

PUBLIC QUESTIONS TO CABINET – 2 MARCH 2023

Question 1

From: Helen Hamilton, Marches Planning and Environment
To: cabinet member, finance, corporate services and planning

The Cabinet Commission report refers to the WWF et al case of 2015 and says there was no specific outcome for the Wye but an order was made to introduce a trading scheme at Poole Harbour

This is wrong The Lugg was one of the test catchments in the case and the Poole trading scheme was one of several measures in a plan to address nitrogen pollution in the Poole catchment, the contents of which were not mandated by the court. The Court order required DEFRA to produce Diffuse Water Pollution Plans (DWPP) for the affected Natura 2000 catchments, including the Wye.

QUESTION – How do the Cabinet Commission proposals fit into a DEFRA-produced DWPP for the Wye and Lugg catchments?

Response

Ms Hamilton thank you for your question, Natural England tell us in their DWPP theme guidance that their first their priority is to continue to update and implement DWP Plans to ensure they provide a live, user-friendly evidence-led approach to delivery. We see our proposals as a further possible building block for inclusion in a DWPP along with a strengthened Nutrient Management Plan. We are in contact with the agencies over our proposals and will want to discuss with them how the proposal could contribute to the DWPP framework prior to the submission to the Secretary of State and Welsh Government.

Supplementary question

In response to my question as to how the Commission proposals would fit within the Diffuse Water Pollution Plan DEFRA is legally bound to produce, the Council quotes a single line from a 31-page document as Natural England's view on the proposals and says that it will discuss the plans with the agencies, indicating it has not done so yet. The Natural England document dates from 2015, before either the WWF/Fish Legal or the Dutch Nitrogen judgements and is now unlikely to be compliant with NE's duties under the Habitats Regulations.

Why should Herefordshire Council devote funds to work that DEFRA must carry out as soon as reasonably practicable and which it is not certain will be accepted as part of a DWPP?

In responding to this question, please be aware that the courts have said in both the Fish Legal case and Harris v Environment Agency* that a shortage of resources is not a justification for failing to produce a DWPP or meet the requirements of the Habitats Directives.

Response

I would like to provide assurance that we will be continuing our ongoing discussions with the agencies about the work of the Commission which predate your questions. We have accepted an offer from them to discuss next steps following cabinet's consideration of this report today. As your questions also raise legal considerations we will take further advice. We will respond to the points you raise once we have the benefit of this advice and have discussed further with our partner agencies which I anticipate that because of diary commitments will be towards the end of March.

Question 2

From: Mark Franklin, Bromyard

To: cabinet member, infrastructure and transport

Re item 8 – Eastern River Crossing, I would like to know:

- How much traffic (%) is expected to be removed from the current A49 corridor as compared with the previously proposed Western Bypass and SLR?
- How does the anticipated completion date (2029-31) compare with the previously forecast completion dates for the Western Bypass and SLR?
- With no extension of the corridor through to the A49, how is additional congestion to the north of the river to be avoided?
- What potential funding sources have been identified?
- From which earmarked reserve has the £1 million been allocated?

Response

Dear Mr Franklin, thank you very much for your question. At the time of the Hereford Transport Strategy Review (HTSR) in 2020, the analysis of options suggested that the Western Bypass would initially deliver a 21% reduction in traffic flows on roads in the Air Quality Management Area (AQMA) in the city (*page 114 of the HTSR Technical Report*) and the Eastern Link would initially deliver a 14% reduction in flows on roads in the AQMA (*page 117 of the HTSR Technical Report*). The current work, more detailed, work being undertaken for the Eastern River Crossing and Link Road (ERiC) is at an early stage, however, early analysis suggests that traffic relief on the A49 could be up to 20%, which is extremely encouraging. The ERiC supports the Hereford Masterplan ambitions and the council's commitment to net zero and is also aligned with central government's decarbonisation agenda. The Western Bypass, as well as being the most environmentally damaging option, had an estimated cost of £190 million compared to an Eastern Link cost of £55 million.

