------------|--|
|    | <p>Finish Group to 'shortlist' the options to be put forward for public consultation with a view to bringing back a preferred option to cabinet in Spring 2021.</p> <p>In 2018 the Government released 'Our waste, our resources, a strategy for England' which sets out how England will minimise waste, promote resource efficiency and move towards a circular economy. The Council seeks to align its proposals with the actions that will be taken now and the longer-term policy direction set out by Government.</p>   |                          |                     |  |
| 10 | <p><b>Acceptance and implementation of Local Authority Delivery (LAD) funding project:</b> In October we took an urgent decision to accept funding from to accept the Green Homes Grant (GHG) Local Authority Delivery (LAD) funding of £1,062,500 and to act as accountable body for this project. This money will help significantly the many families and residents who – through no fault of their own – live in in-efficient expensive to heat homes.</p> <p>Fuel poverty remains a significant issue in both Herefordshire and Shropshire, with an estimated 10,682 households thought to suffer from fuel poverty across Herefordshire and a further 16,826 households in Shropshire. Low incomes, above average numbers of older, 'hard to treat' properties and poor coverage of the mains gas network leave many homes with expensive heating fuel systems and poor energy efficiency ratings and high relative greenhouse gas emissions.</p> | Key<br>General Exception | 27 October, 2020    | Cabinet member environment, economy and skills |
| 11 | <p><b>Herefordshire Streetworks permit scheme:</b> The report proposed the implementation of the Hereford Permit Scheme thereby meeting the requirements of the new Street Manager regulations and enabling the better management and co-ordination of works on the highway by applying conditions. The permit scheme will be managed by Balfour Beatty Living Places (BBLP) through the public realm contract..</p>  | Non-Key                  | 29 October, 2020    | Cabinet member Infrastructure and Transport    |
| 12 | <p><b>2021/22 budget setting and consultation:</b> To recommend the approach for consultation to inform the 2021/22 budget and developing the medium term financial strategy (MTFS). Cabinet is required to publish its timetable for making proposals to Council for the adoption of the MTFS, its capital budget and setting a revenue budget, and its arrangements for consultation.</p>   | Non-Key                  | 29 October, 2020    | Cabinet  |
| 13 | <p><b>Approach to the Core Strategy review and update in the light of the Planning for the Future White Paper:</b> To agree to undertake a comprehensive update of the Herefordshire Local Plan Core Strategy, following a review of the adopted plan, in accordance with The Town and Country Planning (Local Planning) (England)</p>  | Key                      | 9 November, 2020    | Cabinet member Infrastructure and transport    |

|    | Decision and purpose   | Decision Type              | Implementation Date      | Taken by  |
|----|--|----------------------------|--------------------------|---|
|    | Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Frameworks and to make any consequential amendments to the Council's approved Local Development Scheme, including incorporating the preparation of a Community Infrastructure Levy.   |                            |                          |   |
| 14 | <b>Covid 19 Additional Restrictions Grant Scheme:</b> Approval to accept and spend the Additional Restrictions Grant (ARG) funding (£3,856,020) allocation from government, to support businesses affected by the second national Covid 19 lockdown period, and any future periods of restriction up to the end of March 2022. This decision is specific to the Additional Restrictions Grant. The national guidance indicates that the council can use this funding for business support activities but it is expected to primarily take the form of discretionary grants to businesses to support them through period of trade restrictions due to Covid 19. The offer letter implies that this allocation is for the current national and any future national or local restrictions (the funding will not be refreshed) through to the end of March 2022. | Key<br><br>Special Urgency | 24<br>November<br>2020   | Cabinet member<br>environment,<br>economy and<br>skills |
| 15 | <b>Homes England Investment Partner Status:</b> Investment Partner status is awarded by Homes England following an assessment to verify the applicant's organisational status and a due diligence process which considers the applicant's financial and technical capacity to undertake an agreed programme of new housing supply and the organisations good financial standing. Homes England have a range of funding programmes that focus on the development of affordable housing and housing that addresses specific housing needs e.g. homelessness and specialist care.   | Non-Key                    | 24<br>November,<br>2020  | Cabinet member<br>environment,<br>economy and<br>skills |
| 16 | <b>Accommodation Based Support Service for Young People:</b> Approval of a three month direct award of a contract for accommodation based support service for young people for the period to 31 <sup>st</sup> January 2021. The contract is due to end on 31 <sup>st</sup> October 2020 and an unavoidable delay has resulted a request for a direct award to extend to 31 <sup>st</sup> January 2021. Once approved a waiver will be requested. Procurement will commence for a new housing related support service for young people in June 2020, with mobilisation aligning with the completion of building works and the end of the existing supported accommodation for young people contract on 31 <sup>st</sup> October 2020, it is planned that the new service would commence on 1 November 2020.   | Non-Key                    | 26<br>November,<br>2020  | Cabinet member<br>health<br>and adult<br>wellbeing      |
| 17 | <b>Review of peer on peer abuse cases:</b> To receive the outcomes of the review; to agree the recommendations arising from the review; to approve the executive   | Non-Key                    | 26,<br>November,<br>2020 | Cabinet   |



|    | Decision and purpose  | Decision Type | Implementation Date | Taken by |
|----|---|---------------|---------------------|----------|
|    | response to the scrutiny committees recommendations on the report of the review and to approve the peer on peer model guidance for use in all Herefordshire Schools.  |               |                     |          |
| 18 | <b>Delivery Plan:</b> To agree proposals for the council's Delivery Plan 2020-22. Each year Cabinet is required to produce a delivery plan which sets out how the strategic ambitions within the council's County Plan will be delivered and monitored.   | Key           | 26 November, 2020   | Cabinet  |
| 19 | <b>Quarter 2 Budget and Performance:</b> To review the performance for quarter 2 of the 2020/21 and the budget forecast. This report provides assurances that progress is being made towards the achievement of the agreed revenue budget and service delivery targets, and that the reasons for the major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction. The 2020/21 forecast outturn is a £14, 790k overspend as at the end of September, 2020  | Non-Key       | 26, November, 2020  | Cabinet  |
| 20 | <b>Hereford Towns Fund accelerated funding:</b> This decision sought approval to accept this grant funding from government and approval for the funds to be spent on delivering the projects submitted to government. The council has been successful in securing £750k Towns Fund accelerated Finance from government to deliver a programme of projects across Hereford City that will provide economic and environmental benefit.  | Key           | 26, November, 2020  | Cabinet  |
| 21 | <b>Options for the delivery of Council Owned Affordable Housing:</b> To approve the approach to the delivery housing model options available to the council to increase the supply of affordable housing in the County. Cabinet is also requested to approve Phase 2 of this strategic work to develop a pipeline of sites suitable for development as affordable housing to support discussions with key partners including Homes England. The County Plan 2020-2024 sets out the council's ambition to provide 1,000 affordable housing units in the county. The term affordable is taken in its widest sense – to provide a range of housing that is genuinely affordable to both rent and purchase given local earnings. The council has not owned its own housing stock since 2002 and a review has therefore been undertaken as to the most appropriate role for the council in delivering its ambition. The options and delivery proposals suggested recognise the structures already in place and available to the council. | Key           | 26, November, 2020  | Cabinet  |
| 22 | <b>Supported accommodation for care leavers – Development of a local framework:</b> To approve the procurement and launch of a new local framework for the arranging and purchase of support and accommodation for care leavers and some looked after children who are 16+ years old. The services purchased via the framework will support young people to secure accommodation and develop their  | Key           | 1 December, 2020    | Cabinet  |

|           | Decision and purpose  | Decision Type                    | Implementation Date | Taken by |
|-----------|---|----------------------------------|---------------------|----------|
|           | <p>skills and resilience and provide opportunities for training and employment, engagement with relevant services and participation in their communities, to enable them to move towards independent living.</p> <p>There are currently limited options for accommodating care leavers and 16 and 17 year old looked after children in Herefordshire. There is a reliance on “out of county” specialist placements, spot purchased at significant cost, and of varying quality. There are also gaps in support for young people at risk of homelessness. Young people require safe and affordable accommodation, aligned to support towards increased independence, underpinned by realistic opportunities for learning and work.</p> <p>The new framework will complement newly commissioned accommodation and support services for care leavers and vulnerable young people and support the vision and principles of the looked after children and complex needs placement sufficiency strategy 2019-2024. The placements will be led by the needs of the young people to achieve positive outcomes. The local framework will support the strategy to address the sufficiency, quality and sustainability of appropriate placement provision as well as value for money in Herefordshire.</p> |                                  |                     |          |
| <b>23</b> | <p><b>Minerals and Waste Local Plan (MWLP):</b> To consider the Herefordshire Minerals and Waste Local Plan (MWLP) development plan document for pre-submission publication, in accordance with regulation 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 (as amended), prior to its consideration at Full Council on 11 December 2020. The report also sets out the recommendations of General Scrutiny Committee on 28 September 2020 in relation to the MWLP and to refer the MWLP to Council, with a recommendation that, following the completion of the pre-submission publication period and consideration of duly made representations, it be submitted to the Secretary of State for independent testing, in accordance with section 20(3) of the Planning and Compulsory Purchase Act 2004 and regulation 22 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.</p>   | Budget and Policy Framework Item | 1 December, 2020    | Cabinet  |
| <b>24</b> | <p><b>Peterchurch Primary School Rebuild - Developed Design:</b> To approve the proceeding to the next stage of the rebuilding of Peterchurch Primary School, on the existing site, by commissioning a developed design (Royal Institute of British Architects (RIBA) Stage 3) for a traditional and/or modular build. The design brief will</p>  | Key                              | 3 December, 2020    | Cabinet  |

|    | Decision and purpose  | Decision Type              | Implementation Date    | Taken by |
|----|---|----------------------------|------------------------|----------|
|    | include a requirement that the building must achieve net zero carbon emissions and obtain a green building certificate. As a minimum it should receive Passivhaus certification. The developed design will include the coordinated architectural, structural and building services design and updated cost information.   |                            |                        |          |
| 25 | <p><b>Purchase of accommodation and refurbishment of 4 &amp; 5 Blackfriars Street to meet strategic housing priorities, as a consequence of the restrictions caused by Covid-19:</b></p> <p>To approve the acquisition of eight properties and to undertake the refurbishment of numbers 4 &amp; 5 Blackfriars Street, Hereford. This will enable the council as part of the Covid-19 emergency response to accommodate those who have a long and/or repeated history of rough sleeping. The eight properties would be self-contained accommodation suitable for homeless clients with disabilities and /or accessibility issues. 4 &amp; 5 Blackfriars Street would be used as accommodation for homeless applicants prior to resettlement into sustainable accommodation.</p> | Key<br><br>Special Urgency | 3<br>December,<br>2020 | Cabinet  |
| 26 | <p><b>Hereford Transport Strategy Review:</b> To consider the findings of the Hereford Transport Strategy Review and the Peer Review of the South Wye Transport Package and Hereford Transport Package, recommendations made by the general scrutiny committee and determine any strategy proposals to be taken forward.</p>  | Key                        | 3<br>December,<br>2020 | Cabinet  |

