

PUBLIC QUESTIONS TO COUNCIL – 20 JULY 2012

Question from Mr P McKay, Leominster, Herefordshire

Question 1

Un-adopted Roads

A paper reference SN402 raised to inform MP's about un-adopted roads may be read at www.parliament.uk/briefing-papers/SN00402.pdf and advises that there are 40,000 such roads in England, with councils being the highway authority though they are not maintained at public expense. In Herefordshire some are referred to as being the highway on which footpaths and bridleways terminate on the written statements, others of public interest include those that are through routes or lead to places of public resort. My supplementary question of 25 May asked *"Thank you for advising that highway records will be online by autumn, and asking if you will please check that this will include those un-adopted roads Council is aware of, especially those that connect with public rights of way or are through routes, as required by the 2007 Regulations ?"* and is being responded to by letter, but whether or not the reply is *'yes these un-adopted roads will be included'*, which is reply I predict, as otherwise the online highway records would be littered with gaps, cul-de-sac's, etc., and be a mockery not worthy of our Council, leading to many needless costly and time consuming representations, may I please ask:-

Will Council raise a management policy for un-adopted roads, as being un-adopted they are outside scope of current Highway Maintenance Plan, with this policy covering identification, management, and adoption procedures, etc., recognising the contribution these routes make to countryside access, particularly for equestrians due to the identified lack of recorded bridleways in the county ?

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

The Highway Maintenance Plan rightly focuses the council's attention on adopted highways that are maintainable at the public expense, as these are the roads for which we are entirely responsible. The plan in no way prevents the council from utilising its powers in regard to other highways. There are over 2000 miles of A, B, C and unclassified roads in Herefordshire and we know that they are not all in the condition that we would like to see them; however the council has limited resources and therefore must focus those resources to the areas of greatest priority.

This isn't a problem that is specific to Herefordshire; in 2009 the Government estimated that it would cost £3billion nationally to improve these unadopted roads to an adoptable standard – in Herefordshire this figure would equate to well over £350million.

Supplementary Question

The reply to my question of 25 May was that complete highway records would be online by the autumn, but written reply to supplementary question says this will only be part of the records. With my having little interest in just part of the information, nor in separate sources of information when the 1991 legislation and 2007 regulations requires that footpaths, bridleways and unadopted roads be included on the Local Street Gazetteer, and Geoplace who manage the Local Street Gazetteer having a paper online titled "Joining up intelligence for improved service delivery", may I seek your assurance that Council is complying with this legislation and ask if you would provide a written reply advising what

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timetable of events, including when the protocol referred in reply to supplementary question, to get the Local Street Gazetteer online with the various highway records intelligently joined up may be expected ?

Cabinet Member Response

There is currently no timescale for completing this onerous work. I will send a written response when I have the detail.

Cabinet Member Written Response

An initial piece of work to put the LSG online and import the data from the definitive map into the LSG is planned to be completed within the next 6 months. We will then continue to process further additions to the LSG such as green lanes etc and these will be added as their status is verified. Clearly there will be an ongoing need to verify and develop the LSG so that it is the complete and accurate record of all local streets.

Question from Mr P Mitchell, Herefordshire

Question 2

Shortfall in proceeds of the sale of Council interest in WMS

Can the Cabinet Member explain the circumstances which led to the sale of the Council's interest in West Mercian Supplies to Hedgeland Ltd a holding or shell company which apparently itself was then sold on only a week later to Smiths News Ltd at more than six times the value the Council was paid for it.

Specifically addressing -:

- *What if any proportion was the pre-existing value of Hedgeland of the sale value to Smiths News*
- *Disclosure of likely under valuation to this Council funds of up to £7.4m on the £1.4m sale share*
- *If the Council's adviser valuation was independently checked or validated before the WMS sale*
- *Why this potential direct sale opportunity to Smiths News had not been identified by its adviser*
- *Explain its validation of Hedgelands claims to independently operate WMS itself*
- *Any sale conditions set for recovery of premature onwards sale proceeds*
- *What steps can and are being taken to recover any shortfall in receipts rightly due to the Council*
- *Demonstrate no impropriety by its agents or any other party involved in the sale*
- *How such potential mistakes will be avoided / prevented in the future*

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Answer from Councillor PD Price Cabinet Member Corporate Services

The decision to progress the sale of this business was taken by the partner councils in June 2011 following an external review which identified this was not an essential activity and in light of an expectation amongst the partners that future profits would reduce. The warehouse-based business part of West Mercia Supplies (WMS) was sold to the Trowbridge-based care and education supplies business, The Consortium for Purchasing and Distribution Limited, in April 2012.

