

**Agenda item no. 5 - Questions from members of the public and supplementary questions**

Question Number	Questioner	Question	Question to
PQ 1	Mr Conod, Hereford	Please explain Herefordshire Council Cabinet’s decision making process in the context of the changes to our county’s roads, in particular decisions made to use the funds provided by central government in the Green Roads Policy. In the response please list the proposals that were tabled for how and where the expenditure should happen, what tests were discussed that could be used to assess the effectiveness of the measures, and please list the Councillors who voted on the proposal(s) and who is ultimately accountable for the decision that was made to enact the current suite of measures in place?	Leader

**Response:**

You have confirmed that you are referring to the Emergency Active Travel Measures (EATMs) which have recently been implemented. The measures implemented were developed in line with guidance published by the Department for Transport on 9th May which requested that councils reallocate road space and make additional provisions for cyclists and pedestrians, wherever possible, to facilitate the easing of the lockdown restrictions by introducing measures that support social distancing, including providing alternatives to public transport. The guidance set out that the measures should be implemented as swiftly as possible, and in any event within 8 weeks of the funding being awarded to provide for changed travel habits that occurred during lockdown and to enable these to continue as lockdown is relaxed. The development of the measures was undertaken by a team of officers supported by professional services provided through the Balfour Beatty Public Realm contract. As part of the development process ward members, town and city councillors, local business, traders, transport providers and other organisations were consulted on the proposals. The decision to implement the measures was taken by the Director for Economy and Place in line with section 3.7.9 all necessary decisions in the case of emergencies of the constitution. The decision was taken in consultation with the council’s Chief Finance Officer, Solicitor to the Council and the Cabinet Member for Infrastructure and Transport. The decision report and associated appendices is published on the council’s website and can be seen by following the link below.

<http://councillors.herefordshire.gov.uk/documents/s50081009/Development%20and%20delivery%20of%20emergency%20transport%20measures%20associated%20with%20the%20response%20to%20COVID%20-19%20o.pdf>

As set out in this report we have considered feedback following implementation of the measures and made some adjustments accordingly. There are two further reports on the council’s website which set out these changes and the reasons why these adjustments were made and these can be seen by following the links below.

<http://councillors.herefordshire.gov.uk/documents/s50082181/Revision%20of%20emergency%20active%20travel%20measures%20EATM%20associated%20with%20the%20response%20to%20COVID%20-19%20outbre.pdf>

<http://councillors.herefordshire.gov.uk/documents/s50082460/Revision%20of%20emergency%20active%20travel%20measures%20EATM%20associated%20with%20the%20response%20to%20COVID%20-19%20outbre.pdf>

### Supplementary Question

Mr Conod outlined his experiences of engagement with councillors concerning the EATMs. He believed that due to the responses he had received from Councillors Harvey and Milln both had been in breach of the Council's code of conduct. He queried what action would now be taken against the councillors.

### Chairman's response

The Chairman explained that a process existed to make complaints against members of the Council. The questioner had been sent the paperwork to make a complaint.

PQ 2	Mr Thomas, Fownhope	Is the council aware that it is setting an expensive precedent in the county by replacing a historic lime mortared stone wall together with the nailing of the rock geology behind where there is no evidence of a landslide causing the failure of a poorly maintained old stone wall?	Cabinet member infrastructure and transport
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### Response:

Engineering analysis concludes that the B4224 at this site will collapse if loaded with regular traffic – even alternate one-way traffic. Whilst the land may appear to be stable, this does not mean that it will remain so. It is important to consider all likely failure modes when engineering the solution, and we have taken independent expert engineering advice which has concluded that the Soil Nailing/Reinforced Soil Solution that we are taking forward is the most appropriate, effective and resilient repair. I acknowledge that this repair is not cheap, but the simple rebuilding of the failed section of wall will not provide an effective solution.

### Supplementary Question

It would appear from the statement that the advice provided Council is flawed, as it is apparent the Authority had; firstly, assumed a slip-plane was present – this is not the case; secondly, believed up slope ground water threatened the stability of the wall – this is not the case; and thirdly, had not maintained the wall as part of regular maintenance of infrastructure assets – as other such walls in the county are being.