**Executive decisions taken from 10 July to 1 October 2020.**

|    | Decision and purpose   | Decision Type | Implementation Date | Taken by                                       |
|----|--|---------------|---------------------|--|
| 27 | <p><b>Covid 19 Support For Recovery Of The Visitor Economy:</b> On 20 April 2020 the Marches LEP Board took a decision to award the three Local Authorities (Herefordshire Council, Shropshire Council and Telford and Wrekin Council) Marches Investment Funds (MIF) for strategic tourism and business interventions to support those affected by Covid 19. The LEP allocated £444,220 of revenue funding to Herefordshire. Following the LEP Board approval they asked that the council in partnership with Herefordshire Business Board submit a business case identifying</p> | Non-Key       | 27 July,<br>2020    | Cabinet member environment, economy and skills |

|    | Decision and purpose  | Decision Type | Implementation Date | Taken by  |
|----|---|---------------|---------------------|---|
|    | where the funds could be targeted to support recovery from Covid 19, considering local circumstances.   |               |                     |   |
| 28 | <b>Loan For Courtyard Expansion Project:</b> The Courtyard was the first major new build Art Council funded national lottery capital project in England. The council are the owners of the freehold of the building. The tenant of the building, The Courtyard Trust, is an independent registered charity and is a key provider for cultural services in Herefordshire. It is a thriving venue operating 7 days a week, it is now running at capacity and with no space to expand beyond its current operations. To address this the Courtyard proposed a £1.11m expansion project. In October 2018 the Courtyard secured conditional Arts Council funding of £500k towards the project and have been actively seeking other sources of funding to ensure it could be completed, including a request for loan funding from the council. In February 2019 council allocated a loan to the Courtyard of up £0.611m which, together with the Arts Council grant, would enable the completion of the building works. | Key           | 29 July, 2020       | Cabinet member commissioning , procurement and assets |
| 29 | <b>Allocation of Pothole and Challenge Fund 2020/2021 grant for highway maintenance. Reallocation of capital programme budgets for priority flood works:</b> This decision sought Council approval for the allocation of funding to enable priority flood damage repairs and as able works to enhance the resilience of the county's infrastructure. The Bellwin scheme will not fund all repair needs following flooding in February 2020. With no further funding having been specifically made available by Government for recovery from Storm Dennis, the significant gap between what Bellwin provides and the cost of all necessary repairs must be met from within the capital programme.  | Key           | 30 July, 2020       | Cabinet   |
| 30 | <b>Better Ways of Working Revised Implementation:</b> The decision was to support a review of the council's "better ways of working" (BWOW) initiative that enables employees to work flexibly and to consolidate use of premises. This decision responds to the impact and implications of Covid-19 on the plans that were set out and agreed by Cabinet on 27 February 2020. The decisions specifically relates to the future occupancy of the Elgar House offices and the Nelson House building with a focus on Plough Lane as the key office location, along with maximising the potential of home working and use of multi-agency offices in the market towns. A key intention of BWOW is to reflect contemporary work practices that enable adaptable and flexible working arrangements that supports the workforce, aids staff morale and increases productivity. The proposed approach to BWOW also supports the council's ambitions to reduce carbon emissions with a decreased number of sites          | Key           | 30 July, 2020       | Cabinet   |

|    | Decision and purpose   | Decision Type | Implementation Date | Taken by |
|----|--|---------------|---------------------|----------|
|    | using utilities and staff having less travel to work. The decision also put in place approval of the revised BWOW proposals. Particularly to give notice on the Elgar House lease in time to meet the break clause otherwise the tenancy would continue until July 2023.   |               |                     |          |
| 31 | <b>Heritage Action Zone – Leominster:</b> This decision enabled the council to enter into a funding agreement with The Historic Buildings and Monuments Commission for England (HBMCE) to deliver the Heritage Action Zone Programme in Leominster as per the Delivery Plan with an anticipated total budget of £3.6m from the capital programme (£1.8 of which is match funded) and £1.8m from HBMCE. The nationwide initiative is designed to secure lasting improvements to historic high streets for communities who use them. Herefordshire Council has worked closely with Leominster Town Council in the development and submission of the Delivery Plan which forms the basis of the High Streets Action Zone for Leominster. The scheme is funded by the Ministry of Housing, Communities and Local Government and run by Historic England.   | Key           | 30 July, 2020       | Cabinet  |
| 32 | <b>Herefordshire Multi- Agency Protocol for Children and Young People with Disabilities and Complex Needs - Preparing for Adulthood:</b> In agreeing this protocol we are facilitating a pathway for clear the transition planning and review processes that prepare and support the move from adolescence to adulthood. The protocol is for Herefordshire young people with special education, disabilities and complex needs. Specifically our young people who: are in Education, Health and Care (EHC) Plan; meet the national eligibility criteria from the Care Act (2014); are in receipt of services from the Children with Disabilities Team; have or may have continuing health care needs; have complex needs (a combination of multiple and profound impairments, challenging behaviour and learning disabilities and acute and chronic medical conditions), and others who are not covered by the above but still have significant support needs This period extends from year 9 when a young person is approximately 14 years of age up until their 25th birthday. | Non-Key       | 30 July, 2020       | Cabinet  |
| 33 | <b>John Kyrle High School and Sixth Form: new permanent accommodation:</b> This decision approved a new permanent building at John Kyrle High School & Sixth Form Centre to accommodate additional pupils admitted from September 2021. There are rising numbers of pupils in Ross-on-Wye. John Kyrle High School & Sixth Form Centre is rated Good with Outstanding features by the Office for standards in education, children’s services and skills (Ofsted) and has been consistently oversubscribed since 2009. In recent years additional permanent accommodation  | Key           | 30 July, 2020       | Cabinet  |

|    | Decision and purpose  | Decision Type | Implementation Date | Taken by  |
|----|---|---------------|---------------------|---|
|    | has been provided and funded by John Kyrle to enable additional children to attend. Funding has been identified in the council's capital programme, using basic need government grant, to enable John Kyrle High School & Sixth Form Centre to expand by one form of entry. A grant will be provided to John Kyrle High School & Sixth Form centre to deliver a new science block which will provide additional classrooms and associated support spaces. The project will be delivered and managed by John Kyrle.  |               |                     |   |
| 34 | <b>Car Parking Review:</b> A review of countywide car park charges, where work had started prior to the Covid-19 outbreak, will be continued and concluded to ensure that strategic, operational and financial objectives are met as outlined in the Local Transport Plan and County Plan 2020-24. Consultation with key stakeholder groups, such as Town Councils, Hereford City Council, Wye Valley Trust (NHS), Hereford Business Improvement District, Herefordshire Disability United and local Shop-mobility groups will be undertaken to prepare a revised permanent charging structure.   | Key           | 30 July, 2020       | Cabinet member Infrastructure and transport           |
| 35 | <b>Extension of European Regional Development Fund (ERDF) Sustainable Energy in Public Buildings programme:</b> This decision authorised acceptance of the offer by the Ministry of Housing Communities & Local Government (MHCLG) of further ERDF capital and revenue funding to the council, in order to administer the Sustainable Energy in Public Buildings project covering the Marches local enterprise partnership (LEP) area on behalf of Herefordshire, Shropshire and Telford & Wrekin councils. This funding allows public authority applicants to apply for grant funding in order to enable the installation of energy efficiency measures in public buildings. | Key           | 5 August, 2020      | Cabinet member environment, economy and skills        |
| 36 | <b>Capital Investment in Infrastructure 2020/21 Public Realm Annual Plan:</b> This decision authorised spend / investment in the highway asset and infrastructure following resolution at council meeting 14 February 2020 to allocate £2m from Hereford Transport Package to repair and maintain C and U roads in 2020/21. It also authorised spend of Investment in Infrastructure budget £2m in 2020/21 from capital programme to deliver improvements to the infrastructure assets set out within this report to improve resilience and safety of the highway network.  | Key           | 6 August, 2020      | Cabinet member Infrastructure and transport           |
| 37 | <b>Capital spend on the development of Gypsy and Traveller sites within the County:</b> This decision gave approval to the first of two projects which sought to begin works to modernise and upgrade traveller sites owned/managed by the council. The six sites and 53 pitches require works of further improvements. The proposed works include, improvements to fencing, doors, electric meter and supply   | Key           | 10 August, 2020     | Cabinet member commissioning , procurement and assets |

