

MINUTES of the meeting of COUNCIL held at The Council Chamber, Brockington, 35 Hafod Road, Hereford. on Friday, 9th February, 2007 at 10.30 a.m.

Present: Councillor J.W. Edwards (Chairman)
Councillor J. Stone (Vice Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. L.O. Barnett, W.L.S. Bowen, H. Bramer, R.B.A. Burke, A.C.R. Chappell, M.R. Cunningham, Mrs. S.P.A. Daniels, P.J. Dauncey, Mrs. C.J. Davis, G.W. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, B. Hunt, T.W. Hunt, Mrs. J.A. Hyde, T.M. James, J.G. Jarvis, Brig. P. Jones CBE, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, R. Mills, J.W. Newman, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, R.V. Stockton, D.C. Taylor, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

57. PRAYERS

In the absence of the Dean of Hereford, the Very Reverend Peter Haynes led the Council in prayer. The Council observed a period of silence in memory of the late Gordon Morris, a former Councillor, who had died a few days before.

58. APOLOGIES FOR ABSENCE

Apologies were received from Councillors B.F. Ashton, Mrs. E.M. Bew, N.J.J. Davies, K.G. Grumbley, J.G.S. Guthrie, P.E. Harling, J.W. Hope, J.C. Mayson, Mrs. J.E. Pemberton, Miss F. Short, J.P. Thomas and P.G. Turpin.

59. DECLARATIONS OF INTEREST

Councillor Mrs. A.E. Gray and Councillor R.M. Wilson both declared a personal interest in Agenda Item 9 Cabinet Report to Council, paragraph 12.1(i) Future Social Care Needs for Older People and Adults with Learning Disabilities in Herefordshire.

60. MINUTES

The Chairman drew Council's attention to an error in the Members Allowances Scheme which had been approved at the previous meeting. The amount payable to Group Leaders for each member of their Group should have read £124 and not £120.45.

RESOLVED: That, with that amendment, the minutes of the meeting held on 3rd November, 2006 be approved as a correct record and signed by the Chairman.

61. CHAIRMAN'S ANNOUNCEMENTS

The Chairman congratulated the Electoral Registration Team and the Local Land Charges Team for retaining their joint accreditation for ISO 9001:2000 which is a Quality Management System on their operating procedures.

He reminded Council that the Civic Service would take place on Sunday, 11th March at 3.30 at Bridstow Church and urged those who had not responded to their invitations to do so, so that final arrangement could be made in good time.

He announced that a memorial service would be held for the former Councillor, Gordon Morris, at Eyton Church on 15th February at 2.00 pm.

With elections due in May, he reminded Council of the Code of Conduct on Local Publicity which restricts communications during the run-up to elections from 27th March until 3rd May, inclusive. Detailed guidance prepared by the Head of Legal and Democratic Services and approved by the Standards Committee, had been circulated to Councillors.

Finally, he reminded Members that the Council meeting on 9th March was primarily to approve the budget and Council Tax for 2007/08 and that there was no provision in the Council's Constitution for Councillors to submit formal written questions. Members would only be allowed to ask questions based on the reports in the agenda.

62. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the Head of Legal and Democratic Services more than six clear working days before the meeting. A number of questions had been received and were set out in the agenda. A question from Revd. P. Hackett had been omitted from the agenda in error but had been circulated to all Members earlier in the week and also circulated at the beginning of the meeting .

The majority of the questions related to the Unitary Development Plan, housing at Bullinghope and the Rotherwas Access Road. The Chairman ruled that to respond to all the questions individually would take longer than the time allocated within the Constitution. It would also involve considerable duplication because a number of questions covered similar ground. He advised that detailed written answers would be sent to the individuals concerned and called on the Leader to give a composite response to the questions posed by Mr. and Mrs. Cocks, Mr. Jardin, Mr. Caldicutt, Mr. and Mrs. Shuttlewood, Ms Shuttlewood and the Revd. Hackett. The Leader's response is set out below:

The proposal to allocate land at Bullinghope for 300 dwellings has been fully considered through the Unitary Development Plan (UDP) process. Many matters were raised in representations to the draft Plan and were addressed by the Inspector in his Report. Although the Council has rejected the Inspector's recommendation in this case, no new matters have been raised in subsequent representations which would require a second Inquiry.

The Council's reasons for rejecting the Inspector's recommendation are set out in the published Statement of Decisions and Reasons referring to the role of the site in helping to ensure that the strategic housing requirement is met and the opportunity to secure financial contributions for the proposed Rotherwas Futures Project which includes the Rotherwas Access Road.

Housing requirements for the County are set out in the Regional Spatial Strategy. The Bullinghope site will help ensure that these regional requirements are met and the Regional Assembly has concluded that the UDP is in general conformity with the Regional Spatial Strategy. Changes to household projections at national level feed

initially into the process of reviewing the Regional Spatial Strategy, rather than directly to the Council. The Regional Assembly is currently consulting on revisions to the Spatial Strategy which incorporate revised housing requirements for the County.

The Council recognises the strategic importance of delivering the Rotherwas Access Road. The proposed housing site of Bullinghope will provide some funding to assist in its delivery. It is anticipated that the site will yield approximately 300 dwellings with no affordable housing being provided.

Having reviewed the Transport Assessment submitted by Bloors for the UDP Inquiry it is estimated that there will be under 500 vehicles per day using Hoarwithy Road (both out of and into the site). It should be noted that the general flow of these vehicles will be towards the centre of Hereford during the morning peak and the opposite direction during the evening peak. As such they will not be compounding traffic to and from the Rotherwas Estate as its peak flows are in the opposite direction.