Is the Council therefore aware that as all structures yield under load that lime mortar is ideally placed (if maintained), to ensure the long term stability of an old wall – as lime mortar can accommodate heave, the migration of water, and self heal as they re-calcify in air. Whilst it is apparent BBLP appear to offer up overly technical and overly engineered solutions, without knowledge or understanding of historic lime mortar structure, perhaps BBLP can be encouraged to go on a course to understand the care and maintenance of lime mortar structures – if only to help save the Council millions of unnecessary expenditure and the disruption to the wider public.

### Cabinet member's response

There had been previous correspondence with the questioner whose opinion was respected and there would be ongoing engagement. There was a difference of opinion between the questioner and the technical consultants of the council of the reasons for the movement of the wall during the heavy rainfall in February. The questioner's opinion would not be discarded but would be considered when an assessment of those lessons that could be learned from the event was undertaken. There was a current focus on completing the works as soon as possible and it was hoped the road would be open by February 2021.

PQ 3	Mr McKay, Leominster	<p>December 2015 Council Meeting advised that the Anomalies Report with Blue Triangle location markers on the public rights of way map were removed due to being a working document, viewable by appointment at BBLP. The Deregulation Act 2015 Schedule 7 provides for anomalies due to administrative error to be rectified when that legislation comes into effect, and I ask if would split this into two parts, being :-</p> <p>a) those inhand, or waiting Schedule 7, and which may be viewed by appointment at BBLP, and</p> <p>b) those remaining anomalies, with the Blue Triangle location markers reinstated, so that parishes, interest groups, etc., may be aware and have the opportunity to look at the details online to see if could help to resolve the anomaly before the CROW Act cut-off date 2026, after which this could become more complicated/costly?</p>	Cabinet member infrastructure and transport
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**Response:**  
 The Definitive Map with blue triangle location markers for anomalies is available and would normally be available to view by the public at the Balfour Beatty Living Places offices in Rotherwas. However, unfortunately, the BBLP offices are currently not open to the public due to Covid-19 restrictions. These restrictions will be reviewed regularly in line with the Government guidance. Whilst restrictions are in place, requests for information can be made by emailing [HerefordshirePROW@bblivingplaces.com](mailto:HerefordshirePROW@bblivingplaces.com) and if possible information / extracts will be provided. We will investigate whether these plans can be made available on the council's website subject to available resource. There are identified anomalies on the Definitive Map. These are a mixture of ones that may be resolved by the Authority under Schedule 7 of the Deregulation Act and the remainder will require research to resolve. The list of anomalies is not currently split or identified into these two groups as funding is required for this research. This will be undertaken when funding becomes available and when the list is amended this will be available on the council's website.

**Supplementary Question**

The DEC-Streets Version 4.1 section 8.1 says that the aspiration is to move to a single electronic recording method, with it expected that this Local Street Gazetteer guidance will develop, with it being anticipated that Local Street Gazetteers will form one of the data sets used to protect Highways from extinguishment under the provisions of the CROW Act 2000 in 2026. The Local Street Gazetteer is the most comprehensive data set and if these blue anomaly triangles could also be shown on this when website updated, we could expect to see the highway records in clearest format, minimising gaps, overlaps and duplications of work being undertaken to meet the 2026 cut-off date.

**Cabinet member's response:**

Mr McKay's questions have proved to be useful and a written update would be provided to the supplementary question.

