

Agenda

Environment and Sustainability Scrutiny Committee

Date: **Friday 18 November 2022**

Time: **2.00 pm**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

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

For any further information please contact:

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Agenda for the meeting of the Environment and Sustainability Scrutiny Committee

Membership

Chairperson **Councillor Louis Stark**
Vice-chairperson **Councillor Trish Marsh**

Councillor Carole Gandy
Councillor Jennie Hewitt
Councillor Elissa Swinglehurst
Councillor Yolande Watson
Councillor William Wilding

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>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>	
4.	<p>MINUTES</p> <p>To receive the minutes of the meeting held on 21st September 2022.</p>	9 - 14
<p>HOW TO SUBMIT QUESTIONS</p> <p>The deadline for the submission of questions for this meeting is 9.30 am on Tuesday 15 November 2022.</p> <p>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</p> <p>Accepted questions and the responses will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at www.herefordshire.gov.uk/getinvolved</p>		
5.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p>	
6.	<p>QUESTIONS FROM MEMBERS OF THE COUNCIL</p> <p>To receive any written questions from members of the council.</p>	
7.	<p>LOCAL FLOOD RISK MANAGEMENT STRATEGY ACTION PLAN</p> <p>To consider the Herefordshire Local Flood Risk Management Strategy action plan, which identifies a programme of work for reducing local flood risk within Herefordshire.</p>	15 - 28
8.	<p>PROGRESS REPORT</p> <p>To note the progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the committee.</p>	29 - 40
9.	<p>ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE WORK PLAN</p> <p>To note the Environment and Sustainability Scrutiny Committee Work Plan.</p>	41 - 48
10.	<p>DATE OF THE NEXT MEETING</p>	

To note the next scheduled meeting of the committee on Thursday 19th
January 2023.

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www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services-

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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Environment and Sustainability Scrutiny Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 21 September 2022 at 10.30 am

Physically Present and Voting: Councillors: Carole Gandy, Jennie Hewitt, Trish Marsh (Vice-chairperson), Louis Stark (Chairperson), David Summers, Elissa Swinglehurst and William Wilding

In Attendance: Councillors: John Harrington (Cabinet Member Infrastructure and Transport) and David Hitchiner (Leader of the Council)

Remote Attendance: Councillor Ellie Chowns (Cabinet Member for Economy and Environment)

Members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.

Officers: Neighbourhood Planning Service Manager, Service Manage – Built and Natural Environment, Interim Delivery Director – Waste Transformation & Wetland Project, Statutory Scrutiny Officer

10. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Yolande Watson.

11. NAMED SUBSTITUTES

Cllr David Summers substituted for Cllr Yolande Watson.

12. DECLARATIONS OF INTEREST

Cllr Elissa Swinglehurst declared a non-pecuniary interest in respect of agenda item 8, as current Chairperson of the Wye Catchment Nutrient Management Board.

13. MINUTES

The minutes of the meeting held on 26 July 2022 were agreed as a correct record and signed by the Chair.

14. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 10)

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

15. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions received from Councillors.

16. THE HEREFORDSHIRE LOCAL PLAN: ENVIRONMENT AND SUSTAINABILITY

The Committee gave consideration to the report as set out on pages 13-24 of the agenda, which provided information regarding how the preparation of the Herefordshire Local Plan will look to deliver the objectives for Environment and Sustainability outlined in the County Plan 2020-2024, Herefordshire Climate Change Emergency resolutions and Executive Response, and other relevant Council strategies and policies.

The Committee sought clarity regarding how the nine spatial options (comprising five strategic options and four rural options) set out at Sections 3 and 4 of the Spatial Options Consultation document from January 2022 were produced, and what meetings and/or workshops took place between Executive members and officers to inform the options selected for inclusion in the consultation. It was confirmed that, in compliance with the regulations setting out the Local Plan process, Herefordshire Council had a Local Plan Cabinet working group (comprised of Councillors Chowns, Harrington, Harvey and Tyler), which met a number of times to receive briefings whilst the options were formulated for the spatial options consultation, taking into account the assessed need for the County.

The Committee recalled that during the first phase of consultation around the new Local Plan, ideas were put forward for a spatial option focussed on existing rail infrastructure in the County, as well as an option for a new eco-settlement, but noted that the nine proposed spatial options in place at the beginning of the consultation remained materially unchanged. A query was therefore raised regarding whether these alternative ideas had been dismissed following meetings of the cabinet working group. The Cabinet member for Infrastructure and Transport confirmed that meetings took place during which preferred options were discussed, however, options were not excluded from the consultation based on Cabinet member preferences and the fact that there had been little material change in the options may simply have been reflective of the responses received to date. The Neighbourhood Planning Service Manager further advised that whilst there were an infinite number of options that could be consulted upon, the Council had to show that it had consulted upon reasonable and different alternatives, and that these were sufficiently scoped to enable the public to understand how they differed.

The Committee also recalled that an initial idea for a new market town appeared to be absent from the emerging proposals, although the Neighbourhood Planning Service Manager advised that this was considered as part of consultation option 5 and included a 'call for sites'; however, only a small number of potential sites had come forward and these were being assessed for their environmental impact. It was explained that new settlements take on average 15-20 years to come to fruition and this would need to be demonstrated as deliverable within the lifetime of the new Plan.

The Committee expressed some concern at the prospect of development being focussed around market towns in the County, given that three of the towns have no railway stations and therefore the expectation would be further reliance on car use and pressure on existing road infrastructure, thereby increasing pollution and threatening achievement of the Council's identified active travel and climate change ambitions set out in the County Plan. The Cabinet member for transport and infrastructure confirmed that the objectives of the County Plan were fully considered as part of the formulation of options, and whilst it was acknowledged that rail infrastructure in the County was limited, the market towns did benefit from other forms of transport infrastructure to a greater extent than the rural settlements in the County, which made them better equipped to accommodate growth. Pressed to offer a guarantee that the emerging place shaping option from the third consultative stage would lead to reduce car usage, the Cabinet Member for Infrastructure and Transport said that it was hoped this would be the outcome, however the Committee expressed continued reservations. The Committee also asked whether the option for development focussed around the existing railway line at Pontrilas had been abandoned. The Cabinet Member for Transport and Infrastructure confirmed that the option had not been completely removed from the table, however, the

Local Plan needed to demonstrate its deliverability up to 2041, and there were currently too many uncertainties around the deliverability of such a project to make it viable for inclusion as a leading option.

It was suggested that the Local Plan process itself seemed somewhat illogical insofar as the consultation process was being conducted before a number of the commissioned evidence based reports had been received, and a query was raised regarding whether the evidence reports should have been commissioned at an earlier stage, given the Council would have been aware of the need to refresh its Local Plan. The Neighbourhood Planning Service Manager confirmed that a number of evidence based reports were in production which would help to frame the strategy, but it was a requirement to consult upon options and alternatives in tandem with the commissioning of reports, and it was important that the reports were as up-to-date as possible at the time the Local Plan goes to examination; commissioning reports too early carried an element of risk, whereby, if the process becomes delayed for any reason, then they may need to be recommissioned and further updated before examination could take place. It was reiterated that there would be further rounds of consultation still to follow, including a further engagement on preferred options and ranking settlements to be undertaken with parish councils and the local community in the autumn of 2022, which would incorporate previously omitted scoring for roads, public transport and flooding, thus taking much greater account of sustainability issues.

Some members of the Committee raised concern that when the Council previously debated and subsequently decided against a bypass for Hereford, there was an undertaking from the administration that money would instead be spent on transport improvements in rural areas, but it was suggested that this had not materialised, whilst at the same time budget pressures were leading to cuts in rural bus services which were already in short supply. This again raised the concern that developments in rural areas would lead to increased car usage as residents did not have access to reliable alternatives. The Neighbourhood Planning Service Manager advised that around 120 villages were earmarked for being taken out from the current Core Strategy when the new Local Plan emerged, as it was recognised that many were unsustainable from a transport perspective. The villages that would remain on the table were those with improved access to local services and facilities, particularly schools, shops and transport.

The Committee noted that there was a steep drop in the number of responses from the initial spatial options consultation (1,200) to the later policy options consultation (250), and queried whether this was an indication that residents were unaware of the staged approach to consultation and considered that having responded to the first exercise there was potentially no purpose to comment further. It was also noted that of the 3,700 visitors to the Commonplace website during the place based consultation, only around one third (1,100) submitted a response; the Committee suggested it would be of interest to learn what deterred the two thirds of visitors who did not respond.

The Committee noted that there was an ongoing risk of changes to planning policy at a national level, and the Neighbourhood Planning Service Manager confirmed that a number of local authorities have currently paused development of their Local Plans due to the continued uncertainty, however the ambition was to continue the process in Herefordshire as it was recognised that a new Plan was both wanted and needed. It was acknowledged that there was a delicate balance to be negotiated between pursuing the Council's environmental and sustainability objectives, whilst at the same time delivering upon assessed needs. The detail setting out how this balance would be achieved would be contained within the wording of the relevant policy documents to follow, rather than within the high level options presented at consultation stage.

Given the varied nature of the debate undertaken during the meeting, the Committee decided that in order to accurately articulate its feedback to the Executive it would be useful to document its findings and any recommendations in a summary report to be drafted following the meeting, for approval at the next meeting of the Committee on Friday 18 November 2022.

It was resolved that:

A summary scrutiny report be drafted for approval by the Committee at its next meeting, setting out the evidence considered, key observations and any recommendations to the Cabinet.

17. RESTORATION OF THE RIVER WYE – OPTIONS FOR PUBLIC INQUIRY AND POLICY REVIEW

The Committee gave consideration to the report as set out on pages 3-12 of the agenda supplement, which provided an update on the establishment of a Cabinet Phosphates Commission to address systemic and strategic issues regarding phosphate pollution in the River Wye, and invited the Scrutiny Committee to examine how it wished to keep the matter under review.

The Committee noted the proposed Terms of Reference for the Joint Cabinet Commission on Restoration of the River Wye and a number of initial observations were raised upon which additional assurances from the Executive were sought.

It was noted that the draft terms of reference did not contain a commitment to report back to the Environment and Sustainability Scrutiny Committee on the work of the Commission and progress achieved. It was therefore requested that regular update reports should be provided to the Committee, with a final report provided to the meeting scheduled for 10 March 2023.

It was also noted that although the Technical Advisory Group (TAG) was referred to in the report at Paragraph 12 in relation to a review of its governance arrangements, there was no mention of this in the draft terms of reference. The Delivery Director stated that the review of the Nutrient Management Board (NMB) governance arrangements set out at part 1 of the terms of reference would include the TAG and that there was ongoing engagement through officer attendance at TAG meetings which would continue, although the focus of the Commission was to look at the strategic picture rather than what practitioners could achieve through existing regulatory frameworks.

It was further noted that there was no reference to riparian buffer zones in the terms of reference as an area to be explored as part of the Commission's work. The Delivery Director acknowledged the important role that these were likely to play in the restoration effort for the River Wye and catchment network, and confirmed it was the intention that by working with the farming sector, as set out in part 2 of the terms of reference, appropriate solutions such as this could be progressed.

