

PUBLIC QUESTIONS TO CABINET – 24 JUNE 2021

Question 1

Mr D Hill, Leominster

To: cabinet member, finance, corporate services and planning

It has now been over 18 months since Natural England advised Herefordshire Council in July 2019 that the approach to allowing proposals that would increase phosphate levels in the Lugg catchment of the River Wye SAC was to be reviewing, effectively 'holding' all Planning Applications in the Lugg catchment.

Could the member advise how many planning applications Herefordshire Council are currently 'holding' and why the Planning Department are not determining these applications? There is no good reason to hold applications under the NPPF, noting paragraph 177, and the Development Management Procedures Order, as amended?

Response

There are 82 planning applications that cannot currently be determined in the River Lugg catchment for 1650 proposed dwellings. The reason for this is because Natural England have advised that they will object to any appropriate assessment supporting an application that will negatively impact upon the ecology of the River Lugg, in accordance with the Habitats Regulations. This follows a recent judgement referred to as the Dutch Case, which establishes UK case law and therefore Natural England's position on this. For Herefordshire Council to ignore such advice from a key statutory consultee would be dangerous and leave the local planning authority open to legal challenge, therefore unless the application can demonstrate that the development proposal is either phosphate neutral or provides betterment, it cannot be positively determined by the council.

Paragraph 177 of the NPPF confirms that the '*presumption in favour of sustainable development*' does not apply where the project is likely to have a significant effect on a '*habitats site*', such as the River Lugg Special Area of Conservation. Here, Natural England have to date objected to any appropriate assessment where the findings shows that the application may adversely affect the integrity of the habitat – which will be the case for most housing developments in the River Lugg catchment area and encompasses other types of proposals, including intensive agriculture due to manure application to the land.

Officers are working tirelessly to find a way forward by constructing wetlands adjacent to key village sewage works to remove phosphate entering the river and this is work very much in progress which the Council is financing through reserves. This is because we recognise the impact this has on both the communities as well as the ecology of the river itself.

I would also like to point out that the actual condition of the river is a matter for the Environment Agency, Natural England and Natural Resources Wales to regulate, rather than the local planning authority.

Question 2

Ms J Suter, Leominster

To: cabinet member, infrastructure and highways

I return to the question of the state of the pavements/streets of Leominster Town. Passing the buck to “reduced investment” does not cut it with me. I can only assume you travel the town by hovercraft! Your reply to my previous question stated that you regularly inspect and repair as necessary. Can I ask when and where the most recent and satisfactory repairs have been made. The “repairs” carried out in West St. have not lasted and the road is as bumpy and uneven as ever. The turning from High St into Corn Square via Victoria St is appalling. Money continues to be spent on unnecessary “improvements” to increase tourist trade but will people really come to our town to look at new waste bins and signage when everything else is so run down. I know the money came from a grant but that money came from us the tax payers it did not materialise out of thin air! Don’t blame the government for everything you cannot continually ignore problems and hope they will resolve themselves.

Response

Thank you for your question. I can tell you I don’t have a hovercraft but appreciate the point you make. I am afraid that the serious reduction in funding from central government has hugely impacted our budgets as a Council and our ability to do the maintenance on our roads and paths that we would like to do – this is not passing the buck, this is a cold hard reality. The government used to support authorities much more strongly (and fairly) in the past but since 2010 have pursued a policy of reduction in government grants to authorities like us. One important grant, The Revenue Support Grant, has been reduced from over £60 million a year in 2010 to approx. £600k this year and our road network and this reduction contributes to our roads and paths falling further and further into a state of disrepair. What precious funding we do have, we need to spend wisely and on a safety matrix laid out in our Highway Maintenance Plan which adopts the national code of practice advocated by the Department of Transport. . The busiest areas of Leominster town centre are inspected for safety on a monthly basis in line with national best practice. The resulting repairs are aimed at keeping these streets safe. I will provide a full list from the latest safety inspection.

What those safety repairs cannot do is address the underlying deterioration in the condition of these streets. It is no surprise that the pavements of Leominster have deteriorated with age, these streets are getting close to the end of their lifecycle. Without a substantial and sustained increase in the funds that we have available to maintain our roads, it will become ever more difficult and costly to make safety repairs.

