

**PUBLIC QUESTIONS TO COUNCIL**

<b>1. Question from Mr P McKay, Leominster</b>
1.1 <i>Is it possible for the Council to place the Rural Road Map in public libraries and other public places where the Definitive Map is placed for public inspection?</i>
1.2 <i>Can the Council raise the associated List of Streets for rights of way and can the Council raise a map for these in the same way as the Right of Way Improvement Plan has done for bridleways?</i>
1.3 <i>Can the Council consider inspections regarding such rights of way on an annual basis?</i>
1.4 <i>Can the Council consider whether or not the present Highway Maintenance Policies address the needs identified in the inspection reports and if need be review those policies and reports?</i>
1.5 <i>As confirmed by the CLA representation signing is important i.e. both users and landowners seek signs. It has been suggested that "Quite Lane" signs are the most appropriate. Does the Council consider the use of that sign or have any other suggestions as to what sign could be used?</i>
1.6 <i>Regarding the cost of signs it is suggested that once signed the annual inspection could be reduced to that Rights of Way and rely on public feedback and could in fact reduce costs. Would the Council agree with that?</i>
1.7 <i>Would Council agree that it is far simpler and cost effective to add missing "white road" links to the Rural Road Map than the Definitive Map and would Council agree that all highways whether or not also shown on the Definitive Map are required by legislation to be on the List of Streets?</i>
1.8 <i>Would Council agree that a "quick win" opportunity is available to add them to the Rural Road Map now, and those that ought also be on the Definitive Map at a later date?</i>
1.9 <i>Would Council undertake this task, or failing that set out the procedure enabling others to apply to Council for them to be added, especially since Council have confirmed that it simply requires a request to be made and they have been added by Steven Oates in this way?</i>
1.10 <i>Would Council advise what backlog applies to requests to add "white roads" to the Rural Road Map?</i>
1.11 <i>Some of these Rural Lanes are obstructed by ploughing, barbed wire, fallen trees, even ponds and have been so for several years, and when inspecting the inspection reports it is seen that regular annual inspection is recorded with nil defects. Can Council explain how this situation comes about?</i>
1.12 <i>The suggestion is that it is because only the metalled portion used by vehicular traffic is inspected and the part that we are interested in is not inspected i.e. the annual inspection is not carried out and the assurance given on your web page that all roads are inspected annually is false. Should this be the reason would Council be prepared to modify the inspection report so that they make it clear whether or not the full length of recorded road has been inspected and to require full lengths to be inspected at least till signed as suggested above?</i>
1.13 <i>In the absence of availability of a List of Streets limited to these Rural Lanes an inspection report of 1999 listing of 104 miles of Keepsafe Roads was passed to you mid summer which</i>

*you agreed to update. Could Council advise when this update will be completed and presented in a format that matches the earlier list with confirmation that it is the part of interest that has been inspected?*

1.14 *The Highways department is known to hold copies of large scale Ordnance Survey Maps coloured to show the rural roads having been shown these when questioning the rout of a road some years ago. Where may I inspect these and what should I be asking to see?*

**Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation**

1.1 to 1.14

The Council is keen to ensure that information it holds is easily accessible, and will look at how it can improve availability as suggested. I have asked the Director of Environment and Culture to arrange a meeting with Mr McKay to take this forward and to address the other issues raised by Mr McKay in his questions and the explanatory information he had previously provided.

**2. Question from Mr A Spong, Moreton on Lugg**

2.1 *With reference to Planning Applications do Councillors attribute any importance to the views of neighbours and Parish Councils in the consultation process?*

2.2 *Do Councillors agree, in these times of food shortages/rising prices, that it is unacceptable, and sends the wrong signal, to develop prime agricultural land for use as a waste facility?*

2.3.1 *Herefordshire promotes and benefits hugely from tourism. A busy campsite, whose visitors benefit the local and Herefordshire economy to some £250,000 per year, is threatened by the proposal to situate a composting plant just 700 meters away. The Environmental Agency states that ALL composting sites produce odour problems.*

2.3.2 *Do Councillors agree that it is unacceptable to threaten the fragile rural economy?*

2.3.3 *Do Councillors agree that tourists would be deterred by this close proximity to a waste site?*

**Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing**

2.1 The Council has a statutory duty to notify local residents and parish councils of planning applications. The Members of the various planning committees are always very keen to establish the views of local people. In assessing local comments Committee Members have to make a distinction between material planning considerations and other matters raised which are not material to the decision making process. The Members of the Central Area Planning Sub-Committee will be made aware of the strength and nature of local opinion on the application when it is reported to their December 2008 meeting.

