

**Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 16 September 2021 at 2.30 pm**

**Present:** Councillor David Hitchiner, Leader of the Council (Chairperson)  
Councillor Liz Harvey, Deputy Leader of the Council (Vice-Chairperson)  
Councillors Felicity Norman, Ellie Chowns, John Harrington and Diana Toynbee

Cabinet support members in attendance Councillors John Hardwick

Group leaders and representatives in attendance Councillors Bob Matthews, Jonathan Lester and William Wilding

Scrutiny chairpersons in attendance Councillors Elissa Swinglehurst and Jonathan Lester

Other councillors in attendance: Councillors David Summers

Officers in attendance: Chief Executive, Acting deputy chief executive - solicitor to the council, Acting deputy chief executive - chief finance officer, Acting Director for Adults and Communities, Interim Assistant Director Corporate Parenting, Children in Care and Fostering and Adoption and Acting Assistant Director for Regulatory, Environment and Waste Services

**35. APOLOGIES FOR ABSENCE**

Apologies were noted from Cllr Davies and Cllr Tyler.

**36. DECLARATIONS OF INTEREST**

None.

**37. MINUTES**

**Resolved:** That the minutes of the meetings held on 22 July and 29 July 2021 be approved as a correct record and signed by the Chairperson.

**38. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 3 - 6)**

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

**39. QUESTIONS FROM COUNCILLORS (Pages 7 - 8)**

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

**40. ENVIRONMENTAL BUILDING DESIGN STANDARDS**

The cabinet member environment and economy introduced the report. She explained that she and the cabinet member for housing, regulatory services and community safety had been working with officers and experts for a number of months to put together these standards. She further explained that this document would relate to housing that the council planned to build itself. A separate process was under way to put together a supplementary planning document (SPD) on building standards which would apply to all housing across the county. There would be wide consultation on the SPD in the future.

It was proposed that paragraph 7 in the covering report be removed as this was duplicated by information further on in the resource implications section. Achieving Passivhaus standard in building design was slightly more expensive but costs were coming down and these design standards would be a consideration for any individual sites that subsequently came forward, alongside other considerations.

Cabinet members welcomed the report and noted the importance of housing being affordable to run as well as to purchase. It was hoped the council's approach would encourage other builders to achieve similar standards.

It was noted that the government was consulting on future homes standards but this was not expected to be in place for some time and other councils were also pushing ahead with adopting similar standards.

Group leaders were generally supportive of the proposals and it was noted in discussion that:

- The proposals link to the council's work to address fuel poverty;
- There would also need to be investment in retrofitting existing housing stock;
- The need to position houses in places that did not exacerbate flooding would be included in the SPD and the cabinet member environment and economy would ensure this was done;
- There was a modest additional cost to achieving these standards, but the cost of retrofitting properties was much greater and the finances did stack up when the whole life cost was taken into account;
- The quality of landscaping around the properties was important;
- The council was lobbying for national changes through a number of networks;
- The standards were designed to allow flexibility for individual sites and set outcomes to be achieved rather than specific methods to be used.

**It was unanimously resolved that:**

- (a) The Herefordshire Future Homes report be approved; and**
- (b) The recommendations in the report are adopted as the recognised standards for future housing developments and retrofit work undertaken by the council with the removal of paragraph 7 of the covering report.**

#### **41. VARIATION TO WEST MERCIA ENERGY JOINT AGREEMENT**

The cabinet member finance, corporate services and planning introduced the item. She explained the role of West Mercia Energy and the reasons for recommending the amendment to the formula. Despite the revised formula being slightly to the detriment of Herefordshire council, it would be a better way of distributing any surplus in the long term and protected each of the member councils from changes in the way other member councils engaged with WME in the future.

Group leaders were supportive of the proposed changes.

**It was unanimously resolved that:**

- a) The West Mercia Energy Joint Agreement be varied to update the formulae for the distribution of the accumulated surplus each year; and**
- b) The interim Director for Economy and Place be authorised, following consultation with the Solicitor to the Council and S151 Officer to finalise and execute the variation.**

## PUBLIC QUESTIONS TO CABINET – 16 SEPTEMBER 2021

### Question 1

**From: Mr M Willmont, Hereford**

**To: Cabinet member, infrastructure and transport**

The Council's LTP is fairly ambivalent with regard to the potential for rail freight. Notwithstanding this has the Council entered into any discussions with Network Rail, any of the freight operating companies and any local businesses, for example Heineken or Avara Foods, with respect to the use of the rail network for the transport of their goods so as to reduce HGV traffic in Hereford? If not is there any intention to do so?