I agree, the problem will not solve itself, we are not ignoring the issue but are working as a Cabinet and with Government departments to identify all available resources (such as the recently secured Heritage Action Zone grant) and focus them in a way that will have the greatest positive impact on the overall condition of our highways, over time.

It would help us as a Council and residents of Herefordshire if you could lobby your MP to fight for fairer funding for our county and a return to the funding streams we had prior to 2010 which enabled us to maintain our county infrastructure to a much more satisfactory standard.

Question 3

Mr M Willmont, Hereford

To: cabinet member, commissioning, procurement and assets

Will the appropriate Cabinet Member explain why the Council continues to pay for scaffolding at the above [Jacobs Court, Commercial Road] privately owned building, how much it has cost to date, when it will end and will we get the money back?

Response

Jacobs Court has a long convoluted history. It has been approx. 10 years since the structure was deemed dangerous and scaffold erected, to protect the structure and glazing, which has remained in situ ever since.

Due to their historically being no resident management company the tower and communal areas fell to the crown. Due to concerns over the deterioration of the scaffold and the health and safety requirements monthly scaffold inspections were commissioned in 2015 at a cost of £400 + vat pcm ((£400x 12) 6years = £28k.)

There is a charge on the property in relation to the dangerous structure and the initial cost of the scaffold erection of (£32 890 + vat) which we hope to use as a mechanism to recoup the ongoing expenditure.

We are now currently in talks with the newly reformed residents management company to try and resolve this, which we hope will finally end the ongoing costs.

Supplementary Question

The reply quotes a cost for the erection of the scaffold and the monthly inspection charge. As there is no figure given for any ongoing cost of hiring of the scaffolding this implies that it is owned by the Council. Please confirm that this is the case and if so the purchase price. If not what is the ongoing cost for the hiring of the scaffolding. Whilst there is a charge on the property for the initial cost of the scaffold will the monthly payments and any purchase price or ongoing hiring charge be added to this?

Response

Written response to be provided.

Written response:

There was no initial charge for the hire of the scaffold as this was part of the original negotiation. We have never paid a hire charge, there will however be a cost to dismantle the scaffold and or to purchase it as the scaffold company will not be able to reuse the scaffold once removed. There is a mechanism available to recharge expenditure to the property management company.

Question 4

Dr N Geeson, Hereford

To: cabinet member, infrastructure and highways

Every cyclist is likely to be one fewer car, with no emissions, and no road congestion. So, promoting cycling must be a priority. I read about Cycle schemes for St Owen Street, Holme Lacy Road, Aylestone Hill to be delivered 2021/22, but wonder what else could also be achieved rapidly, with segregation barriers and judicious imagination. I would love to ride my bike into town from Kings Acre, but cannot find a complete safe route. Being overtaken very closely on Kings Acre Road while also avoiding putting a wheel down a drain is too terrifying. Closer to town, the back streets around Whitecross are navigable, but then there is nowhere obvious to cross the A49 and ride safely to the town centre. What can be done to provide some of the key missing cycling connections much more quickly?

Response

Following the adoption of the Hereford Transport Strategy we will progress at pace the development of a cycling and walking masterplan for the city, whilst continuing to assess in parallel what practical measures that could be implemented for quicker results. We will have, if the decision taken by the Cabinet supports this, a significant increase in precious revenue which will allow us to collate the information needed and to control that process more tightly than we traditionally have done. This revenue will support extra Herefordshire Council staff who are experienced in project management and delivery and will provide much needed support to our existing teams. The Kings Acre/Whitecross road route into the central area referred to in your question is a priority because the demand for a good east west cycle route is high and good east west routes are not easily found in the City. The aim of the masterplan work will be to set out a pipeline of schemes to support funding bids to government by the end of the current financial year.

This financial year we also anticipate recommencing detailed work for the delivery of the transport hub and public realm improvements on Commercial Road and Blueschool Street to improve integration between rail, bus and active modes, as well as completing cycle schemes on St Owen Street, Holme Lacy Road and Aylestone Hill.