2.2 The status of agricultural land on and around the application site will be a material consideration for Members when they determine the application. As always the Committee will make its decision after balancing national and local planning policies with detailed site specific matters.

**Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services**

2.3.1 and 2.3.2

The impact of the proposal on the wider rural economy will also be a material planning consideration for Members to weigh against the other matters relevant to the application. In

determining a planning application the Council has to consider the wider public interest rather than any potential direct impact from a development proposal on any adjoining business.

- 2.3.3 The impact of the proposal on tourism in this part of the County is also capable of being a material planning consideration. It is ultimately a matter of judgement whether or not existing or proposed tourists would be deterred from visiting the area if the proposal were to proceed.

### **3. Question from Mrs J Watkins, Upper Lyde**

- 3.1 *English Heritage state that one in five archaeological sites in the UK are in danger of destruction, threatened by not only natural processes but man made developments and vandalism. What level of priority does the Council put on identifying, preserving and protecting our natural and historic heritage which is irreplaceable and much valued by local people?*

- 3.2 *How much importance does the Council attach to adverse impacts on the tranquillity and attractiveness of the local countryside, particularly with regard to preventing its deterioration due to increased noise and man-made pressures on the quality and character of the exceptionally diverse landscape?*

### **Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing**

- 3.1 The considerable importance that the Council places upon the identification, preservation and protection of its heritage is manifest in the comprehensiveness of its conservation advisory and record services, its commitment to policies and strategic frameworks for conservation, its investment in site-specific conservation works, and its partnership with a wide range of conservation bodies and local communities to deliver better access to and information about the heritage in town and countryside.

Examples of the results of this commitment are to be found through the guidance that the Council has prepared in support of the Local Development Framework (such as Supplementary Planning Documents on 'Archaeology and Development' and on 'Historic Landscape'), and in the work of its conservation advisory services as reflected in service Strategy documents. I suggest that, for an example of the latter, you consult the Archaeology Strategy (and its accompanying Strategic Plan) that is out to public consultation until 3rd December. This contains much information about both the advisory work and the conservation projects that the service is likely to be engaged upon in the period 2008-11.

- 3.2 Firstly the Council employs a team of environmental specialists including landscape, ecological and arboricultural officers, to advise on the conservation of the landscape & biodiversity of Herefordshire. The council also houses the Herefordshire Biological Records Centre, which acquires and stores ecological and geological records and which promotes survey and monitoring programmes.

Landscape & biodiversity issues are key considerations in the planning process. This is demonstrated by the fact that the Landscape & Biodiversity team has produced Landscape Character Assessment and Biodiversity Supplementary Planning Guidance documents which form part of the planning policy framework. More detailed work on the landscape and ecological character and quality of the Herefordshire landscape around Hereford and the market towns is ongoing as part of the development of the Local Development Framework.

There are specific policies relating to landscape (LA1 - LA6) and biodiversity (NC1 - NC9) in the Unitary Development Plan, which ensure that landscape and biodiversity issues can be addressed in the planning system.

In addition, the Landscape & Biodiversity team undertake a diverse range of specialist conservation projects, often in partnership with external environmental bodies, on both a strategic and a local level. Such projects can involve survey and research elements, practical

habitat management work and the promotion of conservation aims. Some examples of recent projects include the Orchard Biodiversity Project, Central Lugg Otter Project, Malvern Hills Area of Outstanding Natural Beauty Priority Habitats Mapping project, management of school grounds to increase biodiversity.

