

Agenda item no. 5 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Mr McKay, Leominster	Is good that you are seeking a deferral or cancellation of the 2026 deadline. An Evidence Base could be expected to reveal that 1950's Government guidance requiring Parishes to provide the information did not cover procedures to be followed when anomalies occurred on parish boundaries, for "Public Carriage Road or Cart Road or Green Lane mainly used as Footpath - CRF, or Bridleway - CRB." but did not provide any guidance on how these non-statutory terms should be shown, and left a gap in the records as did not include lanes other than those mainly used as footpath or bridleway, nor do Parishes who provided the information appear to be aware of the 2026 deadline. So may I suggest your discussions with the Minister seek a deferral or cancellation based upon Evidence that records are complete and not time alone?	Cabinet member infrastructure and transport
<p>Response: Thank you for your question Mr McKay, I share your concerns regarding the Definitive map 2026 'cut-off date' I will continue to lobby central government to try and find pragmatic and sensible solution to ensure Herefordshire communities are not disadvantaged by this arbitrary date, and will take your suggestions on board. Officers will also be raising this matter through their regional and national networks.</p>			
PQ 2	Mr Gillam, Peterchurch	The recent report from the House of Commons Environmental Audit Committee recommends that "New poultry farms should not be granted planning permission in catchments exceeding their nutrient budgets." They also highlighted what we all know, namely that "Intensive livestock and poultry farming is putting enormous pressure on . . . the River Wye." Will the council therefore immediately announce a clear policy of a moratorium on building or enlarging IPU's in the Wye catchment? If not, why not?	Cabinet member finance, corporate services and planning
<p>Response: I thank Mr Gillam for his question, I welcome the Environment Audit Committees fourth report on River Quality which made important recommendations for the Wye. I want to clarify, one of the report's recommendations to which Mr Gillam helpfully draws attention. The report recommended that councils consider "<i>refusing planning permission for new intensive poultry units where the proposed development would exceed the catchment's nutrient budget, unless evidence is presented of robust mitigation plans in place that are demonstrably effective in reducing the accumulation of phosphate and nitrate loads in soils and river sediments within sensitive areas in the catchment.</i>" I agree the cumulative impact of all agricultural development should be considered carefully through the planning process. However, I do not believe it would be lawful or wise to introduce a blanket moratorium because we are required to consider each planning application on its individual merits.</p> <p>I will ask officers to consider whether a nutrient budget could be developed for the catchment, and if so over what areas of the county that budget could be applied and, for areas where it should not be applied, what forms of robust mitigation would alternatively be appropriate and acceptable. Before bringing forward any recommendations, I would also want to consult with stakeholders.</p>			

That said, and relevant to this issue, we are currently producing a Supplementary Planning Document that will look at Agriculture and how we implement the complicated policy framework surrounding it.

Supplementary Question:

Thank you for your reply. You say that it would not “be lawful or wise to introduce a blanket moratorium” on IPU’s that are the real source of the problem, yet for two years the Council have had a moratorium on housing development in place. Can you please explain this inconsistency? You also refer to a Supplementary Planning Document that the council are producing, can you provide a definite date by which that will be published? It’s been promised for two years already. We already have the evidence from Natural England and APIS data that shows that the nutrient budgets are being exceeded in the Wye, can you please explain why you then need to “ask officers to *consider* whether a nutrient budget could be developed for the Wye catchment”?

Response from Cabinet Member Finance, Corporate Services and Planning:

The public frustration regarding increasing pollution in rivers was acknowledged. A moratorium on new development in affected areas was currently in place with objections from Natural England to development without mitigation of pollution through the treatment of sewage. A supplementary planning document concerning IPU’s was expected to be coming forward for consideration before the end of the 21/22 financial year. A written response would be provided covering all the issues raised in the supplementary question.