|    | Decision and purpose  | Decision Type | Implementation Date | Taken by                                     |
|----|---|---------------|---------------------|--|
|    | upgrade, improved security on sites, play areas and general site repairs identified in the stock condition survey. Approval was also given to begin works to develop three additional traveller pitches. The pitches consist of two at the Bromyard Site and one at the Grafton Site. Both sites are owned and managed by the council. The development of the new pitches will attract an annual income of £11,700 and there is a waiting list of potential residents to take up tenancies for all these pitches. The second project was approved to commence the design stage of the four proposed pitches and entrance works on a new site adjacent to the already existing site at Pembridge, complete a tender process and award a contract for the works and then carry out the construction works required to complete the project.   |               |                     |  |
| 38 | <b>West Midlands Combined Authority:</b> This decision gave approval to withdraw as an observer from the West Midlands Combined Authority (WMCA) and to stop paying the £25k membership fee starting this financial year 2020/21. This decision was taken because, to date, there has been no ascertainable benefit to the council and its administrative area in this option. WMCA's strategic investment decisions on transport, housing, planning, policing and economic development do not include Herefordshire.   | Non-Key       | 10 August, 2020     | Cabinet member corporate strategy and budget |
| 39 | <b>The construction and management of Integrated Wetlands as tertiary treatments for waste water treatment works to reduce phosphate levels within the River Lugg catchment area:</b> This decision approved the design, land acquisition, construction and management of integrated wetlands, providing tertiary treatment to waste water treatment works in order to reduce phosphate levels within the River Lugg catchment area. It will enable the design, construction and management of up to 8 integrated wetland sites set in strategic locations in order to provide tertiary treatment to waste water treatment works within the River Lugg catchment area. And allow the development an interim delivery plan including a phosphate calculator and a suite of recommended mitigation measures appropriate to the River. This will enable developers to calculate the phosphate load of their development proposals and therefore agree measures independently with landowners to mitigate or offset the identified phosphate load. This will need to demonstrate that development will be phosphate neutral or show betterment and any offsetting has to comply with the Habitat Regulations. | Key           | 10 August, 2020     | Cabinet member Infrastructure and transport  |
| 40 | <b>Executive response to the task and finish group concerning Child Exploitation:</b> This decision approved the executive response to the recommendation from the task and finish group review concerning child exploitation. The task and finish group  | Non-Key       | 14 August, 2020     | Cabinet member                               |

|    | Decision and purpose   | Decision Type | Implementation Date | Taken by                                      |
|----|--|---------------|---------------------|---|
|    | review considered the Herefordshire approach to child exploitation and made ten recommendations. The Children and Young People's Scrutiny Committee established a task and finish group review to review child exploitation. The committee agreed to undertake this review as part of the setting of its work programme priorities. The committee agreed that the review would cover the issues of child sexual exploitation (CSE) and child criminal exploitation (CCE). The topic was identified by the scrutiny committee as a priority over concerns regarding county lines activity, as a form of child criminal exploitation, in the West Midlands.  |               |                     | children and families                         |
| 41 | <b>Writing and Publishing Council Plans, Policies and Procedures:</b> This decision gave agreement on the approach to the production and publication of plans, policies and procedures produced by the council. It includes a framework for producing policy documents whilst recognising the purpose and intended audiences will influence different requirements. The report also covers the publishing of documents that meet the accessibility standards required by law.  | Non-Key       | 21 September, 2020  | Cabinet member finance and corporate services |
| 42 | <b>Hereford leisure pool re-opening:</b> This decision makes a recommendation to Council that addition new capital budget is made available to ensure the swift reopening of the Hereford leisure pool that has been closed since suffering from flooding in October 2019. The majority of reinstatement work costs are funded from insurance cover however to open the centre to the public uninsured works require funding. The funding of these costs is proposed to be from a combination of existing and new capital budget, funded from prudential borrowing. Hereford leisure pool is a council owned asset with Halo, as tenant, responsible for the provision of leisure facilities.  | Key           | 1 October, 2020     | Cabinet                                       |
| 43 | <b>Major contract performance review:</b> Herefordshire Council has carried out a review in relation to the Public Realm services and Property and Facilities Management services contracts provided by Balfour Beatty Living Places to identify possible improvements to the current contract management processes. The review was conducted via both desktop review of documents in relation to contract administration and contract management as well as interviews with key stakeholders in the Council to obtain qualitative data from multiple perspectives on what is considered to work well and does not with the contract. Following this review, Cabinet have agreed the following improvements are implemented in a timely manner to improve the performance of the major contracts for Public Realm services and Property and Facilities Management services, specifically: a. Build technical knowledge within the Council; b. Improve internal communication and education; c. | Non-Key       | 1 October, 2020     | Cabinet                                       |



|    | Decision and purpose  | Decision Type | Implementation Date | Taken by |
|----|---|---------------|---------------------|----------|
|    | Increase the involvement of the procurement team; d. Set up a contract management framework, and e. Consider an appropriate Contract Management System (CMS)  |               |                     |          |
| 44 | <b>Quarter 1 Budget and performance report:</b> Cabinet approved the performance for Quarter 1 2020/21 and the budget forecast. Assurances have been provided that progress is being made towards achievement of the agreed revenue budget and service delivery targets, and that the reasons for major variances or potential underperformance are understood and are being addressed to the cabinet's satisfaction. The 2020/21 forecast outturn is a £15,919k overspend as at the end of June 2020, however the council has been allocated COVID-19 grants of £11,878k from Ministry of Housing, Communities and Local Government, therefore reducing this net overspend of £4,041k. It is important to note that this forecast is predicated on no further significant expenditure on COVID-19 matters.                           | Non-Key       | 1 October, 2020     | Cabinet  |
| 45 | <b>Performance Management Framework:</b> The cabinet have agreed a refresh of the councils Performance Management Framework; setting out the councils approach to business planning, risk management and performance monitoring. The current Performance Risk and Opportunity Management Framework (PROM) was approved by Cabinet in July 2016. This refreshed approach sets out the council's approach to Performance Management; including business planning, risk management and performance monitoring. It allows for effective triangulation of planning, risk management and performance monitoring is key to ensuring that the strategic priorities within the County Plan are achieved, and where unexpected events occur, these are understood and integrated in to the plan in order to minimise, or mitigate their impact. | Non-Key       | 1 October, 2020     | Cabinet  |
| 46 | <b>Corporate Parenting Strategy 2020 – 2023:</b> This decision approved and endorsed the Corporate Parenting Strategy and Care Leavers covenant. It also enables Cabinet to receive an annual report on Corporate Parenting to allow progress of the strategy to be monitored. As part of this decision the cabinet also agreed to sign up to the Care Leavers covenant. The Council is a "trailblazer" local authority working with the national organisation responsible for the covenant which seeks to lead the way in improving outcomes for care leavers.   | Non-Key       | 1 October, 2020     | Cabinet  |
| 47 | <b>Talk Community strategic overview:</b> This decision approved the Talk Community strategic approach and its implementation, including the development and delivery of a comprehensive Talk Community programme and strategy. Talk Community is the strategic delivery vehicle for the community ambition of the Herefordshire County Plan 2020-2024 to improve the sustainability, connectivity and wellbeing of our   | Key           | 1 October, 2020     | Cabinet  |

|    | Decision and purpose  | Decision Type | Implementation Date | Taken by                                    |
|----|---|---------------|---------------------|---|
|    | county by strengthening our communities. It is the council's strategic approach to prevention, enabling people to get the assistance they need and managing demand for more specialist services. Talk Community was cited positively in the recent LGA Corporate Peer Review of the council and as the preferred vehicle for delivering much of its priorities relating to communities.   |               |                     |   |
| 48 | <b>Approach to the Core Strategy review and update in the light of the Planning for the Future White Paper:</b> This decision paves the way to undertaking a comprehensive update of the Herefordshire Local Plan Core Strategy, following a review of the adopted plan, in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Frameworks and to make any consequential amendments to the Council's approved Local Development Scheme, including incorporating the preparation of a Community Infrastructure Levy. | Key           | 1 October 2020      | Cabinet member Infrastructure and transport |

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## Appendix B - Cabinet member portfolios

**Leader (corporate strategy and budget): Councillor David Hitchiner**

**Support members: Councillor John Hardwick; Councillor Peter Jinman (Rural issues including a voice for farming, rural transport and infrastructure with Central Government, Rural Services Network, and Borderlands); and Councillor Alan Seldon (LGA/CCN)**

- Corporate policy and strategy
- Corporate budget
- Represent the Council on various business and economy organisations including the Marches LEP, Herefordshire Business Board and the Enterprise Zone Board. Working with the Portfolio holder for the Economy.
- Governance of external arrangements with companies, outside bodies and partnerships
- External liaison and relationships
  - Local Government Association (LGA)/County Councils' Network (CCN)
  - European and national matters
  - Regional matters
  - Marches Local Enterprise Partnership
  - NMiTE
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any initiative not specifically allocated to any other portfolio

**Finance, corporate services and planning: Councillor Liz Harvey (Deputy Leader)**

- Deputise for the leader of the council in his absence
- Agreeing and leading the process for developing revenue and capital budgets, medium term financial strategy, council tax and NNDR
- Financial policy, fees and charging policy, financial control and reporting
- Council tax benefits
- Council ICT services
- Human Resources
- Information governance and modern records
- Equality and human rights

**Finance, corporate services and planning continued**

- Health and safety, emergency planning and business continuity
- Performance, improvement, risk management, research and intelligence
- Land charges
- Legal and democratic services including member development and training
- Planning and land use strategies including Core Strategy
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Children and families: Councillor Diana Toynbee****Cabinet Support: Cllr Yolande Watson**

- To provide leadership and ensure coordination across the range of council children's services, and through engagement with partners, with a particular focus on children and young people's health & wellbeing and safeguarding
- Services for vulnerable young people/children/families
- Lead member for children's services in accordance with the Children's Act 2004
- Corporate parenting
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Education, attainment and skills: Councillor Felicity Norman**

- Children and young people's education and attainment
- Post 16 education, training and skills development
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Commissioning, procurement and assets: Councillor Gemma Davies**

