

Agenda

Cabinet

Date: **Thursday 22 July 2021**

Time: **2.30 pm**

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

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

For any further information please contact:

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Agenda for the meeting of the Cabinet

Membership

Chairperson	Councillor David Hitchiner
Vice-chairperson	Councillor Liz Harvey
	Councillor Felicity Norman
	Councillor Ellie Chowns
	Councillor Pauline Crockett
	Councillor Gemma Davies
	Councillor John Harrington
	Councillor Diana Toynbee
	Councillor Ange Tyler

Agenda

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the minutes of the meeting held on 24 June 2021.</p> <p>HOW TO SUBMIT QUESTIONS</p> <p><i>The deadline for submission of questions for this meeting is:</i></p> <p><i>9:30am on Monday 19 July 2021.</i></p> <p><i>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</i></p> <p><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 https://www.herefordshire.gov.uk/getinvolved</i></p>	11 - 24
<p>4. QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive questions from members of the public.</p>	
<p>5. QUESTIONS FROM COUNCILLORS</p> <p>To receive questions from councillors.</p>	
<p>6. HEREFORD CITY CENTRE TRANSPORT PACKAGE (HCCTP) - DEVELOPMENT OF THE REMAINING ELEMENTS</p> <p>To present an update on the programme delivery so far, to highlight the elements of the project that have exceeded their forecast costs, and to set out the plan for delivery of the remaining projects in the programme.</p> <p>This report will also detail the residual land acquisition costs and liabilities that will need to be met from the existing capital budget.</p>	25 - 40
<p>7. RECOMMENDATION FOR POTENTIAL SITES TO PROGRESS AFFORDABLE HOUSING DELIVERY IN HEREFORDSHIRE</p> <p>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</p>	41 - 58

coming years.

<http://hc-modgov:9070/ieDecisionDetails.aspx?ID=7360>

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.

The Public's Rights to Information and Attendance at Meetings

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- 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.
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- 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.
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¹ The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

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The council is making an official recording of this public meeting. These 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.

Guide to Cabinet

The Executive or Cabinet of the Herefordshire Council consists of a Leader and Deputy Leader and seven other Cabinet Members each with their own individual programme area responsibilities. The current Cabinet membership is:

Cllr David Hitchiner (Leader) (Independents for Herefordshire)	Corporate Strategy and Budget
Cllr Liz Harvey (Deputy Leader) (Independents for Herefordshire)	Finance, Corporate Services and Planning
Cllr Diana Toynbee (The Green Party)	Children's Services, Safeguarding and Corporate Parenting
Cllr Gemma Davies (Independents for Herefordshire)	Commissioning, Procurement and assets
Cllr Ellie Chowns (The Green Party)	Environment, Economy and Skills
Cllr Pauline Crockett (Independents for Herefordshire)	Health and Adult Wellbeing
Cllr Ange Tyler (Independents for Herefordshire)	Housing, regulatory services, and community safety
Cllr John Harrington (Independents for Herefordshire)	Infrastructure and Transport
Cllr Felicity Norman (The Green Party)	Young People's Education and Attainment

The Cabinet's roles are:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;
- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

Who attends cabinet meetings?

	Members of the cabinet, including the leader of the council and deputy leader – these are the decision makers, only members of the cabinet can vote on recommendations put to the meeting.
	Officers of the council – attend to present reports and give technical advice to cabinet members
	Chairmen of scrutiny committees – attend to present the views of their committee if it has considered the item under discussion
	Political group leaders attend to present the views of their political group on the item under discussion. Other councillors may also attend as observers but are not entitled to take part in the discussion.
	Cabinet support members may attend and speak at the discretion of the chairperson

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.

Minutes of the meeting of Cabinet held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Thursday 24 June 2021 at 2.30 pm

Present: Councillor David Hitchiner (chairperson)
Councillor Liz Harvey (vice-chairperson)

Councillors: Felicity Norman, Ellie Chowns, Pauline Crockett, Gemma Davies, John Harrington, Diana Toynbee and Ange Tyler

Cabinet Support Members in attendance	None
Group Leaders and representatives in attendance	Councillors Elissa Swinglehurst, Jonathan Lester, Bob Matthews, L Tyler, M Lane, R Allonby and William Wilding
Scrutiny chairpersons in attendance	Councillors Jonathan Lester and Elissa Swinglehurst
Officers:	Chief Executive, Interim DCS, Acting Deputy Chief Executive, Acting Deputy Chief Executive (S151), Director for adults and communities and Interim Head of Legal Services, Head of Care Commissioning, Acting Assistant Director, Highways, Head of Transport and Access Services

9. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

10. DECLARATIONS OF INTEREST

None.

11. MINUTES

Resolved: That the minutes of the meeting held on 3 June 2021 be approved as a correct record and signed by the Chairperson.

12. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 10)

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

13. QUESTIONS FROM COUNCILLORS (Pages 11 - 14)

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

14. HEREFORD TRANSPORT STRATEGY

The cabinet member for infrastructure and transport introduced the report

The head of transport and access services presented the report, details of which are outlined in the agenda pack.

In discussion of the report, the cabinet members noted that:

1. A new river crossing could take up to 8 years. One of the tasks would be to look at the programme and to identify work which could be brought forward. The aim would be 5 years, subject to this piece of work being undertaken
2. There were statutory processes to undertake which were not in the control of the council with regard to the new river crossing so the timetabling had taken a cautious approach.
3. There was now additional in-house capacity so other measures could now move with more pace rather than rely on consultants.
4. The school traffic was a major cause of congestion and funding had been identified to help with school travel plans and communications.
5. It was anticipated that as restrictions further eased, people would start to use buses more.
6. There were new regulations which allowed councils to work with bus providers.
7. There was a commitment to ensure that all transport projects had a detailed climate assessment undertaken.
8. There had been a motion at council which had broadly agreed a move to 20mph in all residential areas so there was a request that this was followed through as this lower speed reduced accidents and deaths.
9. There should be consultation with equality groups within the county, e.g. women's equality group.
10. There would be a need to identify public toilets so that there were sufficient numbers.
11. There needed to be consideration for better signage for travel around the city.

Group Leaders and representatives were invited to present their views and queries from their group. It was noted:

1. The commitment to the active travel measures and school travel plans were welcomed.
2. The improved connectivity between the A49 and A465 was positive.
3. Improved infrastructure between Bridge Sollars and Belmont may also take traffic out of the city.
4. There were mixed views on the river crossing. It was accepted that there was a need for resilience with an additional river crossing. It was also commented that an Eastern crossing may encourage more through travel.
5. In order to bid for capital funding from government, there would need to be a business plan and this would now be developed.
6. The effective use of the bus network was noted but there would be a need to understand the long term revenue impact for the council.
7. If there was more capacity to travel in different ways, there will be a reduction in traffic congestion.

RESOLVED that:

- (a) Cabinet confirms its priorities for progressing the Hereford Transport Strategy and allocates £1.24m one off revenue funds for 2021/22 as follows:**
- i. **£300k to progress feasibility and design for safer routes to school infrastructure schemes;**
 - ii. **£150k to develop a cycling and walking masterplan for the city;**
 - iii. **£90k to support a clear communications campaign and encourage more people to walk, cycle and use public transport and also supporting covid recovery;**
 - iv. **£400k to progress the eastern road link and river crossing; v. £100k to support the updating of the local transport plan; and**

- vi. **£200k to fund delivery director and project management support to ensure delivery of this programme at pace.**
- (b) **The additional transport proposals outlined in paragraph 13 be noted as providing potential benefits and that a budget of £250k from the Settlement Monies Reserve is allocated to fund the business case development, feasibility work and community support to assess the benefits and determine which projects should be taken forward and inform future decision making.**
- (c) **The Delivery Director in consultation with the cabinet member for transport and infrastructure and the chief finance officer is authorised to take operational decisions associated with the commissioning of technical support required to deliver proposals and activities determined by cabinet under recommendation (a and b).**

15. COVID 19 RECOVERY PLAN

The Leader of the Council introduced the report, details of which are set out in the agenda pack.

In discussion of the report, the cabinet members noted that:

- The recovery plan was positive and would build resilience.
- There would be health, environment and economic benefits.
- The current situation is affecting people's mental health and addressing issues as part of this recovery plan would assist.
- It was a good plan where each part reinforced the other.
- TalkCommunity would be expanding which would also support the plan.

Group Leaders and representatives were invited to present their views and queries from their group. It was noted:

- The recovery plan and the spending of the money was welcomed.
- The general scrutiny committee had looked at some length at the council's response to the pandemic and recommendations would be forthcoming.
- Tourism was important to Herefordshire. The sector was performing well and there was an opportunity to put Herefordshire on the map.
- There was a proposal to hold an economic summit over the summer for business leaders and the recovery plan could be used as a catalyst.
- There was a need to keep putting an emphasis on looking after the Herefordshire environment.

RESOLVED that

- a) **The Covid 19 Recovery Plan 2021/22 is approved, implementing up to £6.144m of Covid 19 funding to deliver the immediate actions required to enable short term economic, community wellbeing and organisational recovery; and**
- b) **The Director of Economy and Place, Director Adults and Communities, Director Children and Families and Director of Public Health be authorised to take all operational decisions to implement recommendation including, but not limited to, the procurement and commissioning of the identified projects (as set out in the detailed action plan in appendix A).**

16. NEW ARRANGEMENTS FOR COMMISSIONED HOME CARE.

The cabinet member for health and adult wellbeing introduced the report.