In addition, the Rotherwas Access Road will attract traffic before it reaches the Holme Lacy Road/ A49 junction. The positive benefits of the reduction in traffic on Holme Lacy Road resulting from the Access Road more than compensate for the small increases resulting from the Bullinghope development. Constructing the Access Road will not significantly increase HGVs travelling north through the City on the A49.

The Council intends to remove all HGV's from Holme Lacy Road so that they use the new Access Road and this will be achieved through Traffic Regulation Orders. The Council also intends to implement transport improvements along the Holme Lacy Road corridor which would include traffic calming and facilities to improve and encourage pedestrian, cycle and bus access to the Estate and within the local area in general.

The question of amenity land on any development at Bullinghope is a matter for detailed consideration at the development control stage. It would be inappropriate for any amenity land on the application site subsequently to be developed for housing purposes.

The funding model for procuring the Rotherwas Access Road does not rely solely on receipt of s106 development money. It is as part of the wider Rotherwas Futures scheme. The funding package will include external contributions from Advantage West Midlands (AWM), Local Transport Plan funding, capital receipts generated as the regeneration project progresses and the Council will seek to optimise funding contributions from external sources with the balance being met from within the Council's prudential borrowing limits. The Council's Treasury Management Strategy sets out the approach to minimising borrowing costs. The cash flow costs in the early years of this project are significantly less than the figure suggested. They will be offset by cash flow gains in later years. The Council is not therefore planning to cut any services as a result of the Rotherwas Futures project.

The Government's proposals for Planning Gain Supplement (PGS) are the subject of an ongoing consultation process and changes to the current planning obligations system are the subject of a similar process ending on 28th February, 2007. The Government has confirmed that it will move forward with PGS if, after consultation, PGS is deemed to be workable and effective. A key feature of those proposals is to return at least 70% of PGS revenue to the local authority area in which they were generated for local infrastructure priorities. This was confirmed in the recent Erdington report. The remaining PGS revenue (30%) would be returned to the region to help finance strategic infrastructure projects. The Government has

confirmed that PGS would not be introduced before 2009.

Whether or not the Bloor Homes proposals for development at Bullinghope and the Council's financing arrangements for the Rotherwas Futures Project are affected depend on the timing of the Governments intentions and the date of any planning permission. Any Section 106 Agreement will come into effect if planning permission is granted.

In response to objections to the Proposed Modifications stage, minor changes to the Plan are being proposed to Council. If accepted, these will remove reference to development at this location beyond the Plan period. Future growth for Hereford will need to be considered in the light of emerging requirements in the Regional Spatial Strategy.

A question from Mr. T. Ford, representing Cycle Hereford, concerning the current scheme for St. Owens Street cycle contraflow, was answered by Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) as follows:

The Council's Local Transport Plan includes a hierarchy of modes of transport from walking through to car users which demonstrates our commitment to securing a sustainable and integrated transport system which is accessible to all.

It is from consideration of this hierarchy and suggestions from local cyclists that the potential benefits of allowing cyclists to cycle contrary to the flow of general traffic in St Owens Street, and hence give them greater priority for access to the city centre, have been identified. The design of individual schemes must take into account relevant guidance and standards for highway design whilst also considering views from all stakeholders to arrive at the most suitable design. The Council recognises the importance of St Owens Street to the economic vitality of the city centre and the value of its historic landscape.

At the last meeting of the Forum, there was general agreement with my proposition that the retention of the ambience of this important street is of paramount importance when considering possible cycleways.

The St Owens Street contra flow proposals were published for public consultation in January this year following previous discussions with stakeholders. The Council will be considering all the views expressed during the consultation period prior to making a decision regarding the scheme.

Individual responses to the questions raised by members of the public have subsequently been despatched and are attached as an Appendix to the minutes.

63. REQUEST FOR SUSPENSION OF STANDING ORDERS

Before the Chairman could move on to the next item, a member of the public, representing a group objecting to the proposed housing development at Bullinghope, asked the Chairman if he would suspend Standing Orders and allow him to speak. The Chairman ruled that he was not prepared to suspend Standing Orders.

Councillor Mrs. M.D. Lloyd-Hayes asked if one of the group would be allowed to speak on behalf of the group.

Councillor W.J.S. Thomas, as local member, said that people had a real and proper interest in this matter and had attended the Council meeting in adverse weather conditions to make their views known. However, he felt that it would be better to discuss the issues once a proposal had been received from the developer. He felt it

would be more meaningful to have a full consultation programme at this stage when the Council would be in a position to explain ongoing problems and challenges and also the benefits of the scheme.

The Chief Executive reminded Councillors that the Chairman had properly ruled within the Constitution and that Council should respect the Chairman's ruling.

Councillor A.C.R. Chappell asked if the Leader would be willing to meet the group immediately after the meeting to explain the answer he had given to their questions.

The Chairman agreed that this would be in order and moved to the next item of business. The spokesman of the group carried on speaking and the Chairman adjourned the meeting until order could be restored.

The meeting adjourned at 10.56 a.m.

The meeting reconvened at 12.07 p.m. The public were readmitted and all the Councillors present at the commencement of the meeting returned except Councillors Mrs. C.J. Davis and Mrs. J.P. French who left because of the poor weather.

The Chairman explained that as the bad weather was continuing he had received a number of expressions of concern about the meeting continuing. He shared those concerns but was anxious to ensure that any essential business be completed. The Chairman asked the Chief Executive for advice on how that might best be achieved.

The Chief Executive explained that there was provision in the Constitution to deal with Questions to Cabinet Members by way of written answers and that it was open to Council to adopt that position and then to complete the essential business of Council with the Cabinet Report, the report of the Standards Committee and the item requesting leave of absence for Councillor Turpin, before checking what further elements of the Council's business could be completed on the day.