- Commissioning and procurement strategy and policy
- Contract management policy
- Waste management strategy
- Waste collection and disposal
- Council asset and property strategies
- Council property services including facilities management
- Common land
- Registration services
- Community services:
  - Parks and countryside
  - Leisure Services
  - Cultural services
  - Libraries
  - Heritage Services
  - Archives
  - Public conveniences
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Environment and economy: Councillor Ellie Chowns**

- Economic development and regeneration (including development and regeneration programme and partnership)
- Tourism
- Environmental and conservation promotion, protection and sustainability including response to climate emergency.
- Broadband
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

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**Health and adult wellbeing: Councillor Pauline Crockett****Cabinet Support: Cllr Jenny Bartlett (Talk Community, parish summits, parish shared services)**

- Provide leadership and ensure coordination across the range of council adult social care services, and through engagement with partners
- Services for vulnerable adults
- Adult safeguarding
- Leadership of Health and Wellbeing Board and partnership working with health
- Public Health
- Community engagement and development
- Customer services
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Infrastructure and transport: Councillor John Harrington****Opposition Cabinet Support: Councillor Paul Symonds (BBLP)**

- Transport and highways policy strategy and operations
- Land drainage, flood alleviation, rivers and waterways
- Public Rights of Way
- Streetscene design, policy and delivery
- Traffic Management
- Car parking policy and services
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

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**Housing, regulatory services, and community safety: Councillor Ange Tyler**

- Strategic housing, homelessness, housing allocation and condition
- Communications and web presence
- Bereavement services including Coroner services
- Gypsy and traveller services
- Animal health and welfare
- Environmental health and trading standards
- Markets and fairs
- Licensing
- Community Safety including the Community Safety Partnership
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader





**Appendix C. Annual Reports from Outside Bodies**

| <b>Outside Body:</b>   | <b>Page No.</b> |
|--|-----------------|
| 1. Lower Severn Internal Drainage Board                      | 2 to 5          |
| 2. Herefordshire Armed Forces Covenant Partnership           | 6 to 8          |
| 3. River Lugg Internal Drainage Board                        | 9 to 10         |
| 4. Nutrient Management Board                                 | 11 to 12        |
| 5. Worcestershire Pension Board                              | 13              |
| 6. Local Government Association                              | 14              |
| 7. Bringsty Common Manorial Court                            | 15              |
| 8. Mental Health Services, evolving from the '2gether Trust' | 16 – 19         |
| 9. Wye Valley AONB Joint Advisory Committee                  | 20 - 22         |

|  |  |
|--|--|
| <b>Name of the Outside Body</b>                      | Lower Severn Internal Drainage Board   |
| <b>Name of the council's representative</b>          | <p>Councillor Phillip Howells (Ward Member for Ledbury West)</p> <p>Appointed in June 2019 after the first meeting of the newly elected Council in 2019</p> <p>This report was submitted in August 2021</p>  |
| <b>What is the main purpose of this outside body</b> | <p>The Lower Severn Internal Drainage Board (LSIDB) manages water levels in areas of special drainage need.</p> <p>It is a local independent public body covering low-lying land within the county and unitary authorities of Gloucestershire, South Gloucestershire, Herefordshire, Worcestershire and Bristol City.</p> <p>This is vital work enabling the use and improvement of agricultural land, protects the built environment and facilitates future development.</p> <p>The LSIDB's responsibilities include contributing to the management of flood risk and protecting and enhancing biodiversity in urban and rural areas. The drainage board's administrative area covers approximately 21,000 hectares of land alongside the Rivers Severn, Cam, Frome, Leadon and Little Avon.</p> <p>Whilst main rivers are the responsibility of the Environment Agency, the LSIDB manages ordinary watercourses and the surrounding land that will derive benefit or avoid danger as a result of drainage operations.</p> <p>Works are funded via charges on development, drainage rates paid by landowners and a special levy upon the eight local authorities within which the Board operates.</p> |
| <b>What is the role of the council on this body?</b> | <p>The appointed member serves on the LSIDB Management Board. Drainage boards are locally based, providing a service to their community with locally elected members in control.</p> <p>The membership comprises 29 people, 14 of whom are directly elected by landowners, or their nominees, within the Board's area paying drainage rates to the Board, the remainder being councillors appointed by the 8 local authorities which jointly make up the land included within the Lower Severn area.</p> <p>There are also 5 sub-committees for which Board Members are invited to apply to be members. This includes the Treasury Sub-Committee which has a membership quota of 5 Board Members. I put myself forward for this committee and was appointed.</p>   |

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|  | <p>I have served on the committee since November 2019 and attended the first possible meeting after that on 11<sup>th</sup> March 2020. I was re-appointed for the years to March 31<sup>st</sup> 2021 and similarly to March 2022.</p>   |
| <p><b>What have been the main achievements of the body that have helped support the achievement of the Council's corporate policies?</b></p> | <p>Being in the most northernmost and the top end of the LSIDB administrative area, Herefordshire constitutes a very small part of its coverage, reflected in the small proportion of the levy, so it is not a significant contributor to the Council's corporate policies.</p> <p>It is however a very significant contributor for Councils further south and into the Severn River estuary area, into which water from the Herefordshire rivers in its coverage area flows.</p> <p>The Board is proactive on a programme of regular maintenance on waterways and related pumps and other water management infrastructure in its area, but it is also consulted on any development proposals to check there is no adverse impact on the area due to increased rates, surface water run off or infringement of Boards Byelaws.</p> <p>As the Drainage Authority in the area the staff administer the issue of consents to discharge water within its area or for structures such as bridges and culverts proposed to be erected over watercourses. This is a requirement under the Land Drainage Act 1991 and the Board's own Lands Drainage Byelaws available from the office.</p> <p>Whilst Herefordshire is a small part of the LSIDB operations, I do feel that our planners probably do not make enough of the advice and support that is available from the Board in areas such as the Leadon Valley around Ledbury, which is seeing increasing significant flooding in recent years.</p> <p>I would recommend that the LSIDB are consulted on a more regular basis, if not already doing so (and my understanding from their specialists is that Herefordshire does not avail itself enough of the technical advice and support on offer as part of its subscription). I suggest this is particularly important with reference to the Viaduct site which has had very significant flooding in the past two years due to the extreme rain conditions we had in 2020 especially.</p> <p>Flooding of the river Leadon is of increasing concern to organisations downstream from this site which is to the north of Ledbury, with the extreme flooding in 2020 especially threatening to overcome the flooding barriers erected by Ledbury Rugby Club to a level never felt likely. Landowners further south going towards Dymock are also increasingly alarmed at the extent of flooding of the Leadon in recent years.</p> |

|  |   |
|--|---|
|  | <p>It is felt by many that the Viaduct development when approved can only exacerbate flooding on the flooding plain which is increasingly channelled into a narrower area already due to developments over recent years and it is felt this can only get worse with the Viaduct development. Some advice from the LSIDB would be of considerable help to provide some reassurance to concerned land owners about this problem and if/how it could be alleviated (eg. advice on farm practices that can reduce the flooding levels).</p> <p>To this end, the Chair and Principal Officer of the LSIDB accepted my invitation to visit Ledbury (rarely done given we are small part of their area, but they nevertheless recognise the river Leadon does have some impact on their area further south, so it is important for them to understand the local conditions) in June 2021.</p> <p>Cllr Matthew Riddle (Chair) and Kieran Warren (PO) came to Ledbury on Wednesday 30<sup>th</sup> June 2021. We looked at the Viaduct site, several sites along the River Walk by the bypass and lower down the river by Dymock where flooding impact can still be seen.</p> <p>I learned that in fact, although not a main river, the River Leadon unusually currently comes under the authority of the Environment Agency and not the IDB. The IDB would nevertheless be keen to establish a dialogue with Herefordshire planners to ensure we make good use of our subscription and get their advice/recommendations on flooding and any related drainage matters.</p> |
| <p><b>Are there other achievements you would like to highlight or issues that you feel should be drawn to the council's attention?</b></p> | <p>None specifically that are particularly relevant to Herefordshire, but I am impressed by the quality of the management and engineering teams to deliver on the Board's obligations.</p> <p>I have no doubt that the relatively small contribution made by Herefordshire to the LSIDB are well and necessarily spent in proportion to our demands on the LSIDB operations.</p>  |
| <p><b>Does the council provide any funding to this body? If so, how has this money been deployed?</b></p>                                  | <p>Herefordshire Council is one of eight Councils and Unitary Authorities covered by the LSIDB area and which are levied annually as members.</p> <p>Rates are fixed in February each year. On February 5<sup>th</sup> 2020 the rate fixed for Herefordshire Council for the year ending 31<sup>st</sup> March 2021 was £11,447.09 which represented 0.81% of the levy total. (This compares to a levy of £11,077.83 in the previous year.)</p> <p>From an annual income and expenditure budget in excess of £1.5m, the main expenditure items are on payroll and the regular maintenance programme costs (over 60% together) for the waterways network within its remit.</p>   |

Its main financial challenge is the management of constructing, maintaining and replacing when needed a small number (6 in total) of expensive and powerful pumping stations in the lower reaches of its area which are required to manage water flows and flooding dangers.

The EGM in December was called because the rolling programme of depreciation and reserves accumulation to meet expected future pump investments was under strain to meet substantially increased costs and urgent decisions had to be made to manage the finances involved.