#### **4. Question from Mr B Clay, Hereford**

4.1 *What Park & Ride facilities have been visited by Cabinet members or Directors of Herefordshire Council in the last 12 months?*

4.2 *Does the Council agree with Paul Keetch MP that there is no legal obligation for the Council to maintain a Cattle Market?*

4.3 *What are the main terms and costs of the Council's consultancy contract with Amey plc or the relevant subsidiary?*

4.4 *What is the Council's net income from leasing Hereford Race Course for each of the last 5 financial years, and what is the current estimate for this year's out turn?*

4.5 *When is the next Review of the Race course lease due to take place?*

4.6 *What steps would be necessary if the Council wished to terminate the Lease on the Race Course?*

4.7.1 *Why does the Council not provide Maps showing Polling District, Ward and Parliamentary Constituency boundaries within the County?*

4.7.2 *Are there any restrictions which apply to Herefordshire but do not apply to other Authorities?*

4.8 *Why does the Council's Website not provide a facility enabling members of the public to identify their Ward by entering their post code?*

4.9 *Why are members of the public not allowed to ask supplementary Questions at this Council Meeting even though Members from every political group spoke in favour of this at the July Council Meeting and no Member spoke against?*

#### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation**

4.1 The officer team looking into park and ride proposals have made visits to operational park and ride sites. None of these visits have included either a Council Cabinet Member or a Director.

#### **Answer from Councillor JP French Cabinet Member Corporate and Customer Services and Human Resources**

4.2 No. The legal advice the Council has received is clear in stating that the Council has a continuing obligation to provide a cattle market. It is also important to emphasise that, in any event, the Council would want to support the local economy through the provision of a market to meet the current and future needs of the agricultural industry.

#### **Answer from Councillor H Bramer Cabinet Member Resources**

4.3 The scope of the consultancy services contract is the provision of engineering services for policy development, design and implementation, including transportation and traffic engineering, management and control; highway design and management; materials testing; general infrastructure development; property/architectural services and other associated technical services.

The contractual arrangements are based on the New Engineering Contract (NEC) Professional Services Contract, under the Target contract option (Option C). The NEC is a family of standard contracts for which the stated intentions are to stimulate good management of the relationship between the parties, to be applicable to a wide variety of types of work, and to use language and a structure which are straightforward and easily understood. The duration of the consultancy services contract is ten years from September 1 2003, with an option to extend by mutual agreement up to August 31 2023.

In terms of costs, the consultancy services contract provides for a minimum level of expenditure annually. This level of expenditure, termed the Guaranteed Minimum Annual Budget in the contract, was set at £500,000 at the contract base date and is subject to annual price adjustments for inflation which are based on the Average Earnings Index (Real Estate and Business Activities (excluding Bonus) as published from time to time by the Office of National Statistics.

In practice the volume of consultancy work that has been ordered under the contract has significantly exceeded the Guaranteed Minimum Annual Budget. In financial year 2006/7 it was approximately £2.4million, while in 2007/8 it was approximately £2.3 million. For the financial year 2008/9, expenditure to date under the contract is approximately £1.09 million.

As part of the Service Delivery Review, the overall basis on which consultancy services are provided to the Council by Amey is being reviewed. The outcome of the review may lead to some adjustments to the position described above.

4.4 The rent per annum with effect from 1 January 2004 is £20,000.

Rent for the Racecourse house is £280 per annum

Agreement in connection with non race day events - £1,000 per annum

The income was £21,280 per annum for each of the years from 1 January 2004.

4.5 The rent is reviewed every 5 years and the next review is due 01/01/2009.

4.6 The lease terminates in 2028. There is no provision for either party to surrender/terminate the lease (other than by agreement) before then. There is no ability for the Council to terminate the lease before the end of the lease (contract) in December 2028.

#### **Answer from A McLaughlin, Assistant Chief Executive Legal and Democratic**

4.7 to 4.8

The Council is looking at how this information can be made more readily accessible on its website.

In the meantime there are a number of free services that members of the public can use to identify their ward including:

The Ordnance Survey provide a free tool for the public to use to their postcode for local elections

<http://www.election-maps.co.uk/index.jsp>

Mysociety.org provide a postcode lookup service to connect the public to their local representatives

<http://www.writetothem.com/>

#### **Answer from A McLaughlin, Assistant Chief Executive Legal and Democratic**

4.9 Paragraph 4.24 of the Council's current Constitution provides an opportunity for this meeting to receive questions from members of the public and sets out a framework by which the Council will deal with providing the fullest possible answers to questions received. At present there is a provision precluding the raising of supplementary questions. The Council has an ongoing Constitutional Review Working Group which continually analyses the Constitution with a view to keeping it compliant with best practice and all relevant legal requirements. The

point raised is a valid one and one which will be fed into the work of the review group to enable it to receive careful consideration.