The head of care commissioning presented the report, the details of which are set out in the agenda pack.

In discussion of the report, the cabinet members noted that:

- There had been consultation with the smaller care providers. None had indicated that these new arrangements would impact on their business. These businesses did have a large numbers of self funders so the council was not their primary contract.
- There were safeguards in place to ensure that customers' eligible needs are met.
- Technology enabled living was not about replacing carers, but was to complement the customers' needs. The technology would be for the carer as well as those receiving care.

Group Leaders and representatives were invited to present their views and queries from their group. It was noted that the new commissioning arrangements were welcomed.

The adults and wellbeing scrutiny committee had scrutinised the arrangements. The committee had noted and praised the directorate for their engagement with the providers. It was noted that all the scrutiny committee recommendations had been accepted by cabinet. It was further noted that a self-funders' action plan would be forthcoming.

Resolved that:

- a) A framework for the purchasing of commissioned home care services be introduced from 1 November 2021;**
- b) The duration of the framework will be four years with the option to extend for a further 12 months;**
- c) Applicants admission to the framework will be determined via competitive tender;**
- d) The director for adults and communities is authorised to take all operational decisions necessary to implement the above recommendations.**
- e) That cabinet approves the response to the scrutiny recommendations in Appendix 2**

The meeting ended at 4.34 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 24 JUNE 2021

Question 1

Mr D Hill, Leominster

To: cabinet member, finance, corporate services and planning

It has now been over 18 months since Natural England advised Herefordshire Council in July 2019 that the approach to allowing proposals that would increase phosphate levels in the Lugg catchment of the River Wye SAC was to be reviewing, effectively 'holding' all Planning Applications in the Lugg catchment.

Could the member advise how many planning applications Herefordshire Council are currently 'holding' and why the Planning Department are not determining these applications? There is no good reason to hold applications under the NPPF, noting paragraph 177, and the Development Management Procedures Order, as amended?

Response

There are 82 planning applications that cannot currently be determined in the River Lugg catchment for 1650 proposed dwellings. The reason for this is because Natural England have advised that they will object to any appropriate assessment supporting an application that will negatively impact upon the ecology of the River Lugg, in accordance with the Habitats Regulations. This follows a recent judgement referred to as the Dutch Case, which establishes UK case law and therefore Natural England's position on this. For Herefordshire Council to ignore such advice from a key statutory consultee would be dangerous and leave the local planning authority open to legal challenge, therefore unless the application can demonstrate that the development proposal is either phosphate neutral or provides betterment, it cannot be positively determined by the council.

Paragraph 177 of the NPPF confirms that the '*presumption in favour of sustainable development*' does not apply where the project is likely to have a significant effect on a '*habitats site*', such as the River Lugg Special Area of Conservation. Here, Natural England have to date objected to any appropriate assessment where the findings shows that the application may adversely affect the integrity of the habitat – which will be the case for most housing developments in the River Lugg catchment area and encompasses other types of proposals, including intensive agriculture due to manure application to the land.

Officers are working tirelessly to find a way forward by constructing wetlands adjacent to key village sewage works to remove phosphate entering the river and this is work very much in progress which the Council is financing through reserves. This is because we recognise the impact this has on both the communities as well as the ecology of the river itself.

I would also like to point out that the actual condition of the river is a matter for the Environment Agency, Natural England and Natural Resources Wales to regulate, rather than the local planning authority.

Question 2

Ms J Suter, Leominster

To: cabinet member, infrastructure and highways

I return to the question of the state of the pavements/streets of Leominster Town. Passing the buck to “reduced investment” does not cut it with me. I can only assume you travel the town by hovercraft! Your reply to my previous question stated that you regularly inspect and repair as necessary. Can I ask when and where the most recent and satisfactory repairs have been made. The “repairs” carried out in West St. have not lasted and the road is as bumpy and uneven as ever. The turning from High St into Corn Square via Victoria St is appalling. Money continues to be spent on unnecessary “improvements” to increase tourist trade but will people really come to our town to look at new waste bins and signage when everything else is so run down. I know the money came from a grant but that money came from us the tax payers it did not materialise out of thin air! Don’t blame the government for everything you cannot continually ignore problems and hope they will resolve themselves.

Response

Thank you for your question. I can tell you I don’t have a hovercraft but appreciate the point you make. I am afraid that the serious reduction in funding from central government has hugely impacted our budgets as a Council and our ability to do the maintenance on our roads and paths that we would like to do – this is not passing the buck, this is a cold hard reality. The government used to support authorities much more strongly (and fairly) in the past but since 2010 have pursued a policy of reduction in government grants to authorities like us. One important grant, The Revenue Support Grant, has been reduced from over £60 million a year in 2010 to approx. £600k this year and our road network and this reduction contributes to our roads and paths falling further and further into a state of disrepair. What precious funding we do have, we need to spend wisely and on a safety matrix laid out in our Highway Maintenance Plan which adopts the national code of practice advocated by the Department of Transport. . The busiest areas of Leominster town centre are inspected for safety on a monthly basis in line with national best practice. The resulting repairs are aimed at keeping these streets safe. I will provide a full list from the latest safety inspection.

What those safety repairs cannot do is address the underlying deterioration in the condition of these streets. It is no surprise that the pavements of Leominster have deteriorated with age, these streets are getting close to the end of their lifecycle. Without a substantial and sustained increase in the funds that we have available to maintain our roads, it will become ever more difficult and costly to make safety repairs.

I agree, the problem will not solve itself, we are not ignoring the issue but are working as a Cabinet and with Government departments to identify all available resources (such as the recently secured Heritage Action Zone grant) and focus them in a way that will have the greatest positive impact on the overall condition of our highways, over time.

It would help us as a Council and residents of Herefordshire if you could lobby your MP to fight for fairer funding for our county and a return to the funding streams we had prior to 2010 which enabled us to maintain our county infrastructure to a much more satisfactory standard.

Question 3

Mr M Willmont, Hereford

To: cabinet member, commissioning, procurement and assets

Will the appropriate Cabinet Member explain why the Council continues to pay for scaffolding at the above [Jacobs Court, Commercial Road] privately owned building, how much it has cost to date, when it will end and will we get the money back?

Response

Jacobs Court has a long convoluted history. It has been approx. 10 years since the structure was deemed dangerous and scaffold erected, to protect the structure and glazing, which has remained in situ ever since.

Due to their historically being no resident management company the tower and communal areas fell to the crown. Due to concerns over the deterioration of the scaffold and the health and safety requirements monthly scaffold inspections were commissioned in 2015 at a cost of £400 + vat pcm ((£400x 12) 6years = £28k.)

There is a charge on the property in relation to the dangerous structure and the initial cost of the scaffold erection of (£32 890 + vat) which we hope to use as a mechanism to recoup the ongoing expenditure.

We are now currently in talks with the newly reformed residents management company to try and resolve this, which we hope will finally end the ongoing costs.

Supplementary Question

The reply quotes a cost for the erection of the scaffold and the monthly inspection charge. As there is no figure given for any ongoing cost of hiring of the scaffolding this implies that it is owned by the Council. Please confirm that this is the case and if so the purchase price. If not what is the ongoing cost for the hiring of the scaffolding. Whilst there is a charge on the property for the initial cost of the scaffold will the monthly payments and any purchase price or ongoing hiring charge be added to this?

Response

Written response to be provided.

Written response:

There was no initial charge for the hire of the scaffold as this was part of the original negotiation. We have never paid a hire charge, there will however be a cost to dismantle the scaffold and or to purchase it as the scaffold company will not be able to reuse the scaffold once removed. There is a mechanism available to recharge expenditure to the property management company.

Question 4

Dr N Geeson, Hereford

To: cabinet member, infrastructure and highways

Every cyclist is likely to be one fewer car, with no emissions, and no road congestion. So, promoting cycling must be a priority. I read about Cycle schemes for St Owen Street, Holme Lacy Road, Aylestone Hill to be delivered 2021/22, but wonder what else could also be achieved rapidly, with segregation barriers and judicious imagination. I would love to ride my bike into town from Kings Acre, but cannot find a complete safe route. Being overtaken very closely on Kings Acre Road while also avoiding putting a wheel down a drain is too terrifying. Closer to town, the back streets around Whitecross are navigable, but then there is nowhere obvious to cross the A49 and ride safely to the town centre. What can be done to provide some of the key missing cycling connections much more quickly?

Response

Following the adoption of the Hereford Transport Strategy we will progress at pace the development of a cycling and walking masterplan for the city, whilst continuing to assess in parallel what practical measures that could be implemented for quicker results. We will have, if the decision taken by the Cabinet supports this, a significant increase in precious revenue which will allow us to collate the information needed and to control that process more tightly than we traditionally have done. This revenue will support extra Herefordshire Council staff who are experienced in project management and delivery and will provide much needed support to our existing teams. The Kings Acre/Whitecross road route into the central area referred to in your question is a priority because the demand for a good east west cycle route is high and good east west routes are not easily found in the City. The aim of the masterplan work will be to set out a pipeline of schemes to support funding bids to government by the end of the current financial year.

This financial year we also anticipate recommencing detailed work for the delivery of the transport hub and public realm improvements on Commercial Road and Blueschool Street to improve integration between rail, bus and active modes, as well as completing cycle schemes on St Owen Street, Holme Lacy Road and Aylestone Hill.