**If the outside body produces a business plan and/or annual report, please provide links to where these can be found (below).**

The LSIDB annual financial statements of how it raises income to meet its expenditure budgets can be found on the LSIDB website at <https://lowersevernidb.org.uk/finance-rates/>

Its development and operations guides and documents can be found on the website at <https://lowersevernidb.org.uk/development/>

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|---|---|
| <b>Name of the Outside Body</b>   | Herefordshire Armed Forces Covenant Partnership   |
| <b>Name of the council's representative</b>   | The Group is chaired by Cllr Barry Durkin who is the council's nominated Armed Forces Champion  |
| <b>What is the main purpose of this outside body</b>  | <p>HAFCP is tasked with delivering the aims of the Herefordshire Armed Forces Covenant to ensure that those who serve, or have served in HM Armed Forces, and their families are treated fairly.</p> <p>HAFCP is committed to:</p> <ol style="list-style-type: none"> <li>1. Encourage local communities to support the Armed Forces communities in their areas</li> <li>2. Nurture public understanding and public awareness of the issues affecting the Armed Forces community</li> <li>3. Recognise and remember the sacrifices faced by the Armed Forces community</li> <li>4. Encourage activities which help to integrate the Armed Forces community into local life</li> <li>5. Encourage the Armed Forces community to help and support the wider community.</li> </ol> <p>We do this by:</p> <ul style="list-style-type: none"> <li>• By implementing a framework to gain a better understanding of local issues in relation to members of the Armed Forces community</li> <li>• Prioritise and address key areas of need, driven by an Action Plan</li> <li>• Collaborate with delivery partners to access funding</li> <li>• Raise awareness and delivery of the Armed Forces Covenant to wider stakeholders such as employers, healthcare providers, the business community and local communities</li> <li>• By reporting back annually to the original signatories who signed on behalf of Herefordshire and wider armed forces community</li> <li>• Herefordshire Council is preparing to action the new statutory duty which is being introduced in 2022 to take due regard of the Armed Forces Covenant in Housing, Education and Health</li> </ul> |
| <b>What have been the main activities of the body that have helped support the achievement of the Council's corporate policies?</b> | The council has a duty to lead on the delivery of the Covenant and supports the HAFCP to identify, assist and/or lead on initiatives and activities that the address the above aims. Over the past 12 months there have been notable landmarks and shifts in HC's ongoing commitment to the Armed Forces Covenant including:  |

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|   | <ul style="list-style-type: none"> <li>• Approved HC funding to sustain the Armed Forces Covenant partnership officer role beyond MOD funding, (2018-2020), in partnership with Worcestershire County Council.</li> <li>• HC officers sit on HAFCP (Housing, Education, Post-16 Training) to embed strategy, policy and service delivery</li> <li>• Upholding HC's Defence Employer Recognition Scheme Gold Award status by encouraging external organisations to sign the Armed Forces Covenant via our procurement process.</li> <li>• Also introduced new feedback question into Business World to better understand how many of our workforce have a direct relationship to the Armed Forces and how, as an authority, we can tailor any necessary help and support</li> <li>• Integrated the Armed Forces community into HC's Equality Policy as a recognised group with a dedicated action plan</li> <li>• Addressed and integrated actions of best practice already in service delivery – ahead of HC's duty of due regard in the forthcoming Armed Forces Covenant legislation that will come into practice for all local authorities in 2022</li> <li>• Fed into regional and national forums in preparation for forthcoming legislation. Contributed to government consultations overseen by the MOD (Armed Forces Covenant), the Office of Veteran Affairs and the Armed Forces Covenant Fund Trust</li> </ul>  |
| <p><b>Are there other achievements you would like to highlight?</b></p> | <ul style="list-style-type: none"> <li>• The veteran self-build project located in Leominster was completed at the end of 2020 on land transferred from Herefordshire Council to Stonewater Housing. Nine veterans, a number who were homeless, worked alongside developers, Harpers, supported by homeless charity, Alabare. The veterans obtained construction qualifications whilst building their own homes. A total of 19 homes (ranging from one to three bedrooms), were built with the majority going to veterans and their families. As well as gifting the land, Herefordshire Council were key strategic and funding partners in the project.</li> <li>• Funding from both Herefordshire Council and Homes England through the Almshouse Consortium enabled The Buchanan Trust to build four new veteran properties on their farm estate at Bosbury, Herefordshire.</li> <li>• The Veteran Support Centre has now become a Charity in its own right as Herefordshire Council continues to support the employment of the Veteran Centre Manager and a short term member of staff to undertake the development and formalising of the veteran to veteran volunteering project. Funding has been secured by Herefordshire Council from the Armed Forces Covenant Fund Trust until March 2023 for the Veteran Centre Manager. The centre has increased footfall and engagement through the new centre manager appointed in April and the charity</li> </ul> |

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|  | <p>continues to make great strides in gaining local support through the trustees.</p> <ul style="list-style-type: none"> <li>• Successful funding applications supported by the partnership network to the Armed Forces Covenant Fund Trust to support local armed forces initiatives</li> <li>• Additional Strengthening local delivery cluster bid secured from the Armed Forces Covenant Fund Trust by Herefordshire Council to support bespoke face to face and online training for armed forces awareness in the Council and partners, particularly in relation to the imminent roll out of the new legislation.</li> <li>• Communication strategy has increased reach through social media, news items and regular subscribed newsletters</li> <li>• Actively participated in Armed Forces Week 2020</li> </ul> |
| <p><b>Does the council provide any funding to this body? If so, how has this money been deployed?</b></p>  | <p>This body does not receive any funding by the Council, however, it does support the two officers whose roles are to provide the point of contact for the armed forces on behalf of the Authority and the partnership and deliver aspects of the action plan and provide secretariat roles as required.</p> <p>The post of the armed forces covenant partnership officer is a permanent role shared with Worcestershire county council split 50/50 over 3 day working period.</p> <p>Armed Forces work forms approximately 30/40% of the Grants &amp; Combined Programmes Manager's role.</p>   |
| <p><b>If the outside body produces a business plan and/or annual report, please provides links to where these can be found (below).</b></p>                      |   |
| <p>Can be made available on request by contacting <a href="mailto:governancesupportteam@herefordshire.gov.uk">governancesupportteam@herefordshire.gov.uk</a></p> |   |



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| <b>Name of the Outside Body</b>   | RIVER LUGG INTERNAL DRAINAGE BOARD  |
| <b>Name of the council's representative</b>   | Cllr Elissa Swinglehurst and others   |
| <b>What is the main purpose of this outside body</b>  | The RLIDB manages water levels within its drainage district for agricultural and environmental needs and undertakes works to reduce flood risk to people, property and infrastructure.  |
| <b>What have been the main activities of the body that have helped support the achievement of the Council's corporate policies?</b> | The RLIDB currently maintain a network of some 219km of watercourse throughout its district using the powers vested to it by the LDA 1991. This meets with the Council's Local flood risk management strategy and supports their role under the FWM Act 2010.   |
| <b>Are there other achievements you would like to highlight?</b>  | <p>The appointment of a new contract manager (JBA) and a new area engineer (Anne-Clare Landolt) proceeded smoothly. Thanks are due to Hoople for their administrative support and hard work in ensuring a seamless transition. The Chairing of the board has also changed (after over 10 years of Service Charles Pudge stepped down but agreed to remain as vice chair to support the new chair), the chairmanship has now passed to Cllr Elissa Swinglehurst an appointed member of the board from Herefordshire Council.</p> <p>The new area engineer has been getting on with the job and liaising with local residents, parish councils and rate payers.</p> <p>The Board has collaborated with the Council on specific flooding issues in and around Wellington Village and facilitated meetings with RMA's and Parish councils to discuss them.</p> <p>The Board are involved with the Herefordshire Black Poplar project - It is a very rare tree (around 200 left in the county)- The RLIDB are ideally placed to introduce these trees into habitats that suit the owners AND the maintenance of the watercourses- they are a BAP species , providing great environmental and historical value.</p> |
| <b>Does the council provide any funding to this body? If so, how has this money been deployed?</b>                                  | Yes. All land within Drainage District are deemed to derive benefit from the activities of the Board and therefore subject to contribute to the annual expenses of the Board. For the purposes of rating, the properties are divided into a) Agricultural Land and Buildings and b) Other Land (domestic and non domestic properties)   |

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|   | <p>Occupiers of Other Land pay council tax, business rates or local services support rates to the Council who then are charged a special levy by the Board in proportion to the annual value of this Other land.</p> <p>The Levy paid by the Council goes towards the annual expenditure of the Board which includes the watercourse maintenance works, Environment Agency precept, administration costs that include insurances, audit, biodiversity, management etc.</p> |
| <p><b>If the outside body produces a business plan and/or annual report, please provides links to where these can be found (below).</b></p>   |  |
| <p>RLIDB do not produce a business plan but a link below will take you to our policies</p> <p><a href="https://www.shiregroup-idbs.gov.uk/idbs/river-lugg-idb/governance/policies/">https://www.shiregroup-idbs.gov.uk/idbs/river-lugg-idb/governance/policies/</a></p> |  |

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| <b>Name of the Outside Body</b>   | Nutrient Management Board  |
| <b>Name of the council's representative</b>   | Cllr. Elissa Swinglehurst (Chair)  |
| <b>What is the main purpose of this outside body</b>  | To identify and deliver actions that achieve the phosphorus conservation target of the River Wye SAC. The primary mechanism for achieving this will be through the delivery of the Nutrient Management Plan.   |
| <b>What have been the main activities of the body that have helped support the achievement of the Council's corporate policies?</b> | The board is a partnership organisation with EA, NRW, NE, WUF, CLA, NFU, Farm Herefordshire, DCWW and others. Each partner is responsible for identifying, funding and delivering actions to contribute to the purpose outlined above. The main activity is therefore multifaceted and incorporates P reduction via investment in STW from DCWW (50m), delivery of constructed integrated wetlands (HC) and a range of voluntary measures intended to address agricultural diffuse pollution (CSF, WUF). The condition of the river is of crucial importance to the council's corporate policies both in terms of economic growth and environmental quality. The activities of the board align with the council's corporate policies.  |
| <b>Are there other achievements you would like to highlight?</b>  | <p>Subsequent to the Dutch judgement the NMP has been through a process of revision to identify the 'gap' between the fully implemented AMP 7 investment and the required reduction in P to reach targets. There has been on going work to identify actions that will be effective and ways in which these actions can be evidenced to bring certainty to the plan. Due to the challenges around agricultural diffuse pollution it is not possible to use the plan as mitigation and therefore the current iteration is not striving to meet that aim, instead it is focussed on finding, funding and delivering practical solutions. The long list and short list of solution based thinking has been submitted to government for the spending review via ministers and MPs. Some additional resource has been forthcoming in the meantime to support the work of the EA in implementing the FR4W, the government has also listened to the board's request for a strategic approach and a task force has been formed to address the problems of the river and this taskforce will be working with the Autumn spending review to allocate additional resources. Communication between agencies is crucial and the board has widened its membership to increase engagement with neighbouring authorities and with the construction industry which has been very hard hit in the Lugg catchment.</p> <p>Engagement with the board has increased exponentially over the last 2 years, the meetings can have 70 plus attendees and many members of the public. The board is seeking to support initiatives like the citizen science project and welcomes input</p> |

