

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 3 June 2026**

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Time: **10.00 am**

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Place: **Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Planning and Regulatory Committee**

## **Membership**

**Chairperson**            **Councillor Terry James**  
**Vice-chairperson**   **Councillor Clare Davies**

**Councillor Polly Andrews**  
**Councillor Bruce Baker**  
**Councillor Jacqui Carwardine**  
**Councillor Simeon Cole**  
**Councillor Dave Davies**  
**Councillor Matthew Engel**  
**Councillor Catherine Gennard**  
**Councillor Peter Hamblin**  
**Councillor Stef Simmons**  
**Councillor John Stone**  
**Councillor Charlotte Taylor**  
**Councillor Richard Thomas**  
**Councillor Mark Woodall**

## Agenda

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<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interests in respect of items on the agenda.	
<b>4. MINUTES</b>	13 - 38
To approve the minutes of the meeting held on 8 April 2026.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 242558 - LAND TO THE SOUTH OF LOWER BULLINGHAM, WEST OF THE ROTHERWAS INDUSTRIAL ESTATE, NORTH OF THE ROTHERWAS, HEREFORD, HR2 6JW</b>	39 - 284
The first phase of an urban extension (known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling). All matters are reserved for future consideration save for 'access'. Only the means of access into the site is sought as part of this outline application, not the internal site access arrangements.	
<b>7. DATE OF NEXT MEETING</b>	
Date of next site inspection – 7 July 2026	
Date of next meeting – 8 July 2026	



# The Public's Rights to Information and Attendance at Meetings

## YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## Travelling to the meeting

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at: <http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.



### Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Matthew Engel	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Charlotte Taylor	Independent for Herefordshire
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the service director, regulatory, believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

## **Who attends planning and regulatory committee meetings?**

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

## **How an application is considered by the Committee**

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

## **Public Speaking**

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues

- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

*(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:*

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

### **Role of the local ward member**

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.



**The Seven Principles of Public Life  
(Nolan Principles)**

**1. Selflessness**

Holders of public office should act solely in terms of the public interest.

**2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



**Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 8 April 2026 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Clare Davies (vice-chairperson)

**Councillors:** Polly Andrews, Bruce Baker, Jacqui Carwardine, Simeon Cole, Dave Davies, Matthew Engel, Toni Fagan, Peter Hamblin, Stef Simmons, John Stone, Charlotte Taylor and Richard Thomas

**In attendance:** Councillors Liz Harvey and Ben Proctor

**Officers:** Senior Solicitor Planning and Highways, Development Manager Majors Team and Team Leader Area Engineer

**76. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Mark Woodall.

**77. NAMED SUBSTITUTES (IF ANY)**

Councillor Toni Fagan acted as substitute for Councillor Woodall.

**78. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**79. MINUTES**

**RESOLVED:** That the minutes of the meetings held on 25 February 2026 and 8 March 2026 be approved.

**80. 242783 - LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), LEDBURY, HEREFORDSHIRE**

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking a statement was read on behalf of Ms Stephenson, in objection to the application, and Mr Griffiths, on behalf of the applicant, spoke in support.

In accordance with the Council's constitution the local ward member spoke on the application. In summary, she explained that:

- The land had been allocated in the neighbourhood development plan (NDP) for medical centre, a nursery and employment provision;

- The construction of a medical centre was supported locally. The GP surgery had run out of space and required a larger facility;
- Local residents living close the application site welcomed the provision of a nursery and food store;
- The food store would provide additional employment to the town;
- The construction of a new food store would have an impact on the shops within the town centre but the retail assessment had not considered the impact significant;
- There were concerns that the predominant means of travel to the food store would be by car however it was recognised that walking/cycling access had been included in the application and there was a contribution towards community transport in the section106 agreement;
- The retention of the hedgerow along Leadon Way was important at a height which screened the development; the requirement for maintenance of 10 years in the conditions should be extended to ensure longer term maintenance;
- The impact of the operations on local residents posed by the new development was a concern and the impact of lighting on dark skies locally;
- There was concern that the medical centre may not be built therefore it was important to take forward the construction to safeguard the land that had been allocated for this purpose;
- It was explained that in the balance it was considered that the benefits to Ledbury posed by the development outweighed the risks therefore the recommendation of the case officer was supported.

In accordance with the Council's constitution the adjoining ward member spoke on the application. In summary she explained:

- The committee was urged to refuse the application due to an inadequate retail impact assessment; a lack of compliance with policy; and harm to the town centre;
- The data used in the retail impact assessment was not considered credible and did not provide an accurate assessment on the impact posed to local shops of the new food store;
- The application was contrary to core strategy policy E2 as the 12 month review process of viability had been inadequate;
- Core strategy policy E5 had also been breached as the retail impact assessment was inadequate;
- The application did not accord with NDP policy EE1.2 which was intended for additional health care provision and not the provision of a new supermarket or relocation of existing services out of the town centre;
- The current location of the GP surgery provided significant footfall to the town centre;
- Small, independent retailers operated within tight margins and required the footfall brought into town by services such as the GP surgery;
- The sequential testing for the site had not taken account of a site available in the town;
- If the application was approved it would set a precedent for service dispersal from the town;
- An assessment of the impact of the construction of the food store had concluded that there would be significant harm to Ledbury town centre.

The committee debated the application and the following principal points were raised:

- Support for the nursery and the food store had been expressed by local residents in close proximity to the application site;

- The impact on residential amenity of operations at the food store was raised as a concern and it was felt that restrictions on nighttime deliveries was appropriate;
- Concern was expressed regarding the potential impact on trade in the town centre caused by the opening of the store on the outskirts;
- The hedgerow along Leadon Way needed to be maintained at an appropriate height and the maintenance of the hedgerow secured into the future.

The Development Manager provided the following clarification:

- Condition 13 required the submission of a noise management scheme prior to commencement of development;
- Conditions 25 and 30 proposed landscaping implementation and maintenance.

The local ward member and the local adjoining ward member were given the opportunity to close the debate.

Councillor Bruce Baker proposed and councillor Dave Davies seconded a motion that the application be approved in accordance with the case officer's recommendation.

The motion was put to the vote and was carried by a simple majority.

**RESOLVED: That**

**That planning permission be granted, subject to the conditions set out at Annex 1, the completion of a Section 106 agreement to secure the transfer of land for the proposed medical centre, the community transport contribution, and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers.**

**STANDARD CONDITIONS**

**1. Time Limit – Full Permission (Foodstore and Nursery)**

**The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990.**

**2. Submission of reserved matters (Medical Centre)**

**Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990**

**3. Time Limit (Medical Centre)**

**The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

#### **4. Approval of the reserved matters (Medical Centre)**

Approval of the details of the appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015.