The Executive Response to the scrutiny recommendation made at the July meeting of the Committee was noted. It was suggested however that the Executive's stated undertaking to find ways to include expertise from across the membership of the Council in the work of the Commission was less than satisfactory and concerns were expressed that the Commission might become a remote, high level exercise led by the three Commissioners with limited opportunities for elected Members to participate in or contribute to its work. The Leader of the Council noted the concern but stressed that care also had to be taken to ensure that the Commission could conduct its work efficiently. The Committee noted the response but requested further clarification from the

Executive in relation to what actions it will now take to progress its commitment to find ways to involve members from across the Council in the Commission's work.

The Cabinet Member for Infrastructure and Transport provided an assurance to the Committee that the work of the Commission would not be duplicating the work of the NMB, but would instead be seeking to increase the level of influence exercised across the catchment area in areas of community leadership and planning and development functions, where the current regulatory framework alone was unlikely to achieve satisfactory resolutions. Whereas the NMB was considered to be constrained on political matters, it was intended that through shared political ownership between the partner authorities the Commission could apply a greater degree of political pressure upon key decision makers.

A particular concern was raised by the Committee as to whether the required authority was in place for the Commission to prepare a new strategic high level plan for the NMB and review its governance arrangements, (as stated at part 1 of the draft terms of reference of the Commission) and whether this implied that the Commission would try to direct the NMB on this matter, bearing in mind the status of both as independent, voluntary bodies. There was also a question raised over whether the NMB may have been referenced within the Council's current Core Strategy, which, it was suggested, could have implications should the NMB be reformed. The Committee therefore requested further information to clarify the proposed relationship between the Commission and the NMB and how it was intended to support the objectives of each body.

A question was raised regarding whether there would need to be mutual agreement between the three partner authorities on the Commission in order for decisions to be carried. The Delivery Director advised that whilst consensus would be sought, it would remain the case that, as "sovereign bodies", each local authority would retain the ability to put forward a minority proposal if necessary.

The Committee gave further consideration to the possible establishment of a Scrutiny Task and Finish Group to complement the work of the Commission, but it was felt that in order to consider if this might be appropriate, the information requests raised during the debate first needed to be received. It was therefore agreed that the River Wye - Options for Public Inquiry and Policy Review item be added to the Committee's Work Programme for the scheduled November meeting so that the potential establishment of a Task and Finish Group could be revisited.

It was resolved that:

- (i) The Committee is assured, subject to the clarifications sought on the Commission's terms of reference and on involving the wider membership of the Council, that Restoration of the River Wye public inquiry and review is being considered effectively through the Cabinet's Phosphates Commission - Restoring the River Wye;**
- (ii) The Executive Response and Cabinet decisions in response to the scrutiny recommendations on the Restoration of the River Wye – Options for Public Inquiry and Policy Review made at the Environment and Sustainability Scrutiny Committee on 26th July 2022 be noted; and**

That the following information requests be made:

- a. Clarification of the Commission's Terms of Reference with regards to the relationship between the Phosphates Commission and the Nutrient Management Board, so as to be clear as to what directives may be given to**

- the Nutrient Management Board by the Commission, including any legal implications arising from the proposed rewriting of the Board's strategy;
- b. Clarity on how the Executive will find ways to involve expertise from across the membership of the Council in the work of the Commission; and
 - c. Further reports be requested to the Committee to provide updates on the progress of the Commission, including a progress report provided to the meeting scheduled for 10 March 2023.

18. PROGRESS REPORT SEPTEMBER 2022

The Committee gave consideration to the report as set out on pages 25-34 of the agenda, which provided a brief summary update on issues previously considered.

It was resolved that:

The progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the Committee be noted.

19. WORK PROGRAMME

The Committee gave consideration to its Work Programme as set out on pages 35-42 of the agenda.

In respect of the Herefordshire Local Flood Risk Management Strategy item due before the Committee in November, it was suggested that key witnesses to complement those already identified could include a representative from the National Farmers Union (NFU) to address soil management strategies, and a representative from Balfour Beatty to address infrastructure damage caused by escaping floodwater.

The Committee noted the amendments to future meeting dates from Wednesday 16 November 2022 and Wednesday 8 March 2023 to Friday 18 November 2022 and Friday 10 March 2023 respectively.

It was resolved that:

The Committee Work Programme be noted.

20. DATE OF THE NEXT MEETING

The Committee noted its meeting dates for the remainder of the 2022/23 municipal year.

The meeting ended at 1.33 pm

Chairperson



Title of report: Local Flood Risk Management Strategy Action Plan

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: Friday 18 November 2022

Report by: Directorate services team leader

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To present the action plan which identifies a programme of work for reducing local flood risk within Herefordshire. Under the Flood & Water Management Act 2010, Herefordshire Council as the Lead Local Flood Authority is required to have a Local Flood Risk Management Strategy (LFRMS). The Environment and Sustainability Scrutiny Committee is allocated statutory flood risk management scrutiny powers.

Recommendation(s)

That:

- a) **The Committee reviews the updated action plan and provides comments to help inform the development of a new action plan**
- b) **The Committee receives an update in one year's time on progress.**

Alternative options

1. There are no alternatives to the recommendations; Environment and Sustainability Scrutiny Committee is allocated statutory flood risk management scrutiny powers.

Key considerations

Background

2. As Lead Local Flood Authority (LLFA) as set out in the Flood & Water Management Act 2010, it is Herefordshire Council's responsibility to lead in managing local flood risks (i.e. risks of flooding from surface water, groundwater and ordinary (smaller) watercourses). This includes ensuring cooperation between Risk Management Authorities (RMAs) in their area.
3. RMAs are organisations with responsibilities for water management and therefore flooding. Such organisations are many other authorities also responsible for the management of flood risk within the county and include:
 - a) The Environment Agency which has a strategic overview of all sources of flooding and is the authority responsible for managing flood risk from rivers designated as 'main rivers', reservoirs and the sea;
 - b) Welsh Water which is the authority responsible for managing flood risk from the public sewerage network in the majority of Herefordshire;
 - c) Severn Trent Water which is the authority responsible for managing flood risk from the public sewerage network in the north and east of Herefordshire;
 - d) The River Lugg Internal Drainage Board who are responsible for water level management with its operational areas, which encompass the low-lying land within the catchments of the Rivers Lugg, Arrow, Frome and Monnow (in England).
 - e) Lower Severn Internal Drainage Board who are responsible for the maintenance of the land drainage assets within the low-lying land within the catchment of the River Leadon; and
 - f) National Highways and Network Rail who are responsible for managing flood risks within their trunk road, motorway and railway networks respectively.
4. See Appendix 1 for a diagram setting out who the LLFA interacts with, internally and externally.
5. As LLFA, the council has limited powers under the Land Drainage Act 1991 to regulate ordinary watercourses (outside of internal drainage districts) to maintain a proper flow by:
 - a) issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses; and
 - b) enforcing obligations to maintain flow in a watercourse and repair watercourses, bridges and other structures in a watercourse
6. Note that as LLFA, the council does not have responsibility or powers to:
 - a) implement a solution to a flooding incident;
 - b) make other RMAs implement a solution; or
 - c) maintain ordinary watercourses.

Recent flood events

7. Herefordshire experienced severe flooding events in October 2019 and February 2020, with several flooding incidents passing the 'significant event' threshold as set out within the LFRMS. The October 2019 event comprised a succession of heavy rainfall events that fell across England and Wales, and towards the end of the month led to flooding across Herefordshire. This was

followed by a series of heavy successive rainfall events in February 2020 that led to record breaking flows and significant flooding across Herefordshire. The three named storms, Ciara, Dennis and Jorge, along with other rainfall in the month resulted in the new UK maximum for February monthly rainfall total since records started in 1862. The rainfall for the nine months leading up to the end of February 2020 resulted in saturated catchments and enhanced flood risk. The Soil Moisture Deficits for the UK were near-zero for five consecutive months from October 2019 to February 2020. The consequence of the Soil Moisture Deficits being near zero is that river flows were very responsive to the rainfall, resulting in some peak flow records being established across the UK.

8. The council plays a key role in flood recovery and after the February 2020 floods, Talk Community helped coordinate council staff and other partner agencies going out to areas impacted by flooding, providing advice, completing applications for grants and helping directly in the clean-up.
9. Following the February 2020 floods the council:
 - a) Arranged over 700 recovery grant payments for residents and businesses;
 - b) Applied council tax and business rate discounts; and
 - c) Administered a Property Flood Resilience (PFR) scheme on behalf of Defra between May 2020 and July 2022. Through this scheme we have supported 212 property owners in accessing a total of over £966,000 of funding to make their properties more resilient to future flood events.
10. The predicted impact of climate change on future weather patterns across the UK make it likely that Herefordshire will experience flooding events with increasing frequency in years to come. This may lead to areas being at risk of flooding that were not previously susceptible to such events. The risk of flooding is becoming more of an issue for communities across the county and is likely to further increase demand on limited resources.

Section 19 reports

11. The council investigates instances of flooding where three or more residential properties have been flooded internally, and other instances that meet its threshold of investigation (known as a Section 19 report – this is a public statement of the circumstances of a flood event and what parties have a role in managing the risks).
12. During 2021/22 the council completed its Section 19 reports which analysed flood events in October 2019 and February 2020 that were attributable to local sources of flooding. An overall Section 19 report, event analysis and 28 location summary documents have been published on our [flooding webpages](#). See Appendix 2 for a summary of this work.
13. The council continues to work closely with the Environment Agency in order to identify opportunities to reduce flood risk in a collaborative manner. Consequently Herefordshire has a number of flood risk management projects within the government's 6-year flood and coastal erosion risk management (FCERM) programme, from 2021 to 2027. These locations will be investigated and, if viable, implemented to reduce flood risk. Alongside locations highlighted within its Section 19 reports, the council is also delivering the Herefordshire Natural Flood Management (NFM) project which has received funding to deliver a wide variety of NFM measures within seven priority sub-catchments until 31 March 2027.

Community engagement

14. The council recognises the benefits of working in partnership with communities and flood groups whose local knowledge and understanding of particular problem areas is invaluable. Their ability to help in providing information and advice to communities and to help them better prepare for

flooding incidents is also acknowledged. Whilst funding is allocated within the annual plan for the public realm services contract with BBLP for supporting local flood groups and communities, more can be done to enable them to mitigate the potential impact of flooding and increase their resilience. Not least as investing in flood management schemes would be unlikely to remove all risk, especially considering the impact of climate change on all areas which was only increasing.

15. The council keeps its [webpages](#) up to date with flooding advice and guidance to help raise awareness of those organisations with responsibilities in relation to flooding, what people can do to prevent flooding, and what to do in the event of flooding.

Local Flood Risk Management Strategy

16. The council as LLFA, has a statutory responsibility to publish a Local Flood Risk Management Strategy (LFRMS). The LFRMS provides a framework to enable the LLFA to lead and co-ordinate flood risk management across Herefordshire and was adopted by Cabinet in September 2017. The associated Action Plan is updated annually and was reviewed by General Scrutiny Committee in March 2021.