PQ 3	Ms Albright, Leominster	<p><i>On behalf of The Herefordshire Construction Industry Lobby Group:</i> Would Herefordshire Council consider writing to NE, EA and NRW formally asking how they intend to incorporate the data and recommendations from the RePhokus academic study into phosphate pollution in the Wye and the Environmental Audit Committee report on River Quality which specifically addressed the Wye Catchment? It is crucial to know if the agencies have a timescale to prepare a Phosphate Action Plan with the requisite agricultural actions as directed by the Wild Justice Pre Action Protocol letter recently sent.</p> <p>The recommendations from experts are clear and leading ecologists have suggested that time is running out for us to be able to restore and protect our incredible river and soils.</p>	Cabinet member infrastructure and transport
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Response:

Thank you for your question. As you are aware there is regular contact between the Council and our statutory partners the Environment Agency, Natural England, Natural Resources Wales on many issues. I am happy to ask the direct question you raise, it is a valid one and extremely pertinent.

One of the recent findings in the Environment Audit Committee Report on Rivers was concerns from various sectors over the quality of the evidence base used for apportioning sources of Phosphate Pollution. Herefordshire Council and its partners are committed to an evidence based approach and wants to see widespread public engagement in improving the evidence base and action planning so that it commands widespread acceptance across all sectors. I can confirm that high level discussions have been commenced with our partner organisations to seek agreement on a shared way forward in the coming weeks and months. I will report further on this when we have reached agreement with our partners on a way forward.

Supplementary Question:

HCILG are surprised that your response also refers to 'concerns from various sectors' regarding the independently produced apportionment figures for the Wye.

The recently completed RePhokus study, supported by the Wye and Usk Foundation, showed that 71% of the total phosphate loss to water in the Wye Catchment comes from the agricultural sector - which is an increase on the SAGIS apportionment of 65% and on the original 50:50 apportionment used to justify the housing moratorium in 2019.

Your response seems to cast doubt over the current scientifically prepared apportionment and subsequent recommendations - but without providing robust alternative evidence. HCILG are concerned that sense of doubt inadvertently undermines, at a very late stage, the valiant efforts of dozens of passionate people, across all sectors, who are working together to create a plan that can restore The Wye as the clock runs down.

Are Herefordshire Council saying that they do not have confidence in the apportionment and data currently provided or in the recommendations made by the EAC report and RePhokus documents, and therefore they have plans to collect and submit their own data and apportionment instead? If so a timescale for this would be useful as it will be needed urgently to inform actions going forward. Time is not on our side.

Response from Cabinet Member Infrastructure and Transport:

It was acknowledged that the response to the question had contained a poor choice of words. The response had intended to explain that the data from agencies had not been adequate and tribute was paid to the work of citizen scientists and the work they undertook.

PQ 4	Mr Wood, Hereford	<p>I would like assurances from Cllr Harrington that funds will be set aside in 2022/23 for improvements to Herefordshire's pavement network. I am a wheelchair user who regularly has to risk my safety when travelling around the city using the roads as my pavement due to the lack of drop curbs on some of the county's pavements.</p> <p>Please can Cllr Harrington look at this issue with matter of urgency so that the lives of wheelchair and mobility scooter users are not put at risk any longer?</p>	Cabinet member infrastructure and transport
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Response:

Thank you for your Question. The council does not have a specific budget for improvements to crossing points, public realm schemes are identified in advance and cover a wide range of assets including footpath and carriageway maintenance. The council will always look to improve the assets as issues are identified and as resources allow.

I have asked officers to arrange to meet with you so that you can identify any specific concerns which can be inspected, this would inform the council's Annual and Forward programme for delivery as budget and resources become available. We could also discuss developing a broader programme of how we could make our City (and towns) as friendly as possible for all users, paying special consideration to wheelchair users. It is something we should be aspiring to be better at.

Supplementary Question:

Following your response to my original question Please can you assure the public who use wheelchairs and mobility scooters that Herefordshire Council will consult us when creating new road and pavement networks in the future to ensure that they continue to be accessible for us?

Response from Cabinet Member Infrastructure and Transport:

It was explained that consultation was conducted with stakeholders and the questioner was welcome to join the group stakeholders who would be consulted. Officers of the council would be undertaking visits around the county to investigate the issues raised.