Council agreed to proceed on that basis.

64. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Councillors may ask questions of Cabinet Members and Chairmen of Committees so long as a copy of the question is deposited with the Head of Legal and Democratic Services at least 24 hours prior to the meeting. A list of questions, set out in the order in which they had been received, was circulated at the beginning of the meeting.

The Chairman advised that those Councillors who had submitted written questions would receive written answers. For completeness the questions and answers are reproduced below.

Question from Councillor H. Bramer

The Cabinet Member will be aware that Stagecoach Service 33 between Ross on Wye and Gloucester is a life line for work, school, health care, shopping, and travel outside the county and is vital to many hundreds of residents that live along or near the A40. Can the cabinet member please confirm that now that Stagecoach have given notice that they intend to withdraw the service from 22nd April, Herefordshire Council will provide subsidy to maintain the service 33 **at its present level ?**

Answer from Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation)

I can confirm that notice has been received from Stagecoach that the company intends to withdraw bus service No. 33 as from 22 April 2007 as the current level of patronage can no longer sustain commercial operation. The Director of Environment is investigating the demand for a bus service in the area affected and is seeking tenders for a subsidised replacement service that best meets the needs of local residents. Priority will be given to ensuring that journeys to work and school can still be made and a service will continue to operate throughout the day to cater for shopping, health care and longer-distance journeys.

The need to replace this previously unsubsidised service will place additional pressure on the Council's public transport budget and it is therefore essential that the level of service provided can be justified by the use made of it. A significant proportion of the service operates in Gloucestershire and that authority's views and possible level of contribution towards costs will have to be taken into account. The Director of Environment will therefore seek to award a contract at a service level that represents the best value for public money commensurate with the demand for the service and available resources.

Councillor Bramer may also wish to be aware that, on the 29th January, with the problems involving communities such as those affected by the withdrawal of the no. 33 service, I raised the matter direct with the Secretary of State for Transport. He said that he was reviewing his subsidies generally so I asked him if he would give an undertaking to pay particular regard to rural communities in remote areas. He replied saying he was very much aware of the essential role that public transport played in such areas and would take proper account of the issue during the review, whilst bearing in mind the need for value for money.

Question from Councillor D. Taylor

I was advised that Re-Energy had posted on the World Wide Web that Herefordshire Council, Worcestershire Council and Mercia Waste (the Partners) had suspended negotiation with Re-Energy and Estec.

Could I be advised what system this Council and its Partners propose to use if they are not proceeding with Auto Claving system, as 2010 is fast approaching and the E.U. and the British Government will impose disposal tax on the Partners.

Answer by Councillor P.J. Edwards, Cabinet Member (Environment)

The two Councils are in discussions with their current Contractor to endeavour to secure a sub-contractor who can deliver waste diversion technology which meets the strategy laid down in the Herefordshire and Worcestershire Joint Municipal Waste Management Strategy.

Autoclave thermal treatment has been selected as the appropriate technology.

Question from Councillor D. Taylor

Input Control Measures Household Waste Site

I have been advised by a local government electorate that on surfing the web he found that if he wished to obtain a permit for household waste, and he has a vehicle other than a private car, he must, according to the website, go to Worcester for his permit.

As most of the people living in Herefordshire will be using a waste site in Herefordshire, could not residents be advised on the website of how to obtain a licence from a Council office in Herefordshire? Additionally is it possible for a new permit to be issued at the waste site once the current permit presented has been used? My concern is that if we make it too onerous for residents there will be an

increase in fly tipping in the County.

Answer by Councillor P.J. Edwards, Cabinet Member (Environment)

The Council, together with its partner Worcestershire County Council is making attempts to control the amounts of trade waste that is disposed of at the Counties' Household Waste Sites. The disposal of trade waste through the Household Waste Sites is both illegal and is undertaken at significant cost to the Council Tax Payers of the two Counties.

Applications for permits can be made by post or telephone (0845 6072007) to Worcestershire County Council, who will administer the scheme. The normal arrangements for the scheme are that up to eight permits will be issued per application. There are arrangements for individual permits to be obtained through our Info in Herefordshire Centres.

Whilst it is recognised that this is a more bureaucratic process than allowing open access the quantity of trade and commercial waste that is disposed of on Household Waste Sites is significant. This scheme is certainly not unique and the two Councils have reviewed identical schemes operating in other parts of the country where there has been no reported increase in fly-tipping.

Question from Councillor Mrs. Lloyd-Hayes

What is the Council planning to do to provide youth facilities north of the river?

As I understand it from a meeting of community stakeholders earlier this week, attended also by Cllrs Wilcox and Fleet, £180,000 - generated from the insurance payment collected on the burnt-out youth centre in College Estate- is 'loosely' ring-fenced to provide alternative community and youth facilities for residents in this area. Will the same apply to the monies (£200,000) generated from the leasing and sale of the Terry Ross Youth Centre (Piggot Close) in Tupsley?

Answer by Councillor DW Rule, MBE Cabinet Member (Children and Young People)

College Hill Youth Centre

This was burnt down and the insurance claim has been settled at £180,000. This money has been set aside within Property Services budgets to develop another community building. We had been working with the College Hill residents association with the local members (Cllrs Williams and Wilcox) to create a plan to build a new community centre (with youth facilities) in the same "area" but not on the exact site because of road safety and access issues. Unfortunately the College Hill RA appears not to be in operation any longer. This money is still held.