17. The LFRMS contains:

- a) An overview of what it aims to achieve, why it needs to be prepared, the relevant legislation and the roles and responsibilities of key flood risk management authorities;
- b) A brief summary of flood risk throughout Herefordshire to provide the context from which the proposed actions and measures have been developed;
- c) The objectives that the council has selected to improve the management of flood risk;
- d) A summary of the key sources of funding that may be available to the council, other relevant authorities and the general public to help with the delivery of schemes and reduction of flood risk within Herefordshire; and
- e) An Action Plan that sets out how the council will deliver the LFRMS.

18. The LFRMS's five key objectives for flood risk management are:

Objective 1: Understand flood risks throughout Herefordshire.

Objective 2: Manage the likelihood and impacts of flooding.

Objective 3: Help the community help themselves.

Objective 4: Manage flood warning, response and recovery.

Objective 5: Promote sustainable and appropriate development.

19. The specific measures are contained in Appendix A-1 of the LFRMS, which has been reviewed annually. Updated progress against priority measures is included in Appendix 3 to this report.

20. As part of the 2022/23 annual plan for the public realm services contract with BBLP, the LFRMS is being reviewed and refreshed. The council envisages that a new action plan will be developed and will seek to prioritise these actions against appropriate agreed criteria.

Drainage / flooding asset data

21. BBLP maintains the drainage asset database on behalf of the council. Given that drainage infrastructure has been developed historically and as much is hidden under the ground, the information held is not as comprehensive compared to a more visible asset such as street lights.

Whilst BBLP holds limited data on historic pipes and systems, much more comprehensive records are available for modern developments, as adoption records are recorded in the database. Detailed records are also available for problematic and risky flooding assets such as culverts – these are categorised by risk and inspected cyclically with any problems prioritised for maintenance works. If drainage issues arise on the highway for which BBLP don't hold details, the system would be investigated in order to resolve. When this occurs, any information gained about the asset is added to the database for future use.

22. The asset database is quite comprehensive in terms of road gullies with approximately 18,000 gullies currently recorded against cleansing routes. BBLP continue to find and record gullies as they go about running the service – note that when the public realm services contract with BBLP started, around 9,300 gullies were recorded. As gully cleansing is a revenue service and revenue funding is extremely tight, a limited, proactive cyclical emptying programme is carried out across the county, programmed using the network hierarchy and carried out by a single gully cleansing team. The remaining gullies are emptied reactively when they are identified as in need via routine highway inspection or through reports from members of the public.
23. BBLP manages the risk to roads of being undermined by watercourses or land movement through the proactive identification of all potential watercourse incursion points across the county and the inspection and risk scoring of them. The sites that are at risk are then further assessed and monitored by BBLP's engineers. Measures to repair and reinforce the highest risk sites are proposed as part of the annual plan for the public realm services contract with BBLP. When land movement occurs this is dealt with in the same manner.

Community impact

24. The LFRMS supports the strategic objectives that are described in our County Plan (2020-24) and which sets out how the council will ensure we make the best use of resources and deliver services that make a difference to people in Herefordshire. Specifically, the LFRMS contributes towards the 'Protect and enhance our environment and keep Herefordshire a great place to live' ambition. The council appreciates the distress that flooding has had and continues to have upon communities.

Environmental Impact

25. Herefordshire is already vulnerable to flooding and given that climate change is projected to increase the frequency and intensity of weather events, further impacts from heavy rainfall and river levels are likely. The LFRMS contributes towards the 'Environment' ambition of our County Plan (2020-24) and increasing flood resilience.

Equality duty

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

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

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

27. The public sector equality duty (specific duty) requires us to consider how the council can positively contribute to the advancement of equality and good relations, and demonstrate that it is paying 'due regard' in its decision making in the design of policies and in the delivery of services. This decision will have a positive impact on communities which have been impacted by flooding.

Resource implications

28. There are no specific resource implications contained within this report and implementation of the action plan will be delivered from within existing budgets. Local flood risk management forms part of the annual plan for the public realm services contract with Balfour Beatty Living Places. The costs of delivering flood management schemes are typically funded through Regional Flood and Coastal Committee Levy funds, Flood Defence Grant in Aid or the council's capital programmes. Note that any emergent schemes will be subject to any relevant funding and business case/governance requirements.

Legal implications

29. Herefordshire Council is the LLFA for the purposes of the Flood & Water Management Act 2010. The council has the statutory responsibility for managing the risks of flooding from surface water, groundwater and ordinary watercourses (which excludes main rivers managed by the Environment Agency within their area).

Risk management

30. The council does acknowledge the risk of flooding and this is reflected in a directorate level risk. The action plan identifies a programme of work for reducing local flood risk within Herefordshire.

Consultees

31. The council as LLFA continues to co-operate extensively with other risk management authorities (RMAs).

Appendices

Appendix 1 – diagram setting out who the LLFA interacts with, internally and externally

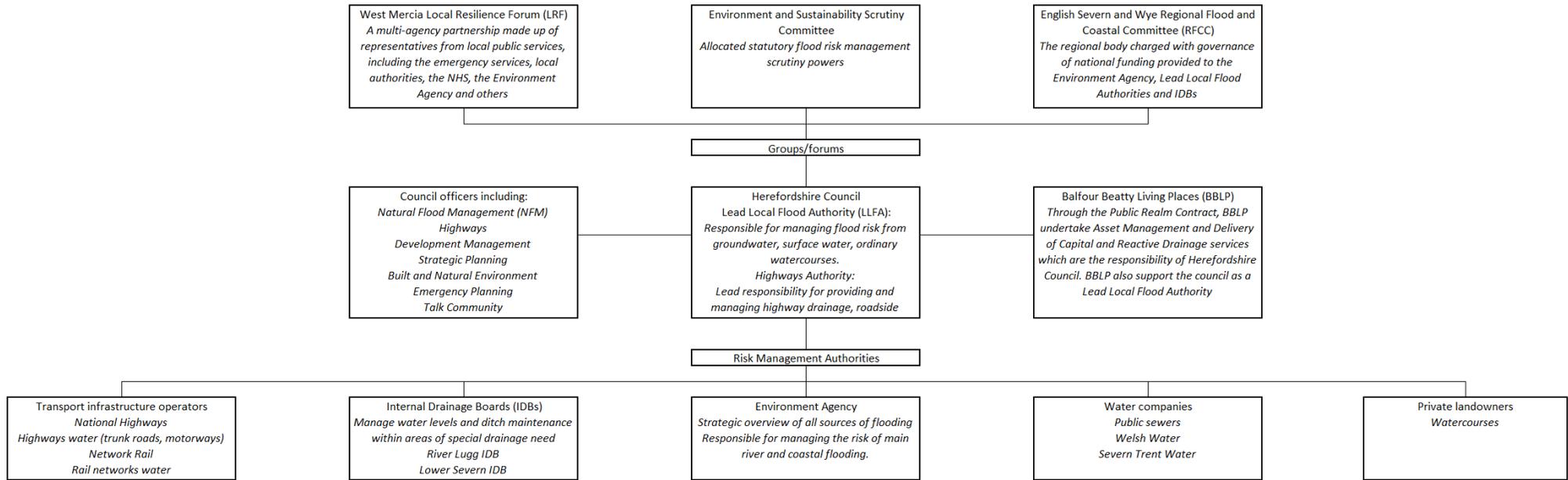
Appendix 2 – summary of Section 19 reports

Appendix 3 – updated progress against Action Plan priority measures

Background papers

None identified

Appendix 1 – diagram setting out who the LLFA interacts with, internally and externally



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Appendix 2 – Summary of Section 19 reports

The table below summarises those sites which have been confirmed as categorised as a 'significant event' and are attributed to local sources of flooding and consequently are confirmed as fulfilling the criteria for needing a Section 19 investigation.

Location	Current status
Wellington	Defra grant funding received for a flood study which will be progressed in 2022/23 and 2023/24.
Hereford Lower Bullingham	Defra grant funding to be sought in 2023/24 for feasibility.
Hereford (Racecourse and Widemarsh Brook)	Bid submitted to Defra in 2022/23 for local surface water modelling.
Hope under Dinmore	Defra grant funding to be sought in future years for feasibility.
North of Staunton on Wye	Primary source of flooding was from the River Wye – Property Flood Resilience (PFR) and Evacuation Plans are the only mitigation measures against high river levels.
Credenhill	BBLP has diverted water off the A480 to prevent flooding of properties.
Wellington Marsh	The culvert below the A49 is owned by National Highways. The River Lugg IDB manages the channel and no reports of blockages have been received. The River Lugg IDB has confirmed that the culvert appears to be in good working order.
Cross Keys	Defra grant funding to be sought in 2022/23 for feasibility.
Eardisley	Further Defra grant funding to be sought to complete design work.
Luston	Defra grant funding to be sought in future years for feasibility.
Canon Pyon	Defra grant funding received for a flood study.
Hereford (Towtree Lane/Roman Road)	Defra grant funding to be sought in 2023/24 for a flood study.
Moreton on Lugg	BBLP in discussion with Welsh Water to establish if foul water flooding is a frequent occurrence.
Lyde	Defra grant funding to be sought in 2022/23 for a flood scheme.
Kingstone	BBLP has completed initial investigation – ditch works proposed. BBLP is in discussion with Welsh Water to establish if foul water flooding is a frequent occurrence.
Cobhall Common	A project is being considered in 2022/23 to improve the flow of water from existing ditch into a newly extended land drain.
Willersley	Primary source of flooding was from the River Wye – PFR and Evacuation Plans are the only mitigation measures against high river levels.
Moccas	Overland flows and influence of small watercourse – PFR and Evacuation Plans are the only mitigation measures against high river levels.
Lyonshall	Defra grant funding to be sought in future years for feasibility.
Orleton	Defra grant funded PFR scheme which we hope to complete in 2023/24.
Madley	PFR may be considered – further investigations will be completed where reports indicate 3 or more properties flood from the same source.

Ivington	PFR may be considered – further investigations will be completed where reports indicate 3 or more properties flood from the same source.
Whitney on Wye	Primary source of flooding was from the River Wye – PFR and Evacuation Plans are the only mitigation measures against high river levels.
Brimfield	Defra grant funded PFR scheme which we hope to complete in 2023/24.
Hoarwithy	Defra grant funding to be sought in 2022/23 for a flood scheme.
Mordiford	PFR and Evacuation Plans are the only mitigation measures against high river levels.
Hereford (Newton Farm, Redhill)	BBLP have highlighted the issue to Welsh Water.
Llangarron	Defra grant funding to be sought in future years for feasibility.

Many of the affected communities were flooded from Main Rivers, which are under the jurisdiction of the Environment Agency. Flood Location summaries have not been prepared for all of these sites, because the flooding mechanism is known. The following tables identify the locations that are indicated to meet the 'significant event' criteria where flooding is in the same locality. Any reports received of Critical Services or Critical Infrastructure flooding have been included.