We have also been in discussion with Highways England through its designated funds programme to look to secure funding and support for improved crossings for pedestrians and cyclists along the A49 corridor through the city. We will continue to pursue this funding opportunity and our masterplan, even in early draft stages, will help us to make coherent and attractive bids for capital funding from government agencies and departments.

Question 5

Mrs. V Wegg-Prosser, Hereford

To: cabinet member, infrastructure and highways

Reference agenda item 6, Hereford Transport Strategy, my question concerns Table 1, Packages A and B, committed transport allocations for 2021/22, and the railway station hub. This is part of the fully-funded Hereford City Centre Transport Package. Its business case was agreed in November 2015, its City Link Road was built, but its essential Sustainable Transport Measures have yet to be implemented as regards the transport hub. Since 2009 English Heritage (now Heritage England) have been shocked by the Council's failure to proceed with an upgrade of the transport options at the railway station. It is truly shaming. What scope is there for hastening the construction of this hub using additional monies from the Stronger Towns fund and the national bus strategy revenue/capital source, as well as from the minimal sum of money mentioned in this Report?

Response

This administration is committed to progressing delivery of these capital projects. We are currently increasing resource and capacity to accelerate the delivery of key projects such as the transport hub.

The transport hub already has capital funding in place to progress as part of the Hereford City Centre Package. A report is due to be considered by cabinet in July to confirm the next steps to

progress the initial design, consultation and construction costing for the Transport Hub and public realm on Commercial Road, Blueschool St and Newmarket St.

Problems we have inherited from the last administration, which will be discussed in detail at cabinet in July, make it extremely likely that we will need to seek to secure additional capital funds in order to deliver the package. We shall know better the scale of these additional funds when we have confirmed detailed costs and designs for the outstanding projects.

Supplementary Question

Thank you for this response to my question.

I note in your reply to Q 4 that you “anticipate recommencing detailed work for the delivery of the transport hub” and yet in your reply to my Q5 you indicate that “additional capital funds” may be required for this purpose. I asked if the Stronger Towns and national bus strategy Funds could be accessed to speed up delivery of the transport hub. Can you confirm that such funds will not be accessed to finance previous overcosts on the City Link Road element of the HCCTP, and that remaining sums of money earmarked for the transport hub from the original £40m HCCTP budget will also not be accessed for that purpose?

Response

The short answer is that we will have to reassess the budget. We won't be accessing the funds that she's referenced but we will have to do a piece of work which we're doing now to understand where the budget lies as I indicated in that reply there'll be a separate report coming shortly to cabinet to fully explain the situation in regards to the city centre transport package and part of that will explain what budget is left and where we will have to seek further funding but we are utterly committed to delivering the transport hub, improvements to Commercial Street, New Market and Blue School Street and all the other outcomes identified in that package

Question 6

Mrs E Morawiecka, Hereford

To: cabinet member, infrastructure and highways

The detailed cost analysis of the Hereford Transport Strategy is to be welcomed and shows exactly the funding needed for different transport elements and modes. This is much clearer to control budgets and assess Value for Money than the previously aggregated transport schemes, such as the Hereford City Centre Transport Package, where the City Link Rd was merged with projects where money had been allocated for public realm, cycle infrastructure and a transport hub. With Active Travel schemes delivering wide benefits around health, wellbeing, independence, environment, economic and climate and giving higher dividends than new road schemes, it would be helpful in understanding the benefits of each of these options as well as their costs. Where are the detailed benefits of each of the options to be found please?

Response

The impacts (beneficial and adverse) of different transport options and packages of options were considered during the Hereford Transport Strategy Review to enable cabinet to determine its preferred overall strategy.

Package A, which comprised the active travel options, was assessed as having mainly large beneficial impacts across the 4 key objectives – climate emergency, economy, environment and society. This can be seen in the technical report at appendix 1 of the cabinet papers. The radar diagram on page 75 of the report provides a visual indication of performance and page 76 summarises the impacts.

All of the options considered in the Review were assessed individually and the details of the assessment outcomes are set out on pages 101 to 118 of the technical report.