The completion date for the western bypass was circa 2030 (as per HTSR), and ERiC is anticipated to also be completed by circa 2030. We have been careful to factor in allowances for a strict business case development process set by the Department for Transport. There will be opportunities to truncate that timeline but that is a conservative estimate. It must be noted that work on the Western Bypass also comprised several years, if not a decade, under the previous Conservative administration and so, in totality, the time estimated for a Western Bypass is considerably more than the Eastern Link we are working on.

ERiC is not seeking to remove all through traffic from the City, this is a common misunderstanding and we need to look at the data. The HTSR showed that only 7% of trips pass through the city, beginning and ending out of city (*p23 of HTSR report*) and so we are more focused on providing resilience with an additional river crossing and access to residential areas in the north eastern quadrant of the City, as well as providing the conditions which will increase modal shift to walking, cycling and public transport as set out in the City Masterplan.

A number of funding sources have been identified for ERiC, including those set out below. However, further work is anticipated in later business case development to provide more detail on a likely funding package.

- DfT Major Road Network fund.
- DfT Local Growth Fund.
- DCLG Housing Infrastructure Fund.
- DLUHC Levelling Up Fund.
- DCLG Housing Infrastructure Fund (HIF).
- Developer contributions and Community Infrastructure Levy (CIL).

- County council / local authority capital programmes.
- Prudential borrowing by the local authority, paid back over the long term by business rates.

The £1m for the further development of the Eastern River crossing business case project is funded from the settlements monies ear marked reserve, as per the cabinet decision on 29th September 2022

<https://hc-modgov.herefordshire.gov.uk/ieListDocuments.aspx?CId=251&MId=8394&Ver=4>

Supplementary question

Many thanks to the Cabinet Member for a most detailed and informative response. The 7% figure has been much quoted but excludes those whose necessary journeys begin in the city and end outside, or vice versa, and those whose journeys begin and end within the city but must use personal motor transport. Thus a group much larger than the 7% may experience considerable delays in crossing the city, particularly at peak times. What reduction in journey times might they expect following completion of the ERiC?

Response

The cabinet member noted that the seven percent figure is traffic technically bypassing Hereford. In relation to the other traffic, the cabinet member highlighted the 14% reduction in traffic flows and 23% reduction in congestion as set out in the original response. He agreed to follow up with a figure on reduction in journey times.

Question 3

From: Philip Price, Preston on Wye

To: cabinet member, finance, corporate services and planning

Legacy P was previously blamed on ploughing up swards in the Second World War. Now you are saying that the deposition of legacy P is so great that there is no swift route to river recovery. The views expressed that you don't understand the subject and much has to be done, yet you are going to train and support farmers in the use of appropriate tools to rectify the problem.

Can the Cabinet please explain to the farming community based on this report, how they will engage with them, when this report suggests that the scientific evidence on the movement of Phosphate is so poorly understood?

Response

Mr Price thank you for your question, the Rephokus Report published last year specifically identifies need for further research and tool improvement in a number of areas. At the Commission's suggestion, DEFRA have brought together Lancaster University, the Scottish Rural College, Rothampstead Research and the AHDB to better understand the evidence gaps and develop the tools needed to enable farmers to make better choices about the application of nutrients in the catchment.

EA, NE, NRW and Welsh Government, together with the supply chain, Farm Herefordshire and the Council also participated in these discussions with leading national specialists. They have agreed to take an end to end approach to the scientific evidence and how it can be applied to on-farm solutions.

As of last week their agreed position is, *'We don't have enough evidence of measures that have been and are being taken or required on the levels and movements of P (both legacy and present) to drive community engagement and enact change.'* The DEFRA sponsored group are working up a project proposal to address the evidence gap through new on-farm tools and training. Around this, a comprehensive farmer-to-farmer engagement and consultation process will also

be commissioned to work through the challenges presented by managing down Phosphates including legacy P.