River Wye

Location	Current status
Cusop -via tributary Dulas Brook	Following a multi-agency meeting, the Environment Agency is reviewing flooded properties (on English side) to determine if there is further work that can be undertaken to meaningfully reduce flood risk within available resources.
Letton & surrounding area - via tributaries	Road signage for flood risk has been completed on the A438 at Letton. The River Wye model work is currently out for tender, the anticipated timescale for this project is 18 months.
Hereford	<p>The Environment Agency is currently progressing a business case to develop a potential flood scheme in the Greyfriars area of Hereford (to reduce flood risk to around 40 homes and businesses that are at risk of flooding from the River Wye). The Environment Agency held a drop-in surgery in the community to listen to residents and understand their feedback on what a potential scheme could look like to help shape its approach. There are many challenges to constructing a potential scheme in this location including heritage, environmental, economic and social constraints, and also securing the necessary funding. The Environment Agency is working closely with Herefordshire Council, Welsh Water and National Highways and other authorities and organisations to better understand the situation as the business case is developed.</p> <p>The River Wye model work is currently out for tender, the anticipated timescale for this project is 18 months.</p>
Holme Lacy	Feasibility Study for B4399 widening removed from programme owing to high costs.
Hoarwithy	Defra grant funding to be sought in 2022/23 for a flood scheme.

Ross-on-Wye	The River Wye model work is currently out for tender, the anticipated timescale for this project is 18 months.
Goodrich	The River Wye model work is currently out for tender, the anticipated timescale for this project is 18 months.
Whitchurch	The River Wye model work is currently out for tender, the anticipated timescale for this project is 18 months.
Symonds Yat	The River Wye model work is currently out for tender, the anticipated timescale for this project is 18 months.

River Lugg

Location	Current status
Leominster and surrounds (including The Broad, Elms Green, Ford Bridge)	<p>Meetings held with the River Lugg IDB and Town Council.</p> <p>An improved and upgraded flood risk management scheme for Leominster protects 381 homes and businesses in The Marsh area of the town when heavy rain causes the River Lugg to flood. This Environment Agency scheme has increased the height of the existing embankment and enhanced the original flood scheme which was built in 1969.</p> <p>The Environment Agency is looking to produce outline designs for each weir, partial removal of Mousenatch, Eyton and Coxall with a fish pass design on Crowards Weir. JBA consulting are the designers, and outline designs are expected to have been completed for all four weirs by the end of the financial year alongside the Outline Business Case.</p>
Kingsland	A weir removal project is being led by the Environment Agency's Fisheries, Biodiversity and Geomorphology team to re-naturalise the River Lugg. A study is being completed which models the effects of weir removal on flows downstream at Leominster and the surrounding flood plain. The historic embankments which form 'flood cells' for the weirs in this area are also being investigated to better understand the benefits they provide.
Bodenham	The Environment Agency is aware of reports of blockages along the Lugg here, some of which pose no flood risk to housing/commercial but require removal due to navigation responsibilities. The Navigation Team are preparing a scope of removals as they have funding in place but will have to wait till after salmonid season ends for anything to happen on the ground.
Hampton Bishop	<p>The River Wye model work is currently out for tender, the anticipated timescale for this project is 18 months.</p> <p>A potential collaborative scheme for Mordiford Bridge is being investigated – details/timescales not yet confirmed.</p>
Eardisland	The Environment Agency is currently working through the first stage of business case development – targeting sign off in early 2023. This is likely to be a PFR scheme.

Pontrilas / Ewyas Harold	Currently progressing through the Catchment Based Group (CBG) and working on the first stage of business case development – targeting sign off in Spring 2023.
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River Teme

Location	Current status
Walford and Leintwardine	The Environment Agency has procured JBA under Lot 1 of the PFR Framework to complete PFR surveys. These reports are currently being reviewed before being issued to residents later in November. The Environment Agency will proceed to completing the Business Case.
Little Hereford	Defra grant funded PFR scheme which we hope to complete in 2023/24.
Bishops Frome (and surrounding hamlets)	The Environment Agency has secured funding for the scheme – looking to start engagement 2023/24.
Old Longworth	No update.

River Monnow

Location	Current status
Kentchurch	Proposed flood study yet to be undertaken.
Walterstone	Network Rail have completed works providing further scour protection.