Terry Ross Arts and Community (TRACC) (previously known as Tupsley Youth Centre)

Due to the dire state of this building in approximately 2000 it was leased to the Art College for nothing for five years on the proviso they refurbished it. Which they did. The space left for youth work was not suitable and the local residents association were very anti-youth service and young people being in the building so the Council withdrew and used other locations. In 2006 rent became payable and £10,000 has been paid. On 18th December, 2006 the building was sold to the Art College for £110,000. This money will be put into the central corporate pot to which directorates can make applications for the money for service provision.

The Youth Service is involved in the Community Consultations regarding the area surrounding the colleges and are aware of the issue and are happy to be part of a solution which we have indicated.

Buildings are not the panacea but in addition young people need suitable and adequate places to go but they also need appropriate and challenging things to do

(positive activities) these and the environment are provided by staff and currently the Youth Service has no capacity to provide any more youth work that we are currently doing.

The Youth Service does not have enough suitable locations in North Hereford City from which to deliver youth work. Currently the Youth work team is based in Close House, a voluntary sector project. This has poor disabled access, is small and is in the centre of Hereford by Gilbies wine bar.

However "one" location is unlikely to be suitable for all young people and the worker currently delivers from a range of locations and schools in North Hereford.

North Hereford City is allocated one full-time member of staff and approximately 40 hours of part-time staff, plus associated funding to deliver youth work. This is the same as all other six areas of Herefordshire.

It is clearly important to resolve the building priorities as soon as possible.

I will keep Councillor Lloyd-Hayes fully informed.

Question from Councillor Mrs. S. Robertson

The popularity of the SatNav route has increased the number of heavy vehicles using the A4110. At Portway the road is narrow with sharp bends causing HGV traffic to use the verges resulting in erosion of the highway and other related problems. Also, the SatNav system is directing HGV's through villages and on unclassified roads causing damage to culverts, etc.

- (a) What is being done to address these issues? and
- (b) Could a restriction on the use of the A4110 and other minor roads by HGV's be implemented and the use of the trunk roads encouraged?

Answer by Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation)

'It is true that the popularity of SatNav has encouraged drivers of all vehicles including HGVs to use routes that they may not have contemplated if they were planning their route using 'traditional' means such as a Road Atlas, or by following Road Signs.

SatNav systems are getting better at taking account of local conditions and restrictions, however there is inevitably a delay between such conditions being registered on systems and then recognised and used by drivers as they plan their journeys. It should also be recognised that even with SatNav drivers can chose to take alternative routes and do still make wrong turns.

Signage is in place to encourage traffic passing through the County to use the Trunk Roads, such as the A49(T). On the A4110 the existing 40mph speed limit at Portway is being extended to the south, encompassing Bewdley Bank a well know problem site, to promote road safety. The road is inspected on a monthly basis to identify and rectify defects in condition.

Further restrictions on the A4110 for weight are unlikely to be effective, and may unnecessarily hinder access to our communities, including many rural industries.

Question from Councillor A.C.R. Chappell

Will the Cabinet Member for Adult Services comment on my report to her that on the weekend of 27th/28th January, at least one care worker employed by "Q Care", the company used by social services to care for the elderly, sick, disabled and dying in the community, had 17 visits to make over an eight hour period in the South Wye area?

Does she agree with me that although some of these calls were repeats, that this is an unacceptable amount of calls for one carer, given that the most vulnerable people

in our community need time spent with them?

While thanking the Cabinet Member for taking up my concerns about this matter, will she ensure that both the cared for and those doing the caring on our behalf, receive the respect and dignity that they deserve?

Answer from Councillor Mrs. L.O. Barnett, Cabinet Member (Social Care Adults and Health)

Herefordshire Council would not expect, or require staff, either employed directly or by care agencies, to work unreasonable hours. The Council's priority is to ensure that vulnerable people needing care are provided with appropriate and regular support that is delivered by appropriately trained staff. However it should be noted that there continues to be a shortage of care staff across the care sector, and Herefordshire Council is working with partners to address this.

Officers will look into the details of the period in question with the named agency to establish the facts and report back to me and Cllr Chappell.

Questions from Councillor W.L.S. Bowen

Would you agree that the proposal for 300 houses at Bullinghope/Lower Bullingham will make a very limited contribution to paying for the Rotherwas relief road?

Therefore, would you also agree that the total number of houses is likely to rise to 3000?

What proportion of any houses built will be affordable in perpetuity?

Has any modelling yet been done to fully understand the impact of all the extra traffic created by this housing upon our current road structure with all its problems?

Or is this to be a car free development?

Has full thought been given to the provision of safe and sensible cycling and walking routes?

What provision has been made for a proper local infrastructure, such as doctor's surgeries, local shops etc?

Has any consideration been given to a combined heat and power plant for this proposed development?

Will all developers be required to build to the highest energy efficiency standards and also incorporate photo-voltaics and solar water heating systems?

Will proper and due attention be paid to the voices and concerns of existing residents?

Answer by Councillor P.J. Edwards, Cabinet Member (Environment)

No, I would not agree. The contribution will be substantial.

Any extra growth in housing will be addressed as part of our New Growth Points initiative.

An application to develop a site is expected shortly and I have, therefore, arranged for the developer to be made aware of the development features you have asked about.

Question from Councillor Mrs. M.D. Lloyd-Hayes

As usual, the first most of us hear about the signing of a contract for the Rotherwas Relief Road to the tune of £12million is in our local press. Where would we be without them? Why is the Council saying that the project will only cost £12 million,

when, in fact, we have be told it is a minimum of £17.5 million?

Answer by Councillor R.J. Phillips, Leader of the Council

Councillor Mrs. Lloyd-Hayes may remember the recent report which went to Cabinet explaining the Rotherwas Futures project which includes the Access Road. The overall funding package for the project is £17.5m which includes the £12m for the Access Road scheme.

65. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

66. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 16th November, 14th and 21 December, 2006 and 18th January, 2007.

In relation to Item 1.1 Herefordshire Unitary Development Plan (UDP) - In response to a number of questions about councillors ability to vote on planning issues, having already voted on the UDP, the Chief Executive advised that the two issues involved separate processes. The UDP was an overall plan to decide what development should or should not be permitted; the planning process would address individual planning applications within the context of the UDP. Even though Councillors had voted on the UDP they would still be able to vote on the detailed planning applications.

A number of Members voiced concerns about the proposed housing development at Bullinghope, in particular: the lack of additional infrastructure to support the proposed number of houses; the eventual sell-out price of the housing and the absence of affordable housing; that the number of houses eventually built on the site could be up to 2,000; increase in traffic on the Ross Road and Belmont roundabout; alternative options for funding the Rotherwas Access Road.

The Leader reminded Council, that although there were no plans for affordable housing on this particular site, he had been the one who had proposed a recommendation to amend the UDP to increase the amount of affordable housing to 40%. He said that the affordability of homes was a national problem that needed to be addressed by central government and that the Council needed to contribute to those discussions.

He stated that the Council should secure appropriate contributions from the developers by way of Section 106 agreements. Too often in the past the Council had granted permission for large housing schemes but had not secured as much as it should to support the additional public infrastructure required. He said there would never be enough public money for Herefordshire to solve its transport issues and so the Council needed to maximise its income in the best way possible.

He acknowledged that Herefordshire had a low wage economy and high housing costs but said the county needed to attract better paid jobs. It was important that the 2,000 jobs at Rotherwas be protected and the Council needed to do what it could to support existing businesses as well as attract new ones. He spoke of the redevelopment of the Edgar Street Grid, but said that in order to maintain the economic viability, of Herefordshire, the Council would also have to look at development of sites other than brownfield sites. All future developments in the County would need to take account of and reduce the impact of climate change and

travel.

He said that Herefordshire was not a big part of central government's agenda and would need to look after itself. If it failed people would have neither houses nor jobs. He finished by saying he felt that adopting the UDP was the best option for the County.

In relation to Item 9.1(i) Policy Statement for the Use of the Rivers Wye and Lugg - In response to a question as to whether the Council was continuing to protect the fishing rights passed on by the City Council, Councillor Wilcox advised members to consider the consultation paper and make appropriate representations.

In relation to Item 10.1(i) The Council's Investment in the Maylords Shopping Centre - In response to a request that the City Council be informed of any matters of considerable importance to the City before they were reported in the Hereford Times, the Leader advised that the matter had been reported in the Cabinet papers which were available to all Members. However, important confidential papers, exposing the Council's negotiating position had been leaked to the press. He invited any Councillor with knowledge of how this leak might have occurred to contact him outside the meeting.

In relation to Item 11.1(i) Hereford Livestock Market - In response to queries about the size of the site identified for the new market and what would eventually be built on the site; whether a covenant prohibiting housing on the site could be lifted in the future, and whether the football ground would be moving from Edgar Street, the Leader said there would be no supermarket on the site, no housing and the football ground would not be relocating.

He went on to confirm that the site had been agreed in line with the UDP, and that development of the site would be restricted to a livestock market and agriculture-related businesses. He advised that the additional acreage had been subject to a Scrutiny review and that there had been across party political support for the identified site.

In response to further comments that the Council did not need an additional 40 acres of land for the storage of water for the Edgar Street Grid which had its own canal basin, and that many farmers had stopped using the cattle market in favour of the internet, The Leader replied that the water storage facility would be beneficial to the Edgar Street Grid. He said that the County relied on its landscape for tourism and the landscape was dependent on animals. He acknowledged that some farmers had stopped using the livestock market but hoped that they would return to the new facility. He commended Councillor Mayson for his efforts in identifying the site which had been acceptable to all political groups.

In response to a further query he agreed that there would be full consultation with the public and interested parties at the pre-planning stage.

Councillor T.M. James, Leader of the Liberal Democrat Group, corrected some misinformation about the market. He said that the vast majority of cattle traded at the market was for breeding livestock and store stock. He said there was no internet market for these animals. He also said that it was appropriate for the Council to purchase the additional land for water storage to facilitate the development of the Edgar Street Grid. He said this would be a good medium term investment for the Council. He also said that in his opinion the site would never be used for housing as the Environment Agency would not allow it.

Councillor A.C.R. Chappell, the Leader of the Labour Party also supported the Leader in the acquisition of the site for the livestock market. He said that this was the best site for the market and would also be of great benefit to the city as a holding area to relieve flooding.

In relation to Item 12.1(i) - Future Social Care Needs for Older People and Adults with Learning Disabilities in Herefordshire - The Councillor for Kerne Bridge passed on praise for the officers in the Adult and Community Services Directorate who had dealt with a complaint about a residential home on behalf of a family in his ward. The family of the man who had died felt that the officers investigation had been exemplary.

Councillor Chappell referred to his written question which had not been answered earlier in the meeting. He advised that one carer had made 17 visits during an eight hour shift and he was aware of other carers in South Wye making similar numbers of visits. Councillor Mrs. Barnett, Cabinet Member (Social Care Adults and Health) said that the matter was being investigated and she would report back to Councillor Chappell. She said that she shared his concerns and patients' welfare must come first.

The Leader referred to the expected increase in people over the age of 85 in the community and said that the Council would need to be prepared for the future, but that it was also a national problem. The sector was generally low paid but a large degree of trust was required. People were not being attracted into the business.

