

## **Report of Cllr Elissa Swinglehurst Llangarron Ward**

### **October**

One of the most inspiring things I did this month was to visit SIL (Supported Independent Living) in Hereford. They provide care and support to enable people who have a disability to live to their full potential – pioneers of what has become the ‘strengths based approach’ which recognises that just because you need help, you are not helpless. The board has over 50% service users or carers so they really know what they are doing and the positive, cheerful and compassionate community that I saw was an inspiration. They run a café at the centre so, if you are in Hereford, check it out!

### **Children and Young People’s Plan**

This was something that started off when I was the Cabinet Member and it has now been launched. Young people were there to speak about their experience of life and they did very well – it’s not easy to speak to a room of total strangers! The plan is a high level strategy and has an emphasis on health, realising potential, being included, being safe and having a great start in life. Later in the month I attended a briefing session on the current performance of our schools – so many are top quartile, we outperform national averages almost across the board so – our children are getting a great start in life. I was particularly pleased to see that those children who have particular barriers to overcome are managing to do better and better. Fantastic set of results – well done to the children and to the teaching staff who are making the difference.

### **Full Council**

I proposed a Cross party Notice of Motion, seconded by Cllr Watson of Kerne Bridge to request that the council review Part Q (General Permitted Development Order) and consider writing to Government to ask that the policy be revisited in the light of the climate change emergency. For those who do not know what Part Q is...in a nutshell it permits the converting of farm buildings into up to 5 dwellings in open countryside. There is no provision for affordable housing and no development contribution to offset any harmful impact to the locality. Over time this will lead to more people living in unsustainable locations where access to services has to be by car, there is very little control over build quality, carbon efficiency and design and, in my view, there is increased likelihood of damage to the historic fabric of the older farm buildings.

The subject of changing from Cabinet to Committee system also came up as a notice of motion. It struck me as strange that it came via a ‘back bencher’ since it was the stated policy of all three of the parties who now comprise the administration and could (should) have come forward as a proposal from them (or they could have just authorised a review without further recourse to colleagues as they did for the pause of the by pass scheme). Anyway, before I was elected I used to think that a committee system was the best way of dealing with the perceived democratic deficit in the cabinet system. I have to say that now, having been a cabinet member and understanding that it is important for someone to take decisions who will then be held accountable for them, I have somewhat changed my position. The current system allows the vast majority of decisions to be taken quickly, efficiently and without fuss by the cabinet member, if a decision cannot be taken like this (due to level of cost implication, effect on policy etc) then it is taken by the cabinet as a whole. Any decision can be called in to scrutiny if there are concerns about the way in which the decision is being taken or about the potential impact of the decision etc. So, for instance, the General Overview and Scrutiny Committee ‘called in’ the decision to pause the road scheme. This way the committee members (from all parties) can ask about the decision and all members and members of the public can submit questions and ask supplementary questions if present (although at the meeting on the

pause decision these questions were not really answered and therefore the supplementary was a bit meaningless). So, with the scrutiny committee performing its role properly there are checks and balances in place – at the end of the day the cabinet member or cabinet can set aside recommendations of the committee and make the decision notwithstanding but, in practice, it is usual for the cabinet member to accept the recommendations or give a substantive reason why not.

The committee system would, like as not, do away with scrutiny so, instead of a group of councillors testing the soundness of a decision, the decision itself would come from a consensus. The cabinet member would still have the final say but would not be challenged in the way that they can be now. I suspect that the committees will be a talking shop and the loudest voice in the room may well prevail – happy to give it a go but I do have my reservations.

### **Planning Committee**

I did a stint on the planning committee this month because I was up there anyway presenting on an application in Llangarron so it made sense to substitute. The Llangarron application was the first one to be decided, the committee had done a site visit and I thought they showed a good appreciation of the concerns of local residents in their discussion on the day of the committee. Despite a split vote the planning was passed.

All the applications on the day were determined in line with the officer recommendation with one exception – an application for four houses where, no other arrangement being practical, the proposal was to use cesspits for foul water. The site was up a narrow lane, proximal to a river and the committee felt that there was significant and demonstrable harm that would outweigh the presumption in favour of sustainable development. One concern was around any potential impact on water quality which leads me on to another interesting subject...

### **Nutrient Management Board**

I am very pleased to say that I am not only on this board (along with the Lugg Internal Drainage Board and the Wye Navigation Board – all things riparian) but have been elected chairman. I went with 5 Herefordshire Council officers (including two senior officers) to the meeting in Llandrindod Wells. Sadly there was only one officer from Powys and no representative from NRW – given that the issues are catchment wide I think it is really important that everyone is invested in finding the solutions.