We have also been in discussion with Highways England through its designated funds programme to look to secure funding and support for improved crossings for pedestrians and cyclists along the A49 corridor through the city. We will continue to pursue this funding opportunity and our masterplan, even in early draft stages, will help us to make coherent and attractive bids for capital funding from government agencies and departments.

Question 5

Mrs. V Wegg-Prosser, Hereford

To: cabinet member, infrastructure and highways

Reference agenda item 6, Hereford Transport Strategy, my question concerns Table 1, Packages A and B, committed transport allocations for 2021/22, and the railway station hub. This is part of the fully-funded Hereford City Centre Transport Package. Its business case was agreed in November 2015, its City Link Road was built, but its essential Sustainable Transport Measures have yet to be implemented as regards the transport hub. Since 2009 English Heritage (now Heritage England) have been shocked by the Council's failure to proceed with an upgrade of the transport options at the railway station. It is truly shaming. What scope is there for hastening the construction of this hub using additional monies from the Stronger Towns fund and the national bus strategy revenue/capital source, as well as from the minimal sum of money mentioned in this Report?

Response

This administration is committed to progressing delivery of these capital projects. We are currently increasing resource and capacity to accelerate the delivery of key projects such as the transport hub.

The transport hub already has capital funding in place to progress as part of the Hereford City Centre Package. A report is due to be considered by cabinet in July to confirm the next steps to

progress the initial design, consultation and construction costing for the Transport Hub and public realm on Commercial Road, Blueschool St and Newmarket St.

Problems we have inherited from the last administration, which will be discussed in detail at cabinet in July, make it extremely likely that we will need to seek to secure additional capital funds in order to deliver the package. We shall know better the scale of these additional funds when we have confirmed detailed costs and designs for the outstanding projects.

Supplementary Question

Thank you for this response to my question.

I note in your reply to Q 4 that you “anticipate recommencing detailed work for the delivery of the transport hub” and yet in your reply to my Q5 you indicate that “additional capital funds” may be required for this purpose. I asked if the Stronger Towns and national bus strategy Funds could be accessed to speed up delivery of the transport hub. Can you confirm that such funds will not be accessed to finance previous overcosts on the City Link Road element of the HCCTP, and that remaining sums of money earmarked for the transport hub from the original £40m HCCTP budget will also not be accessed for that purpose?

Response

The short answer is that we will have to reassess the budget. We won't be accessing the funds that she's referenced but we will have to do a piece of work which we're doing now to understand where the budget lies as I indicated in that reply there'll be a separate report coming shortly to cabinet to fully explain the situation in regards to the city centre transport package and part of that will explain what budget is left and where we will have to seek further funding but we are utterly committed to delivering the transport hub, improvements to Commercial Street, New Market and Blue School Street and all the other outcomes identified in that package

Question 6

Mrs E Morawiecka, Hereford

To: cabinet member, infrastructure and highways

The detailed cost analysis of the Hereford Transport Strategy is to be welcomed and shows exactly the funding needed for different transport elements and modes. This is much clearer to control budgets and assess Value for Money than the previously aggregated transport schemes, such as the Hereford City Centre Transport Package, where the City Link Rd was merged with projects where money had been allocated for public realm, cycle infrastructure and a transport hub. With Active Travel schemes delivering wide benefits around health, wellbeing, independence, environment, economic and climate and giving higher dividends than new road schemes, it would be helpful in understanding the benefits of each of these options as well as their costs. Where are the detailed benefits of each of the options to be found please?

Response

The impacts (beneficial and adverse) of different transport options and packages of options were considered during the Hereford Transport Strategy Review to enable cabinet to determine its preferred overall strategy.

Package A, which comprised the active travel options, was assessed as having mainly large beneficial impacts across the 4 key objectives – climate emergency, economy, environment and society. This can be seen in the technical report at appendix 1 of the cabinet papers. The radar diagram on page 75 of the report provides a visual indication of performance and page 76 summarises the impacts.

All of the options considered in the Review were assessed individually and the details of the assessment outcomes are set out on pages 101 to 118 of the technical report.

COUNCILLOR QUESTIONS TO CABINET – 24 JUNE 2021

Question 1

Councillor Yolande Watson, Kerne Bridge Ward

To: cabinet member, finance, corporate services and planning

How much money has been spent to date in renting out venues and equipment (including technology and plastic barriers) to ensure Councillors are safe to vote following the High Court Ruling. Please include the unseen expenses, e.g. the opportunity cost on staff time spent putting these measures in place.

Response

From 7 May 2021, the Covid 19 regulations that allowed public committees to take place virtually came to an end. Physical meetings resumed with appropriate social distancing and other measures to protect those attending.

In the early phases of planning for a return to physical meetings we were juggling several issues including:

- not having access to Shire Hall for the foreseeable future due to damage to the building and therefore needing to book up a suitable venue for the next known number of meetings of Council, Planning and Cabinet - our three big committees;
- knowing that Zoom won't work in a physical setting without some form of technological intervention (i.e. at least one fixed camera/PA/microphone system) we would not be able to live stream or record meetings.

Estimates for PA services were as high as £2,300 per meeting with costs of £270 half day and £360 full day hire of suitable meeting venues. We had 7 known council meetings running forward to May 2022 – so it was possible to quickly arrive at potential costs in excess of £40k, based on these numbers.

These projected costs justified an in-house investment in IT and audio equipment to avoid greater bought-in service costs after the first few meetings. A larger scale, long-term IT solution will be needed for our largest meetings and research is underway to ensure that any additional equipment purchased will also meet the council's needs when we return to hold meetings in the Shire Hall again.

To date, the council has spent the following amounts on venue hire, the hire of audio visual equipment/services and on the purchase of additional cameras and microphones.

Cost incurred:	Cost (Exclusive of VAT)
Hire of Venue	£1202.50
Hire of Audio and Visual Equipment and support services	£3935
Purchase Of PA Equipment	£946.16
	Total Cost: £6083.66

No additional expense was incurred as a result of providing Covid 19 screens, personal protective equipment (PPE) as this has been provided from the council's existing supplies.

Some additional staff time is required for set-up and clearing away of meetings, principally, in the form of running the camera/microphone and live streaming systems and ensuring PPE equipment is available and securely stored. To quantify the additional time spent, principally by democratic services, is as follows:

Smaller meetings – e.g. Audit and Governance, Scrutiny.

1. Set-up: name plates and Covid 19 security/safety – 2 X's DSO @ 1hrs = 2hrs
 2. During the meeting – clerking and live streaming – 2 X's DSO @ 3 hrs = 6 hrs
 3. After the meeting – packing away PPE- 2 X's DSO @ 1hrs = 2hrs
- Total: 10hrs per meeting**

Larger meetings – e.g. Full Council, Planning and Regulatory

4. Set-up: name plates and Covid 19 security/safety – 2 X's DSO @ 2hrs = 4hrs
 5. During the meeting – clerking and live streaming – 2 X's DSO @ 3 hrs = 6 hrs
 6. After the meeting – packing away PPE/Covid screens - 2 X's DSO @ 2hrs = 4hrs
- Total: 14hrs per meeting**

Normal practice would be to deploy just one DSO for meeting prep, attendance. This, effectively, represents a doubling of staff time per public meeting held.

As meetings are currently being held in non-council premises, there may be additional custodian staff time required for meeting set up and transportation of equipment. No costs have been incurred as of yet, but a £20 hourly rate will be applied if such services are required for future meetings.

Question 2

Councillor William Wilding, Penyard Ward

To: cabinet member, infrastructure and highways

In reference to package A - the active travel measures could you tell us when specific parts of this programme will be operational. In particular, with school travel plans. When will we actually see measures introduced to encourage an increase in students using public or school transport and with the 'Behaviour Change Programme', can you indicate what a comprehensive campaign would include and begin.

Response

The expansion of school travel plan support to cover market towns will be funded by the government's Capability Fund which should be confirmed by the end of June. On this basis we would expect to commission consultant support and be able to support schools to review and update their travel plans from September onwards through the year. This funding is also due to support a walk to school programme promoting walking for Hereford and market town schools.

A number of active travel measures are already progressing and these will inform the range of activities which schools can benefit from including:

- Pedestrian training for primary school children
- Bikeability cycle training – includes in school training, holiday activities and adult cycle training
- School travel grant scheme (schools can access funding cycle and scooter parking)
- School e-cargo bikes – As part of the Towns Fund we purchased 27 e-cargo bikes which are designed for commuting to school. Here we will be offering these on trial, free of charge to schools or directly to parents, to encourage behaviour change. If parents are keen to permanently purchase a bike themselves we aim to help facilitate that by, for

example, amongst other avenues, working with them and low or no interest loan providers.

Encouraging students and other riders back onto public transport will form part of the campaign to encourage behaviour change and support the recovery from covid. We will need to develop the messaging around this with regard to the government guidance on social distancing and will look to coordinate with government's planned national campaign to encourage people to get back on buses which was announced in the National Bus Strategy. Our intention will be to commission the support to develop and deliver this campaign as soon as possible following cabinet's determination.

Supplementary Question

Thank you for your answers.

I welcome the news on school transport and behaviour change.

Like us the vast majority of councils have declared climate emergencies and developed plans to get to zero carbon, but only 3 or 4 have clear and obvious links to these plans on their websites.