#### **5. Approved Plans (full)**

The development shall be carried out in accordance with the approved plans listed in this below;

P402 rev Q Proposed Masterplan (only as far as it relates to the foodstore and nursery)

P403 rev N Proposed Lidl Site Plan GA

P404 rev K Proposed Lidl Surface Treatment Plan

P101 rev C Proposed Lidl Roof Plan

P120 Proposed Nursery Ground Floor Plan

P121 Proposed Nursery First Floor Plan

P202 rev B Proposed Lidl Elevations – Brick Alt

P220 Proposed Nursery Elevations – South

P221 Proposed Nursery Elevations - North

P401 rev C Existing Site Plan

P420 rev B Proposed Nursery Site Plan GA

P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nursesey element)

CA2024 LDBY 02 rev C Tree Survey & Existing Features & Overlay

CA2024 LDBY 03 rev H Landscape Proposals Overall

CA2024 LDBY 04 rev F Landscape Proposals Detail 1-200 A0

CA2024 LDBY 04 rev F Landscape Proposals Detail

CA2024 LDBY 07 rev B Ledbury Hedgerow Management Plans

CA2024 LDBY Ledbury Planting Schedule rev 18 June 2025

CA2024 LDBY 01 rev B Tree Survey & Existing Features

CA2024 LDBY 05 rev A Landscape Living Green Wall

CA2024 LDBY 06 Landscape Sections

PL02 rev F Access Junctions Visibility Splays

PL03 rev H Potential Active Travel Links to Development

SP01 rev G Swept Path Analysis

SP02 rev D Swept Path Analysis

PL01 rev G Potential Toucan Crossing

P400 rev C Site Location Plan

Reason: To ensure adherence to the approved plans in the interests of proper planning.

#### **6. Approved Plans (Medical Centre)**

The development shall be carried out in accordance with the approved plans listed in this below;

**P400 rev C Site Location Plan**

**P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nurse element)**

**Reason: To ensure adherence to the approved plans in the interests of proper planning.**

**PRIOR TO COMMENCEMENT OF DEVELOPMENT (site-wide or specified element of development)**

**7. Materials**

**With the exception of site clearance and groundwork, no development shall commence on: a) the foodstore, or b) the nursery, until details and/or samples of the external materials to be used for the walls and roofs of the respective buildings (including solar panels) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved materials.**

**Reason: To ensure a high standard of design that respects and enhances the character and appearance of the area, in accordance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, SD1.3 and NE2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.**

**8. Biodiversity Net Gain**

**No development shall commence, including any site clearance or preparatory works on that respective element, until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:**

- Confirmation that the development is subject to the statutory Biodiversity Gain Condition under the Environment Act 2021 and Biodiversity Gain Regulations 2024.**
- Details of the on-site habitat creation and enhancement measures, including habitat types, condition targets, and management prescriptions.**
- Evidence of the purchase of off-site biodiversity units from a Registered Biodiversity Gain Site Provider, or alternatively, confirmation of statutory biodiversity credits purchased, sufficient to achieve a minimum 10% net gain in biodiversity value.**
- A Habitat Management and Monitoring Plan (HMMP) covering a minimum 30-year period, in accordance with DEFRA guidance, setting out how the biodiversity measures will be maintained and monitored.**

**The development shall thereafter be carried out in accordance with the approved Biodiversity Gain Plan and HMMP.**

**Reason: To ensure the development delivers measurable biodiversity net gain in accordance with the Environment Act 2021 and the Biodiversity Gain Regulations 2024, and to give effect to the deemed biodiversity gain condition imposed by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The condition also supports compliance with Policies LD2 and LD3 of the**

**Herefordshire Local Plan - Core Strategy and Ledbury Neighbourhood Development Plan Policies NE1.1.**

**9. Contamination**

**No development shall commence, including any site clearance or preparatory works, until the following has been submitted to and approved in writing by the local planning authority:**

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: In the interests of human health in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.**

**10. Construction Management Plan**

**No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.**

**The Construction Management Plan shall include the following details:**

- Measures to prevent mud and debris being deposited onto the public highway;**
- Construction traffic access arrangements;**
- Parking provision for site operatives and visitors;**
- A Construction Traffic Management Plan;**
- Details of any site compound, including its location (which may be on land identified for the nursery or medical centre), and a scheme for the reinstatement of that land following completion of construction works.**
- The approved Construction Management Plan shall be implemented in full and maintained throughout the construction period.**

**Reason: To safeguard highway safety, protect residential amenity, and ensure the coordinated and phased delivery of the development, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.2 of the the**

## **Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

### **11. Drainage**

**No development shall commence, including any site clearance or preparatory works, until the following drainage details have been submitted to and approved in writing by the Local Planning Authority:**

- **Detailed design drawings and construction plans for both the proposed surface water and foul water drainage systems, including calculations and specifications. The foul drainage design shall be developed in consultation with Severn Trent Water.**
- **Written confirmation from Severn Trent Water that the proposed surface water discharge to the public surface water sewer is acceptable.**
- **Details of the proposed adoption and maintenance arrangements for all drainage infrastructure, including confirmation of the responsible party and any agreements with statutory undertakers or management companies.**

**The development shall thereafter be carried out in accordance with the approved details prior to first occupation or use of any part of the development.**

**Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of flooding and pollution, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.**

### **12. Construction Environmental Management Plan**

**No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Environmental Management Plan (CEMP) for that element has been submitted to and approved in writing by the Local Planning Authority.**

**The CEMP shall include, but may not be limited to:**

- **An ecological working method statement detailing measures to protect retained habitats and species during construction;**
- **Details of the person(s) responsible for implementing and monitoring the CEMP throughout the construction period.**

**The approved CEMP shall be implemented in full prior to the commencement of development on the relevant parcel and all construction works shall thereafter be carried out in accordance with the approved details.**

**Reason: To ensure the protection of ecological interests and the enhancement of biodiversity, in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, the National Planning Policy**

Framework, and Herefordshire Council's declared Climate Change and Ecological Emergency.