Herefordshire Council Local Flood Risk Management Strategy Action Plan

Action ID	Strategy Objective	Proposed Action	Details of Action	Outcome	Timeframe for Implementation	Update September 2018	Update July 2019	Update February 2021	Update October 2022	RAG Rating
001		Collate and analyse existing historic flood records held by Herefordshire Council.	Review historic flood records by the Council. Combine multiple data sources into a single location or into a single format that is compatible with other flood records. Analyse flood records to illustrate properties and communities at greatest risk. Produce mapped outputs of analysis.	To collate existing data into a format that can be used to gain improved understanding of flood risk.	December 2016	Action complete. Historic flood records have been reviewed as part of the Herefordshire Preliminary Flood Risk Assessment (PFRA) update (2017). All records are now in one location. Further work is to be carried out to ensure all available information for each record is correctly recorded. These flood records have been analysed (as part of the PFRA update) and this has prompted the need for investigating flood events and producing the requisite Section 19 reports (see Action ID 004).	Complete, see previous update.	Complete, see previous update. A Geo-referenced layer of flood affected properties continues to be maintained.	A Geo-referenced layer of flood affected properties continues to be maintained and is currently being migrated into a Postgres database.	Amber
002		Review, develop and implement a comprehensive system to record future flood events that occur throughout Herefordshire.	Evaluate the methods by which flood events are currently recorded. Develop a comprehensive, appropriate and consistent system for the recording of future flood events. Agree and implement minimum 'core' information required for all flood events, and additional data that should be collected for more significant flood events.	To have a consistent and user-friendly method for the recording and review of flooding events.	December 2016 Review annually	Table 4 in the Local Flood Risk Management Strategy sets out the information required for flood events (dependent upon size and impact). If Herefordshire Council receive calls regarding internal flooding, the public are directed to fill out the form on the Herefordshire Council website. This is the method for capturing flood information. Occasionally, calls received in regards to highway flooding do not get captured in the same way. Highway flooding events are directed to our Drainage Technicians who investigate the flood further and record the flood event in our main database. The flooding episodes reported on the website are reviewed and the GIS layer is then updated. We have enquired about obtaining flood information from 999 calls. Due to data sharing issues, Hereford and Worcester fire rescue service were reluctant to release flood data. In addition to this, it was also made clear that the flood events caused by burst pipes are not separated from fluvial/surface water flood events.	See previous update	We are dependant upon the public calling in about flood events and filling in the appropriate forms to capture flood data. HC collated information following the October 2019 and February 2020 flood events through the Recovery Grants it administered. Further information continues to be collected by HC as part of applications from property owners for Property Flood Resilience funding. HC continues to collect details through the Report flooding to your property form on the HC website. Due to the large volumes of data generated by the storm events of the last two years, BBLP has added a layer into AMX to capture flooding issues. There are further data sets yet to come from our S19 work and also EA flood assessments that are ongoing. Whilst this data is being captured, the mechanism to analyse the data is through the S19 report route.	We still collate details of flood events reported to us by the public, either by phone or through the website. HC has collated information through the Property Flood Resilience (PFR) Grant Scheme it administered on behalf of Defra. BBLP continues to capture flooding issues through its AMX system. S19 reports for any future flood events will continue to be a key source of data. The recording of data will be further considered as part of our refresh of our LFRMS.	Amber
003		Review and, where necessary, improve the sharing of flood event data between the key risk management authorities.	Review current data sharing arrangements and, where appropriate, improve the sharing of flood event data associated with Section 19 flood events with the Environment Agency, Welsh Water and Severn Trent Water to develop and agree a standardised approach.	To improve awareness of significant flooding events from non-local sources of flooding and to help to identify opportunities for collaborative working.	December 2016 Review annually	Meetings with other Risk Management Authorities (RMA) are on-going (EA - quarterly, DCWW - bi-annually, STW - annually).	Ongoing, see previous update	HC chairs regular meetings with BBLP and the EA covering key areas within the county for the purpose of identifying opportunities to reduce flood risk in a collaborative manner. These meetings are now held every 3-4 weeks and the EA provides updates on its Initial Assessments of options to reduce flood risk at key locations. These build on previous work and take into consideration the flooding which occurred during 2019/20 and the government's recently updated approach to funding of flood risk management works. Options are currently being considered for locations including Greyfriars, Hampton Bishop, Leintwardine/Walford. DCWW and STW flood data is collated as part of S19 work but in 2021/22 we will be requesting an annual update of key flood event data from both parties as well as adhoc data following particular storm events	HC still chairs meetings every month with BBLP and the EA in order to identify opportunities to reduce flood risk in a collaborative manner. DCWW flood data has been obtained and a request made for recent STW data.	Amber
004	Objective 1: Understand flood risks throughout Herefordshire.	Continue to investigate significant flooding events in accordance with Section 19 of the Act	Ensure 'significant' flood events are investigated in accordance with Section 19 of the Act using the standardised investigation template developed by the Council.	To improve understanding and awareness of significant flooding events from local sources of flooding, and to better inform the decision making process.	On-going throughout delivery of Strategy	We are presently undertaking investigations and producing Section 19 reports.	Bill Mills S19 report is complete Currently producing S19 report for Daycroft Lane, Walford	Initial analysis has been carried out of the October 2019 and February 2020 flood events identifying the need for 30 S19 reports. A desktop study is currently being conducted in order to further refine this dataset which we anticipate will be completed by April 2021. However, these reports are revenue funded and as yet funding to complete all S19 work has not been identified. Event Magnitude analysis has been undertaken of the October 2019 and February 2020 flood events.	Analysis was carried out for flood events in October 2019 and February 2020 that were attributable to local sources of flooding. An overall Section 19 report, event analysis and 28 location summary documents have been published on our flooding webpages.	Green
005		Publish Section 19 Investigations in accordance with Section 19 of the Act.	Make the key findings of Section 19 Investigations available to other risk management authorities, stakeholders and the public. Develop an appropriate process to implement this to protect potentially sensitive information.	To improve understanding and awareness of significant flooding events from local sources of flooding, and to better inform the decision making process.	On-going throughout delivery of Strategy	It has been identified that some further (historic) Section 19 reports need to be produced. Once completed, these reports will be shared with the relevant RMAs and public where necessary. We are aware of the sensitivity of the data.	ongoing, - see previous update	Whilst the desktop study will help in us prioritising and defining a programme of further investigations, completing all of these will clearly take some time.	Our Section 19 analysis has been published on our flooding webpages.	Green
006		Use Section 19 Investigations to improve understanding of flood risk and prioritisation process	Link Section 19 Investigations to historic flood records for the purpose of highlighting the location of events considered to be 'significant', identifying those communities at greatest risk of flooding and informing the prioritisation process.	To identify communities likely to be at greatest risk of flooding.	On-going throughout delivery of Strategy	Once the Section 19 reports have been completed, these will contribute towards our analysis of the prioritisation of the communities at greatest risk of flooding.	ongoing, as and when - see previous update	Section 19 reports will be added to the data set once complete	Our Section 19 analysis has helped inform our future potential flood schemes.	Green
007		Continue to improve and share understanding of flood characteristics and mechanisms.	Update and publish the Herefordshire SFRA.	To ensure the most up to date flood data is made available to all relevant stakeholders and used in the delivery of all flood risk management activities.	May 2017	The Herefordshire Strategic Flood Risk Assessment (SFRA) Level 1 is nearing completion.	Action complete. The Herefordshire Strategic Flood Risk Assessment Level 1 was published in April 2019.	Complete, see previous update.	BBLP captures flooding mechanisms through its AMX system. How this data can be exported and shared to assist the respective RMAs will be further considered as part of our refresh of our LFRMS.	Amber
008		Investigate and implement improved methods of communication.	Review the Council's website and, where appropriate, implement initiatives to raise awareness of flooding within communities at greatest risk, such as promotion of community resilience groups, strengthening the role of the Parish Council and maintaining the Locality Stewards and Lengthsman Scheme initiative.	To ensure that the most vulnerable of communities are aware of the risks of flooding within their locality.	April 2017 Review annually	A Natural Flood Management Project Officer has been appointed by Herefordshire Council. We believe this will aid in promoting flood awareness in communities and with landowners.	NFM Project launch events were held in all of the 7 NFM catchment areas. These events were open to the public and were attended by 142 people. From the back of these events, NFM community groups were set up in each catchment. In total 58 people attended the 1st NFM Community group meetings. NFM Project leaflet produced and distributed. NFM webpage produced www.herefordshire.gov.uk/nfm, radio and media coverage was received by the project including BBC Radio Hereford and Worcester. Project newsletter produced and circulated. Catchment Advisors from Wye and Usk Foundation and Severn Rivers Trust have been engaging with landowners. NFM Volunteer scheme set up. Parish Councils and ward members kept informed of project.	The 2021/22 annual plan for the public realm services contract with BBLP has new posts within it to assist with supporting local flood groups and creating better local relationships with communities, landowners, PCs, IDBs etc. This is subject to annual plan approval and recruitment. Three of the NFM Community groups had a 2nd meeting, these meetings were attended by a total of 47 people. Covid-19 restrictions prevented further meetings occurring. NFM newsletter produced and circulated. NFM webpage updated with more info including case studies. More media coverage, including BBC Radio 4 Farming Today interview on NFM. Catchment Advisors have continued to engage with landowners and help implement NFM. Parish Councils and ward members kept informed of project. NFM Officer being approached by landowners and parish councils outside of the project area who want to get involved with NFM.	Funding is allocated within the annual plan for the public realm services contract with BBLP for supporting local flood groups and communities - this point of contact has been engaged with several communities. We hope to resume community engagement within seven priority sub-catchments as part of the Herefordshire NFM project.	Green
009		Ensure consistency in communication	Review the Council's website and, where necessary, ensure that the website is aligned with the current processes and procedures as set out within the LFRMS.	To ensure consistency in the management of flood risk.	December 2016	Flood elements on the Herefordshire Council website were reviewed in 2017 and will continue to be updated as and when required.	Ongoing, business as usual activity.	The flood section of the HC website is split into the following sections: Prepare for a flood, Report a flood, After a flood, and How we manage flooding. It also contains information relating to the River Wye and Lugg Natural Flood Management Project and Ditch and drainage responsibilities.	Ongoing, business as usual activity. We continue to update our flooding webpages with relevant information.	Green
010		Maintain and improve communication with key risk management authorities	Maintain regular communication with the Environment Agency (quarterly) and Welsh Water (bi-annually), and implement similar systems of communication with Severn Trent Water (annually) and the IDBs (bi-annually).	To improve communication and collaboration between risk management authorities.	underway: Review annually	We are continuing to meet with the Risk Management Authorities (EA - quarterly, DCWW - bi-annually). We have been in contact with the Internal Drainage Boards. It has been established that the Lower Severn IDB have no assets in Herefordshire. We are aware that they undertake maintenance on watercourses between Ledbury and Bosbury. We consult with the River Lugg IDB on an ongoing basis.	Ongoing, see previous update	Ongoing, business as usual activity as regular dialogue takes place with the EA, DCWW, STW, IDBs and neighbouring LLFAs. Furthermore, HC chairs meetings with BBLP and the EA every 3-4 weeks for the primary purpose of identifying opportunities to reduce flood risk in a collaborative manner.	Ongoing, business as usual activity. Regular virtual meetings are held with the water companies and site meetings are arranged as required. The EA attend our monthly flood risk management meetings.	Amber
011		Develop a register of assets that are considered to have a significant effect on a flood risk	Review and, where necessary, enhance the Council's existing register of assets for which the Council are responsible. Where assets are recorded elsewhere, ensure that the information held within alternative records is appropriate. Ensure key assets are included within the register(s), most notably those assets that are considered most important to flood risk management or that could pose greatest risk of they were to fail.	To identify those assets which are considered to have a significant effect on flood risk, and to inform proactive maintenance of these assets.	December 2016	We have produced a register of flood risk assets and input this into AMX.	Complete, see previous update.	Complete, see previous update.	Complete, see previous update.	Green
012	Objective 2: Manage the likelihood and impacts of flooding.	Maintain a register of assets that are considered to have a significant effect on a flood risk	Continue to add assets that are considered important for flood risk management to the asset register. Review and, where appropriate, include assets that are within the ownership of other Council departments or in private ownership but that are considered likely to have a significant effect on flood risk.	To identify those assets which are considered to have a significant effect on flood risk, and to inform proactive maintenance of these assets.	On-going throughout delivery of Strategy	Our asset register is continually being updated and enhanced as new assets are reviewed. Assets are added following review of historic records and following site visits. The inspection frequency of each asset has been assessed and updated to reflect the associated risk. This varies from 6 months to 5 years.	Ongoing, business as usual activity.	Ongoing, business as usual activity - the asset register is being enhanced with S19 data.	Ongoing, business as usual activity	Green
013		Ensure other risk management authorities are maintaining a register of assets that are considered to have a significant effect on flood risk	Ensure that the register of assets held by other key risk management authorities is appropriate to meet the requirements of the Flood and Water Management Act.	To identify those assets which are considered to have a significant effect on flood risk, and to inform proactive maintenance of these assets.	April 2017 Review annually	We have received the updated Welsh Water asset database and will continue to receive the updated quarterly. This includes 'Highway Flood Risk Assets' and 'Non-Highway Flood Risk Assets'. We have also received Severn Trent Water's asset database.	Ongoing, we continue to share GIS data between organisations	Ongoing, we continue to share GIS data between organisations.	Ongoing, we continue to share GIS data between organisations. Discussions are underway at a national level regarding sharing highway asset data	Amber
014		Continue to undertake proactive maintenance of assets that are considered to have a significant effect on a flood risk	Continue to undertake maintenance activities and, where appropriate, review the current system of prioritising proactive maintenance to identify any opportunities for improvement, building on the current methods of planning cyclical maintenance activities.	To continually improve the planning of maintenance works for the benefit of improved flood risk management.	April 2017	Maintenance of flood risk assets is undertaken as necessary. This may be raised in a public enquiry or by a Locality Steward. Critical assets are inspected for the annual cleanse each autumn.	Ongoing, see previous update	Locality stewards continue to raise defects. HC maintains two jetters and trash screens are regularly cleared to prevent flooding.	Ongoing, business as usual activity. The maintenance of flood risk assets is undertaken as necessary. Critical assets are inspected for an annual cleanse each autumn.	Amber
015		Implement a clear and transparent system for the prioritisation of communities and infrastructure at risk of flooding.	Undertake a review of available flood risk data sources. Implement the proposed principles of prioritisation to identify those communities considered to be at greatest risk of flooding or that may experience the greatest consequences should a flood event occur, and to inform the selection of appropriate measures.	To ensure a fair and transparent process for the assessment and implementation of flood management measures.	On-going throughout delivery of Strategy	Once the additional Section 19 reports have been completed, these will be used to contribute towards the prioritisation of sites at risk of flooding.	Prioritised as per matrix within strategy, only sites with 3 or more properties at risk are progress	Whilst the desktop study will help in us prioritising and defining a programme of further investigations, completing all of these will require additional resource. It will be important to keep communities informed of progress as it may take some time to complete all investigations.	Prioritised as per matrix within the LFRMS and discussed within our monthly flood risk management meetings (the notes of which are published on our webpages. How this information is shared externally will be further considered as part of our refresh of our LFRMS.	Amber
016		Raise awareness and enforce riparian ownership responsibilities.	Continue to raise awareness of riparian ownership responsibilities and, where necessary, take enforcement action to ensure riparian owners undertake the necessary maintenance of their assets and do not undertake works that may increase flood risk to properties, the highway or surrounding land.	To ensure that local communities take responsibility for managing flood risk.	On-going throughout delivery of Strategy	Our 'Ditches and Drainage in Herefordshire Guidance on Landowner Responsibilities' was updated in September 2018. We have reminded our Locality Stewards to 'spread the word'.	This has been updated.	At the request of Cabinet Members, BBLP have reviewed internal procedures to produce step by step processes that can be used by parish councillors, Ward Members, BBLP and residents alike to ensure a more focussed response to good maintenance of drainage throughout the county. This targeted enforcement work with landowners from initial stages of informing and helping them to discharge their responsibilities through to enforcement will be briefed to members. These processes are to be rolled out as part of the 2021/22 BBLP annual plan.	Processes have been consolidated and formalised in a Riparian Drainage Process	Green
017		Promote the role of Community Resilience Groups.	Continue to actively promote communities at risk of flooding to form a Community Resilience Group and, if necessary, prepare and implement a Community Resilience Plan and/or Personal Flood Plan in consultation with the Parish Council and relevant Locality Steward.	To raise awareness of flooding within local communities and encourage communities to be better prepared.	On-going throughout delivery of Strategy	There are presently only two flood action groups within Herefordshire - Bodenham and Brimfield. BBLP have reminded Locality Stewards to 'spread the word'.	Ongoing, see previous update.	Further groups have emerged in other parts of the county, including: Greyfriars; Ewys Harold; Walford; Leintwardine; Hampton Bishop; Eardisland. Flooding webinar to be held in Spring 2021 with multi-agency partners under the banner of the Herefordshire Tactical Co-ordinating Group (TCG). Follow up webinar to be held later in the year. A Parish summit on community resilience is planned to further support the excellent work carried out by Parishes and support those Parishes who need more support. We will be working with the EA, BBLP, Talk Community and other HC colleagues regarding how we can help those flood affected communities prepare for future flooding. The 2021/22 annual plan for the public realm services contract with BBLP has new posts within it to assist with supporting local flood groups and creating better local relationships with communities, landowners, PCs, IDBs etc. This is subject to annual plan approval and recruitment.	Funding is allocated within the annual plan for the public realm services contract with BBLP for supporting local flood groups and communities. Feedback received indicates that this has been well received and proven effective in mobilising and sustaining community engagement.	Green
018	Objective 3: Help the community help themselves.	Investigate and implement improved methods of communication.	Investigate and, where appropriate, implement initiatives to improve communication during a flooding event such as using local media, better use of the Council's website and linking with national websites.	To improve knowledge of flooding throughout Herefordshire and thus reduce the risks associated with flooding.	April 2017 Review annually	Flood elements on the Herefordshire Council website were reviewed in 2017 and will continue to be updated as and when required. Further information to be added about our Natural Flood Management Project.	BBLP has forwarded technical details for update which HC has used in updating its website	Emails sent to all flooded properties that received funding, setting out further sources of information. Range of messages developed for use on social media. Information relating to road closures, flooding and upcoming drainage works is pushed out through twitter and a Facebook page has also been set up to broaden out the target audience. Information sent out in January 2021 to over 300 community contacts covering the following points: Encouraging people to report flooding; Signposting people to Talk Community support; Referencing flood groups; Listing how people can limit the impact of flooding; Signposting support for people experiencing stress, anxiety, low mood, depression.	BBLP have allocated resources to the task of supporting local flood groups. Feedback from the respective groups indicates that the engagement is well received and is effective in mobilising and sustaining community engagement	Green