Written response provided on 20 October 2020

*The DEC-Streets Version 4.1 is a reference manual for guidance, not a statutory requirement. The aspiration to move to a single electronic recording method has benefits. The current list of anomalies requires funding to research and to put them into a format that can be viewed on the website. This work will be prioritised along with the other works required in managing and dealing with the Definitive map and will be undertaken as funding becomes available.*

PQ 4	Mr Williams, Marden	<p>Several European Countries and a number of Local Authorities in the U.K. have banned the construction of Masts of any description within the vicinity of Schools and public playgrounds. Can you let us know what is this Authorities policy in respect of this matter?</p> <p>We have been advised by our Solicitor to write to you to clarify the situation.</p> <p>As you are aware we and many residents of Marden have concerns regarding the siting of the Mast in the playing field of Marden Primary School.</p>	Cabinet member health and adult wellbeing
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**Response:**

Herefordshire Council's planning service must follow national guidance when considering any application for mobile phone masts or the like. The mast in Marden was made as a 'Prior Notification' application in 2017, which is the appropriate 'fast track' procedure laid down in statute which our officers have no option but to follow. Planning officers were made aware of concerns from the local community and took this into account in the balance and determination of the application. However, having carefully considered all the information submitted in support of the application, the officers were satisfied that the mast and its location conformed to the nationally accepted safety standards.

Although I have much empathy with the local community on this matter, unfortunately Herefordshire Council would not be permitted to have a planning policy which enables it to ignore or overrule national planning policy.

The council is provided with expert advice from Public Health England on the latest evidence of potential health impacts of 5G masts, which is available on the councils website if further information is required. Public Health England is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

The full details are here: <https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health/5g-technologies-radio-waves-and-health>,

**Supplementary Question**

Many Countries and Counties within the U.K. are banning 5g until sufficient tests have been carried out to ensure it is safe.

Ultimately, as Councillor Bob Matthews asked the question last year at Full Council but to date have had no response, can you tell us what is Herefordshire's position on 5g and who will be held responsible for the effects on health and well-being - mental and physical, when these Masts are sited in close proximity to schools and public open spaces? Especially as Children are more susceptible to the effects of electromagnetic fields.

**Cabinet member's response**

The council received advice from Public Health England (PHE) who monitored evidence applicable to radio technologies and revised advice when necessary. The council had to follow the advice of PHE and had to act in accordance with national planning policy.

**Director of Public Health's response**

The latest evidence from PHE was published on the Council's website which guided the decisions taken by the council. There was reassurance that there was not evidence to support the impact on health.

PQ 5	Ms Wegg-Prosser, Breinton	The government is changing the Standard Method (SM) for assessing local housing need within its proposed planning reform legislation. The algorithm calculations for Herefordshire show a 38% increase in housing allocation as compared with the 2014 SM assessment. How comprehensive and detailed has Herefordshire Council's representation been to the government concerning this astonishing increase in the County's housing allocation?	Cabinet member infrastructure and transport
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**Response:**  
Thank you for your question. The Council provided a comprehensive response to the recent Government consultation upon changes to the Standard Method of assessing Housing numbers in Strategic Plans. For information I have reproduced the response below:

Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Response:

The council is not adverse to the latest household projections being used but does have wider concerns about the standard methodology approach. The outcome of the proposed methodology is to significantly increase the housing requirement from 846 dwellings per annum (dpa) to 1166 dpa. This is an unrealistic requirement for Herefordshire as it faces significant challenges in meeting lower housing figures as demonstrated below:

- Between 1991 and 2000 we had an average of 989 dwellings per annum completed
- Between 2001 and 2010 we had an average of 658 dwellings per annum completed
- Between 2011 and 2020 we had an average of 475 dwellings per annum completed (note 2019-20 was the highest since 1999-2000 with 904 net completions)

This equates to an average of 724 dpa over the last 27 years.

For Herefordshire, the standard method requirement (1166 dwellings pa for 2020) shows an increased housing target of almost 60% against past delivery rates (475). The higher need generated by the proposed method is 41% above the annualised Core Strategy requirement of 825 dpa. However, it is noted that if the residual requirement of 1,070 dpa from 2020 onwards is considered, taking account of delivery against the Core Strategy requirement from 2011-20, the need generated by the new method is 9% higher. Additionally, the standard method proposals takes account of past under-delivery through the affordability adjustment.