Supplementary question

I have specific interest in the reasons for wanting a clean and healthy River Wye. After at least nine years and hundreds of thousands of pounds spent, all the experts, specialists, consultants and academics across two countries conclude that, as of last week, we don't have enough evidence of measures that have been and are being taken or required on the levels and movements of P, both legacy and present, to drive community engagement and enact change. It is an insult to the farming community, who are making strides to resolve phosphate leach, for you to regularly state that farming is the cause of 70 percent of the problem and only 30 percent to human waste. When there are such gaps in knowledge of how phosphate moves, your omission does not support this spurious claim. Will the cabinet address this statement and deal with the issue of human waste entering the catchment from every public sewer in the River Wye catchment?

Response

Government has made a number of statements recently about the action that it's wanting to take to regulate the release of sewage into river systems by water treatment works by the water companies. Defra is about to consult shortly on proposals to hypothecate the fines that they are capable of issuing to water companies in order to provide a funding source to assist with the clean-up. That's all government activity and as a council we're implementing mitigation measures against phosphate pollution from water treatment works through things like the recently implemented wetland at Luston and wetlands that are planned in the pipeline at Titley and at Tarrington, and hopefully in other places in the county as well, but we don't have the ability to deal with the water companies ourselves. I will investigate what options are open to us and we'll provide a full written response to you.

Question 4

From: Ms Reid, Hereford

To: cabinet member, children and families

Two priorities of the Cabinet are improving Children's Services and wise expenditure on CS etc.

Local Government Interactive Tool show rates of Children Looked After (CLA) per 10,000 children of:

| | 2021-2022 | 2020-2021 |
|----------------------------------|------------------|------------------|
| Herefordshire: | 112.0 | 87.0 |
| Statistical Neighbours' average: | 64.3 | 60.2 |
| England: | 70.0 | 67.0 |

Respectively for the years the number of CLA in Herefordshire has increased to 378 from 312 (392 at 31/10/22, 24/11/22 Cabinet meeting).

The base budget for CLA in 2023-24 is £28.724m net (£32.671m gross). Average cost per child is expensive (residential: £263,432pa).

Roughly, the number of children in care could be halved thus halving expenditure on CLA.

The rate of care proceedings is about double that of SNs – cost could be slashed.

What is the current number and rate of CLA in Herefordshire (with date) and latest rates for Herefordshire compared with Statistical Neighbours' average (with date)?

Response

We do not accept your assertion in the question that the number of children in care could be halved and that if that were to happen, the budget would similarly be halved.

In answer to your question:

As at Monday 27 February 2023 the number of children in our care was 406 (including 25 Unaccompanied Asylum Seeking Children) giving a rate per 10,000 of 113).

Excluding the number of Unaccompanied Asylum Seeking Children there are 381 children in our care, which equates to a rate per 10,000 of 105.

We receive and support Unaccompanied Asylum Seeking Children as a part of the National Transfer Scheme and the number in our care has doubled in the past twelve months.

England and statistical neighbour averages are published annually and the most recently available data is as you have presented in your question.

Supplementary question

In 2021-22, the rate of Children Looked After (CLA) per 10,000 for Herefordshire was 112.0 but the Statistical Neighbours' average was 64.3. Both rates would have included similar rates of Unaccompanied Asylum Seeking Children (UASC). Herefordshire's very high rate of children in care could be substantially reduced thus slashing expenditure.

The high rate is highlighted in the Commissioner's report. It states:

"Most of the additional funding has met the cost of increased number of placements for looked after children ..."

Will the concerns of the Children's Commissioner about number and cost of children in care be prioritised by at pace implementing Family Group Conferences, increased investment in relatively cheap family support and reunification?

Response

The concerns of the children's commissioner are being prioritised absolutely. As far as unaccompanied asylum seeking children are concerned, it's quite difficult to compare rates between different areas because the mandatory national transfer scheme is fairly recent and not all councils did offer homes to these children so we just have to be a little bit careful about comparing rates. As far as family group conferencing is concerned, yes we are committed to introducing that and to working faster on exploring reunification and all of this is outlined in the improvement plan.