Herefordshire Council Local Flood Risk Management Strategy Action Plan

Action ID	Strategy Objective	Proposed Action	Details of Action	Outcome	Timeframe for Implementation	Update September 2018	Update July 2019	Update February 2021	Update October 2022	RAG Rating
022		Promote the Flood Recovery Framework.	Raise awareness of the scheme to those impacted by flooding in Herefordshire and administer recovery grants and council tax/business rates relief.	To help support residents and businesses who experienced severe damages from the flooding.	On-going throughout delivery of Strategy	-	-	The Flood Recovery Framework was not activated in October 2019 - recovery grants were instead funded locally. The Framework was activated in February 2020 - 545 Community Flood Recovery Grants and 207 Business Flood Recovery Grants were issued. MHCLG confirmed on 26 February that the Flood Recovery Framework was not to be activated for Storm Christoph (January 2021).	DLUHC confirmed that the Flood Recovery Framework was not to be activated for the flooding experienced in February 2022.	Green
023		Promote the Property Flood Resilience Recovery Support Scheme 2020.	Raise awareness of the scheme to those property owners in Herefordshire affected by flooding from storms Ciara and Dennis in February 2020. The scheme provides up to £5,000 (inclusive of VAT) per eligible property to help make them more resilient to future floods.	To help support residents and businesses who experienced severe damages from the flooding event to become more resilient to the impacts of flooding and reduce the length of time needed for recovery, if flooding were to re-occur.	December 2021	-	-	Scheme launched in July 2020. Of 701 eligible properties, 373 Expressions of Interest have been received, resulting in 72 Applications. We are continuing to liaise with Defra and colleagues as to how we can maximise uptake.	The PFR scheme that we administered on behalf of Defra in Herefordshire since May 2020 ended in July 2022. Through this scheme we have supported 212 property owners in accessing a total of over £966,000 of funding to make their properties more resilient to future flood events.	Green
019	Objective 4: Manage flood warning, response and recovery.	Improve local flood warning systems and road closure information.	Investigate opportunities to compare river gauge data with anecdotal evidence to better predict when local communities may be at risk of flooding from local sources and when road closures may need to be enforced.	To ensure that communities can be better informed of flood risks and local road closures.	April 2017	We are seeking to capture river gauge data that will allow us to refine the information that can be used for this task.	We have installed 8 river monitoring stations (stations installed on: Cheaton brook, Ridgemoor brook, Brimfield brook, Norton brook, Red brook, Tedstone brook, Pentakeo brook and Dulas brook) and 6 rainfall monitoring stations within the NFM catchment areas. Data collected from these stations is publically available and access details can be found on the council's NFM webpage. We also have access to Bodenham Parish Council's river monitoring station data on the Milcroft brook and to the EA's rainfall monitoring station in the Brimfield brook.	We are working with the EA to help them install flood warning systems within the catchments of Brimfield/Orleton and Ewyas Harold. We are also working with Luston parish council to install a river level gauge board within the village on the Ridgemoor brook. We are currently reviewing the Letton signage, along with the use of gauge boards to assess whether a system of signage can be installed that can be more quickly deployed/removed than the current labour intensive arrangements. We consider the gauge board aspect as being important if someone were to ignore the signage, there is an on-site indicator of the flood depth. The warning system is currently being designed and is intended to improve the management of the closures so that there is more confidence in the closure validity, as well as ensuring that resource can be appropriately planned to respond to a flood event. A Network Resilience cluster group has been instigated that will define, amongst other things prioritise sites for flood gauges and road closure processes including trigger points at key sites.	The EA has installed flood warning systems in Orleton and Ewyas Harold which are scheduled to go live in February 2023, at which point the data will also be made available on the River Levels Online service on the gov.uk website. Through the NFM project a river level gauge board has been installed within Luston on the Ridgemoor brook. A scheme is underway to improve the Letton highway signage along with the use of gauge boards to assess whether a system of signage can be installed that can be more quickly deployed/removed than the current labour intensive arrangements. A Network Resilience cluster group has been instigated that will define, amongst other things prioritise sites for flood gauges and road closure processes including trigger points at key sites.	Amber
020	Objective 5: Promote sustainable and appropriate development.	Improve the management of surface water runoff.	Implement the newly published Local SUDS Handbook to promote the appropriate management of surface water runoff through the planning approval process.	To identify and encourage opportunities to manage runoff to prevent increased flood risk and reduce existing flood risk.	On-going throughout delivery of Strategy	The Local SuDS Handbook is being promoted (through email signature) and is being implemented through our planning permission responses.	Ongoing, see previous update	New considerations around foul/combined sewer design will likely require a review of the current handbook, this should be considered for either the 21/22 annual plan.	The Environment Agency are currently reviewing the Surface Water mapping to include culverts, this will improve accuracy and in turn assist in the delivery of development where flooding may be a concern.	Green
021		Implement robust and appropriate planning policy.	Complete the Herefordshire SFRA and implement appropriate policies in the Local Plan, Neighbourhood Plans and NPPF.	To encourage a best practice approach for land use planning and development design.	December 2016	Herefordshire SFRA Level 1 is nearing completion. The Level 2 SFRA's (Land at Hardwick Bank in Bromyard BY2, Land North of the Viaduct in Ledbury LS2, Leominster Urban Expansion LO2, Land at Hildersley in Ross-on-Wye RW2) are underway. This is based on modelling prepared by the Environment Agency.	Action complete. The Herefordshire Strategic Flood Risk Assessment Level 1 was published in April 2019.	Complete, see previous update.	Complete, see previous update.	Green



Progress Report

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: 18th November 2022

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose:

This report provides a brief summary update on issues previously considered by the Environment and Sustainability Scrutiny Committee, including responses to information requests made by the committee, updates on resolutions made by the committee, including reports and recommendations to the executive and the Executive Repose and executive decision made in respect of scrutiny reports and recommendations.

Recommendation(s)

That the progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the Committee be noted.

Alternative options

1. The alternative is for the Committee not to receive a Progress Report to update on matters since the last meeting, which would provide less clarity and transparency on the progress of issues since the last meeting.

Key considerations

2. Scrutiny committees have statutory powers to make recommendations to the Executive, as appropriate, and the Cabinet has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.
3. In tracking scrutiny recommendations, it is important that it is clear that the recommendations are addressed to the Cabinet, as the Executive decision making body of the council (or,

where appropriate, external agency), and to track the decision of the Cabinet and thereafter the implementation status of the Executive Response and Cabinet decisions.

4. Scrutiny committees also have the power to request information from council departments and certain other external organisations, from who they should expect a response. Scrutiny committees should be clear why they are requesting information and when they need the response by. Scrutiny committees may therefore wish to keep track of information requested at the previous meeting and for this to be received at the next ordinary meeting of the committee.

Scrutiny Committees at Herefordshire

5. The council has five scrutiny committees, established by full Council on 20 May 2022;
 - i). Scrutiny Management Board
 - ii). Environment & Sustainability Scrutiny Committee
 - iii). Connected Communities Scrutiny Committee
 - iv). Children & Young People Scrutiny Committee
 - v). Health, Care & Wellbeing Scrutiny Committee.
6. The general role of the scrutiny committees is set out in Article 6 – Scrutiny of the Herefordshire Council Constitution (the Constitution), in accordance with the Local Government Act 2000. Part 3, Section 4 of the Constitution sets out the specific remits for each of the scrutiny committees. This includes a strategic management and coordination functions for the Scrutiny Management Board, as well as the thematic remits of the four other scrutiny committees. The Scrutiny Management Board is also responsible for the scrutiny of corporate cross cutting functions of the council.
7. Although scrutiny committees do not have any executive decision making powers, they do have statutory powers to make recommendations to Cabinet, as appropriate, and Cabinet has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.

Progress from the Previous Meeting

On 21 September 2022 the Environment and Sustainability Scrutiny Committee (Committee) considered the development of the new Herefordshire Local Plan. The committee considered the extent to which the preparation of the Local Plan aims linked with the objectives for Environment and Sustainability, as outlined in the County Plan 2020-2024, Herefordshire Climate Change Emergency resolutions and Executive Response, and other relevant council strategies and policies, including the Success Measures provided in the council's County Plan 2020-2024. The Committee sought assurance that the Local Plan will help to deliver these, rather than cut across them.

In addition, the Committee considered the initial results which were emerging from the Local Plan Options consultations undertaken during 2022 and details of the scope and methods used during the consultation process.

The Committee has questioned Cabinet Members and planning officers during its inquiry, as follows;-

- Councillor David Hitchiner - Leader of the Council.
- Councillor John Harrington - Cabinet Member Infrastructure and Transport.
- Councillor Ellie Chowns - Cabinet Member for Economy and Environment.
- Samantha Banks - Neighbourhood Planning Service Manager.

The scrutiny inquiry considered the Herefordshire Local Plan and its overall timeline, the key council priorities for Environment and Sustainability, and the Success Measures provided in the council's County Plan 2020-2024:

- i). Increase flood resilience and reduce levels of phosphate pollution in the county's river*
- ii). Reduce the council's carbon emissions*
- iii). Work in partnership with others to reduce county carbon emissions*
- iv). Improve the air quality within Herefordshire*
- v). Improve residents' access to green space in Herefordshire*
- vi). Improve energy efficiency of homes and build standards for new housing.*

The Committee considered the extent to which the development of the Local Plan appeared to deliver these, in conjunction with the process for development and consultation on the options for the plan. The committee also considered the consultation on the Local Plan and the summary results from the analysis of the consultation on the Local Plan, which are relevant to Environment and Sustainability, may help to inform the development of the new Local Plan, the rationale for the consultation, the main mechanism and methods for the consultation and how representative are, the wider consultation stages and timelines, and how the results of the consultation are being used to inform policy and service development.