Sadly Herefordshire is not one of those. So, can we have assurance that the need to communicate to residents our commitment to zero carbon is of the utmost importance, because it leads to behaviour change.

Can I request that we insist on clearer and more obvious links and regular top banner headlines on the council website. Can I also ask that we plan a big push later this year when COP26 happens.

Response

Thank you Councillor Wilding for your question and I can confirm that a paper will be coming to Cabinet I hope at the end of July which will make proposals for the use of the climate reserve including setting aside funding for a major communications campaign so watch this space on that and I agree with you that very strong county-wide messaging on the need for urgent climate action will be important in line with the upcoming conference in Glasgow at the end of the year

Title of report: Hereford City Centre Transport Package (HCCTP) - Development of the remaining elements

Meeting: Cabinet

Meeting date: Thursday 22 July 2021

Report by: Interim Director of Economy and Place

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

Aylestone Hill; Central; College; Eign Hill; Widemarsh;

Purpose

To present an update on the programme delivery so far, to highlight the elements of the project that have exceeded their forecast costs, and to set out the plan for delivery of the remaining projects in the programme.

This report will also detail the residual land acquisition costs and liabilities that will need to be met from the existing capital budget.

Recommendation(s)

That:

- a) Cabinet note that the current capital programme allocation of £40.651 million for the Hereford City Centre Transport Package (HCCTP) is now insufficient to complete remaining undelivered projects (transport hub and public realm) in the programme without additional funding**
- b) The HCCTP programme be deconstructed into individual projects to enable clearer reporting on each project**
- c) That the Chief Executive commissions a South West Audit Partnership (SWAP) audit of the expenditure on the HCCTP programme to understand the cost escalation**
- d) The remaining programme funding be allocated to the development of the transport hub project design and consultation and the Interim Director for Economy and Place (in consultation with the Section 151 officer and the Cabinet Member for Infrastructure and Transport) is authorised to progress this design and consultation to enable cost certainty to be established and further delivery funding sought; and**
- e) The public realm projects in the HCCTP be considered in a wider assessment of public realm and sustainable connectivity in the City and delivered as individual projects under the wider strategy ensuring the LEP objectives are delivered. The Interim Director for Economy and Place (in consultation with the Section 151 officer and the Cabinet Member for Infrastructure and Transport) is authorised to progress this work**

Alternative options

1. Not to proceed with completion of the remaining projects. This is not recommended as it would result in some package objectives and targets as set out in the 2015 Marches Local Enterprise Partnership (LEP) business case not being achieved. This would also contravene the terms of the funding agreement, and would not be consistent with the councils adopted delivery plan.
2. Not review the previous activity within the HCCTP budget spend. This is not recommended as there is reassurance and accountability needed for future budget control and effective project management.

Key considerations

3. The Hereford City Centre Transport Package (HCCTP) is an integrated programme of schemes and consists of the following key elements:
 - i. A new City Link Road (CLR) integrated with complementary measures to support the delivery of a major regeneration scheme;

- ii. Improvements to the public realm and the facilities for walking, cycling and public transport modes; and
 - iii. A new Transport Hub at Hereford railway station.
- 4. Following the relocation of the cattle market to a purpose-built site and the regeneration of the previous cattle market into the Old Market shopping retail and leisure site, the HCCTP was developed to allow regeneration of the wider Edgar Street Grid (ESG) area to release sites which were landlocked and inaccessible. The City Link road has provided access to these sites and the completed HCCTP will enable the full development of this brownfield site and improve links between the railway station and city centre. The City Link Road and the land acquired as part of the CPO has already supported the creation of a modern new GP Health Centre and a new student's Hall of Residence (opening September 2021) to help attract students to Herefordshire Art College and the new NMITE Higher Education facility.
- 5. The key objectives of the HCCTP are to support economic growth, improve accessibility and encourage active travel in line with the adopted policies of Herefordshire Council, the Marches LEP and Central Government. In particular the package of measures will:
 - i. Enable the delivery of the Edgar Street Grid (ESG) regeneration area, a major mixed-use development, and support delivery of housing, particularly affordable housing within the city;
 - ii. Improve the public realm and create better walking, cycling and public transport infrastructure thereby better integrating new development with the historic city core;
 - iii. Enhance links between the railway station, the city centre and the ESG regeneration area;
 - iv. Improve east-west access between the A465 and A49(T) north of Hereford city centre;
 - v. Improve access to, and interchange infrastructure at, Hereford railway station; and
 - vi. Help address the decline in Hereford's traditional role as a regional economic hub, and meet the national agenda for economic growth.
- 6. Construction on the City Link Road has been completed and provides an alternative way to travel across Hereford city from the north, providing improved access to the railway station and an alternative to travelling through the city centre. The interim traffic flow report has shown that the CLR has delivered a significant proportion of the changes in traffic flows that the overall package was intended to, with changes in traffic routing from Aylestone Hill to College Road as a result of the performance of the signalised junction where the CLR joins Commercial Road. To realise the full benefit of these traffic flow improvements, it will require the remaining elements of the HCCTP to be completed.
- 7. The final part of the HCCTP project is now being designed and it has been identified that there is insufficient budget to complete the proposed projects in full, due to

previous increased spend on the City Link Road element. This is understood to be due to increased land costs associated with land purchases which increased the footprint of the scheme to allow for further future investment, as well as additional costs of individual land plots acquired using Compulsory Purchase Order (CPO) powers and professional fees associated with land acquisition. Some land matters are still in progress (see para 13).

8. The scheme costs (out-turn costs) were estimated in the [2015 Business case](#) at £40.858m, which included preparation, supervision, construction, land acquisition and allowance for risk. As part of the Marches Growth Deal (2014), the HCCTP was one of the transport schemes identified as having priority for delivery in 2015/16, with funding of £16m confirmed by the Marches LEP following submission of a business case. The remaining funding was to be provided by Herefordshire Council (£24.858m). Costs were estimated at quarter 4 2014 prices and were then factored to include an appropriate amount of risk and construction based inflation to reflect the expected duration of the project delivery. The developed package was estimated at £40.651m which reduced Herefordshire Council's contribution to £24.651m.
9. In November 2017 the HCCTP funding allocations were revised in relation to the key elements of the City Link Road as outlined within that decision report and approved as a [Cabinet Member decision](#). This did not change the overall total budget available, however it reduced significantly the funding available for the Transport hub and other walking and cycling measures, due to an increased budget for the City Link Road. It was not clear, in the advice given, where the funding required to complete the programme was to be sourced given the obligation to deliver the required LEP objectives. It also authorised delegated authority to proceed with next steps regarding the design of the remaining package elements.
10. Initial internal enquiries have raised concern over the increased costs and the governance of the HCCTP programme to date and the transparency in which the spend was communicated, especially within the previous Cabinet Member's decision report in 2017, the current Cabinet Member's decision report in 2021 and officer responses provided to Public and Councillor questions since 2015.
11. The SWAP audit of the expenditure on the HCCTP programme on the cost escalation will be reported to the audit and governance committee.
12. The two previous decisions to increase spend on the City Link Road without increasing the overall budget and a longer delivery programme now means that there is insufficient budget to meet the entire project costs and ensure full project delivery. It is now proposed that a more strategic approach is taken to funding the remaining projects to ensure the complete programme can be delivered and the full benefits realised for residents, and the required outputs are achieved for the Marches LEP, while recognising the need for a full and thorough review of spending to understand events that have led to the increased spend.
13. A further factor in the increased spend on the project has been the additional land purchases required through the Compulsory Purchase Order process. While these costs were out of the original scope for the project, this has provided the council with land assets to be used for future development and regeneration opportunities. Through the CPO process 4.77 hectares of land have been acquired. The construction of the road utilised 1.58 hectares. The balance of 3.19 hectares of land remained to be used

to support the delivery of further projects to improve the facilities and the quality of place for residents and has already facilitated a new GP Hub and a development of student accommodation.

14. There are final payments outstanding to be made for the land acquired for the CLR. The costs of the land acquired using CPO powers have increased significantly and this has affected the available budget to complete all projects within the previously agreed budget. At present there are six plots where the final claims remain to be settled. An updated combined claim for a collective of three plots still to be finalised was received in March 2021, the value of which is £1.5m above the current allowance in the updated land budget.
15. Regular reporting of the delivery of the HCCTP programme and the project outputs has taken place with the Marches LEP. The LEP are aware of the significance of the CLR land cost increases, and the likely further funding that will be required to complete all elements of the programme – the transport hub and public realm projects. Given the commitment to delivery of the remaining programme elements it has been agreed with the LEP that we will update and agree revised delivery routes for the transport hub and public realm elements which would enable formal variation of the HCCTP funding agreement with Shropshire council, the accountable body, to be agreed. It should be noted that outputs in the funding agreement delivered to date include; the construction of the city link road, job creation, and additional housing facilitated by the additional highway capacity. A further development of affordable housing at Station Approach and a care home will be added to the outputs as plans develop.