A number of the specific queries raised in the question assume a like for like subsequent sale, and also assume that the partner councils should have been aware of the subsequent sale and taken this valuation into account. Neither premise is correct. The warehouse-based part of WMS was grouped with a larger range of business activity for onward sale and therefore comparisons of sale value are not appropriate; the sale of the consortium to Smiths News PLC was confidential under stock exchange rules regarding disclosure and therefore the partner councils could not have been made aware of, or taken such information, into consideration.

The utilities business, which supplies energy is being retained by the partners and will be known as West Mercia Energy.

We were advised by external consultants throughout the process to make sure we obtained good value for money from the sale.

Herefordshire Council was one of four councils involved in the sale and all four councils separately made a decision to proceed. Herefordshire received £1.4m as its share and does not believe there to have been any impropriety, shortfall in receipts or mistakes made in the sale process.

Supplementary Question

WMS appears to have been quite profitable over the past three years. Why was it sold? Can you provide me with the report recommending the sale?

Cabinet Member Written Response

Under section 43 (Commercial Interests) of the Freedom of Information Act 2000 the report is viewed as exempt.

There is a competitive market for the supply of office consumables. The potential future threats to the company's viability meant that if the authorities retained ownership diversification of operations and markets was required. The implementation of changes in business strategy would have been challenging under the former ownership structure. A change in strategy could have conflicted with the organisation's remit.

The business continued to have a profitable position but the utilities element was becoming increasingly significant. As indicated above the assessment was that the company was a sound sales proposition likely to yield significant capital receipt but that changing market conditions would require a different strategy in the future.

The sale represented best value given market conditions and the authorities were advised as such.

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Best value was achieved at the time and this assessment was supported by independent external advice. The decision to dispose of the business was made separately by each of the four owning authorities.

The authority is satisfied it has made the correct decision on the basis of the information it received and the assessment of future prospects.

Question from Mr H Bryant, Herefordshire

Question 3

A49 to A465 Link Road

Can Herefordshire Council give an assurance that, before they spend a large amount of public money on the A49-A465 Link Road, that it has thoroughly investigated and shown evidence that all reasonable alternatives for solving Herefords traffic flow problems? Such as:

- *A new river crossing at Rotherwas*
- *Banning parking on Belmont Road from the Tesco roundabout to the Greyfriars Bridge thus enabling two lanes in in the morning and two lanes out in the afternoon, as has been done successfully in Cardiff*
- *Reopening Pontrilas station as a request stop and a park and rail scheme at Tram Inn*
- *An efficient school bus scheme*
- *A tramway on the Great Western Way*

Where is any such evidence available?

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

Yes I can give assurance that before progressing any major road building project a thorough investigation of alternative solutions is undertaken, including 'no road' alternatives.

The proposed A49/A465 link road is a common element in either a western or an eastern relief road. The council has published a comprehensive evidence base relating to transport infrastructure requirements to support the future growth of the city and the county overall. This clarifies the need for a relief road and a complementary package of sustainable transport measures. The evidence base can be viewed on the council's website.

Question from Mrs Morawiecka, Brienton, Herefordshire

Question 4

Revised Preferred Option Consultation Results

A consultation was carried out on the Revised Preferred Option of the Local Development Framework from September to November 2011. Whilst all the individual responses have

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been published on the Herefordshire Council website, an actual summary of the results of the consultation, analysed consistently with previous years, has not been made public. Instead, Here for Hereford have had to provide a total analysis in the absence of the work being done by Council officers. This summary shows that:-

- a. 84% of respondents were against the revised, proposed housing plans for the county;*
- b. 88% against the Western relief road;*
- c. 93% requested plans in place for increased water and sewage treatment prior to the Core Strategy being approved;*
- d. 94% requested that plans be in place to cater for increased demand for hospital beds prior to the Core Strategy being approved.*

Could you please explain how the revised preferred option has been amended to address the concerns raised through the consultation process?

Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

All comments received during consultations on the LDF are considered and taken into account in preparing the Core Strategy. However, consultation responses need to be weighed with other factors, including evidence of requirements for additional housing and the need for new or improved infrastructure to serve the population of the County. Having taking all the information available into consideration, including any views expressed during consultations, we are still of the view that the proposed level of growth, the identified strategic sites and associated infrastructure remain the best option for meeting the needs and requirements of the county to 2031.