### **13.Noise Management**

**Prior to the commencement of development, a comprehensive Noise Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the findings and recommendations of the submitted Noise Assessment Report (Inacoustic, Ref: 23-601-2, dated April 2024) and shall include:**

#### **Nursery Acoustic Design Compliance**

**o Evidence demonstrating that all teaching spaces within the nursery element will be designed and constructed to meet the performance standards set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards, including internal ambient noise levels, sound insulation, and reverberation time.**

#### **Delivery Noise Management Plan - Foodstore**

**A delivery noise management plan for the foodstore, detailing:**

- o Proposed delivery times and hours**
- o Measures to minimise noise from delivery operations, including use of reversing alarms, unloading procedures, and vehicle idling**
- o Any mitigation measures proposed to ensure delivery-related noise remains within acceptable limits at nearby receptors**

**The development shall thereafter be carried out and operated in accordance with the approved Noise Management Scheme.**

**Reason: To ensure an appropriate acoustic environment for future users of the nursery, to safeguard the amenity of nearby residential occupiers, and to ensure that noise impacts from deliveries and plant remain within acceptable levels, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework. This is a pre-commencement condition because the details of the acoustic design and delivery-noise controls must be incorporated into the building construction, plant layout and operational management arrangements from the outset. These matters cannot be guaranteed to be satisfactorily addressed once development has begun.**

### **14. EV charging (submission of details required prior to commencement of each element)**

**With the exception of any site clearance and groundworks, no development shall commence with respect to each element to which it relates - a) the foodstore b) nursery and; b) the medical centre, until written and illustrative details of the number, type/specification and location of electric vehicle charging points have been submitted to and approved in writing by the local planning authority.**

**The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

**Reason: In accordance with Policy SD1 of the Herefordshire Local Plan Core Strategy, Policy TR1.2 of the Ledbury Neighbourhood Development Plan and to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the National Planning Policy Framework**

**15. Ventilation strategy (Nursery)**

**Prior to the commencement of development on the nursery building, a detailed ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how adequate ventilation will be achieved while ensuring compliance with the internal ambient noise criteria set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards.**

**The development shall be carried out in accordance with the approved strategy and the ventilation system shall be retained and maintained thereafter in accordance with the manufacturer’s specifications.**

**Reason: To ensure a suitable internal acoustic environment for future occupants of the nursery, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.**

**PRIOR TO COMMENCEMENT OF CERTAIN OPERATIONS / INSTALLATIONS**

**16. External lighting (before installation of any external lighting)**

**Prior to the installation of any external lighting, a detailed Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:**

- **The location, type, and intensity of all proposed external lighting;**
- **Measures to ensure compliance with current best practice guidance issued by the Institute of Lighting Professionals and the Bat Conservation Trust;**
- **Consideration of the site’s proximity to the Malvern Hills National Landscape and its contribution to maintaining local dark skies.**

**The development shall thereafter be carried out in accordance with the approved Lighting Strategy, and the lighting shall be retained and operated in accordance with the approved details.**

**Reason: To protect nocturnal species including bats, safeguard residential amenity, preserve landscape character, and maintain dark skies, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE1.1 and NE2.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

**17. External signage**

**No external signage, fascia panels, projecting features, or associated fixings shown on the approved foodstore elevations shall be installed until an External**

**Signage Details Plan has first been submitted to and approved in writing by the Local Planning Authority.**

**The submitted details shall include:**

- a) the type, location, dimensions and materials of any proposed signage panels or zones forming part of the building's external appearance;**
- b) details of the colour finishes and method of attachment to the building; and**
- c) a statement confirming which elements (if any) are intended to constitute advertisements for the purposes of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).**

**The development shall be carried out in accordance with the approved details.**

**For the avoidance of doubt, this condition does not grant advertisement consent, and any signage constituting an advertisement must comply with, or obtain consent under, the Advertisement Regulations.**

**Reason: To ensure that the detailed design and external appearance of the foodstore is satisfactory, in accordance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies BE1.1 and SD1.3 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

#### **18. Visibility splays**

**Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43m northbound and 120m southbound metres along the nearside edge of the adjoining carriageway – as indicated on approved plan PL02 Rev F. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan - Core Strategy, Policy TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.**

#### **PRIOR TO FIRST USE / OCCUPATION (of respective elements or site-wide)**

#### **19. Parking Management Plan (Nursery)**

**Prior to the first use of the nursery building hereby approved, a detailed Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:**

- Staggered drop-off and pick-up arrangements to minimise peak-time congestion.**
- Operational details including anticipated child capacity, staff numbers, and standardised drop-off/pick-up times.**
- Overflow parking strategy, including use of the foodstore car park and pedestrian connectivity.**
- Monitoring and review mechanisms to assess parking demand and congestion during the first 12 months of operation.**
- Measures to ensure safe and efficient access, including any physical or operational interventions to prevent vehicle stacking or obstruction of site access.**

**The approved Parking Management Plan shall be implemented in full prior to the first use of the nursery and shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure safe and efficient access to the site, minimise congestion, and safeguard highway safety in accordance with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and Policies BE1.1, TR1.2 and SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan.**

## **20. Temporary Management of Undeveloped Parcels**

**Prior to the first use of the foodstore, a scheme for the management and maintenance of the land identified for the nursery and medical centre shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:**

- Measures to ensure the land is kept free from debris, fly-tipping, and unauthorised use**
- Maintenance of boundary treatments and landscaping**
- Any temporary surfacing or fencing proposed**
- A timetable for ongoing inspection and upkeep**
- Provisions for reinstatement following any temporary use (e.g. construction compound)**

**The approved scheme shall be implemented in full and maintained for the duration of the period prior to the commencement of development on the nursery or medical centre parcels.**

**Reason: To ensure that land identified for future phases of development is appropriately safeguarded, maintained, and does not detract from the visual amenity, landscape character, or residential environment, in accordance with Policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, EE1.2, NE1.1 and NE3.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

## **21. Off-site highway works (before occupation or beneficial use of any part)**

**No part of the development shall be occupied or brought into use until the off-site highway works, comprising the provision of a pair of bus stops on Leadon Way and a Toucan crossing, as shown on approved drawing PL01 Rev G - have been fully delivered and made operational.**

**Details of the works shall first be submitted to and approved in writing by the Local Planning Authority, following completion of the technical approval process by the Local Highway Authority. The works shall be implemented in full accordance with the approved details.**

**Reason: To ensure safe and inclusive access to the site by sustainable modes of transport, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

## **22. Biodiversity (site-wide bird/bat/hedgehog/insect provision)**

Prior to the first use of any element of the development hereby approved, a site-wide strategy for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the location, specification, and installation of:

- A minimum of four bird nesting boxes suitable for a range of site-appropriate species;
- One hedgehog home; and
- Four insect hotels.

The approved measures shall be implemented prior to first use and shall be retained and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To secure biodiversity enhancement and support protected species and habitats, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

## **23. Travel Plan (foodstore, nursery, medical centre)**

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre - a Travel Plan relating to that element shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include measures to promote sustainable modes of transport for staff and visitors, and shall be implemented in full upon first occupation of the relevant element. A written record of the measures undertaken to promote sustainable travel shall be maintained, and the Travel Plan shall be reviewed annually.

All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

**Reason:** To promote the use of sustainable transport modes, reduce reliance on private vehicles, and support inclusive access, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

## **24. Cycle storage (foodstore, nursery, medical centre)**

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, full details of a scheme for the provision of covered and secure cycle parking facilities for that element shall be submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking facilities shall be installed and made available for use prior to the first occupation of the relevant element and shall thereafter be retained and maintained in working order.