One councillor said that not all old people wanted to remain in their own homes. Many were happy to live in residential homes where they had additional support. She said the Council should be canvassing people about their future needs.

In relation to Item 12.1(iii) - Homelessness Update - One Councillor felt that the Homelessness Strategy needed to be linked to the planning process. Many elderly people were being supported at home while many were living in poorly designed, inefficient, old people's homes. He also said young people needed to be encouraged to stay in the community as society would be relying on them in the future to look after the elderly.

The Leader moved the report.

Councillor Chappell requested that a separate vote be taken on the UDP. The Chief Executive advised that the opportunity to move an amendment or separate vote arose when the relevant item was called. The motion before the Council was to accept the report as a whole.

Councillor Chappell supported by Councillor Mrs. Lloyd-Hayes again asked for a separate vote citing the unusual circumstances earlier in the meeting.

The Chief Executive again advised that the proper time to make an amendment to the report was when it was being discussed.

28 Members voted in favour of the whole report with 11 voting against.

RESOLVED: That the reports from the meetings of Cabinet held on 16th November, 14th and 21 December, 2006 and 18th January, 2007 be received and the recommendations set out below be adopted:

That (a) the responses and recommendations set out in the Schedules attached to the report, regarding duly made representations to

the UDP Proposed Modifications and the Statement of Decisions and Reasons be approved;

- (b) no further Modifications materially affecting the content of the Plan need to be made, and a further Inquiry is not required;**
- (c) the minor changes set out in the report be included within the Plan without the need for further modifications;**
- (d) a Statement of Decisions and Reasons be published in respect of the Council's consideration of the representations;**
- (e) the UDP be adopted and that the requisite statutory procedures be undertaken to give notice of intention to adopt the Plan;**
- (f) the UDP be adopted on the day after the expiry of the period given by the Council in the notice of intention to adopt, provided that no direction to modify or call in the Plan has been made by the Secretary of State; and**
- (g) notice of adoption be given in accordance with the statutory procedures.**

The majority of the public left the meeting at this point.

The Chief Executive advised that, as the Cabinet Report had been dealt with fairly briskly it might be possible for Council to consider all the other items on the agenda and this was agreed.

67. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meetings of the Planning Committee held on 30th October, 24th November, 2006 and 19th January, 2007.

RESOLVED: That the report of the meetings of the Planning Committee held on 30th October, 24th November, 2006 and 19th January, 2007 be received.

68. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meetings of the Regulatory Committee held on 31st October and 28th November, 2006 and 30th January, 2007.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 31st October and 28th November, 2006 and 30th January, 2007 be received.

69. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor A.C.R. Chappell presented the report of the meetings of the Audit and Corporate Governance Committee held on 8th December, 2006 and 19th January, 2007.

RESOLVED: That the report of the meetings of the Audit and Corporate Governance Committee held on 8th December, 2006 and 19th

January, 2007 be received.

70. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meetings of the Strategic Monitoring Committee held on 22nd December, 2006 and 15th January, 2007.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 22nd December, 2006 and 15th January, 2007 be received.

71. STANDARDS COMMITTEE

Mr. Robert Rogers presented the report of the meeting of the Standards Committee held on 12th January, 2007. He reminded Members to be punctilious about the Code of Conduct and asked them to give a lot of thought to matters before resorting to the Standards Board referral procedure.

In response to a request that contentious planning applications be deferred until after the elections, he said that it was not for him to comment.

RESOLVED: That the report of the meeting of the Standards Committee held on 12th January, 2007 be received.

72. COUNCILLOR P.G. TURPIN - VALLETTS WARD: LOCAL GOVERNMENT ACT 1972 - SECTION 85

RESOLVED: That leave of absence be granted to Councillor P.G. Turpin until he would have ordinarily retired in May, 2007.

73. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the meeting of the West Mercia Police Authority held on 19th December, 2006.

Councillor T.M. James advised that the police donated a large jar of lollipops to each licensed premises in an attempt to reduce disorder. He wanted to know who had advised on this and how much it cost.

In response to a query, Councillor Hunt advised that, despite ongoing financial constraints, the authority intended to be ranked as one of the best performing authorities in the country.

In response to a comment by Councillor Hunt, that the police had only taken 24 minutes to respond to the Council's request for assistance earlier in the day, Councillor W.J.S. Thomas suggested that the Council should consider holding all its Council meetings at the Shire Hall where the response times would be even quicker and where the surroundings were more conducive to meetings of this type.

Councillor Hunt was unable to reassure Council that the number of Community Safety Officers would be maintained. He said the matter was still under discussion and the position would be clearer in a few weeks.

Councillor Mrs. Lloyd-Hayes asked for congratulations to be passed on to the Community Safety Officers who had recently attended a residents meeting. She continued to be concerned about the lack of facilities for young people.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 19th December, 2006 be received.

74. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor G.W. Davies presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 14th December, 2006.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 14th December, 2006 be received.

The meeting ended at 1.12 p.m.

CHAIRMAN

Question from Mrs. M. Cocks, Lower Bullingham

"The latest information is that consideration is being given in the latest UDP for 300 houses to be built on the eastern side of the Bullinghope land owned by Bloor Homes. This will put about one thousand more cars per day on to Hoarwithy Road. This will compound the traffic from the north that will still prefer to use Holme Lacy Road to access the Rotherwas estate.

What plans does the council have to ensure that every vehicle travelling from or to the north, of all types wishing to access or egress the Rotherwas Industrial Estate uses the proposed new road?"