Supplementary Question

When will the Council publish the results of the Autumn 2011 consultation?

Would the Council have a sound local development plan by now if it had taken responses to earlier consultation exercises into account?

Cabinet Member Response

The results of the Autumn consultation will be published to the website shortly.

With regard to the Core Strategy new information has to be considered along with changes to the legislative framework. Work on the Strategy is ongoing and the Strategy will be published in due course.

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Question from Mrs Corrigan, Holmer, Herefordshire

Question 5

Housing at Holmer

Holmer has been proposed by officers for inclusion within the draft Core Strategy to accommodate 500 homes. However, existing residents in Holmer have not been able to connect to a mains sewerage system in the last 19 years and their soakaways have been compromised by surrounding developments permitted by Herefordshire Council. With sewerage facilities overloading, what is Herefordshire Council proposing to do to remedy this situation, especially before any further developments should be included in the Draft Core Strategy and when is the new main between Cleeve Orchard Pumping Station and Wentworth Park likely to be adopted?

Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

The council is aware of historic foul drainage issues in the Holmer area and any new development would need to demonstrate that adequate drainage capacity is available to accommodate the development or can be created with the installation of new infrastructure. As with other recent developments, this would be a pre-requisite to securing planning permission and will be a criteria with the relevant Core Strategy policy; it is essential that infrastructure and growth are aligned appropriately.

In relation to the specific issue raised, the adoption of existing historic drainage infrastructure is subject to the provisions of the Water Industry (Schemes for Adoption of Private Sewer) Regulations 2011. The adoption of new drainage infrastructure is subject to an independent process between the developer and Welsh Water. The drain in question has been designed and installed to adoptable standards and adoption normally takes place when the development is largely complete. Welsh Water agreed to adopt the system in 2011 and issued a notice to adopt. That notice is the subject of an appeal by the developer and is being determined by OFWAT. The determination has been awaited since the beginning of 2012; we expect that a decision will be made shortly.

Supplementary Question

Please give an undertaking that there will be no further development until the existing sewer has been adopted by Welsh Water and sewerage problems have been addressed.

Cabinet Member Written Response

The Council will ensure that all new developments are served by appropriate foul and surface drainage infrastructure. If this requirement is met, the lack of adoption of historic drainage infrastructure would not be a sustainable planning reason to withhold permission.

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Question from Mrs Wegg-Prosser, Breinton, Herefordshire

Question 6

Re Bed Shortages in County Hospital

Further to my question raised on 25th May concerning a meeting regarding bed shortages in the County Hospital which meeting has yet to be arranged despite Councillor Jarvis saying then it would be progressed 'in the next few weeks', the Overview & Scrutiny committee heard this month that Herefordshire continues to have the lowest number of hospital beds per head of population in England. Could you please explain how the new housing developments proposed for Herefordshire will help increase hospital bed provision within the plan period 2012 to 2031?

Answer from Councillor JG Jarvis, Leader of the Council

Discussions regarding the need for improved healthcare facilities in Herefordshire as part of developing the Core Strategy indicate that new housing development will **not** lead to a requirement for more hospital based care.

This is because the emerging health and social care model, both nationally and locally, aims to reduce the amount of time people spend in hospital, to treat more people in the community and in their own homes, and to increase personal responsibility for health leading to healthier lifestyles and the prevention of ill health.

The Health & Wellbeing Board, whose members include the Herefordshire Clinical Commissioning Group, Wye Valley Trust, local GPs, and third sector representatives, is responsible for overseeing the whole health & social care system. The Board will ensure that health & social care facilities will meet the needs of the population as presented in the 'Understanding Herefordshire' report, and will continue to work with partners and communities over the coming years to improve the health of the local population, improve access to high quality local health care and minimise the length of stays in hospital.

Question from Mrs Churchward, Breinton, Herefordshire

Question 7

Draft Core Strategy

The new National Planning Policy framework reiterates that Local Planning Authorities should take into account the economic and other benefits of "the best and most versatile agricultural land" (ie. Grades 1,2 & 3A agricultural land) . Where significant development is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land, in preference to that of higher quality.

Could you please explain how this approach has been applied to the Draft Core Strategy, especially when 3 Strategic Sites for Hereford (namely Holmer, Three Elms and Lower Bullingham) have been proposed, which are on land which falls within this classification?