**Reason:** To ensure adequate provision for secure cycle parking and to encourage the use of sustainable modes of transport, in accordance with Policies SD1 and

**MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

**25. Landscaping implementation (foodstore and nursery)**

**(a) Except as set out in part (b) of this condition, all planting and landscaping works relating to the foodstore and nursery shall be carried out in full accordance with the approved landscape drawings CA2024-LDBY-03 Rev H (Landscape Proposals Overall), CA2024-LDBY-04 Rev F (Landscape Proposals Detail), and the accompanying Landscape Planting Methodology and Aftercare document. These approved details shall be implemented in full during the first planting season following substantial completion of the development, or prior to the first use of any part of the development, whichever is sooner.**

**(b) Notwithstanding the approved drawings, the landscaping details along the Leadon Way (A417) boundary, including proposed hedgerow retention, reinforcement planting, species mix, and any additional screening measures, shall be subject to the prior written approval of the Local Planning Authority. No works to the Leadon Way boundary shall commence until these further details have been submitted to and approved in writing by the Local Planning Authority.**

**(c) The Leadon Way boundary landscaping shall thereafter be implemented in full accordance with the details approved under part (b) of this condition during the first available planting season following approval.**

**Reason: To ensure the retention and enhancement of the boundary landscaping along Leadon Way in the interests of visual amenity, biodiversity and screening, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies BE1.1, NE2.1 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

**26. Remediation (validation report before first occupation)**

**The Remediation Scheme, as approved pursuant to Condition 7 above, shall be fully implemented before any part of the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied.**

**Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

**Reason: In the interests of human health in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.**

**27. Waste storage/collection (foodstore and nursery)**

**Prior to the first use of any element of the development, namely (a) the foodstore or (b) the nursery, details of suitable provision for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include arrangements that allow for the convenient and accessible storage of waste and ensure unrestricted access for collection at all times.**

The approved waste storage and collection facilities shall be provided prior to first use of the relevant element and shall be retained and maintained thereafter for the duration of the use.

Reason: To ensure adequate provision for waste management in the interest of visual and residential amenity, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

#### **28. Parking provision (foodstore and nursery)**

Prior to the first use of the foodstore or nursery, the parking and manoeuvring areas serving each respective element shall be completed in full accordance with approved drawings P402 Rev Q Proposed Masterplan, P403 rev N Proposed Lidl Site Plan GA and P420 rev B Proposed Nursery Site Plan GA.

These areas shall be made available for use prior to occupation and shall thereafter be retained and maintained for the duration of the use. The parking and manoeuvring areas shall not be used for any other purpose.

Reason: To ensure safe and efficient access and circulation within the site, and to prevent obstruction of the public highway, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policies TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

#### **29. Vehicular access construction (prior to first use of any part of development)**

Prior to the first use of any part of the development, details of the vehicular access construction, including gradient, surfacing, and alignment, shall be submitted to and approved in writing by the Local Planning Authority.

The access shall be constructed in full accordance with the approved specification and shall not exceed a gradient steeper than 1 in 12. It shall be implemented in full prior to first use of the development.

Reason: To ensure safe and suitable access to the site in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

### **COMPLIANCE**

#### **30. Landscape Management Compliance**

The landscaping and ecological features (landscape drawings CA2024-LDBY-03 Rev H (Landscape Proposals Overall), CA2024-LDBY-04 Rev F (Landscape Proposals Detail), and the accompanying Landscape Planting Methodology and Aftercare document), together with those subsequently required for approved under Condition 25(b) for the Leadon Way boundary, shall be managed and maintained in full accordance with the approved Landscape Planting Methodology and Aftercare document for a minimum period of ten years from the date of implementation, unless otherwise agreed in writing by the Local Planning Authority.

Any trees, hedgerows, or other planting which, within this period, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason: To secure the long-term establishment of landscaping and associated biodiversity enhancements, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan - Core Strategy, Policies BE1.1 and NE2.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.**

### **31. Unexpected contamination**

**If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason: In the interests of human health in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.**

### **32. Hours of operation (foodstore)**

**The foodstore hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays and 08:00 to 17:00 on Sundays.**

**Reason: In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan - Core Strategy, Policy BE1.1 and SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.**

### **33. Retail floorspace restriction (foodstore)**

**The net sales area of the foodstore hereby permitted shall not exceed 1,100 square metres.**

**Reason: To ensure that the scale and nature of retail provision remains consistent with the assessed impact and justification for the proposal, and to ensure the development does not result in significant adverse impact on the vitality and viability of Ledbury town-centre, in accordance with the National Planning Policy Framework, Policy EE3.2 of the Ledbury Neighbourhood Development Plan and Policy E5 of the Herefordshire Local Plan Core Strategy.**

### **34. Restriction on product lines**

**The retail unit hereby approved shall be used as a Class E(a) retail food store only and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 3,500 individual product lines. No increase in the number of product lines shall be permitted without the prior written approval of the Local Planning Authority.**

**Reason: To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a limited product line discount retail food-store, in accordance with the provisions of Policy EE3.2 of the Ledbury Neighbourhood Development Plan and Policy E5 of the Herefordshire Local Plan Core Strategy**

**81. 251666/251667 - CHURCHILL HOUSE, 3 VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE**

The planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Fowler, spoke in objection to the application.

In accordance with the Council's constitution the local ward member spoke on the application. The following principal points were raised:

- The security cameras on Churchill House were accepted as a necessity to deter crime and anti-social behaviour;
- There was concern that the proposed fencing would adversely affect the open nature of the park and would deter people from walking through the park to the sensory garden; mitigation was required to ensure people would continue to access the sensory garden;
- The occupation of the building should help to deter anti-social behaviour therefore the need for the fencing was questioned;
- Concern had been expressed by local residents that the proposed fencing was utilitarian and ugly in appearance;
- The fencing was proposed in a conservation area, adjacent to a listed building and needed to be more sympathetic to the sensitive location.

The committee debated the application; there was agreement that there was a need for the installation of CCTV cameras on the building but there was division among the members of the committee concerning the acceptability of the fencing proposed to enclose Churchill House. It was the contention of some members that the height and colour of the fence would not represent an adverse impact on the heritage asset whilst other members felt that the fencing was unnecessary and not in-keeping with the listed building and local area.

The local ward member was given the opportunity to close the debate.

The development manager explained that a change to the conditions in the report was required; condition 3 (*Fencing – Appearance*) proposed as part of the listed building consent (251667) required transfer to proposed conditions listed for the full application (251666).

Councillor Stef Simmons and Councillor Dave Davies seconded a motion that applications 251666 and 251667 be approved, in accordance with the case officer's recommendation and subject to the change to conditions as outlined above.