So, what are the problems we are trying to solve on the Nutrient Management Board?

The EU habitats directive sets limits on water quality to achieve favourable conservation status – the River Lugg is failing these targets, the Upper Wye is at risk and so is the Lower Wye. The board comprises representatives from the NFU, Wye Usk Foundation, Natural England, Natural Resources Wales, Environment Agency, CLA, DwrCymru, Herefordshire Council and Powys Council.

The source apportionment study conducted in 2014 showed that around 45% of the pollution (Phosphate) is coming from point sources (sewage treatment works) and around 45% from diffuse agricultural sources (run off from fields, badly designed yards, badly stored manure, inappropriate spreading etc). DwrCymru have invested millions in adding phosphate stripping technology to their waste water works and plan to do more in the next period (2020-2025), they have also improved capacity by separating the Yazor aquifer in Hereford.

The diffuse pollution is a lot harder to address – Farm Herefordshire offers free help and advice to farmers in the catchment to improve the situation. Literally hundreds of farms have been visited and a lot of public money has gone into funding to provide new concrete yards, better drainage, fencing off the river from livestock encroachment, education, support and advice (including advice on funding).

The Nutrient Management Board has developed a monitoring dashboard so we can see the Phosphate levels in the river over time and it shows that, despite all the effort, levels of phosphate remain above the target.

Why does it matter? If there is too much nutrient in the water then you get algal blooms – algae takes oxygen from the water and kills river life (including fish). Because of a recent finding of the European courts (known as the Dutch Nitrates case – about the spreading of fertilizer) Natural England will not sign off on anything that might have a negative impact on the water quality of an SAC (special area of conservation) like the Lugg and Wye. As a consequence it is not possible for planning permission to be given in the Lugg catchment until this situation has been resolved or a practical solution found. The benchmark is ‘beyond a reasonable scientific doubt’ that there will not be an adverse impact – this is quite a challenge and whilst there may be some individual applications that Natural England will assess positively on the individual merits of the case there is an overall moratorium currently in place.

Over time this will impact the five year housing land supply and, if we cannot deliver the strategic sites around Hereford, it does open the possibility that we will fall below a 3 year housing land supply which will impact all the Neighbourhood Development plans.

The lack of a five year housing land supply and the risk of losing the strategic sites around Hereford has already been used by Gladman in their arguments at the appeal for housing in Ledbury – the result is awaited but if they win then additional sites in Ledbury will probably come forward using the same arguments.

### **Climate Change**

We had an all day meeting on climate change. I can't help feeling that we are not understanding the scale of things. Herefordshire must do its bit but, frankly, climate change is a global problem. We can admire the problem and we can go on about farting cows and riding bikes but we need to put more (a lot more) thought into what we are going to do to protect the residents of Herefordshire against the effects of climate change.

The most likely effect will be increased precipitation – rainfall. Perfectly illustrated by recent events – it wasn't the end of the world, it was a couple of days of heavyish rainfall and yet the rivers' peaked at historic highs, houses were flooded, roads were impassable – thankfully there was no loss of life. Now, had this taken place 7 years ago, my own house would have been flooded along with my neighbour's but, in fact, not a drop entered my home (or my neighbour's). This is because, having been flooded three times, I sued the landowner, got control of the land, sorted out the drainage and fixed the problem. There are things that can be done, protection that can be put in place – reasonable measures that can be taken (a duty of care to do all that is reasonable in all the circumstances applies in common law where there is a nuisance from flooding even from a green field – see *Leakey V National Trust*).

You cannot have failed to notice the colour of the floodwater – it looked as if we were being flooded by chocolate. The soil that reddens the water comes from numerous sources but it is very often

from bare earth left after a maize harvest. The soil carries with it the phosphate that is polluting the rivers, the soil cannot be replaced. UN estimates are that the global soil will be so depleted that harvests will end in 60 years. In the UK the estimate is 100 harvests remain in the soil – 2 a year – 50 years.

Joining the dots....climate change...increased precipitation....soil loss...pollution of the rivers...collapse of aquatic biodiversity...

I did post something about this on facebook but got immediately accused of blaming farmers for flooding. There are some very good farmers who take great care of their land, their soil, their neighbours, their livestock and who do not pillage their farms but there are others who are none of the above. That is the same in all walks of life, there are the good, the bad and the downright incompetent.