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|   | <p>from the friends groups, WSA, Alison Caffyn, CPRW, CPRE and others.</p> <p>CSF and WUF have continued with their farm visits and are working with the supply chain to investigate alternative disposal methods. HC has commissioned integrated wetlands and a phosphate trading platform. DCWW continue with their planned programme of improvements.</p> <p>Our understanding of the problem is growing all the time – the role of legacy phosphate has now become an important element thanks to the work of Leeds and Lancaster Uni RePhokus group. The board is looking for ways to support on farm demonstration of regenerative farming and zero tillage techniques.</p> <p>There are multiple activities being undertaken by the individual board members to be part of the solution to a complex problem. ‘Success is not final, failure is not fatal – it is the courage to continue that counts’. We have no benchmark other than a healthy river ecology and we are very far away from that.</p> |
| <p><b>Does the council provide any funding to this body? If so, how has this money been deployed?</b></p>                                   | <p>The NMB does not have a budget to buy a biscuit. However the council is supporting the board by providing administration and a high level of officer time and engagement. The council is also funding the constructed integrated wetlands which, whilst they will not be a game changer, will be a step in the right direction.</p>   |
| <p><b>If the outside body produces a business plan and/or annual report, please provides links to where these can be found (below).</b></p> |  |
| <p>No although some of the individual members probably do.</p>  |  |

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| <b>Name of the Outside Body</b>  | Worcestershire Pensions Fund  |
| <b>Name of the council's representative</b>  | Cllr Trish Marsh  |
| <b>What is the main purpose of this outside body</b>   | Administer the pension's scheme for Herefordshire Council staff, as part of the much larger pension scheme for Worcestershire County Council and those of many other bodies, such as schools and parish councils.   |
| <b>What have been the main activities of the body that have helped support the achievement of the Council's corporate policies?</b>  | Economic: Managing the pension fund so that it supports the payment of pensions to Herefordshire Council officers, both past and present.<br><br>Sustainability: improving the profile of investments towards responsible investment  |
| <b>Are there other achievements you would like to highlight?</b>   | The fund has done considerable work in the last year to look at its carbon intensity and ESG performance. We took some significant steps on our responsible investment journey in LGPS scheme year 2020 to 2021, including completing <a href="#">an environmental social governance (ESG) audit and a sustainable development goals (SDGs) mapping exercise</a> .<br><br>See more at:<br><a href="https://www.worcestershire.gov.uk/worcestershirepensionfund/info/11/responsible-investment-2">https://www.worcestershire.gov.uk/worcestershirepensionfund/info/11/responsible-investment-2</a> |
| <b>Does the council provide any funding to this body? If so, how has this money been deployed?</b>   | No  |
| <b>If the outside body produces a business plan and/or annual report, please provides links to where these can be found (below).</b>   |   |
| <a href="https://www.worcestershire.gov.uk/worcestershirepensionfund/">https://www.worcestershire.gov.uk/worcestershirepensionfund/</a><br><a href="https://www.worcestershire.gov.uk/worcestershirepensionfund/downloads/file/166/business-plan-feb-2020">https://www.worcestershire.gov.uk/worcestershirepensionfund/downloads/file/166/business-plan-feb-2020</a> |   |

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| <b>Name of the Outside Body</b>  | L. G.A – Local Government Association ( Assembly)  |
| <b>Name of the council’s representative</b>  | Cllrs Barlett, Jlnman, Phillips and Sheldon  |
| <b>What is the main purpose of this outside body</b>   | <p>The principle representative body of the Local Government sector for England and Wales.</p> <p>The four reps are appointed to the general assembly which meets once a year – this year online in July.</p> <p>LGA national political groups appoint their own lead and committee members</p> <p>For information</p> <p>Independent group</p> <p>Cllr Sheldon is a regional lead</p> <p>Conservative group</p> <p>Cllr Phillips is a member of the Resources Board and a lead member for workforce.</p>  |
| <b>What have been the main activities of the body that have helped support the achievement of the Council’s corporate policies?</b>  | <p>LGA communicated with &amp; submitted evidence to HMG to support our annual financial settlement and covid grants. Working on emerging LG finance reform and the CSR submission.</p> <p>Helping to shape emerging legislation and regulations across the whole of the LG sector.</p> <p>Conducted surveys, published reports to support our own development work including Climate change.</p> <p>Provides access and contact to various national public bodies.</p> <p>Is a source of good practice, advice and offers support in training, developing of councils, departments, officers and elected members.</p> |
| <b>Are there other achievements you would like to highlight?</b>   | Achieved considerable funding for local authorities during the pandemic and was critical in lobbying government during the crisis.   |
| <b>Does the council provide any funding to this body? If so, how has this money been deployed?</b>                                   | Yes – annual subscription and travel costs for certain activities. The LGA publish an annual report to each authority stating the value of the Association to each particular council  |
| <b>If the outside body produces a business plan and/or annual report, please provides links to where these can be found (below).</b> |  |

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| <b>Name of the Outside Body</b>  | Bringsty Common Manorial Court  |
| <b>Name of the council's representative</b>  | Cllr. Nigel Shaw  |
| <b>What is the main purpose of this outside body</b>   | To represent views of commoners and residents of Bringsty Common and provide local management on behalf on HC.  |
| <b>What have been the main activities of the body that have helped support the achievement of the Council's corporate policies?</b>  | Light touch management of open common land, increasing bio-diversity by late cutting of grassland; cutting firebreaks and provision of a football pitch and other open space for sports and recreation  |
| <b>Are there other achievements you would like to highlight?</b>   | Visits by Butterfly Conservation Trust and support by them to promote habitat improvement. Facilitation of bus shelter donated by Whitbourne Parish Council to Brockhampton Group Parish Council, sited on common in accordance with a section 38 permission obtained by me at my own cost. |
| <b>Does the council provide any funding to this body? If so, how has this money been deployed?</b>                                   | None. Council funds emergency maintenance such as removal of dangerous trees etc.   |
| <b>If the outside body produces a business plan and/or annual report, please provides links to where these can be found (below).</b> |   |
| Annual report by Chair on a <a href="#">Facebook</a> site, together with meeting agenda's and minutes.                               |   |

## **Framework for a Herefordshire Mental Health and Learning Disability Services Advisory Board**

### **Introduction**

Herefordshire Mental Health and Learning Disability Services move from Gloucestershire Health and Care NHS Foundation Trust ('GHC') to Worcestershire Health and Care NHS Trust ('WHCT') on the 1<sup>st</sup> April 2020.

As GHC are a Foundation Trust one of their key governance mechanisms for engaging with Service User Carers and the public is their Membership and Governing body/Council of Governors. The Council of Governors has provided a forum where elected representatives from the membership, or other significant parties, ie Local Authority or Commissioners, can come together with the Trusts Senior Leadership Team, Non-Executive and Executive Directors, to hear about the performance and service delivery/development plans of the Trust. Part of a Governors role is to share this information with the wider membership, so that they can canvas members for their views and subsequently inform and influence the work of the Trust.

The Council of Governors' aim to be a supportive critical friend, helping the Trust shape services and communications with the wider membership and public so that the work of the Trust is informed and influenced by members and public views. The Governors can set up engagement events with the membership and wider public and lead those engagement events with support from the Trust. This approach has helped 'de-stigmatise' meetings and increased member and public confidence in the work of the Trust whilst 'personalising' interactions with the Trust.

Whilst WHCT are not a Foundation Trust and they have many mechanisms for engaging with their service users, carers and the Public, the elected Herefordshire Governors of GHC, supported by Herefordshire Healthwatch, would like to propose a framework for WHCT to consider to try and maximise the benefits from the legacy members and Governors of GHC.

The aim of this proposal would be to develop a strong service user, carer and public voice for Herefordshire, who could provide the Trust with informed views on a range of issues to support continuous service development and improved delivery of care and outcomes for the people of Herefordshire. The arrangements would also fundamentally seek to support the Trust in challenging the stigma faced by mental health service users, carers and services and ensure that Herefordshire services integrate and embed into WHCT at the earliest opportunity.

### **Proposal**

There are currently 491 registered Herefordshire members within the GHC membership not including staff members. There are two Council members elected from this membership, an appointed Local Authority Council member and an appointed CCG Commissioner Council member



There are GHC staff Governor Council members, but at the current time, the Staff Governor members are all from outside the direct Herefordshire staff group which will transfer to WHCT and so staff governors will not be available to support any proposal post transfer of the services to WHCT.

There is also a Herefordshire aligned Non Executive Director (NED) member of the Trust Board who has worked closely with the Council of Governors in their full NED role. They have also provided specific focus and joint working with a Herefordshire specific focus with the Herefordshire specific Governors in relation to their work associated with the transfer of services to WHCT. The Non-Executive Director member of the Trust Board will remain as a Non-Executive member with GHC post transfer of the services to WHCT and would not be available to support any proposal, although they have been involved in discussing this proposal.