### Response

Thank you for this question, Mr Willmont. As a new administration we sought the views of the business community and other key stakeholders about transport priorities as part of the review of the Hereford Transport Strategy which we undertook during 2020 but rail freight was not identified as a priority focus during that consultation.

Prior to the Hereford Transport Strategy Review the council, jointly with the Marches LEP, Growing Mid Wales Partnership, Welsh Government and neighbouring local authorities, commissioned the Marches and Mid Wales Freight Strategy which was published in 2018. The strategy was developed by MDS Transmodal and included consultation with parish councils, businesses and other key stakeholders during the development of the strategy. It recognised that main existing rail freight flows to and from the Marches area are mostly construction materials, locally via Moreton-on-Lugg in Herefordshire to various locations around the country. The strategy did not see significant potential to expand rail freight locally concluding:

- "...road freight would remain the dominate mode for freight transport in the Marches and Mid Wales because of the dispersed pattern of settlement and economic activity...and issues related to the infrastructure which reduces the capacity and capability of the network to accommodation rail freight services."

Additionally the strategy also reviewed the potential for new rail freight facilities reflecting on the relative performance of the bespoke Telford International Railfreight Park:

- "...While the rail terminal at Donnington near Telford could have an enhanced role in the future, the Marches and Mid-Wales area is likely to lack the critical mass of traffic to justify the development of further rail-connected distribution parks, and the area is likely to remain reliant to a great extent on long distance road-based distribution to and from the Midlands, including to and from existing potential future rail-connected distribution parks.."

Whilst it is unclear that there is a demand for further rail freight provision amongst the business community we need as a Council to be leading on any opportunity to decarbonise transport and will be raising this issue further through our ongoing discussions with local businesses and in support of the development of the 2050 Big Plan and Hereford City Masterplan.

In addition, we have, as a new administration, been financially supporting the business case put forward by local scheme promoters for a new parkway model station at Pontrilas (provisionally suggested as a site adjacent to Pontrilas Timber Mill on the A49). The scheme promoters have had discussions with two local businesses, Pontrilas Timber and Black Mountain Quarries, both of whom have indicated an interest in transporting some materials by rail.

## **Question 2**

**From: Ms M Albright, for Herefordshire Construction Industry Lobby Group**

**To: Cabinet member, housing, regulatory services, and community safety and cabinet member, environment and economy**

The Herefordshire Construction Industry Lobby Group (HCILG) are committed to and support the wider objective of Carbon Zero development across all sectors within Herefordshire. However, having only just seen the Net Zero Carbon Affordable Housing Standard Draft, we were hoping that councillors would be able to offer more clarity on the purpose and intended use of this document?

## **Response**

Dear Mrs Albright, these are the standards we intend to adopt for all housing that we will build as a council ourselves. The purpose of the document is to ensure that all Herefordshire Council built housing from hereafter will now be net zero carbon. The intended use of the document is therefore to guide all stakeholders involved in our council's housing programme as to the required standards.

Recognising the urgent need to respond to the climate and ecological emergency and our council's commitment to net zero by 2030, we aim to lead by example in driving up new building standards. These standards will therefore apply to all housing built by Herefordshire Council, but we are also keen to encourage all housing developers to adopt net zero standards themselves and hope the Herefordshire Future Homes Standard will inspire private developers to improve building standards too. We will also shortly be consulting on an Environmental Building Standards SPD that will provide guidance and encouragement to improve the standards of all new buildings in Herefordshire. We are keen to work with all industry stakeholders to address the challenge of the climate crisis and the opportunity of the transition to net zero.