Application 251666 was put to the vote and was carried by a simple majority.

Application 251667 was put to the vote and was carried by a simple majority.

**RESOLVED – that**

**That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**PLANNING APPLICATION (REFERENCE NO. 251666)**

**1. Time limit for commencement**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

**2. Development in accordance with approved plans**

The development shall be carried out strictly in accordance with the approved plans (383 – 05; 383 – 06; 383 – 07; 383 – 03; and 383 – 09; 383 – 04 REV B (received via email 26th January 2026) except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, and the National Planning Policy Framework.

**3. Development in accordance with approved Tree Report**

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Tree Report – Arbortech – 10th July 2025.

All excavations for post holes within root protection areas of retained trees should be supervised by an appointed Arboriculturist for the works specified.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**LISTED BUILDING CONSENT (REFERENCE NO. 251667)**

That Listed Building Consent be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers

**1. Time limit for commencement**

The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18 (1) of the Planning (Listed Building & Conservation Areas) Act 1990.

**2. Development in accordance with approved plans**

The development shall be carried out strictly in accordance with the approved plans (383 – 05; 383 – 06; 383 – 07; 383 – 03; and 383 – 09; 383 – 04 REV B (received via email 26th January 2026) except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

### 3. Fencing – Appearance

The fencing hereby permitted shall have a matt soft black finish which shall be maintained thereafter.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan – Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## INFORMATIVES:

### PLANNING APPLICATION (REFERENCE NO. 251666)

#### 1. Application approved following revisions

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### 2. Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

#### 3. Biodiversity Net Gain (Not Required) Informative

82. APPENDIX - PLANNING COMMITTEE UPDATES PUBLISHED ON 7 APRIL 2026  
(PAGES 21 - 26)

The meeting ended at 11.39 am

**Chairperson**



## **PLANNING COMMITTEE**

**Date: 8 April 2026**

### **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## SCHEDULE OF COMMITTEE UPDATES

**242783 - A HYBRID PLANNING APPLICATION COMPRISING: AN APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF A DAY NURSERY (USE CLASS E (F)) AND FOODSTORE (USE CLASS E (A)) INCLUDING ACCESS, CAR PARKING LANDSCAPING AND ASSOCIATED WORK; & AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A MEDICAL CENTRE (USE CLASS E(E)), WITH AT LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), LEDBURY, HEREFORDSHIRE,**

**For: Lidl GB Ltd per Mr Rob Mitchell, Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB**

### ADDITIONAL REPRESENTATIONS

Two further representations have been received (1 x objection and 1 x support) have been received and officers consider that these matters are addressed within the Committee Report.

A further representation has been received from the Ledbury Health Partnership. It raises matters relating to the provision of the medical centre land and officers consider that these matters are addressed within the Committee Report.

Four letters of additional representation / correspondence have been received from Mr Martin Robeson (on behalf of Tesco Stores Ltd) dated 24, 26 & 27 March 2026, and 6 April 2026. These have been published to the planning register (website):

[Planning Application Details - Herefordshire Council](#)

Comments are principally made in relation to the grounds previously identified in the legal challenge.

Officers consider that the matters identified are comprehensively addressed within the Committee Report. However, the following commentary is provided for completeness.

In terms of Ground 1, Members are advised that the interpretation and application of Core Strategy Policy E2, and the assessment of compliance with the development plan taken as a whole under section 38(6) of the Planning and Compulsory Purchase Act 2004 is ultimately a matter for the Local Planning Authority when determining the application, not for the applicant. This issue is addressed fully within the Committee Report, which supersedes all previous reports, and sets out the Local Planning Authority officers' assessment of Policy E2 and its relevance to the determination of this application.

No further applicant commentary is therefore necessary in this regard.

The correspondence raises further comment in respect of Ground 2 of the Consent Order, relating to the previous misdirection in the application of paragraph 127 of the National Planning Policy Framework (NPPF). It suggests that clarification from the applicant might reasonably have been expected in relation to this matter. As stated above, the determination of the application for planning permission is for the Local Planning Authority. However, and for completeness, following the quashing by consent of the previous grant of planning

permission, officers have considered afresh whether para.127 of the NPPF is engaged and is a material consideration. Officers consider that it is not. The proposal includes two of the land uses which are encouraged for the site through the Ledbury NDP (policy EE1.2). The proposal does not include employment floorspace within use class E(g) nor a hotel, which are also encouraged by that policy. As set out in the main report, the NDP policy does not require all uses encouraged within the policy to come forward on the site. Therefore, officers consider that the proposal is for uses for which the site is allocated. Para.127 of the NPPF, which addresses the approach where there is no reasonable prospect of an application for planning permission coming forward for uses for which the site is allocated in a development plan, is not engaged. For completeness, there is no evidence about the prospect of employment or hotel uses coming forward on the site. Given that officers consider that para.127 is not engaged, there is no requirement for such evidence. As such, NPPF para.127 is not considered to be engaged and is not a material consideration in the determination of the application. It did not form part of the assessment in the main report for this reason.

There has been no undisclosed material prepared in relation to this issue or at all. All material considerations that have been relied upon by officers are set out within the Committee Report before Members, and the documents are published and accessible on the Herefordshire Council website.

Noting the points made in terms of Ground 3, Members are advised that a revised draft Section 106 agreement was published on the planning register on 12 March 2026, and that the scope and effect of the proposed obligations are explained within the Committee Report.

In respect of Ground 4, comments are made with respect to the timing and publication of the request for and outcome of, the Environmental Impact Assessment screening. It is noted that the Screening Opinion has since been published, and reference is made to the fact that the original request for screening was not previously visible on the planning application webpage.

Members are advised that a formal request for an EIA Screening Opinion was made by the applicant, and the Local Planning Authority issued its EIA Screening Opinion on 18 March 2026 under a separate reference, namely [260181](#). The Screening Opinion and associated Screening Matrix were made publicly available on the Council's planning register on that date and as is normal practice, these documents can be accessed on the Council's website under reference 260181.

The Local Planning Authority has issued a note including a correction to and clarification of the EIA Screening Opinion, dated 1 April 2026, which addresses the responses to Question 13.2 of the Screening Matrix. That Note, together with the original Screening Opinion and Matrix, has also been published on the planning register and has also been added to the decision tab of the associated planning application (ref: 242783). The documents are therefore available under both reference 260181 and [242783](#) on the Council's website.

As a final point, officers would draw members attention to supplementary information as part of correspondence and titled '[Email from agent re updated sales density 18.2.26](#)'. This is addressed within the Committee Report.