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Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

Agricultural land quality is one of the factors which were taken into account in identifying the strategic housing proposals in the Core Strategy. Much of the land around Hereford and the market towns is of high agricultural value and where land of lower quality exists it is often impacted upon by other constraints to development such as being land liable to flood or is subject to environmental designations.

Question from Mrs Morris, Hereford

Question 8

Omission from Draft Core Strategy (12 July 2012)

Neither the Edgar Street Retail Development nor the urban housing scheme for 800 homes, has been identified by officers for inclusion within the Draft Core Strategy, according to the report to Cabinet (12th July 2012).

As Herefordshire Council has spent millions on bringing forward these key city centre sites for development, why have they been omitted from the Draft Core Strategy?

Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

There has been no omission. Both elements already are, and will remain, key components of the Core Strategy, including the city centre retail development (which already has the benefit of planning permission) and housing on the Urban Village.

Supplementary Question

Why were these elements not specifically mentioned in the report to Cabinet on 12 July?

Cabinet Member Written Response

There are many detailed elements of the Core Strategy which were not specifically referred to in the Cabinet Report on 12th July. In respect of the central area regeneration proposals including the housing and retail elements these are longstanding commitments enshrined in existing policy areas (with key elements already having planning permission) as well as emerging policy. The Cabinet Report on the 12th July primarily outlined strategic proposals which although have been subject to consultation, have not yet reached such an advanced stage in the development plan process.

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Question from Mrs Ferris, Dinedor, Hereford

Question 9

Hereford Broad Street Improvements

Who was responsible for formulating and agreeing the Hereford Broad Street improvements briefing and how was the remit of the briefing decided upon?

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

The Broad Street improvement scheme was included within the council's bid for 'Destination Hereford' funding from central government, and the initial brief was developed by the council on the basis of that bid.

Question from Mr Grice, Belmont, Hereford

Question 10

Hereford Relief Road Southern Section

With reference to the proposed Hereford relief road southern section and the introduction of four more routes ie. SC3, SC4 , SC5 & SC6. I was particularly concerned by the limited consultation period previously adopted when the former bypass route was proposed as a preferred option. What is the full process which Herefordshire council are obliged to follow when choosing the route?

Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

The full process that the council is obliged to follow when choosing a route will be informed by work that has recently been commissioned to provide a technical assessment of the southern link (A49 to A465) route options which will include:

- * Survey and Data Collection
- * Engineering Design
- * Traffic and Economic Assessment
- * Environmental Surveys and Assessments

This assessment will be carried out in accordance with Stage 2 of the Department for Transport guidelines as established in the Design Manual for Roads and Bridges and WebTAG (Web Based Transport Analysis Guidance) guidelines, and will include the identification of a preferred route. The Stage 2 report is due by April 2013 following which the council will be able to determine a preferred route for the A49 to A465 link.

It is worth noting that further processes will need to follow including the pursuit of a planning permission and there is no timetable for these stages at present.

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The early findings will be shared with local people who may be directly affected by this route. The views of local people will be taken into consideration in formulating the revised Core Strategy, in deciding the preferred route for this particular road, and as part of the normal planning application process. In undertaking these consultations I will ensure that the suggestions made by the Overview & Scrutiny Committee about improvements to consultation processes are taken on board.

Question from Mr Wallace, Breinton, Hereford

Question 11

Rotherwas Rail

I understand that much of the original rail infrastructure to the Rotherwas area exists and could be reopened for freight and passengers, for much less than any of the new road schemes proposed by Herefordshire Council. What assessments have Herefordshire Council undertaken to determine the role that railways could play in local transport policy?

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

The council has commissioned a study to appraise the merits and costs of re-instating rail access into Rotherwas. This study will consider scheme costs, revenue costs and likely patronage levels. Currently, there are no reliable costings for this proposal and hence it is not possible to make comparisons against other transport schemes.

The council considers rail to be an important component of the transport network in the county and it will continue to lobby the Department for Transport, Network Rail and the train operating companies, which are collectively responsible for rail services, to improve both services and infrastructure. The council's long term lobbying of Network Rail was rewarded recently with the introduction of passenger lifts at Leominster Rail Station which will provide better access for people with mobility difficulties in the north of the county.

Supplementary Question

Why are costings not yet available? Will costings be available for the Local Transport Plan?

Answer from Cabinet Member

The Cabinet Member agreed to discuss the matter outside the meeting.