## **Question 3**

**From: Mr B Albright, Herefordshire**

**To: Cabinet member, infrastructure and transport**

Natural England have recently confirmed:

*It is our view that it will be extremely difficult if not impossible to meet water quality targets on the river without some action on agriculture. Furthermore, it would not be in accordance with the concept of Fair Share, that sets out parameters for the contribution that each sector might reasonably be expected to make towards resolving the nutrient problem. An action plan for housing alone would not help in allowing development to go*

*ahead, as it could not demonstrate with certainty that water quality targets will be achieved on the river.*

Which clearly shows that housing actions (ie wetlands and criteria) are not sufficient to restore the river as housing phosphate pollution is too small to be meaningfully reduced. NE are clearly expecting certain and effective phosphate reduction contributions from agriculture in order to release housing, tourism and commercial development projects. The moratorium has strangled our business for more than 2 years- what plans does the council have to bring forward phosphate pollution reduction from the agricultural sector and is this a priority?

## **Response**

Thank you for your question. I am aware of some of the correspondence between the officers and the Herefordshire Construction Lobby Group and am also aware that the officers have been liaising with Natural England on this very same matter. Additionally, we have sought further legal advice to clarify our position on this.

It is our view that the greatest impacts upon the Wye catchment which will enable the River Lugg to attain 'favourable condition status' by 2027 will be through tackling agriculture. This is why Herefordshire Council continues to lobby central government and will continue to seek funding assistance for the Environment Agency. Unfortunately the council does not regulate the agricultural sector and your questioning would best be redirected to either the Environment Agency of Defra itself. That said, we have and will do all we can to lobby government for change. We have also instigated cross border discussions with our colleagues at Powys Council, have worked very hard to get our MPs involved in understanding and focussing on the pertinent issues of reduced resources for the regulatory and statutory bodies and we have led engagement with the NFU to encourage all sectors to understand the scale of the problem and identify a pathway to betterment.

The current redrawing of the Council's local plan, the Core Strategy, allows us a further opportunity to consider what we can do to make changes to the way the County is built on and farmed.

## **Supplementary question**

It is encouraging to hear that the Council agrees with Natural England in that the greatest positive impact upon river ecology restoration in the Wye will come from changing agricultural practice. However, as we enter the third year of a crippling housing moratorium we remain deeply concerned that the punishment for the cumulative issues within the agricultural sector are being borne by local construction companies and rural communities.

Can the council explain why their planning moratorium is only applied to housing and commercial development in the Lugg catchment and clarify if there are any plans for the moratorium to be extended to the wider catchment and to agricultural developments?

## **Response**

The cabinet member explained that there were no plans to extend the moratorium and that the requirements in terms of neutrality or investment in terms of phosphate load were put in place by Natural England. He also highlighted that the first wetland should shortly be online as part of the council's efforts on mitigation. The council had had discussions with Natural England, the Environment Agency and local MPs in relation to source apportionment between agriculture and housing and the council continued to press national agencies on this issue.

**COUNCILLOR QUESTIONS TO CABINET – 16 SEPTEMBER 2021**

**Question 1**

**From: Councillor Yolande Watson, Kerne Bridge Ward**

**To: Cabinet member, finance, corporate services and planning**

Are Biodiversity & Ecology (Core Strategy Policy SS6 and LD2) and Climate Change (Policy SS7 and SD1) compliance checklists completed on ALL planning applications including porches and extensions?

**Response**

Dear Cllr Watson, thank you for your question – which I take to mean: are all Herefordshire planning applicants submitting biodiversity and ecology checklists with their planning applications. To which the short answer is “no”, not presently.

We are recommending that all applicants complete the checklists as part of their initial application submission however, not everyone is doing so. Where these checklists are missing at the validation stage, we are again advising that applicants and agents complete them and return them to the case officer to assist during the determination process.

The provision of these checklists is not a requirement in order for a planning application to be accepted as valid. However, the advice that goes out to applicants/agents is that the lack of a checklist may affect the outcome of the application when the climate change and ecological policy considerations are applied later on in the process.

In reality, and based on the current policy and practice, biodiversity and ecology compliance is likely to have more bearing upon schemes for new houses and for commercial buildings than it would on most small scale householder applications such as those to which your question refers.

**Supplementary question**

How many compliance checklists have been completed since their inception (as percentage compared to those who don't)?

**Response**

It was confirmed that a written response would be provided.