## **NO CHANGE TO RECOMMENDATION**

<p><b>251666 &amp; 251667</b></p>	<p><b>PROVISION OF SECURITY CAMERAS FIXED TO THE EXTERIOR OF THE BUILDING AND PROVISION OF BOUNDARY FENCING FOR SAFEGUARDING PURPOSES AT CHURCHILL HOUSE, 3 VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE.</b></p> <p><b>For: Mr Rogers per Mr Andrew Baker, Walnut House, Wellington, Hereford, Herefordshire HR4 8AZ</b></p>	
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**ADDITIONAL REPRESENTATIONS**

One additional representation has been receive that states:

Last week, I took three photographs of the front elevation of Churchill Gardens. It would be helpful to me and I'm sure to members of the committee also if these (or similar) were included in the visuals which the Planning Officer traditionally includes in their introduction.

1. Side elevation of Churchill Gardens house showing the vehicle entrance gate.



2. Front elevation (close up) illustrating the view of the house from the public footpath linking the public car park off Venns Lane and Aylestone Hill.



3. Side elevation from the public park which leads to an area locally known as the Sensory Gardens which lies to the west of the house.





<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>3 JUNE 2026</b>
<b>TITLE OF REPORT:</b>	<p><b>242558 - THE FIRST PHASE OF AN URBAN EXTENSION (KNOWN AS THE SOUTHERN URBAN EXPANSION IN THE HEREFORDSHIRE LOCAL PLAN CORE STRATEGY) COMPRISING UP TO 540 HOMES (USE CLASS C3); EMPLOYMENT LAND (USE CLASS B AND E), LOCAL CENTRE AND A COUNTRY PARK TOGETHER WITH SUPPORTING PUBLIC OPEN SPACE, AND ALL OTHER ASSOCIATED WORKS (E.G. DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, DRAINAGE, LANDSCAPING AND GROUND MODELLING). ALL MATTERS ARE RESERVED FOR FUTURE CONSIDERATION SAVE FOR 'ACCESS'. ONLY THE MEANS OF ACCESS INTO THE SITE IS SOUGHT ASPART OF THIS OUTLINE APPLICATION, NOT THE INTERNAL SITE ACCESS ARRANGEMENTS. AT LAND TO THE SOUTH OF LOWER BULLINGHAM, WEST OF THE ROTHERWAS INDUSTRIAL ESTATE, NORTH OF THE ROTHERWAS, HEREFORD, HR2 6JW</b></p> <p><b>For: Bloor Homes Western per Ms Tara Maizonnier, 3rd Floor, Regent House, 65 Rodney Road, Cheltenham, GL50 1HX</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=242558&amp;search-term=242558">https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=242558&amp;search-term=242558</a>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 3 October 2024

Ward: Dinedor Hill

Grid Ref: 352026,237392

Expiry Date: 26 June 2026

Local Members: Councillor David Davies and Councillor Richard Thomas

## 1. Introduction/Background

- 1.1 This application seeks Outline Planning Permission of the first phase of an urban extension (known as the southern urban expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (use class C3); employment land (Use Class B and E), a local centre and a country park together with supporting public open space, and all other associated works.

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

This is presented as part of an allocated housing site and is proposed as the first phase of development.

- 1.2 In accordance with Herefordshire Local Plan Core Strategy (2011-2031) 'Policy HD6 Southern Urban Expansion (Lower Bullingham)', an outline planning application was submitted in December 2019 for an application comprising a mixed use urban extension of land at Lower Bullingham (known as the 'Southern Urban Expansion' in the Local Plan) to provide up to 1300 dwellings (including specialist housing), B1, B2 and B8 employment uses, a Neighbourhood Community Hub (A1, A3 & A5), a new primary school, a Park and Choose, a country park, public open space, access, drainage and other associated works and demolition of existing industrial buildings. This Outline application reference P194402/O remains live, pending determination. This application was paused following the cancellation of the Southern Link Road (now known as the Western Bypass Phase 1).

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=194402&search-term=P194402/O>

- 1.3 It is noted that this application has been 'designed' to be capable of delivering a standalone scheme, whilst still ensuring that its approval would not preclude the future determination and implementation of next phases of the Lower Bullingham scheme.
- 1.4 This application was first submitted in October 2024 and has undergone revisions including 3 rounds of formal consultation as follows:
- October 2024
  - June 2025
  - February 2026

## **2 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)**

- 2.1 The National Planning Practice Guidance advises that:

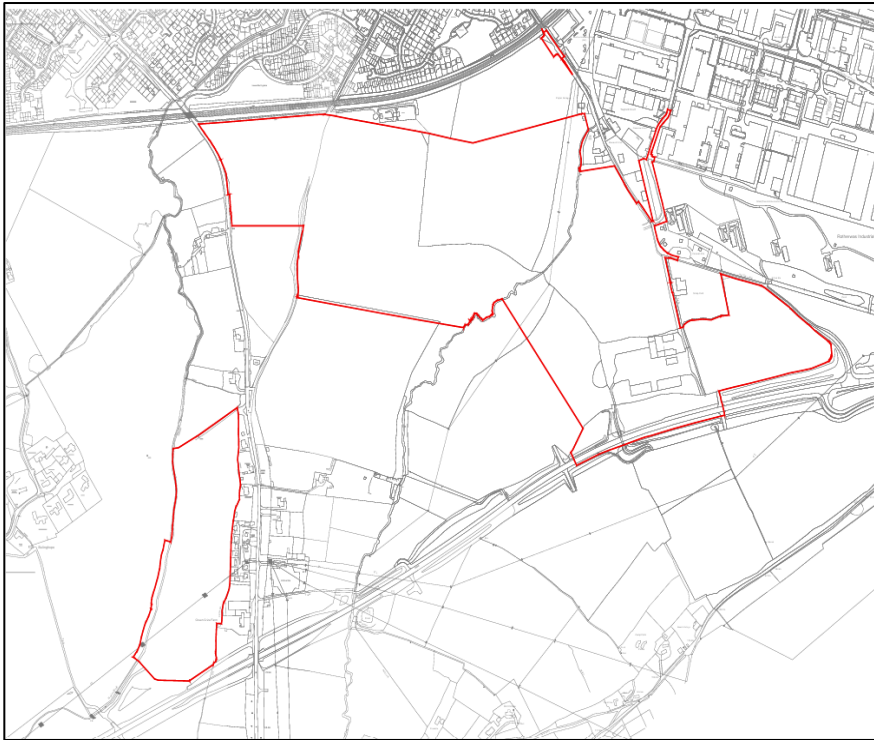
*The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects. Environmental Impact Assessment should not be a barrier to growth and will only apply to a small proportion of projects considered within the town and country planning regime. Local planning authorities have a well established general responsibility to consider the environmental implications of developments which are subject to planning control. The 2017 Regulations integrate Environmental Impact Assessment procedures into this framework and should only apply to those projects which are likely to have significant effects on the environment. Local planning authorities and developers should carefully consider if a project should be subject to an Environmental Impact Assessment. If required, they should limit the scope of assessment to those aspects of the environment that are likely to be significantly affected.*

- 2.2 Under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017), a scoping opinion request was submitted to the Local Planning Authority under P214086/EIB and the LPA's scoping opinion was issued on the 9 October 2023. The application and decision can be seen here: <https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=214086&search-term=P214086/EIB>.