Community impact

16. Local Transport Plan 2016 – 2031 sets out the council's strategy for supporting economic growth, improving health and wellbeing and reducing the environmental impacts of transport. It also highlights that reducing congestion and emissions and switching to walking and cycling will improve public health, fitness and well-being. By improving public transport infrastructure and providing a more pedestrian and cycle friendly environment; it is intended there will be less congestion and a benefit to wider range of people and groups within the business and resident community. The HCCTP programme contributes to the delivery of significant improvements to the transport network as part of that overall strategy.
17. The HCCTP also contributes to the County Plan 2020 – 2024 which outlines the ambitions for the council over the next four years and how they will be delivered. These are:
 - **Environment** – Protect and enhance our environment and keep Herefordshire a great place to live
 - **Community** – Strengthen communities to ensure that everyone lives well and safely together
 - **Economy** – Support an economy which builds on the county's strengths and resources

Environmental Impact

18. This decision will support the delivery of the council's environmental policy commitments and aligns to the following success measures in the County Plan.

- Improve the air quality within Herefordshire
- Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport

Equality duty

19. 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
20. Considerable consultation has been undertaken during the development of the HCCTP as a part of the statutory planning process as well as part of the wider community engagement process. Further public consultation will be undertaken as the transport hub design is developed.
21. Consultation has taken place with the Equality Team on this decision. It is considered that there is no negative impacts on the Protected Characteristics identified in the Equality Act 2010 as part of this decision however it is noted that changes in the public realm have the potential to have a high impact including the potential for negative impacts on those with protected characteristics.
22. It will be essential that the needs of users are reflected in the design process as the remaining elements of the scheme develops. Further Equality Impact Assessments (EqIA) will be carried out during their development process to understand potential positive and negative impacts the scheme may have on each of the nine protected characteristics and on any other vulnerable groups.
23. When redesigning the public realm in our city and town centres we are committed to working with user groups to ensure the design improves access for all. Through careful design of layouts, materials and the use of measures such as tactile paving we can help make it easier to move around and access shops and services.
24. Holding structured workshops with key stakeholders and representatives of key user groups will stimulate a focused and collaborative environment allowing the design team to refine the design to achieve a design solution that optimises the benefits all within the remit of the schemes.
25. To ensure that consultation is accessible to all, easy read material and any other materials or assistance considered appropriate will be produced and made available.

Resource implications

26. The scheme is included in the council's capital programme with an approved budget of £40.651m for the delivery of the road scheme and complementary package of measures. This budget will be insufficient to complete all of the remaining elements of the package without additional council funding. Recommendations d&e refer to the work that is now necessary to establish the capital costs of the remaining projects that, at present, are unclear.
27. The business case in 2015 presented the cost profile for the HCCTP project in table 5-6 of the business case. This table from the business case is presented below:

Table 5-6 – Cost Profile for HCCTP (Outturn Costs in £'000)

Budget Breakdown and Profile (£000)							
Year	Professional Fees - Preparation	Professional Fees - Supervision	Construction	Land	Statutory Undertakers	Risk	Total
2014/15	2,693	0	615	6,797	0	0	10,105
2015/16	328	0	3,080	4,338	385	542	8,673
2016/17	333	625	8,889	0	396	683	10,926
2017/18	0	252	4,678	0	514	363	5,807
2018/19	0	94	2,460	0	0	170	2,724
2019/20	0	48	1,264	0	0	1,312	2,624
Total	3,353	1,019	20,986	11,135	1,295	3,070	40,858

28. The November 2017 decision provided an updated forecast outturn cost for the project against the original figures set out in the business case submitted to the Marches LEP. This decision increased the allocation for CLR land from £11.023m to £14.873m, through the use of risk and inflation sums within the 2015 business case. The 2017 report recommended the use of £1.235m of the risk allocation and £2.509m of the inflation allowance to cover the increased land costs of £3.850m. This left £500k of the project risk allocation and £480k of the project inflation allocation together with £6.490m for the remaining elements of the project. The decision was taken by the Cabinet Member for Infrastructure at that time. The report also included authorisation for the Director for Economy, Communities and Corporate to take all operational decisions necessary to progress detailed design and feasibility within an allocated budget of £563k for the delivery of the Transport Hub and ATM element of the package.

29. The January 2021 [Cabinet Member decision report](#) approved an increase to the forecast outturn cost for the CLR land acquisition to £16.25m, and reduced the forecast for the transport hub and public realm to £5.172m. At this time given the status of the remaining claims for compensation there was no alternative to taking this decision.

30. The current spend to date and forecast outturn in line with the table 5-6 format from the budget in the 2015 business case is presented below. The following points should be noted in regard to this table:

- The row summation in the printed table in the business case was incorrect, although the column summation and overall total was correct.
- Figures for 2014/15 spend reflect spend up to the 2014/15 financial year
- The Cabinet member decision November 2017 allocated risk and inflation allowances to offset increases in land costs forecasts. In the table below the land costs have not been offset against the risk budget so it is clear the total costs paid and expected to the end of the project.

Year	Professional Fees – Preparation (£000)		Professional Fees - Supervision (including QS, Comms and Admin) (£000)		Construction (£000)		Land (£000)		Statutory Undertakers (£000)		Risk (£000)		Total (£000)	
	Budget	Spend	Budget	Spend	Budget	Spend	Budget	Spend	Budget	Spend	Budget	Spend	Budget	Spend
2014/15	2,693	446	-	-	615	1,836	6,797	7,988	-	4	-	-	10,105	10,274
2015/16	328	853	-	-	3,080	1,935	4,338	4,126	385	3	542	-	8,673	6,917
2016/17	333	829	625	488	8,889	5,903	-	1,482	396	330	683	-	10,926	9,032
2017/18	-	211	252	713	4,678	4,384	-	736	514	54	363	-	5,807	6,098
2018/19	-	217	94	-	2,460	622	-	18	-	-12	170	-	2,724	845
2019/20	-	388	48	-	1,264	109	-	2	-	-	1,312	-	2,624	499
2020/21	-	28	-	-	-	0	-	349	-	-	-	-	-	377
2021/22	-	100	-	-	-	185	-	1,549	-	-	-	-	-	1,834
2022/23	-	380	-	-	-	-	-	-	-	-	-	-	-	380
2023/24	-	95	-	167	-	1,626	-	-	-	-	-	-	-	1,888
2024/25	-	-	-	233	-	2,274	-	-	-	-	-	-	-	2,507
Total	3,353	3,547	1,019	1,601	20,986	18,874	11,135	16,250	1,295	379	3,070	-	40,858	40,651
Variance		194		582		-2,112		5,115		-916		-3,070		-207

31. The tables below outline the breakdown of spend between elements. The current allocation between funding sources is also provided in the second table:

Capital cost of project	Previous Years	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
Professional fees preparation	2,972	100	380	95	3,547
Professional fees supervision	1,201			400	1,601
Construction	14,789	185		3,900	18,874
Land	14,701	1,549			16,250
Statutory Undertakers	379				379
Risk	-				-
HCCTP TOTAL	34,042	1,834	380	4,395	40,651

Funding streams	Previous Years	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
<i>Marches LEP</i>	16,000				16,000
<i>Capital Programme / Prudential Borrowing</i>	18,042	1,834	380	4,395	24,651
TOTAL	34,042	1,834	380	4,395	40,651

32. The budget for professional fees for the remaining elements has increased from £563k in the original business case to £1,272k in the current forecast (including £297k spend in previous years). This is as a result of; the delay to the progression of these elements, the revised budget which necessitates the work done to date to be revisited and further development work to be undertaken. This increase could be funded from the budget for construction for the transport and public realm. However as noted above will be insufficient to complete the all remaining elements of the package without additional council funding.
33. It is noted that Cabinet wishes to make progress at pace. This will be assisted with the appointment of a programme director. The programme director will lead the delivery of this project including:
- commissioning technical consultants to progress the specific transport measures;
 - provide project management oversight with the support of the project management office and dedicated project management resource; and
 - identify funding opportunities and development of funding bids to progress delivery of the strategy.

The programme director will be supported by a project manager from the corporate project management office. The cost of the programme director and project management support will be funded from the project budget.

34. Within the remaining CLR costs in the table above, there are the balance of land payments to be made for land acquired under the CPO process. The most recent combined claim received for a collective of three plots still to be finalised has come in £1.5m above the current budget. The updated land budget was based on the claim that had been received from the claimant at that time and an assessment of the likely value undertaken by specialist agents acting for the council. They advised a low median and upper value based on the claim at that time and the upper value was used in the budget estimate. This further claim has been received subsequent to the last cabinet member decision to increase the budget. The council's specialist agents have been asked to provide a further assessment of the likely claim such that this risk can be better quantified. There is therefore a risk that there will be a further pressure on the budget available for the remaining elements of the project. Should this risk be realised this would bring the overall land costs to £17.75m.
35. The delivery of this initial design, consultation and construction costing will require the procurement of further professional services. These professional services will be procured through an open competitive procurement process in line with the council's Contract Procedure Rules.

Legal implications

36. This is an Executive function under the Council's Constitution Part 3 Section 3 and is a key decision because it is likely to be significant having regard to the strategic nature of the decision; and/ or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards in Herefordshire) affected. It is also likely to result in the council incurring expenditure which is, or the making or savings which are, significant having regard to the Council's budget for the service or function concerned.
37. The City Link Road forms the largest single element of the HCCTP and road construction was completed in 2017. Land vested to the council under the provision of the CPO following its confirmation and the execution of the General Vesting Declaration (GVD), and advance compensation payments under the compulsory purchase legislative provisions were paid to the landowners and those with a legal interest in land the subject of the CPO. The majority of the final outstanding compulsory purchase compensation payments have been made except for those referred to at paragraph 43.
38. The County of Herefordshire District Council (Edgar Street Grid and Link Road) Compulsory Purchase Order 2013 (CPO) was made under the Town and Country Planning Act 1990; the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 and was confirmed on 23 September 2014 by the Secretary of State for Communities and Local Government under the powers conferred on him by Section 226(1)(a) of the Town and Country Planning Act 1990 (TCPA 1990). Notice of the confirmation of the order was first publicised in accordance with Section 15 of the Acquisition of Land Act 1981.