The minutes of the meeting is available [here](https://councillors.herefordshire.gov.uk/documents/g8828/Public%20minutes%20Wednesday%202021-Sep-2022%2010.30%20Environment%20and%20Sustainability%20Scrutiny%20Committee.pdf?T=11):

<https://councillors.herefordshire.gov.uk/documents/g8828/Public%20minutes%20Wednesday%202021-Sep-2022%2010.30%20Environment%20and%20Sustainability%20Scrutiny%20Committee.pdf?T=11>

At the end of this meeting, the Committee drew together some key points that it would like the Cabinet and the planning team to take into consideration in the ongoing development of the Local Plan proposals. The Committee decided to document its findings and any recommendations in a summary report to be drafted following the meeting, for approval by the committee.

The main evidence considered by the Committee will be summarised in this report, along with commentary on the Committee's own findings, suggestions and contribution to the development of the new Local Plan, the consultation and wider community objectives for planning and delivering sustainable development and wellbeing of Herefordshire.

Restoration of the River Wye

8. On 26 July 2022 the committee considered Restoration of the River Wye - Options for Public Inquiry and Policy Review, when the Committee gave initial consideration to the options available for public inquiry and policy review in relation to restoration of the River Wye and provided its observations, suggestions and recommendations to the Cabinet on the way in which the project will be taken forward.

It was resolved that:

- (i) The Committee is assured, subject to the clarifications sought on the Commission's terms of reference and on involving the wider membership of the council, that Restoration of the River Wye public inquiry and review is being considered effectively through the Cabinet's Phosphates Commission - Restoring the River Wye;
- (ii) The Executive Response and Cabinet decisions in response to the scrutiny recommendations on the Restoration of the River Wye – Options for Public Inquiry and Policy Review made at the Committee on 26 July 2022 be noted.

The Committee also made the following information requests:

- a. Clarification of the Commission's Terms of Reference with regards to the relationship between the Phosphates Commission and the Nutrient Management Board, so as to be clear as to what directives may be given to the Nutrient Management Board by the Commission, including any legal implications arising from the proposed rewriting of the Nutrient Management Board's strategy;
- b. Clarity on how the Executive will find ways to involve expertise from across the membership of the council in the work of the Commission.

The responses to these request from the Economy and Environment Directorate are provided below.

The Commission's Terms of Reference

Clarification was sought on of the Commission's Terms of Reference with regards to the relationship between the Phosphates Commission and the Nutrient Management Board, so as to be clear as to what directives may be given to the Nutrient Management Board by the Commission, including any legal implications arising from the proposed rewriting of the Nutrient Management Board's strategy;

Response:

As stated at the last meeting, the Commission cannot compel but can make recommendations about a voluntary partnership with a voluntary plan which will be well founded and we would hope our partners will listen too. The present NMB and its plan was evidence the Planning Inspector accepted that a plan existed overseen by the NMB. It goes without saying that Commission will want to see stronger governance, a greater focus on delivery and won't be proposing anything of lower evidential value to the Planning Inspector than is presently in place.

Membership of the Commission

Clarity was sought on how the Executive will find ways to involve expertise from across the membership of the Council in the work of the Commission.

Response:

The Commission is encouraged in that it now has Executive Members joining us from Powys, Monmouthshire and Forest of Dean. To move at pace we will not be expanding membership beyond this, we accept that will be disappointing to some.

The Commission is drawing on expertise within NGOs, statutory partners and leading local and national industry representatives through the working groups now in place to support it. It is well placed for expertise in most specialisms;- science, NGOs, farming, farming supply chain and project management, solution design etc. Statutory partners have appointed principle advisers to assist the Commission. Furthermore, a commissioning budget is in place to cover the gaps if needed. Discussions are taking place with the Local Government Association on commissioning a piece research and other national bodies including leading academic institutions who have in the past helped design Farming Rules for Water and RB209 on approaches which could be prototyped in the Wye for national roll out which they will commission and fund. The Commission will say more about this when the time is right as at present discussions are at an early stage.

The most pressing need is for partnership building expertise with the Welsh farming community and Powys Council are considering whether a Natural Resources Wales funding stream could potentially assist with a rapid capacity building project.

A regular meeting will be put in place between the Chair of the Commission, the Chair of NMB and Herefordshire Council's Chief Executive to ensure informal liaison.

Links have been established with local MPs, DLUCH and DEFRA Directors, the LGA, the Planning Advisory Service, the Association of Directors in Planning, Environment and Transport and key national supply chain industry bodies including the major national supermarket retailers to ensure we prepare for a joint national policy push when the Commission begins to provide reports.

The Commission is now providing a closed protected space for the working groups to confidentially explore and develop potential solutions and proposals for partners to consider. All overseen by Members of the Commission. We have been particularly pleased to see the farming and farming supply sector engage with the process albeit these are very early days and there is a lot of detail to progress and nothing can be agreed until everything is agreed and will bring forward substantive proposals and recommendations when these are ready.

The Commission remains hopeful of providing a more substantial update to the January ESSC meeting, however, this is dependent on the progress the working groups are able to make in a very short space of time. At this stage, ESSC can be reassured that systems and structures are in place. The Commission requests that scrutiny provides space for the Commission to work quietly, systematically and with firm and steady intent to bring key players together to begin to build lasting solutions.

Reports to the Scrutiny Committee

In addition, the Committee requested further update reports be brought to the Committee at key intervals, to provide updates on the progress of the Commission, including a progress report on 10 March 2023. This has therefore now been amended to the Committee's Annual Work Plan.

Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023

9. The Committee agreed its work plan for the year on 26 July 2022. The Committee's work plan was brought together with the work plans of the other scrutiny committees to make the Annual Scrutiny Work Programme 2022-2023, which was agreed by the Scrutiny Management Board on 5 September 2022.
10. To accommodate participation in the meetings by the Cabinet Member Environment and Economy, it should be noted that the meeting dates have been moved from Wednesday to Fridays in November 2022 and March 2023:
 - Wednesday 16 November 2022 is **now meeting on Friday 18 November 2022.**
 - Wednesday 8 March 2023 is **now meeting on Friday 10 March 2023.**

In addition, an item on Phosphates Commission - Restoring the River Wye has also been added to the Committee's Work Plan to consider the progress of the council's Phosphates Commission - Restoring the River Wye, to consider ways to improve the environmental

impact of phosphates pollution and the restoration of the River Wye, following the request made under this item at the meeting on 21 September 2022.

Scrutiny Recommendations and Executive Response

11. In accordance with Part 4 Section 5 of the Constitution, the council's scrutiny committees may make recommendations to Full Council or the Cabinet with respect to any functions which are the responsibility of the executive or of any functions which are not the responsibility of the executive, or on matters which affect the county or its inhabitants. The Health, Care and Wellbeing Scrutiny Committee may also make recommendations to the relevant NHS bodies or relevant health service providers or full Council.
12. Scrutiny committees may not make executive decisions and scrutiny recommendations therefore require consideration and decision by the appropriate decision maker; usually the Cabinet, but also full Council for policy and budgetary decisions and the NHS where it is the decision maker.
13. The Scrutiny Recommendation Tracker table attached at Appendix 1 provides a summary of scrutiny recommendations made during the municipal year, so that the Committee can track the progress of the recommendations made.
14. The Scrutiny Recommendation Tracker table includes each scrutiny recommendation made and the date it was made, (which will be as is recorded in the committee minutes), identification of the decision maker (e.g. Cabinet), the Executive Response (the actual Cabinet decision), which may be different from the scrutiny recommendation and which will be minuted in the Cabinet minutes, the date the Executive Response/decision was made and an implementation review date.
15. The Scrutiny Recommendation Tracker enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and ask about any outcomes arising from the scrutiny recommendations, for example, service improvements, value for money savings and outcomes for residents.
16. If the relevant respective executive decisions and actions have been implemented, they will not be referred over to the scrutiny recommendation tracker report for the next municipal year, but that any that have not been implemented may be referred to the scrutiny recommendation tracker for the next Committee cycle.

Procedure for Recommendations from Scrutiny Committees

17. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response and the issue will be published on the council's Forward Plan. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
18. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.
19. Where scrutiny committees have powers under their terms of reference to make reports or recommendations external decision makers (e.g. NHS bodies), where they do this, the

relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.

20. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

21. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

22. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal environmental impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Equality Duty

23. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
24. 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.
25. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal equalities impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Resource Implications

26. The costs of the work of the Committee will have to be met from existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.
27. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.

28. It is suggested that a scrutiny committee should only have one in-depth scrutiny task group inquiry running at a time.
29. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal resource implications, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Legal Implications

30. The council is required to deliver a scrutiny function. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the committee and the council to deliver a scrutiny function.
31. The Scrutiny Rules in Part 4 Section 5 of the council’s constitution provide for the setting of a work programme, the reporting of recommendations to Cabinet and the establishment of task and finish groups within the committee’s agreed work programme.
32. There are no specific legal implications arising from this report which provides a progress update on recommendations made to Cabinet and subsequent Cabinet decision. Any legal implications arising from Cabinet Decisions will be detailed in the relevant Cabinet report.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

The Chair of the Environment and Sustainability Scrutiny Committee.

Appendices

Appendix 1: The Scrutiny Recommendation Tracker.

Background papers

None identified.

**Environment and Sustainability Scrutiny Committee
Scrutiny Recommendation Tracker 2022-23**

(A key and explanatory note for this tracker table is provided at the end of this report).

Tuesday 26th July 2022

Subject	Scrutiny Recommendation	Decision Maker & Executive Response	Department, Cabinet Member and lead officer	Implementation Status	Review date
<p>Restoration of the River Wye – Options for Public Inquiry and Policy Review.</p>	<p>That the proposed Cabinet Phosphates Commission on the Restoration of the River Wye include in its membership councillors from across the Council who have a particular knowledge of the subject matter.</p>	<p>Cabinet 28 July 2022</p> <p>Cabinet Decision: <i>Partly agreed.</i></p> <p>Executive Response:</p> <p>The Executive Welcomes the recommendation and partly agrees with the suggestion. The Commission will undertake an independent review of the present mechanisms and arrangements which support the Nutrient Management Plan and will suggest improvements. The Executive recognises and values the expertise that exists both inside and outside the Council. We will therefore find ways to include such expertise appropriately within the Commission processes ensuring that an independent review is</p>	<p>Cabinet Members: Councillor Ellie Chowns – Cabinet Member for Environment and Economy</p> <p>Ross Cook - Corporate Director, Economy and Environment, Economy and Environment</p> <p>Rachael Joy - Interim Delivery Director Waster Transformation & Wetland Project</p>	<p>To be determined.</p>	<p><i>March 2023</i></p>

		<p>undertaken and their expertise is fully considered. The process and means of delivering the commission will be worked up over the summer recess through a detailed delivery plan. As details have not been fixed yet the Executive will actively explore appropriate inclusion for those with important expertise to bring and regards this as essential to the success of the commission. Further details, will be available for the September meeting of the ESSC.</p>			
	<p>That the Cabinet ensure that every effort is made to promote active participation from the neighbouring local authorities in the work of the proposed Commission.</p>	<p>Cabinet 28 July 2022</p> <p>Cabinet Decision: <i>Agreed.</i></p> <p>Executive Response:</p> <p>The Executive welcomes and agrees with the recommendation and agrees cross border and cross council cooperation is essential to any lasting solution. Active steps to include participation from neighbouring authorities together with our statutory partners at Natural England, Natural Resources Wales</p>	<p>Cabinet Members: Councillor Ellie Chowns – Cabinet Member for Environment and Economy</p> <p>Ross Cook - Corporate Director, Economy and Environment, Economy and Environment</p> <p>Rachael Joy - Interim Delivery Director Waster Transformation & Wetland Project</p>	To be determined.	<p>March 2023</p>

		and the Environment Agency too, are well underway.			
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Notes

This is a table to track the progress of scrutiny recommendations made by one of the formal scrutiny committees at Herefordshire Council, with details provided by the relevant lead departments. It is a standing item on the Committee’s agenda, so that the Committee can keep track of the recommendations it has made, the decisions made, implementation status and provoke consideration of outcomes that have for residents, the Council and its statutory partners.