However, the Council has not achieved a 5 year Housing Land Supply since the adoption of the Core Strategy in 2015. In a situation where there has been a deficit with the 5 year housing land supply for an extended period of time, raising the target even more is questionable as a mechanism to increase housing delivery. Due to the lack of a 5 year supply, the local authority operates on the basis of the presumption in favour therefore opportunities are there for developments to come forward. Herefordshire is a rural peripheral county in the west midlands area of England with an economy focused towards lower value/paid economic activities, and high house prices. ONS Regional Gross Value Added (GVA) Estimates, state that the county generated 15% below the West Midlands average and 29% below the national average.<sup>[1]</sup> This all contributes to affordability issues in a high house price market.

The affordability adjustment will take time to have any meaningful impact in longer term annual targets. In a county like this there are more complex issues to housing delivery which cannot be addressed by raising housing numbers, it is over simplistic.

We are very concerned that the Government continues to place significant weight of the performance of Local Planning Authorities (LPA) in relation to under delivery of housing. Herefordshire Council has produced two housing delivery test Action Plans where it identifies areas that the Council can influence in order to improve building rates. However the Government should recognise that there are other reasons outside the remit of local councils that impact delivery touched on above. We are very concerned that the Government will be placing unfair burdens on some local councils to achieve unrealistic rates who will then be faced with penalties when these targets are not met.

### **Supplementary Question**

Thank you for providing the Council's representation on the County's housing allocation. It is a shocking admission of their failure to deliver housing and in particular affordable housing. The rate of build completions in 2011 to 2020 was half the rate achieved in the decade 1991 to 2000. It seems the Council is prepared to rely on the argument that in the absence of a 5 year housing land supply, the housing supply can be increased simply through the presumption in favour of development. The opportunity for the Council to submit a representation proposing, for example, funded mitigation of climate change, funded clean-up of the River Wye, funded social housing, and a brave 'Build Back Better' commitment was missed. Why did the Council choose to complain about the government's proposals rather than pick them up and seize an initiative?

### **Cabinet Member's response**

It was acknowledged that affordable housing had not been delivered over the previous 10 years and the administration was looking to build affordable housing to bridge this gap. There had been two consultations recently concerning planning arrangements; the questioners points would be discussed with officers to determine if they could be included in the response to the Planning for the Future consultation.

### **Leader's response**

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<sup>[1]</sup> ONS Regional GVA Estimates, 2018

It was acknowledged that the rate of build was slow which called into question the targets set by central government and required the council to raise the deliverability of the targets with government. Officers were being tasked with a proposal to build more affordable housing in the county.

PQ 6

Dr Geeson, Hereford

In 2014 the Environment Agency and Natural England instigated a Nutrient Management Plan to ensure "that the River Wye Special Area of Conservation (SAC) achieves and maintains favourable condition with respect to phosphate". Herefordshire Council's 2015 Core Strategy based County development proposals on the premise that phosphate levels in waterways would improve, but now in 2020 it is clear that phosphate levels continue to increase and are actually prohibiting development. Sir James Bevan, CEO of the Environment Agency now says the EA 'lacks the powers and resources' to tackle farm pollution. For their part, has the planning department of Herefordshire Council tightened its scrutiny of rural and agricultural planning applications in order to prevent new issues with phosphate pollution, e.g. from intensive poultry units, silage clamps, new barns for livestock, septic tanks, etc.?

Cabinet member infrastructure and transport

**Response:**

Thank you for your question concerning phosphates. The Environment Agency have just sent a letter to about 1200 farmers in the River Lugg catchment area reminding them of their new and enhanced regulatory powers under the 2018 Farming Rules for Water, which demonstrates to me that the Environment Agency should now have the appropriate legislative powers they require to protect our rivers. We have also been advised by their Area Environment Manager that they have the sufficient resource to enforce this but I do feel that the EA and other regulatory bodies have not been sufficiently funded up until very recently and even now the funding bias seem to favour flood but not pollution prevention in my opinion, which hampers the monitoring and enforcement of polluters, whatever section they originate from – we have and will continue to make those views clear to DEFRA and other government departments responsible for their funding.

In relation to your planning question, I can confirm that our planning officers consult in accordance with the relevant legislation prior to determining planning applications. These statutory consultees and the types of development consulted upon are referred to within the table at Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and, dependent on the type of development, can include both Natural England and the Environment Agency.