39. Section 226(1)(a) of the TCPA 1990 allows a local authority to acquire land compulsorily for development and other planning purposes for the redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. It is intended to help acquiring authorities to assemble land where this is necessary to implement proposals in their Local plan or where strong planning justifications for the use of the power exist.
40. Section 226(1)(a) TCPA 1990 due to its wide terms can be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.
41. Section 226(3) TCPA 1990 provides that an order made under section 226(1)(a) may also provide for the compulsory purchase of any adjoining land which is required for the purpose of executing works for facilitating the development or use of the primary land. An authority intending to acquire land for this purpose in connection with the acquisition of land under Section 226(1)(a) must therefore specify *in the same order*, the appropriate acquisition power and purpose.
42. The CPO confirms that the County of Herefordshire District Council as the Acquiring Authority made the CPO to purchase compulsorily the land and the new rights over the land for the purpose of facilitating the carrying out of development, re-development or improvement of the land for the provision of a link road, highway and other associated infrastructure and mixed uses including housing, employment uses, leisure, retail units, tourism, civic and community uses together with associated public access and public realm, car parking, other new highways and associated infrastructure, drainage, flood alleviation and associated works.
43. Under the CPO one parcel of land that formed part of a business premises and was required for the construction of the City Link Road was compulsorily purchased. The freeholder and leaseholder of this land objected to the Council's intention to acquire only part of the business premises on the basis they felt that the business would be left unviable. The freeholder and leaseholder therefore served statutory notices pursuant to section 12 and paragraph 2 of Schedule 1 of the Compulsory Purchase (Vesting Declaration) Act 1981 objecting, and sought that the Council purchase the business premises in its entirety.
44. The provisions of section 12, and paragraph 2 of Schedule 1 of the Compulsory Purchase (Vesting Declaration) Act 1981, provide that a person with a legal interest in land may serve on the council as acquiring authority under a CPO, a notice of objection to severance. Such a notice requires the council, within 3 months, to make a decision whether to contest the notice, through the Upper Tribunal, exclude the plot from the City Link Road scheme, or to accept the notices and acquire the whole of the premises.
45. As such, the Council took the decision (decision by the cabinet member Corporate Strategy & Finance dated 13 August 2015) to accept the section 12 notices and acquire the whole of the premises. Accordingly the general vesting declaration took effect in accordance with paragraph 4(1)(b) of Schedule 1 of the Compulsory Purchase (Vesting Declaration) Act 1981 and the freehold and leasehold titles of the whole of the business premises were transferred to the Council on the vesting date under the council's general vesting declaration. As referred to at paragraph 12, the CPO process under the Limitations Act 1980 provides a six year period for the claimants to submit claims to the council and for the parties to reach an agreed value for the final claim payments which are statutory compulsory purchase payments due and to have

finalised the agreement. If no agreement is reached, the claimant will need to make the claim to the Upper Tribunal (Lands Chamber). However the parties can extend the six year limitation period for making reference to the Upper Tribunal (Lands Chamber) by way of a standstill agreement but this needs to be completed within the six year window, and allows a period of time to negotiate a settlement, and waive any limitation defence within that extended period. The six year period has now passed (13 June 2021). A standstill agreement has been completed on three of the six plots and has allowed for negotiation for an additional six months until 13 December 2021 to reach a settled agreement on final compensation payments.

46. Grant funding was secured in 2015 under the Marches LEP grant funding scheme to secure some of the package objectives and targets following submission of a business case. Those agreed objectives will need to be achieved to ensure that the funding agreement terms are not breached.
47. There are no legal problems with doing what is proposed as the recommendation is in accordance with, and progression of the cabinet member decisions in 2017 and 2021, subject to budgetary changes.

Risk management

48. Risks associated with this decision are outlined in the table below:

Risk / opportunity	Mitigation
<p>There is a risk that the objectives of the HCCTP are not met as a result of the reduced budget available for the transport hub and public realm. This could result in claw back of funding from the LEP.</p>	<p>The available budget and the scheme objectives will be utilised to shape the further development of the transport hub and public realm works to ensure that these are met.</p> <p>The cost estimates for the works will continue to be updated as the design develops to monitor and inform further decisions on project funding.</p>
<p>There is a risk that reaching a consensus on the approach to the transport hub and public realm takes more time and design input as a result of diverging stakeholder aspirations.</p>	<p>The design brief will be agreed with members and key stakeholders prior to a consultation exercise by the specialist design team.</p>
<p>There is a risk that agreement with Network Rail on the delivery of the transport hub on their element of the site cannot be reached or incurs additional costs.</p>	<p>Early discussions have been held with Network Rail regarding the scheme and these are to continue such that their requirements can be incorporated into the designs such that agreement can be reached.</p>
<p>There is a risk that further land may be required to deliver the aspirations for the transport hub and public realm.</p>	<p>Designs to be developed to deliver the remaining elements within the existing land ownership areas.</p> <p>Should further land be identified as of significant benefit to the schemes following the design development the impact of this on the budget to be assessed and considered in a further decision.</p>
<p>There is a risk that the balance of the payments for land acquired under the CPO process for the CLR will exceed the current allocation for land costs within the budget. This would impact the available budget for the remaining element.</p>	<p>Extended period to reach settlement on plots that have been identified as potentially exceeding budget has been agreed.</p> <p>Further input from specialist land agents being provided to support the settlement of the remaining claims.</p>

Consultees

49. Consultation and engagement has taken place throughout the development of the HCCTP project and the delivery of the CLR element with ward members, key stakeholders and members of the public.
50. Further engagement and consultation is proposed in relation to the transport hub and public realm elements to enable the public and key stakeholders to have input into the further development of the remaining elements of the HCCTP. All feedback will be assessed and a consultation report will be prepared which will summarise the feedback received and how this will inform the development of the remaining elements.
51. Political Group Consultation was undertaken on this decision in March 2021. A response was received from Cllr Milln (Central Ward) who was seeking understanding of the next steps to be taken and confirmation that there would be consultation about the design of the Transport Hub and Public Realm schemes.

Appendices

None

Background papers

None identified



Recommendation for potential sites to progress affordable housing delivery in Herefordshire

Meeting: Cabinet

Meeting date: Thursday 22 July 2021

Report by: Cabinet member housing, regulatory services, and community safety

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

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.

<http://hc-modgov:9070/ieDecisionDetails.aspx?ID=7360>

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.

Recommendation(s)

That:

- a) The output of the feasibility work completed on selected council owned sites is noted;**
- b) An outline design for the council site at the former Holme Lacy Primary School is commissioned to allow housing market assessment and for the designs up to and including planning submission for houses on this council owned site;**
- c) An outline design for the council site at The Paddock, Aylestone Hill Ward, is commissioned to allow for the design, submission of planning application and disposal of the site subject to securing planning permission; and**
- d) The Chief Finance Officer is authorised to take all operational decisions with regard the former Holme Lacy Primary School and The Paddock, Aylestone Hill Ward, projects including any potential future land sale of the site within a budget of £400k.**

Alternative options

- 1. The council could choose not to proceed with the outline design of the sites to assist in the provision of housing in the County and allow the current arrangement of Registered Providers (RPs) and house builders to meet provision. However, the type and scale of development produced via RPs and private house builders in recent times has not kept pace with demand for affordable housing seen as one of the key components of the County's wider economic ambitions. This option was rejected.
- 2. The council could choose not to proceed with the outline design of the former Holme Lacy Primary School ("the Holme Lacy Site") and The Paddock and explore the potential to work in partnership with third party developers and or the purchase of open market sites which already have full planning permission or are under construction in order to facilitate affordable housing ownership. This option was rejected because these sites represent the most proceedable of the council's owned sites. As such further work is recommended to take these sites forward to outline design and planning application stage.

Key considerations

- 3. The council commissioned Engie Regeneration Limited to complete a high level feasibility study of selected council owned sites to assess suitability for developing affordable housing within the county. The output of that work is summarised in Appendix 1. All the sites assessed have highlighted the limited amount of developable land on council owned sites which can be utilised immediately to facilitate the delivery of the 2500 affordable houses.