ANSWER

- 1 - Having reviewed the Transport Assessment submitted by Bloors for the UDP Inquiry it is estimated that there will be under 500 vehicles per day using Hoarwithy Road (both out of and into the site). It should be noted that the general flow of these vehicles will be towards Hereford City Centre during the morning Peak and coming from that direction in the evening Peak. As such they will be not compounding traffic to and from the Estate as its peak flows are in the opposite direction.

In addition, the Rotherwas Access Road will attract traffic before it reaches the Holme Lacy Road/ A49 junction. The positive benefits of the reduction in traffic on Holme Lacy Road resulting from the Access Road more than compensate for the small increases resulting from the Bullinghope development. Constructing the Access Road will not significantly increase HGVs travelling north through the City on the A49.

- 2 - The Council intends to remove all HGV's from Holme Lacy Road so that they use the new Access Road and this will be achieved through Traffic Regulation Orders. The Council also intends to implement transport improvements along the Holme Lacy Road corridor which would include traffic calming and facilities to improve and encourage pedestrian, cycle and bus access to the Estate and within the local area in general. Whilst these measures will not stop car borne access to the Industrial Estate they will discourage it. Car borne access to the Estate to/from the south will use the Access Road in favour of the Holme Lacy Road.

Question from Mr. P.J. Cocks, Lower Bullingham:

"The council's purpose for putting housing development at Bullinghope into the UDP is to part fund the ROTHERWAS road, in the sum of £8,000,000 from Bloor Homes.

As the council will have to, initially, borrow the £8,000,000 for up to three years until Bloor Homes tender their contribution, what services do the council propose cutting to service the debt? At 6% £480,000 per year. £1,440,000 over three years or if compounded over three years a total of £1,521,128."

ANSWER

The funding model for procuring the Rotherwas Access Road does not rely solely on receipt of s106 development money as it is part of the wider Rotherwas Futures scheme. The funding package is still the subject of negotiation but will include external contributions from Advantage West Midlands (AWM), Local Transport Plan

funding, capital receipts generated as the regeneration project progresses prudential borrowing and developer contributions. The cash flow costs in the early years of this project are significantly less than the figure you have estimated and will be offset by cash flow gains in later years. The Council is not therefore planning to cut any services as a result of the Rotherwas Futures project.

Questions from Mr. I. Jardin, Campaign to Protect Rural England, Herefordshire Branch

"With regard to the Rotherwas Access Road:

- (a) what is the latest cash flow forecast, by financial year, of expenditure on procuring the Road, including any interest payments?
- (b) what are the intended sources of funding for that cash flow, including loans, by financial year?
- (c) what is the earliest expected date for the signing of a Section 106 agreement with Bloor Homes to secure their contribution to the funding of the Road?
- (d) if Bloor Homes' contribution does not eventualize, how do you propose to fund the equivalent element of the cost of the Road?
- (e) do you still share the conclusion, set out in the letter of 20 January 2004 from Bloor Homes' agent to the Forward Planning Manager, that "the direction of future growth of Hereford should be to the south of the City"?
- (f) do you expect the number of heavy goods vehicles travelling north on the A49 through Hereford, including the Belmont roundabout, to increase after completion of the Road?"

ANSWER

Three specific questions (a, c and d) are so closely linked to the project's timetable that until this is confirmed and agreed they cannot be answered. In effect, the cashflow forecast will be known when the details of expenditure requirements are in place; the Section 106 information will depend on the final agreement and any funding issues around a developer's contribution would be a matter for the Council to review depending on the outcome of any negotiations.

- b) The Council will seek to optimise funding contributions from external sources as outlined in answer to Mr Cocks' question. The balance will be met from within the Council's prudential borrowing limits. The Council's Treasury Management Strategy sets out the approach to minimising borrowing costs.
- e) It is a matter of record that the Council's position was that the Bullinghope allocation would form the first phase of a much larger development to take place beyond the Plan period. In response to objections to the Proposed Modifications stage, minor changes to the Plan are being proposed to Council. If accepted, these will remove reference to such development beyond the Plan period. Future direction of growth for Hereford will be consider in the light of emerging requirements in the Regional Spatial Strategy.
- f) The results of the modelling carried out for the Major Scheme Business Case for the Rotherwas Access Road (July 2005) indicated that constructing the road will not significantly increase HGVs travelling north through the City on the A49.

Question from Mr. B Caldicutt, Hereford

The Initial UDP up to 2011 included for 300 houses at Holmer, which after the consultation period was moved to Bullinghope in the Draft UDP. After a Public Enquiry the inspector recommended that the houses should be reinstated back to Holmer as proposed in the Initial UDP. This was quite rightly done through the democratic procedure. Planning Permission has been granted for the houses at Holmer so it appears to me that this is now an over provision of houses based on the Initial & Draft UDP especially when the Stirling Lines development is to increase by a further 250-300 houses

I generally have the feeling that the majority of members do not know where the site is, and even more so just how much land Bloor Homes, the prospective developer owns, which could lead to some 2000 houses.

If it were not for the financing of the Rotherwas Access road, these houses would not have been included in this Modified UDP.

I personally collected 220 signatures on a petition against this proposal, and standing on residents' doorsteps the feeling was, enough is enough. It is a pity that they are not here to voice their opinions!

Before the Committee approves this Modified UDP, I request that, another Public Enquiry is held on this matter, and all members should visit the site to acquaint themselves with the landscape and the drastic consequences this proposal would have.

ANSWER

The proposal to allocate land at Bullinghope for 300 dwellings has been fully considered through the UDP process. Many matters were raised in representations to the draft Plan and are addressed by the Inspector in his Report. Although the Council has rejected the Inspector's recommendation in this case, no new matters have been raised in subsequent representations which would require a second Inquiry.