The two membership elected Governors and the Local Authority appointed Governor are very active in their support of the work of the Council and in their engagement with GHC in relation to progressing the arrangements associated with the transfer of services from 1<sup>st</sup> April 2020.

The 3 Governors have explored opportunities for linking up with Herefordshire Healthwatch colleagues in relation to this future proposal. Herefordshire Healthwatch have indicated that they would like to explore the opportunity for them to support a key role in working with WHCT and the Herefordshire governing body members and wider membership identified earlier, to form a Herefordshire Mental Health and Learning Disability Services Advisory Board.

The proposal will be to form a body who can be informed, can inform and who can influence the work of WHCT within Herefordshire specifically, whilst also working across the wider Trust to support better integration and embedding of the services and service users and carers transferring to WHCT with the new Trust.

The intention of the Herefordshire Mental Health and Learning Disability Advisory Board ('HAB') would be to compliment other arrangements for engagement and development of service users, carers and public involvement in the services, through initiatives such as Volunteers and Experts by Experience arrangements. It is acknowledged that Board members maybe Experts by Experience or Volunteers in their own right, but that is a separate role to their role as a member of HAB.

Board membership could consist of:

- 4 Elected members (2 already elected and proposed that they would have an initial 2 year term of office before re-election to offer some expertise and 'corporate memory' to the Board.
- 2 Herefordshire staff members
- A Local Authority/Council representative (again it is proposed that the existing Council representative be asked to continue in this role for continuity/'Corporate memory' benefits

- A H&W Commissioner representative (WHCT might want to think about this role as it hasn't really delivered the benefits originally envisaged with 2g/GHC to date)
- A representative from the Herefordshire Experts by Experience group
- A designated WHCT Board Non Executive Director who can provide a link to the main WHCT Trust Board
- The Herefordshire Social Inclusion worker
- Two Herefordshire Healthwatch representatives
- WHCT's Director of Strategy and Partnerships
- A further WHCT Board member
- Comms and Administration support as appropriate and provided by WHCT

These circa 12 – 13 individuals, would meet as a Board circa 10 – 12 times a year. They would also support 6 wider membership/public engagement events across Herefordshire during the year.

The wider public engagement events would initially be focused on:

- Hereford City
- Bromyard
- Ledbury
- Kington
- Leominster
- Ross-on-Wye

The meetings would need to be planned and advertised and would be co-production engagements involving the Board members, Herefordshire Healthwatch, Experts by Experience, Volunteers and appropriate staff from the Trust. The meetings would be focused on engagement aimed at informing and being informed of Herefordshire residents views on the plans, proposals and services delivered by the Trust. The meetings would also seek to increase the Herefordshire “membership”, Experts by Experience and Volunteers supporting and commenting on the work of the Trust.

A more detailed Terms of Reference could be developed if the Trust is supportive of these proposals.

### **Progressing the Proposals**

WHCT and GHC need to engage with the GHC existing membership, Experts by Experience and Volunteers to advise them of the proposed changes in the leadership and delivery of services in Herefordshire.

It is proposed that this is progressed through writing to these three separate groups and inviting them to continue in their membership, Experts by Experience or Volunteer role with WHCT as services transfer.

Each group would also be offered the opportunity to meet with representatives of WHCT to talk about their future plans for supporting Experts by Experience, Volunteers and Members.

The Experts by Experience (48), engagement is already planned and will be progressed during normal working hours, as can the engagement with existing Volunteers (5). The engagement with the membership however, probably needs to be planned as a series of early evening meetings, probably held in the 6 localities suggested earlier, if the opportunity for members to engage with WHCT is to be maximised. Membership engagement events during the day, have from experience, proved to be poorly attended and Members have commented that they don't enable many of them to consider attending because of other commitments. Having said this, engagement with the membership has generally proved challenging irrespective of the time and location of meetings.

However the group developing this proposal, acknowledge that a consistent approach to engagement has not been developed and so the proposal to try and consistently engage in home communities may be beneficial if supported and advertised to the Membership and others beforehand.

In considering a first event the group with members to progress this proposal, colleagues feel that an agenda, something like;

- Hear about the changes in the leadership and delivery of Mental Health and Learning Disability Services in Herefordshire
  - WHCT/GHC representatives (could be WHCT reps only)
- The work of our Volunteers and becoming a Volunteer with us
  - led by the Social Inclusion lead and an existing Volunteer
- The work of our Experts by Experience and becoming an Expert by Experience with us
  - Led by the Social Inclusion lead and an existing Expert by Experience
- Becoming a member and our proposal for members to support the work of our Herefordshire Mental Health and Learning Disability Services Board (HAB)
  - Led by the Trusts Director of Strategy and Partnerships, Healthwatch and the 3 existing Herefordshire Council of Governor members.

### **Recommendations**

Healthwatch and the 3 Council of Governor members would welcome meeting with WHCT (and GHC representatives if appropriate) to discuss this proposal with a view to engagement events, being arranged towards the end of March 2020 if the Trust are supportive of this approach.

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| <b>Name of the Outside Body</b>   | Wye Valley AONB Joint Advisory Committee  |
| <b>Name of the council's representatives</b>  | Cllr B. Durkin<br>Cllr J. Hardwick<br>Cllr P. Symonds<br>Cllr Y. Watson   |
| <b>What is the main purpose of this outside body</b>  | <p>The role of the Joint Advisory Committee (JAC) is one of advising and guiding the statutory authorities regarding issues, initiatives and strategies relating to the Wye Valley Area of Outstanding Natural Beauty (AONB). The JAC is established under agreement by the Forest of Dean District Council, Gloucestershire County Council, Herefordshire Council and Monmouthshire County Council, to help deliver the duties and obligations arising from Part IV of the Countryside and Rights of Way Act 2000. The JAC has, for many years, been a strong partnership, its constitution and membership reflecting the cross-border nature of the Wye Valley AONB. The committee meets formally three times a year, usually in early March, July and November in the Forest of Dean District Council Chamber in Coleford.</p> <p>The JAC oversees the review and adoption of the statutory 5 year AONB Management Plan and its delivery through the AONB Unit Business Plan. The JAC is supported by a Technical Officers Working Party, AONB Steering Group and the AONB Unit which is staffed by employees of the representative local authorities; Forest of Dean District Council, Herefordshire Council and Monmouthshire County Council. Monmouthshire County Council provides the Clerk to the JAC. Herefordshire Council are treasurers for the AONB Unit's finances. This governance structure offers the benefits of local accountability through elected members and access to specialists, with both local and national knowledge, supported by dedicated professional staff.</p> |
| <b>What have been the main activities of the body that have helped support the achievement of the Council's corporate policies?</b> | <p>Due to Covid restrictions the Wye Valley AONB JAC did not meet formally in July 2020 and met via Zoom on 2<sup>nd</sup> November 2020 and 1<sup>st</sup> March 2021.</p> <p>At the November 2020 meeting the JAC resolved to:</p> <ul style="list-style-type: none"> <li>(i) request from the constituent local authorities the financial contributions for the Wye Valley AONB Partnership for 2021/22.</li> <li>(ii) encourage the constituent local authorities to finalise and agree the AONB Memorandum of Understanding for 2021 – 2024</li> <li>(iii) approve the Post Consultation Draft version of the AONB Management Plan and recommend the Plan for adoption by the local authorities and government agencies, subject to the Habitats Regulation Assessment modified screening.</li> <li>(iv) endorse the realignment of the five year period of the AONB Management Plan to cover 2021-2026.</li> </ul>  |