4. From the feasibility work the council owned Holme Lacy Site has been identified as having the potential to provide a suitable location to develop houses. This is shown on the Site Plan edged red included in Appendix 2. However further work would need to be commissioned separately to complete outline design and full site surveys to fully understand the development opportunity.
5. The Holme Lacy Site offers the potential for delivering affordable homes to progress the council's aspiration of delivering 2500 affordable homes. The site also offers the opportunity to be sold on the open market whereby the capital receipt would be used to cross-subsidise alternative developments in other areas of the county. Any potential sale would be with outline planning permission to ensure the council's net carbon zero building standard are delivered by any purchaser.
6. Housing need has been assessed to understand the housing need in Holme Lacy:
 - a. The initial document consulted is the Housing Market Area Needs Assessment, updated July 2021, the assessment provides local level outputs on local housing need for the seven Housing Market Area's (HMA) with an urban/rural distinction between each HMA. The analysis is drawn from a scenario which looks at trends in population growth in each HMA and projects these trends forward.
 - b. Secondly, Home Point data is extracted. Home Point is the waiting list held by the council where applicants in housing need register for all forms of rented affordable housing.
 - c. In addition, all vulnerable assessments are referred to and finally local intelligence of stock and the tenures in the given area are taken into account.
 - d. When all of that information is available an analysis is made and recommendations of dwellings numbers, bed sizes and tenure are given.
7. The housing need assessed for Holme Lacy is:

HMANA Hereford Rural HMA - Rental	80 units per annum
HMANA Hereford Rural HMA - Home Ownership (affordable)	26 units per annum
Home Point data	16 residents registered for rental
Housing Stock in the village	20 properties
Vulnerable need	Zero

8. To assess the viability of the Holme Lacy Site as affordable houses and/or providing the potential for a capital receipt to cross-subsidise other schemes, a third party design team will need to be engaged to complete outline designs, site surveys and complete the planning application submission. The appointment of any contractor to complete this role will be commissioned in accordance with the council's contract procedure rules. The third party resource is required as the council does not have the technical capacity and expertise to complete this work internally.

9. The feasibility work completed has also identified The Paddock (adjacent to Aylestone Hill School) has having the potential to be utilised to help cross-subsidised other more suitable affordable housing developments in the county. Site Plan edged red is included in Appendix 3.
10. The Paddock is a council owned site which may not be viable as an affordable housing scheme due to the existing housing requirements of the area. Nevertheless, the site would offer an opportunity to increase housing in the area whereby the Council could generate a capital receipt following the open market sale as a private homes development. The council would choose to complete an outline design to consider the wider impacts of the area in terms of accessing the site from Aylestone Hill, transport infrastructure, such as school buses and parent/school car parking arrangements that would alleviate a congested area of the school. An agreement would need to be reached with the council owned school to use part of the land adjacent to increase the width of lane to access The Paddock. Subject to an agreement using Council owned school land and achieving Outline Planning approval, the Council would consider selling on the open market. Any potential sale would ensure the council's net carbon zero building standard aspirations are delivered by any purchaser.
11. The Paddock is located in a high value area within the Hereford HMA. Taking into account the site location it may not be viable for a shared ownership development. The shared ownership product is valued on the open market with a minimum of 25% share sold in the property. Average property prices in this area are circa £349k, therefore shared ownership is unaffordable for the applicant when mortgage and rent are combined.
12. To assess the viability of The Paddock to provide a potential capital receipt to cross-subsidise other schemes a third party design team will need to be engaged to complete outline designs, site surveys and complete the planning application submission. The appointment of any contractor to complete this role will be commissioned in accordance with the council's contract procedure rules. The third party resource is required as the council does not have the technical capacity and expertise to complete this work internally.

Community impact

13. The County Plan aims to shape the future of Herefordshire and encourage and strengthen communities whilst creating a thriving local economy and protecting and enhancing the environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business.
14. Delivering housing to help address the shortage of affordable housing in the County is intrinsically linked to the ambitions of the new County Plan 2020 – 2024:
 - Environment – protect and enhance our environment and keep Herefordshire a great place to live
 - Community – strengthen communities to ensure everyone lives well and safely together
 - Economy – support an economy which builds on the County's strengths and resources

15. The council recognises that 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 vital that we protect and enhance this environment while stewarding it for future generations. Access to green space is vital and this will be a key consideration throughout all developments.
16. The newly published HMANA dated July 2021 has identified a need for all tenures within the county. Increasing the number of available properties will contribute to a balanced community providing additional accommodation of an alternative tenure to meet a wider cohort of residents in the county.

Environmental Impact

17. As the proposals are developed during this stage the council can heavily influence and retain full control of what is ultimately built as part of any scheme. This ensures that all the council's sustainability policies and objectives can be met for the sites to be developed.
18. The proposal for the council to advance housing and have at least an element of control over design helps deliver the council's environmental policy commitments and aligns to the following success measures in the County Plan:
 - Increase flood resilience and reduce levels of phosphate pollution in the County's rivers – by ensuring that new developments take into account opportunities to minimise the impact on the environment including, where appropriate, through grey water capture and other methods.
 - Reduce the council's carbon emissions – seeking high levels of sustainability and energy efficiency in the construction and operating costs of new homes delivered.
 - Work in partnership with others to reduce County carbon emissions – working with partners to minimise our carbon footprint in terms of methods of construction and in seeking the use of local materials and labour wherever possible.
 - Improve the air quality within Herefordshire – supporting the development, where appropriate, of car free schemes in new developments and making provision for safe cycling and walking spaces.
 - Improve residents' access to green space in Herefordshire - ensuring new developments make appropriate provision for green space and the use of appropriate, indigenous planting.
 - Improve energy efficiency of homes and build standards for new housing – good design and high levels of energy efficiency in council-owned or influenced developments will provide a blueprint principle to other developers in Herefordshire.

Equality duty

19. 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.
20. Section 9 of the Housing Act 1985 (the 1985 Act) is the key power for councils to provide housing accommodation. It includes two sets of acquisition provisions: Sections 9(1)(b) and 9(2) - a local housing authority (LHA) may acquire houses – and alter, enlarge, repair or improve a house so acquired; Section 9(3) – a LHA can exercise the Section 9 powers to provide housing accommodation "in relation to" land acquired for the purpose of (a) disposing of houses provided, or to be provided, on the land or (b) disposing of the land to a person who intends to provide housing accommodation on it.
21. Consideration has been given to the types and standard of accommodation required at these sites taking a fabric first approach to building design, maximising the performance of the components and materials. Taking this approach can minimise the need for energy consumption so will be cost beneficial to the occupant, demonstrating the council's commitment to equality and their pro-active approach to ensuring the right properties are available in the right location and built to a high specification to meet the their needs.

Resource implications

22. Capital prudential borrowing will be used to fund this work, allocated in the capital programme approved at Council in February 2021. If either scheme does not progress the costs will need to be charged to the revenue budget, as they can no longer be capitalised.
23. As part of the design stage for the two sites, three planning applications will need to be submitted to assess the option appraisals outlined in the recommendations. Two applications would need to be submitted for Holme Lacy to reflect the affordable houses and the open market sale houses options. There is only one planning application submission required for The Paddock.
24. Following the evaluation of the options for development of the Holme Lacy Site if the agreed approach is to sell the site on the open market it could generate a capital receipt of between £1.2m and £1.4m for the council dependant on final layout and market conditions at time of sale.

25. Subject to achieving planning approval on The Paddock the site sold on the open market could generate a capital receipt of between £1.25m and £1.5m dependant on final layout and market conditions at time of sale.
26. Council set aside £20m in the capital programme for Strategic Housing Development, to date the following approvals have been taken and including this £400k (to complete the outline designs, site surveys and the planning application submission) leaves available funding of £19.091m.
- In order to progress the development pipeline and establish a draft programme for delivery, funding of £71k was allocated from the DRP capital budget in November 2020
 - In order to advise on building housing to maximise the environmental benefits to meet the council's climate emergency responsibilities an independent expert was appointed within a budget of £20k was allocated from the DRP capital budget in November 2020
 - In order to progress with the first proceedable affordable housing scheme, funding of up to £68k to work up outline proposals for Station Approach was allocated from the DRP capital budget in December 2020.
 - In order to progress the development pipeline and consider third party land to establish a draft programme for delivery, funding was allocated of £350k from the Strategic Housing Development capital budget in May 2021
27. The tables below show a summary of costs to complete the work for the 2 sites being recommended:

Capital cost of project	2021/22	2022/23	2023/24	Future Years	Total
	£000	£000	£000	£000	£000
<i>Design Costs</i>	200				200
<i>Fees</i>	150				150
<i>Contingency</i>	50				50
TOTAL	400				400

Funding streams	2021/22	2022/23	2023/24	Future Years	Total
	£000	£000	£000	£000	£000
<i>Prudential Borrowing</i>	400				400
TOTAL	400				400

Legal implications

28. The council has a general power of competence under s1 of the Localism Act 2011 which means that it can undertake any action that an individual generally can do and therefore the council has the power to seek planning permission for the development of council own sites and commission supporting reports and studies.
29. Any sale of a council owned site would be subject to its fiduciary duty and the requirements of s123 (1) of the Local Government Act 1972 which permits the council to dispose of council owned in any manner they wish on the basis that they obtain the best value that they reasonably can.
30. Any disposal would be subject to a separate decision. .

Risk management

31. The key risks associated with the options outlined in the paper are as follows:

Risk / opportunity	Mitigation
The project team are unable to establish developments that could provide value for money for the council	There are a number of potential uses that could be incorporated into schemes and the council will be drawing upon professional commercial expertise to establish a viable scheme
The council's wider sustainability objectives are not adequately incorporated	The existing housing decisions already embeds the wider sustainability objectives and forms the starting point to develop any potential sites
The council does not have the technical capacity and expertise to complete the site surveys and outline design of the selected sites	Procure a third party organisation using council's contract procedure rules to complete the technical design and the site surveys of the selected site
Neither sites have had a full survey so there is a possibility of anomalies being found	Full site survey will be commissioned prior to the commencement of any further design

32. Risks are managed according to the council's risk management framework, aligned with corporate risk strategy and recorded on a service risk register, being escalated to the directorate or corporate risk register according to the significance of the risk.