Question from Ms J. Shuttlewood, Bullinghope

Based on the recent history at the Stirling Lines development, where one of the developers sold amenity land to another developer who subsequently obtained planning permission to build on it, I am concerned that leisure and amenity land be protected. If planning consent for the Bullinghope development includes leisure and amenity land will the Council insist that the developer gift any such land to the people of Herefordshire for leisure purposes in perpetuity?

ANSWER

The question of amenity land on any development at Bullinghope is a matter for detailed consideration at the development control stage. It would be inappropriate for any amenity land on the application site subsequently to be developed for housing purposes.

Question from Mrs. S. Shuttlewood, Bullinghope

What is the hidden agenda that persuades this council to go against the results of its own surveys and the decision of the inspector from the Government department with regard to the development at Bullinghope?

I would be grateful to receive a transcript of the meetings recorded minutes.

ANSWER

The Council's reasons for rejecting the Inspector's recommendation are set out in the published Statement of Decisions and Reasons. The reasons refer to the role of the site in helping to ensure that the strategic housing requirement is met and to the opportunity to secure funding for the proposed Rotherwas Access Road.

Question from Mr. H. Shuttlewood, Bullinghope

Population Estimates for Hereford - As an interested party in what Herefordshire Council is proposing for Bullinghope I have tried to research the reasons, but some figures are a little out of date.

Surfing the internet has produced the Councils papers on population figures, age distribution and housing needs and I see that population growth is expected to slow during 2003-11 and be in line with the general growth of England and Wales of 3.4%. Do you have later figures from the Population Estimates Unit of ONS for growth in Hereford City and rural areas that support planned housing growth here?, and can you tell me what the housing needs figure was for Hereford in the last unitary development plan? There is obviously a shortage of cheap homes, but the plan to piggy back development here just to get a builder to pay for a spur road of limited use, will not achieve that aim given the cost to the builder.

Just how many homes are you expecting to be justified?

ANSWER

Housing requirements for the County are set out in the Regional Spatial Strategy. The Bullinghope site will help ensure that these regional requirements are met and the Regional Assembly has concluded that the UDP is in general conformity with the Regional Spatial Strategy. Changes to household projections at national level feed initially into the process of reviewing the Regional Spatial Strategy, rather than directly to the Council. The Regional Assembly is currently consulting on revisions to the Spatial Strategy which incorporate revised housing requirements for the County.

Question from Mr. T. Ford by e-mail

Question from Cycle Hereford concerning the current scheme for the St Owen's Street cycle contraflow:

The Council convenes the Pedestrian, Access and Cycle Forum to get advice on improving the environment for vulnerable road users in the County. The PAC Forum has agreed a set of movement principles to ensure that traffic management schemes benefit road users in line with the Council's road user hierarchy and enhance the area where they are introduced. It is clear from the scheme currently being progressed for the St Owen's Street cycle contraflow that the Council ignored the movement principles and the road user hierarchy when instructing its consultants.

If the Council will ignore these principles for a scheme on St Owen's Street, one of the most attractive and sensitive streets in Hereford, where and when will it apply the principles?

ANSWER

The Council's Local Transport Plan includes a hierarchy of modes of transport from walking through to car users which demonstrates our commitment to securing a sustainable and integrated transport system which is accessible to all.

It is from consideration of this hierarchy and suggestions from local cyclists that the potential benefits of allowing cyclists to cycle contrary to the flow of general traffic in St Owens Street, and hence give them greater priority for access to the city centre, have been identified. The design of individual schemes must take into account relevant guidance and standards for highway design whilst also considering views from all stakeholders to arrive at the most suitable design. The Council recognises the importance of St Owens Street to the economic vitality of the city centre and the value of its historic landscape.

At the last meeting of the Forum, there was general agreement with my proposition that the retention of the ambience of this important street is of paramount importance when considering possible cycleways.

The St Owens Street contra flow proposals were published for public consultation in January this year following previous discussions with stakeholders. The Council will be considering all the views expressed during the consultation period prior to making a decision regarding the scheme.

Question from Mr. P. Cocks by e-mail

Is the council aware that the Chancellor of the Exchequer, Gordon Brown, announced on 6th December, 2006: that the government intends to introduce legislation that will take away clause 106 money from local authorities and pass it to Regional Government?

How would this legislation affect the councils financing proposals for the Rotherwas Relief Road and thus the need for the Bloor Homes houses at Bullinghope?

ANSWER

The Governments proposals for Planning Gain Supplement (PGS) are the subject of an ongoing consultation process and changes to the current planning obligations system are the subject of a similar process ending on 28th February 2007. The Government has confirmed that it will move forward with PGS if, after consultation, PGS is deemed to be workable and effective.

A key feature is to return at least 70% of PGS revenue to the local authority area in which they were generated for local infrastructure priorities. The remaining PGS revenue would be returned to the region to help finance strategic infrastructure projects.

The Government has confirmed that PGS would not be introduced before 2009.

Whether or not the Bloor Homes proposals for development at Bullinghope and the Council's financing arrangements for the Rotherwas Futures Project are affected depend on the timing of the Governments intentions and the date of any planning permission.

Any Section 106 Agreement will come into effect if planning permission for the development is granted.

Question from Revd Peter Hackett, Lower Bullingham

How many houses would need to be built to meet the shortfall in the cost of the Rotherwas Access Road, and how many houses would be affordable?

ANSWER

The Council recognises the strategic importance of delivering the Rotherwas Access Road. The proposed housing site of Bullinghope will provide proportional funding to assist in its delivery. It is anticipated that the site will yield approximately 300 dwellings with no affordable housing being provided.