The tracker lists the recommendations made by the committee throughout a municipal year and any recommendations still not fully implemented from previous years since June 2022.

8

The tracker documents the scrutiny recommendations made, the dates when they were made, the decision maker who can make each decision in respect of the recommendations, the date the decision was made and the actual decision taken. The executive decision taken may be the same as the scrutiny recommendation (e.g. the recommendation was “agreed”) or it may be a different decision, which should be clarified here. The tracker also asks if the respective executive decisions have been implemented and this should be updated accordingly throughout the year.

Scrutiny Task Group report recommendations should be included here but referenced collectively (e.g. the name of the scrutiny inquiry and date of the agreement of the scrutiny report and recommendations by the scrutiny committee, along with the respective dates when the decision maker(s) considered and responded to the report and recommendations. The Committee should generally review the implementation of scrutiny task group report recommendations separately with stand-alone agenda items at relevant junctures – e.g. the Executive Response to a scrutiny report and after six months or a year, or upon expected implementation of the agreed recommendation of report. The “Expected Implementation Date” should provide an indication of a suitable time for review.

Key:

Date of scrutiny committee meeting - For each table, the date of scrutiny committee meeting when the recommendation was made is provided in the subtitle header.

Subject – this is the item title on the committee’s agenda; the subject being considered.

Scrutiny Recommendation – This is the text of the scrutiny recommendation as it appears on the minutes – **in bold**.

Decision Maker – the decision maker for the recommendation, (**in bold**), eg the Cabinet (for Council executive decisions), full Council (for Council policy and budgetary decisions), or an NHS executive body for recommendations to the NHS. In brackets, (date), the date on which the Executive Response was made.

Executive Response – The response of the decision maker (eg Cabinet decision) for the recommendation. This should be the executive decision as recorded in the minutes. The Executive Response should provide details of what, if anything, the executive will do in response to the scrutiny recommendation. Ideally, the Executive Response will include a decision to either agree/reject/or amend the scrutiny recommendation and where the scrutiny recommendation is rejected, provide an explanation of why. In brackets, provide the date of Cabinet/executive meeting that considered the scrutiny recommendation and made the decision.

Department – the Council directorate (and/or external agencies) that are responsible for implementation of the agreed executive decision/response. Also provided, for reference only, the relevant Cabinet Member and strategic director.

Implementation Status – This is the progress of any implementation of the agreed Executive Response against key milestones. This may cross reference to any specific actions and deadlines that may be provided in the Executive Response. This should be as specific and quantifiable as possible. This should also provide, as far as possible, any evidenced outcomes or improvements resulting from implementation.

Review Date - This is the expected date when the agreed Executive Response should be fully implemented and when the scrutiny committee may usefully review the implementation and any evidenced outcomes (eg service improvements). (Note: this is the implementation of the agreed Executive Response, which may not be the same as the scrutiny recommendation).

Environment and Sustainability Scrutiny Committee Work Plan 2022-2023

Agreed by the Environment and Sustainability Scrutiny Committee on 26th July 2022

Tuesday 26th July 2022

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Environment and Sustainability Scrutiny Committee Work Plan 2022-2023 To agree the Environment and Sustainability Scrutiny Committee Work Plan 2022-2023.</p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p>	
<p>Restoration of the River Wye – Options for Public Inquiry and Policy Review To consider the options being considered for Public Inquiry and Policy Review on the Restoration of the River Wye.</p> <p style="text-align: right;"><i>Deadline for draft reports: 13th July 2022</i> <i>Report deadline: 18th July 2022</i></p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation</p>	

		& Wetland Project	
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Wednesday 21st September 2022

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>The Herefordshire Local Plan To consider the Herefordshire Local Plan 2021- 2041, which includes the planning framework for the county, housing provision, the economy, retail and town centres, infrastructure provision and the environment.</p> <p>Specifically to consider:</p> <ul style="list-style-type: none"> a) Does the preferred spatial option lead to sustainable communities, including promoting active travel and reducing car journeys? b) Is the rural assessment scoring system used for allocating housing development across rural wards robust and supported by evidence? c) To consider the analysis of the public consultation on the Local Plan and the mechanism by which the consultation was undertaken. <p>www.herefordshire.gov.uk/local-plan-1</p> <p style="text-align: right;"><i>Deadline for draft reports: 7th September 2022</i> <i>Report deadline: 9th September 2022</i></p>	<p>Councillor Liz Harvey Finance - Corporate Services and Planning</p> <p>Councillor Ellie Chowns - Cabinet Member for Environment and Economy</p> <p>Councillor John Harrington - Infrastructure and Transport</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Tracey Coleman – Service Director, Planning and Regulatory</p>	
<p>Restoration of the River Wye – Options for Public Inquiry and Policy Review</p>	<p>Councillor Ellie Chowns Cabinet</p>	<p>Ross Cook - Corporate</p>	

<p>To consider the options being considered for Public Inquiry and Policy Review on the Restoration of the River Wye.</p> <p style="text-align: center;"><i>Deadline for draft reports: 7th September 2022</i> <i>Report deadline: 9th September 2022</i></p>	<p>Member for Environment and Economy</p>	<p>Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project</p>	
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~~Wednesday 16th November 2022~~ Friday 18th November 2022

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>The Herefordshire Local Flood Risk Management Strategy To consider the Herefordshire Local Flood Risk Management Strategy, flood planning and resilience. Specifically:</p> <ul style="list-style-type: none"> • What the Council and its statutory partners are doing to manage flood risk in the county. • Is there a resilience plan in place covering HCC assets and infrastructure and enabling residents and businesses to adapt to future extreme weather events? • Consideration of the wider emergency planning for drought and fire, in conjunction to flooding. 	<p>Councillor John Harrington - Infrastructure and Transport</p> <p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment,</p>	<p>Welsh Water</p> <p>Severn Trent Water</p> <p>The Environment Agency</p> <p>Internal Drainage Boards:</p>

<p><i>Note:</i> Herefordshire Council is a Lead Local Flood Authority (LLFA) and it has the lead role in managing flood risk from surface water, groundwater and ordinary watercourses across the county. As part of this role it must develop, maintain, apply and monitor a local flood risk management strategy. This is an important document for the on-going management of flood risk throughout the county. The strategy sets out the framework for how the council will work with other local flood risk management authorities and the general public to better understand and manage existing and future flood risks from all potential sources of flooding.</p> <p style="text-align: right;"><i>Deadline for draft reports: 2nd November 2022</i> <i>Report deadline: 4th November 2022</i></p>		<p>Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project</p>	<p>The River Lugg IDB The Lower Severn IDB</p> <p>Joel Hockenhull - Senior Drainage Engineer, Balfour Beatty Living Places</p> <p>Chief Fire Officer Jonathon Pryce - Herefordshire and Worcester Fire and Rescue Authority</p> <p>Parish Councils</p>
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Thursday 19th January 2023

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Waste and Recycling To consider waste disposal, (waste and recycling), including the new waste collection contract and procurement. Specifically:</p> <ul style="list-style-type: none"> Is there sufficient resource being deployed to encourage residents and businesses to reduce waste (particularly food) through education and engagement with manufacturers, retailers and public institutions, such as schools? 	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p> <p>Councillor Gemma Davies -</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service</p>	

<ul style="list-style-type: none"> Is our waste disposal strategy and new contract going to ensure we meet our targets to reduce waste to landfill to 1% and to ensure that recycled material is recycled? <p style="text-align: center;"><i>Deadline for draft reports: 4th January 2023</i> <i>Report deadline: 6th January 2023</i></p>	<p>Commissioning, Procurement and Assets</p>	<p>Director Environment, Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project</p> <p>Ben Boswell - Head of Environment Climate Emergency and Waste Services</p>	
<p>Review of the Climate and Ecological Emergency Review Scrutiny Report and Recommendations</p> <p>To review the implementation of the Executive Response to the Climate and Ecological Emergency Review Scrutiny Report and Recommendations carried out in 2021.</p> <p style="text-align: center;"><i>Deadline for draft reports: 4th January 2023</i> <i>Report deadline: 6th January 2023</i></p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p>	

~~Wednesday 8th March 2023~~ Friday 10th March 2023

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Herefordshire Farming To consider the farming industry in Herefordshire. Specifically:</p> <ul style="list-style-type: none"> • What plans are in place to promote improved agricultural practices and the planting of buffer vegetation, including trees and hedgerows to reduce the risk of flooding and meet our biodiversity gain requirements? • What plans are in place to promote better land use, including increasing local food production and sufficiency? <p style="text-align: right;"><i>Deadline for draft reports: 22nd February 2023</i> <i>Report deadline: 24th February 2023</i></p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p> <p>Councillor Liz Harvey Finance - Corporate Services and Planning</p> <p>Councillor John Harrington - Infrastructure and Transport</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p>	<p>Farm Herefordshire - Farm Herefordshire is a group of organisations that have formed a collaborative partnership to support farming in Herefordshire through the promotion of good practice, training and advice.</p> <p>Farm Herefordshire The Wye and Usk Foundation (wyeuskfoundation.org)</p>
<p>Phosphates Commission - Restoring the River Wye To consider the progress of the Council's Phosphates Commission - Restoring the River Wye, to consider ways to improve the environmental impact of phosphates pollution and the restoration of the River Wye.</p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p>	

		Mark Averill, - Interim Service Director Environment, Highways and Waste Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project	
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Reserve Items

Energy Security

In the push for increasing renewables, eg solar farms, are we allowing for the impact on increasing the risk of flooding?
 Will the policies and the additional development in the emerging revised local plan exacerbate energy security and how are we going to mitigate that risk through renewables generated locally?

The Green Economy

To consider how Herefordshire Council promotes, develops and supports the green economy.

Economy and Environment Organisation and Objectives

To consider the extent to which the Economy and Environment organisational arrangements are configured to deliver the environment and sustainability objectives set out in the County Plan.