We are bound by national rules and existing local plan policies but we are working hard to make sure changes that can be made, by lobbying nationally or by revising local plans, will be made, and based on evidence and balance.

**Supplementary Question:**

It was reported this week that farmers on average receive a pollution inspection from the Environment Agency every 263 years\*! This may strain credulity but it illustrates that letters to farmers and other potential polluters are the easy action, while enforcement needs much more commitment and resources; and that is lacking. I'm sure Herefordshire Council planning officers do abide by the relevant legislation with planning applications, but in the light of recent revelations isn't it time to introduce stronger supplementary planning guidance? For example, there could be a pause on determining all new applications of intensive livestock and poultry units until monitoring indicates the necessary falls in phosphate levels in waterways

have happened; and/or more detailed stipulations to ensure waste disposal conditions are adhered to; and recognition of the cumulative effects of neighbouring potential phosphate pollution sources.

\*[https://inews.co.uk/news/environment/farmers-pollution-inspection-environment-agency-chemicals-pollutants-659701?ito=twitter\\_share\\_article-top](https://inews.co.uk/news/environment/farmers-pollution-inspection-environment-agency-chemicals-pollutants-659701?ito=twitter_share_article-top)

**Cabinet member response:**

The capacity of the Environment Agency to monitor pollution levels had been diminished by funding cuts but the council was working with the EA to address pollution levels in local rivers. The nutrients management board had been effective in engaging interested parties and local MPs were representing the interest of the council to government. The council was responsible for granting planning permission for development in the county including facilities such as poultry units. The council had to abide by national regulations and follow the core strategy. It was not felt that the core strategy was robust to address pollution which was now being considered. Supplementary planning guidance was being considered on the issue of agricultural waste.

PQ 7	Mr Palgrave, How Caple	<p>Good practice requires capital projects to be evaluated on completion to confirm they deliver the claimed benefits and Value for Money. The Monitoring and Evaluation Plan for the City Link Road, opened Dec 2017, promised annual reporting of project delivery (outputs); and the monitoring of outcomes and impacts throughout the HCCTP delivery, leading to the production of 'One Year After' and 'Five Year After' reports.</p> <p>Are any reports available to confirm to what extent the City Link Rd has: a) taken traffic from the inner ring road in Hereford to reduce traffic on Newmarket and Blueschool Streets to allow them to be further upgraded for easier pedestrian movement; and b) enabled redevelopment of the area opening up land for residential redevelopment, particularly 800 new housing units, approximately 35% for affordable use?</p>	Cabinet member infrastructure and transport
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**Response:**

The Council undertook extensive multi-modal surveys in 2014 prior to construction of the city link road to provide a baseline for HCCTP evaluation. These surveys were followed up with further surveys in 2019 to provide interim evaluation results on the effects of the City Link Road. Full evaluation of the HCCTP will be carried out one year and five years after the full HCCTP has been delivered.

The results from a comparison of the 2014 and 2019 surveys and a draft report has been produced. That report will be published shortly on the councils website.

**Supplementary question:**

According to the Hereford City Centre Transport Package Programme Update of 23 November 2017, the projected costs for the 'public realm' components of the Package, i.e. improvements to Commercial Road, Blueschool and Newmarket Streets, and the construction of a Transport Hub at the railway station were - Professional Fees: £563k, and Construction & Statutory Utilities: £5927k. How much of the Professional Fees forecasted have now been spent? And given the slower than expected progress on these developments, are these forecast costs from 3 years ago still realistic?

**Cabinet member response:**

This was a technical question and a response from officers would be arranged.

*Written response provided on 20 October 2020*

*The spend to date on professional fees for preliminary design of the Transport Hub and Public Realm element of the Hereford City Centre Transport Package is £297k. The next step for this element of the package will be to undertake a public and stakeholder engagement process to confirm the approach to these elements. The forecast costs for the remaining elements will be updated when the hub and public realm detail is further developed and will be the subject of a governance report at that time.*