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|   | <ul style="list-style-type: none"> <li>(v) welcomed the successful accomplishments of the Wye Valley River Festival 2020.</li> <li>(vi) endorse the proposed undergrounding of overhead power lines across Offa's Dyke Path National Trail on The Kymin.</li> <li>(vii) Note the report outlining progress with the respective Reviews of Designated Landscapes England and Wales.</li> <li>(viii) receive the report regarding the AONB Sustainable Development Fund (SDF) and the Wye Valley AONB Fund with Herefordshire Community Foundation (HCF).</li> <li>(ix) Receive the report regarding activity of the Wye Valley AONB Unit and various partners</li> </ul> <p>At the March 2021 meeting the JAC resolved to:</p> <ul style="list-style-type: none"> <li>(i) note the current situation and activities of partner organisations in relation to water quality issues in the River Wye and its tributaries.</li> <li>(ii) welcome the offer of the Environment Agency and Natural Resources Wales for a presentation at the next Joint Advisory Committee meeting on 5th July 2021.</li> <li>(iii) endorse the AONB Unit Work Programme for 2021/2022.</li> <li>(iv) formally endorse the 'Art in the Landscape' National Arts Strategy with the National Association for AONBs;</li> <li>(v) welcome and support the progress with establishing a possible Community Interest Company (CIC) to take forward the Wye Valley River Festival, taking account of the five tests previously endorsed in the Wye Valley River Festival Business Plan 2019-2024.</li> <li>(vi) receive a report regarding progress with the implementation of the Glover Review of Designated Landscapes in England and welcome the announcement of the Farming in Protected Landscapes programme.</li> <li>(vii) receive a report regarding progress with the Review of Designated Landscapes in Wales, welcoming the additional Welsh Government funding and the establishment of the National Designated Landscapes Partnership.</li> <li>(viii) receive a report regarding activity through the National Association for Areas of Outstanding Natural Beauty (NAAONB).</li> </ul> |
| <p><b>Are there other achievements you would like to highlight?</b></p> | <ul style="list-style-type: none"> <li>• The AONB Management Plan was finalised and adopted by the 4 constituent local authorities</li> <li>• Wye Valley AONB 50<sup>th</sup> Anniversary talk was presented by Andrew Blake, AONB Manager, via Zoom to nearly 100 people</li> <li>• AONB Unit delivered Natural Flood Management, Riparian Tree management &amp; Farm Advice projects with Environment Agency, Herefordshire Wildlife Trust and Wye &amp; Usk Foundation</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>• All Parish Councils in the AONB were contacted and asked for potential schemes for undergrounding of low voltage power lines.</li> <li>• Nature Recovery Network mapping work commenced with Gloucestershire and Herefordshire Wildlife Trusts, Natural England and Malvern Hills AONB Partnership.</li> <li>• Landslips on the Wye Valley Walk were assessed and diversions signposted with Balfour Beatty Living Places/Herefordshire Council, Monmouthshire County Council and Forestry England</li> <li>• AONB Unit maintained active participation in the Wye Catchment Partnership, Wye Navigation Advisory Committee, Herefordshire Meadows Network, Offa's Dyke Collaboratory and Dark Skies Wales</li> <li>• Phase 1 Habitat mapping continued where Covid guidance allowed</li> <li>• AONB Fixed Point Photography monitoring continued where Covid guidance allowed</li> <li>• The AONB Unit delivered the £194,700 Sustainable Landscapes Sustainable Places (SLSP) programme for Welsh Government.</li> </ul> |
| <p><b>Does the council provide any funding to this body? If so, how has this money been deployed?</b></p>  | <p>HC annual contribution to the AONB budgets is £23,860<br/>Total AONB budgets in 2020/21 were £596,272 meaning the AONB Unit levered in over £12 for every £1 of local authority contribution.</p>  |
| <p><b>If the outside body produces a business plan and/or annual report, please provides links to where these can be found (below).</b></p>  |   |
| <p>The JAC Report on the Business Plan is here:<br/><a href="https://democracy.monmouthshire.gov.uk/documents/s24102/5.%20Work%20Prog%20report.pdf">https://democracy.monmouthshire.gov.uk/documents/s24102/5.%20Work%20Prog%20report.pdf</a></p> <p>The Full Business Plan for 2020/21 is here:<br/><a href="https://democracy.monmouthshire.gov.uk/documents/s24103/5a.%20AONB%20Business%20Plan%2020-21.pdf">https://democracy.monmouthshire.gov.uk/documents/s24103/5a.%20AONB%20Business%20Plan%2020-21.pdf</a></p> <p>The Annual Report for 2020/21 is due to be presented to the next JAC on 1<sup>st</sup> November 2021.<br/>The JAC report on the delayed Annual Report is here:<br/><a href="https://democracy.monmouthshire.gov.uk/documents/s29171/11.%20Annual%20report.pdf">https://democracy.monmouthshire.gov.uk/documents/s29171/11.%20Annual%20report.pdf</a></p> |   |



## **Title of report: Motions on notice**

**Meeting: Council**

**Meeting date: Friday 8 October 2021**

**Report by: Monitoring Officer**

### **Classification**

Open

### **Decision type**

This is not an executive decision.

### **Wards affected**

Countywide

### **Purpose**

To consider motions received on notice.

### **Recommendation**

**THAT: the motions listed at paragraph 6 are debated and determined by Council.**

### **Alternative options**

- 1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

### **Key considerations**

- 2 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting and a maximum of three motions will be debated at meetings of full Council.
- 3 Motions must be about matters for which the council has a responsibility or which affect Herefordshire.
- 4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may

be varied at the discretion of the chairman.

- 6 Three motions have been received and will be debated at the meeting. The motions for discussion are set out below:

**Motion 1 – Cabinet Posts - Childrens Services and Adult Social Care**

(Proposed by Councillor Jim Kenyon, Seconded by Councillor Paul Rone. )

**This motion asks the leader to consider, in light of the children’s services improvement order issued on the 18th May, that the cabinet positions for Childrens Services and Adult Social Care are removed and are replaced with two teams of three councillors appointed on merit**

- **One being councillor for Childrens services with two support councillors and**
- **One being councillor for adult social care with two support councillors.**

**They are to report direct to cabinet when required but their sole purpose is to be responsible for their own portfolios.**

**Remuneration should be in line with the current cabinet pay system.**

**Motion 2 – Belmont**

(Proposed by Councillor Tracy Bowes, Seconded by Councillor Jeremy Milln)

**Belmont, comprising Abbey, House, Park, ancillary buildings set about a glorious reach of the River Wye extending across to Warham and Breinton, has been described as an astonishing historical agglomeration.**

**In spite of its historical importance the Belmont Landscape remains unprotected. The purpose of this Motion is to set the framework for responsible stewardship and to demonstrate that Herefordshire Council is a willing partner to its communities for improving the conservation outlook of this most significant place.**

**Motion:**

**In the light of the Herefordshire County Plan objectives for heritage and well-being, this Council recognises:**

- **the special importance of the cultural landscape at Belmont to the City and County of Herefordshire**
- **the potential for Belmont to enrich the lives and sustain the health of the people of Herefordshire (and especially for residents of the South Wye area)**

**That in recognising the importance and potential of Belmont, this Council calls on the Executive to appraise Belmont for designation as a new Conservation Area to include the House, Abbey and Park on the south side of the River and the adjacent hamlets of Warham and Breinton on the north side, seeking funding to support this work.**



### **Motion 3**

(Proposed by Councillor Louis Stark, Seconded by Councillor Jeremy Milln)

#### **This Council notes:**

- 1. The rapid deterioration in the water quality of the Rivers Wye and Lugg, which is evident from citizen science testing and visual observation. The rivers are important natural assets and the council is extremely concerned at their current state. As well as an importance as natural habitats, they are also a recreational resource for many, including use for swimming and other water-borne activities;**
- 2. The recent success in Ilkley in designating parts of the River Wharfe as bathing waters, and the increased regulatory protection that has resulted;**
- 3. The historically low level of funding which the Environment Agency has available to enforce existing regulatory controls.**

#### **This Council therefore resolves to call upon the executive to:**

- 4. Investigate seeking designation of appropriate stretches of the Wye and Lugg to be officially identified as bathing water.**
  - 5. Urge concerned residents to support the River Action petition, which asks the English and Welsh governments to double the Environment Agency and Natural Resources Wales's regulatory budgets so that they can more effectively enforce the existing legal protections for the Wye and Lugg;**
  - 6. Forward this resolution to the Members of Parliament in Herefordshire, to ask them to support the campaign by River Action for increased funding for the Environment Agency.**
  - 7. Forward this resolution to other English and Welsh councils in the Wye Valley to ask them to support the campaigns for bathing water status and for increases in regulatory budgets.**
- 7 The constitution provides that the report to Council containing notices of motion on hand will also include detail of progress of all outstanding resolutions. There are outstanding resolutions with respect to three motions considered at earlier meetings of full Council. The resolutions and updates of progress against these resolutions are provided below:

| Date of meeting | Motion                        | Current Status   |
|-----------------|-------------------------------|--|
| 12 July 2019    | Community Infrastructure Levy | The decision taken on the update to the Core Strategy on 9 <sup>th</sup> November, see:<br><a href="http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296">http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296</a> |

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|   |  | <p>This included resolution as follows: (e) work on progressing a Herefordshire Community Infrastructure Levy should be put on hold pending the outcome of the significant proposals for reform of planning obligations in the White Paper</p> <p>The outcome of the Planning White paper is still awaited, we remain unsure when a new Planning Bill will be published by the Government or a new system implemented</p> |
| <p><b>RESOLVED:</b></p> <p>That this Council asks the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021.</p> |  |   |

| Date of meeting  | Motion        | Current Status   |
|--|---------------|--|
| 17 July 2020   | Tree Strategy | <p>An executive response is being prepared for October 2021.</p> <p>This will jointly respond to the Tree Strategy and Decline in hedgehog population motions proposing the development of a more comprehensive Nature Strategy to further protect and enhance local biodiversity.</p> |
| <p><b>RESOLVED:</b></p> <p>We call upon the executive to expedite the delivery of a detailed tree strategy for the county. A 2014 draft document exists that might provide the basis for a new strategy which will reinforce our commitment to the environment and align with our declaration of a climate emergency.</p> <p>The Government is currently consulting on an England Tree Strategy and we ask for the council to respond to this consultation.</p> <p>Furthermore, in the interim and as a matter of urgency, we ask the executive to consider what can be done to protect existing trees and to take immediate action by planting, maintaining and protecting trees in order to have established growth by 2030.</p> |               |  |

| Date of meeting | Motion                         | Current Status  |
|-----------------|--------------------------------|---|
| 9 October 2020  | Decline in hedgehog population | An executive response is being prepared for October 2021. |

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|  | This will jointly respond to the Tree Strategy and Decline in hedgehog population motions proposing the development of a more comprehensive Nature Strategy to further protect and enhance local biodiversity. |
| <p>RESOLVED: That –</p> <p>A recent study has shown that the UK population of Hedgehogs has declined from around 30 million to only 1 million. Whilst it is not yet a European Protected Species it is a British mammal where the population is in steep decline and I am calling upon our executive to please consider ways in which Herefordshire Council can include measures for adaptation, mitigation and for the protection of Hedgehogs to a level comparable to that required for European Protected Species.</p> |  |

## Community impact

- 8 Herefordshire Council's adopted code of corporate governance provides the framework for maintaining high standards of corporate governance in order to achieve the council's vision of "people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire."
- 9 In accordance with the code, the long-term nature of many of Herefordshire Council's responsibilities mean that we should define and plan outcomes and that these should be sustainable. Decisions should further the council's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

## Equality duty

- 10 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
 

A public authority must, in the exercise of its functions, have due regard to the need to –

  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11 The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. If any motion results in a request that the executive (cabinet) consider taking some action, the cabinet will have regard to the equality duty when determining its response to the request.

## **Resource implications**

- 12 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

## **Legal implications**

- 13 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

## **Risk management**

- 14 None arising from the recommendation; if any motion results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

## **Consultees**

- 15 None.

## **Appendices** – none

## **Background papers** – none identified