- 2.3 Notwithstanding the time elapsed since the original Scoping Opinion was adopted, it is not considered that there have been any material changes in site circumstances, environmental baseline conditions, or the nature and extent of the proposed development that would give rise to additional likely significant effects beyond those already assessed. The application has been subject to ongoing review throughout the determination process, including revisions to the scheme, updated technical information where necessary, and further consultation exercises. Accordingly, it is considered that the submitted assessments remain robust and sufficient to inform the determination of the application.
- 2.4 An Environmental Impact Assessment (EIA) has also been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The EIA process identifies the likely environmental effects of a development and identifies ways that these effects can be reduced and/or managed.
- 2.5 The findings of this process are reported in the Environmental Statement (ES) which also accompanies this Outline application. The topics addressed include:
- Transport and Access
  - Landscape and Visual Impact
  - Ecology and Nature Conservation
  - Socioeconomics
  - Climate Change

### 3 Site Description

- 3.1 The site forms part of an expansion area identified within the Herefordshire Local Plan Core Strategy known as the Southern Urban Expansion Area (Lower Bullingham) (Policy HD6).
- 3.2 The site at Lower Bullingham is located to the South of Hereford, bounded by the A49, B4399, a railway line and the Rotherwas Industrial Estate. It benefits from good connectivity, with Hereford city centre and Hereford railway station approximately 2.4 away providing direct rail links to Newport, Cardiff, London and Birmingham.
- 3.3 The site extends to approximately 44.06 hectares and is divided into four parcels. These are detailed below:
- **The central parcel** is the largest parcel of land within the site, bordered to the south by agricultural land and the B4399, and to the east by Watery Lane. Lower Bullingham Lane runs along the western margin, separating it from the north-western parcel and to the north lies a mainline railway, areas of arable land and grassland, and existing residential development. It comprises predominantly arable land with hedgerows, alongside areas of scrub and grassland. Red Brook runs through this parcel with a small pond/drainage ditch also present near the Goodwin Industrial Estate which is located within the eastern portion of this parcel.
  - **The north-western parcel** lies between Green Crize Lane and Lower Bullingham Lane and is separated from existing residential areas by the Welsh Marches railway line.
  - **The south-western parcel**, proposed for a Country Park, is mainly arable land with areas of semi-natural habitat and is bordered by residential development and Norton Brook.
  - **The northern parcel** is the smallest and comprises Watery Lane, associated hardstanding, and boundary features.
- 3.4 The site contains a range of landscape features, including grassland, scrub, hedgerows, scattered trees, ponds, and watercourses. It is well related to its surroundings, with residential development to the north, the Rotherwas Industrial Estate and Herefordshire Enterprise Zone to the east, and agricultural land to the south and west forming part of the wider Strategic Urban Extension (SUE).

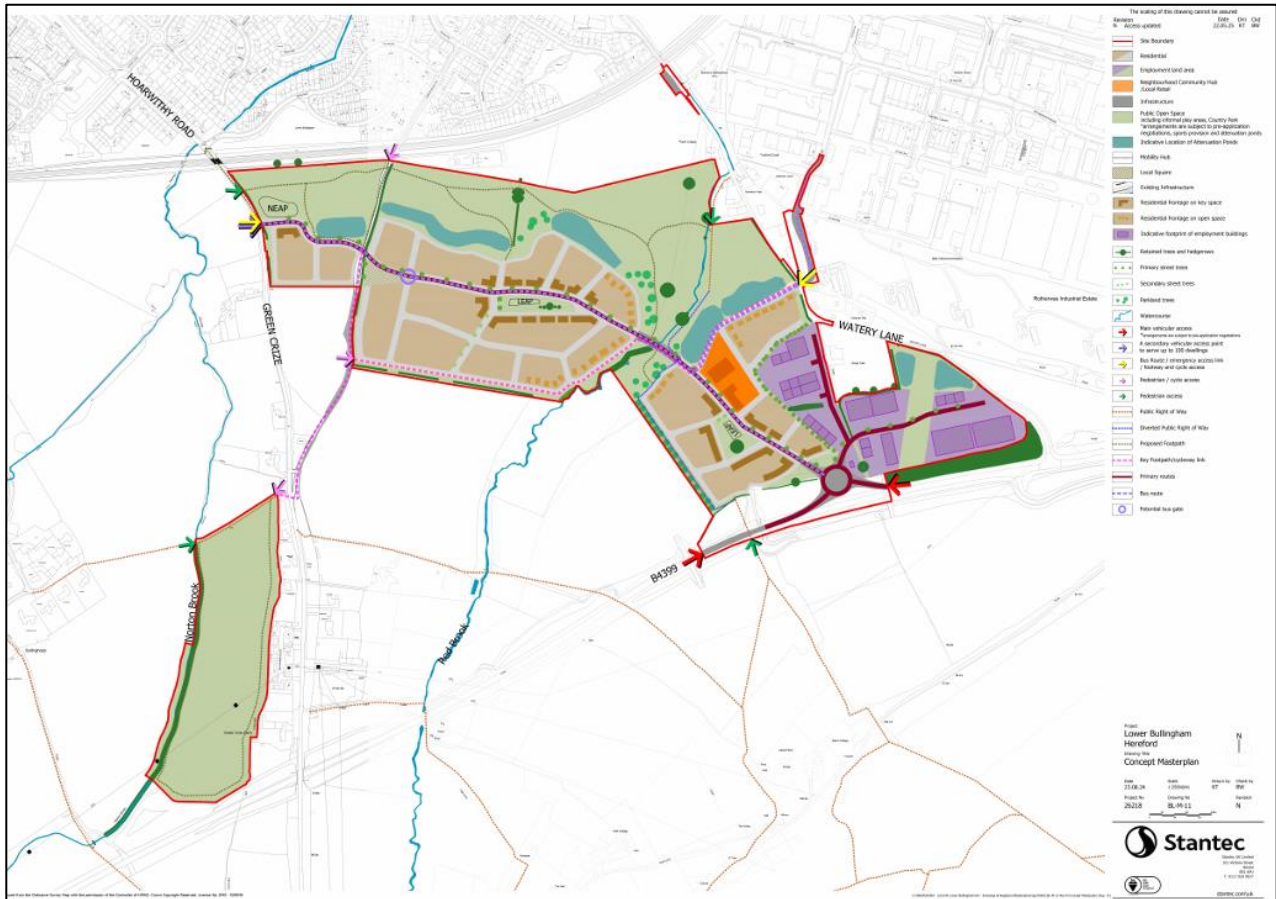


**Figure 1: Site Location Plan**



**Figure 2: Wider Area Plan**

3.5 The application site is situated to the south of the residential suburb of Lower Bullingham. To the east lies the Rotherwas Industrial Estate and Herefordshire Enterprise Zone (HEZ) which comprises large industrial, commercial and warehouse buildings. To the south of the site lies further agricultural land, which also forms part of the wider SUE site allocation. To the west lies further agricultural land as well as some limited residential development to the west of Green Crize. The site is therefore well related to existing and proposed development.