Consultees

33. Consultations have taken place with the Cabinet Members for Housing, Regulatory Services, and Community Safety; Finance, Corporate Services and planning; Commissioning, Procurement and Assets; and Environment, Economy and Skills.
34. A workshop was held to review options for the delivery of the Pipeline of Sites which included the options of developing sites for open market sale
35. The consultation with political groups resulted in two responses being received. Cllr Andrews had no objections to the proposal. Cllr Summers responded “this site is one of the last one room school houses in the UK and is known to me and many of the villagers as Holme Lacy School not the Robert Owen Academy. I have no doubt that it is common knowledge with officers that I am passionate about what happens with the school. If you go back through the correspondence around the school you will note that I have mentioned on occasion that it is imperative that the Holme Lacy parish council be kept updated on the councils intentions.” No further responses were received.
36. This paper and the recommendations contained within it incorporate comments received during the above consultations

Appendices

Appendix 1 – Pipeline of Selected Council Owned Sites
Appendix 2 – Former Holme Lacy School Site Plan
Appendix 3 – The Paddock Site Plan

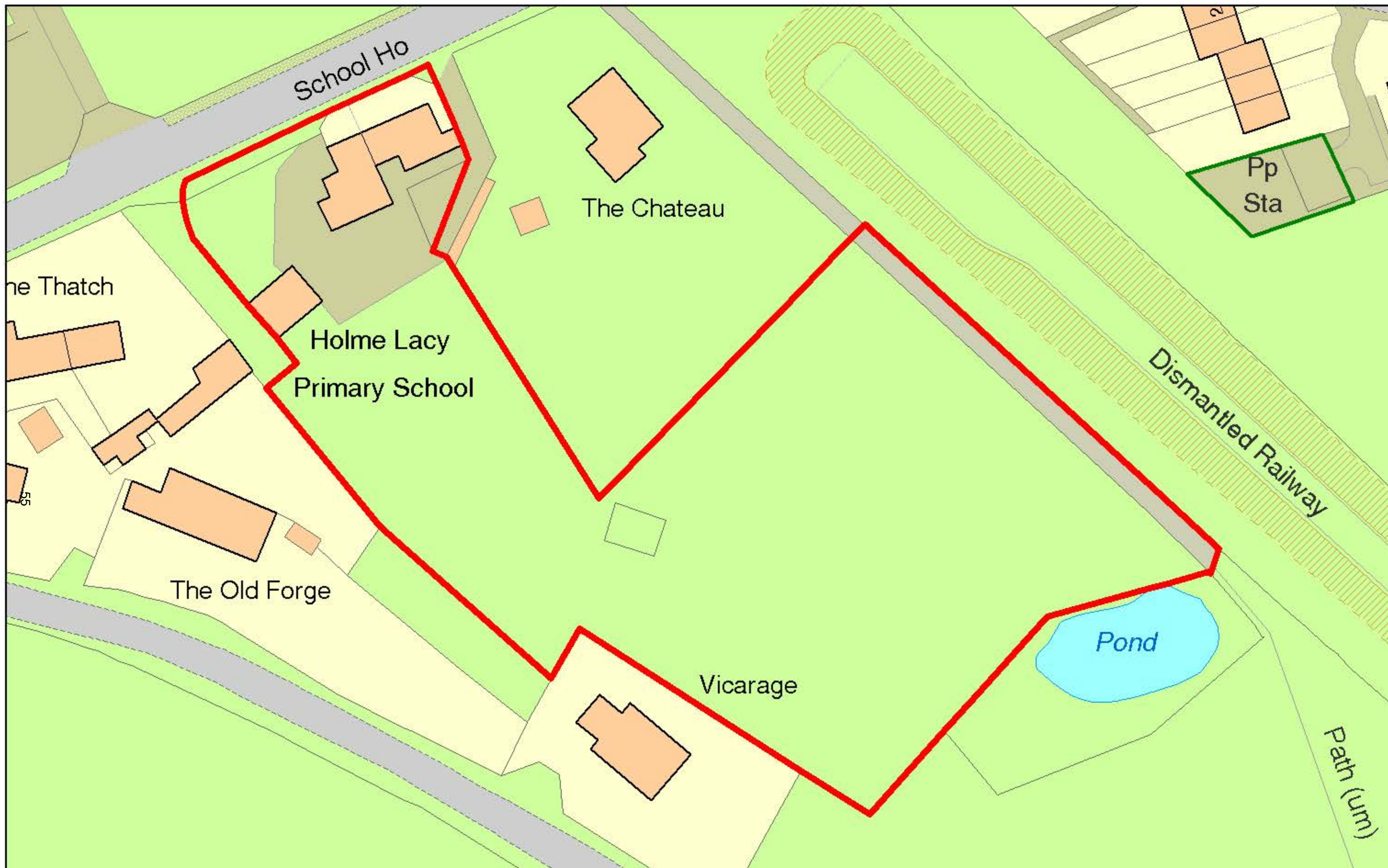
Background papers

None identified

Glossary of terms, abbreviations and acronyms used in this report.

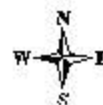
ACV - Asset of Community Value
AONB - Designated Area of Outstanding Beauty
NDP - Neighbourhood Development Plan
NPPF - National Planning Policy Framework
POS - Public open space
NPR – New Project Request
HMA – Housing Market Needs Assessment

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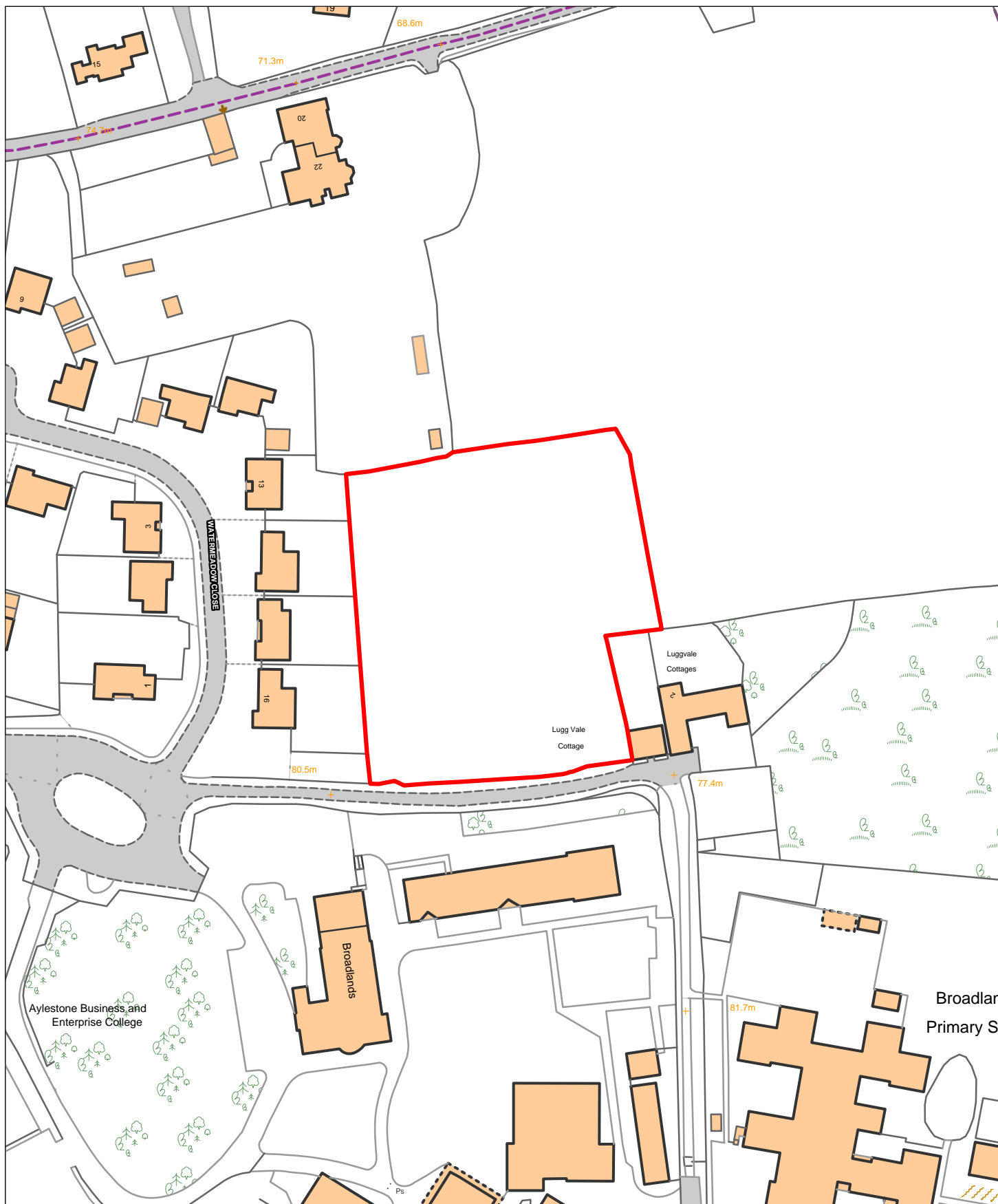
RDA6: Holme Lacy Primary School

Object Area= 7942.79 sq m ; Easting: 355359.64m ; Northing: 235519.99m ; ScaleBar Width: 221.4m



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LOCATION PLAN - Hereford_Broadlands_Lane_Paddock_X590

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