**Figure 3: Concept Masterplan**



**Figure 4: Aerial Plan**

3.6 In summary:

- There are no statutory designated sites of nature conservation value located within or immediately adjacent to the site.
- There are no landscape or environmental designations covering the site.
- No Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields are present within or in the vicinity of the site.
- Do we need to cover the SSSI impact zone?

3.7 The following constraints are however relevant to the site:

- Whilst there are no Listed Buildings within the site, there are a number of Listed Buildings within its proximity.
- The site predominantly falls within Flood Zone 1 (low probability). However, the Environment Agency (EA) Flood Map for Planning also identifies that the low-lying ground and river corridors within the site are located in Floods Zone 2 and Flood Zone 3 (medium to high probability of river flooding respectively).
- The site comprises a mix of Grade 1, 2 and 3b Agricultural Land.
- The only significant potential minerals resource within the site are the River Terrace Deposits which are indicated across much of the eastern parcel, underlain by Ragstone Mudstone Formation.
- The site is not located within an existing Air Quality Management Area (AQMA); however, it is located approximately 1.5km to the south of the Hereford AQMA.

## 4 Proposal

4.1 Full application details are available at <https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=242558&search-term=242558> This application is made in outline, with all matters reserved for future consideration apart from access, and seeks planning permission for:

*The first phase of an urban extension (known as the 'Southern Urban Expansion' in the Herefordshire Local Plan – Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling). All matters are reserved for future consideration save for 'access'. Only the means of access into the site is sought as part of this outline application, not the internal site access arrangements.*

4.2 An illustrative concept masterplan accompanies the application, and this concludes that the following can be accommodated on the site if a Reserved Matters (RM) application comes forward. This plan can be seen on Figure 3 and within Appendix 1.

4.3 As detailed within the submission the proposals include:

- Up to 540 dwellings
- Affordable housing
- Employment land
- Local centre
- Country park
- Public open space

4.4 The proposed development is also seeking detailed approval on the following (access matters):

The main vehicular access into the site is proposed to be a roundabout incorporating the B4399 (Rotherwas Access Road), and this will serve the majority of the dwellings and the employment area. A standalone parcel of 100 dwellings is to be served off Hoarwithy Road/Green Crize via a priority junction with walking and cycling improvements proposed from the site access northwards

along Hoarwithy Road to Aconbury Avenue to enable connection to the Council's active travel scheme already underway.

4.5 The application is supported by the following documents:

- Design and Access Statement (DAS)
- Planning Statement
- Statement of Community Involvement (SCI)
- Tree Survey and Arboricultural Impact Assessment (AIA)
- Heritage Impact Assessment (HIA)
- Flood Risk Assessment (FRA)
- Sustainable Drainage Strategy (SDS)
- Water Framework Directive Scoping Report
- Phase 1 Geo-Environmental Assessment
- Soils Assessment
- Minerals Assessment
- Noise Assessment
- Transport Travel Plan
- Air Quality Assessment (AQA)
- Waste Management Plan
- Energy and Sustainability Statement
- Outline Flood Emergency Plan
- Environment Statement (ES) Volumes 1,2 and 3
- Road Safety Audit (RSA) Stage 1

4.6 The application is accompanied by a series of 'Parameter Plans' which set the design controls and context for approval of the RM application and the future development of the site.

4.7 These are listed below and are included within the appendices at the end of this report:

- Land Use and Access Parameter Plan
- Scale Parameter Plan
- Green Infrastructure Parameter Plan

This application is also supported by the following illustrative plans:

- Illustrative Concept Masterplan (Phase 1)
- Green Infrastructure Plan

4.8 As access is not a Reserved Matter, the application is also supported by detailed highway access drawings showing the detailed junction layouts at the site access/egress points.

4.9 The purpose of these illustrative plans is to demonstrate one way that the proposed development might proceed, in line with the identified parameters. However, these additional plans are provided for illustrative purposes only. Although the Green Infrastructure Plan has been utilised as the foundation for calculating the potential Biodiversity Net Gain (BNG) at this stage.

4.10 As defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015: "reserved matters" in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application. For this application 'Access' is being considered and all other matters are reserved.

**Access:** *In relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the*

site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

The following matters are reserved for future consideration:

**Appearance:** Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

**Landscaping:** In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

**Layout:** Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

**Scale:** Except in the term 'identified scale', means the height, width and length of each building proposed within the development in relation to its surroundings;

The Land Use and Access Parameter Plan and land use area schedule contained in the table below highlights the key land use types and quantum of development proposed.

Table 3.3: Land Use and Area Schedule

Land Use	Quantum/Amount
Residential dwellings	14.14
Employment land	5.57 ha
Public Open Space (including sports provision, informal play and attenuation ponds)	14.28 ha
Country Park	6.28 ha
Neighbourhood Community Hub/Local Centre	0.79 ha
Infrastructure (access, crossing points etc.)	3 ha
<b>Total Development Area</b>	<b>44.06ha</b>

4.11 Looking at the individual elements in more detail:

### Residential

4.12 The proposed development seeks outline planning permission for up to 540 dwellings. The indicative siting and disposition of residential development is shown on the Land Use and Access Parameter Plan, which identifies Parcels 1 and 2 for residential use. Matters relating to layout, scale, appearance and landscaping are reserved for subsequent consideration. The housing mix will be determined at the Reserved Matters stage. The development will deliver 35% affordable housing in accordance with adopted local planning policy. The precise tenure split and dwelling types of the affordable housing will be secured through the Section 106 Agreement and finalised at the Reserved Matters stage.

### Employment land

4.13 The application proposes 5.57 hectares of employment land located to the east of the site, adjacent to Watery Lane. The development will accommodate a mix of Use Classes B and E. The

precise composition of uses will be determined at the Reserved Matters stage, allowing flexibility to respond to market demand and support a range of potential occupiers.

### **Local centre/neighbourhood community hub**

- 4.14 The Land Use and Access Parameter Plan identifies a local centre/neighbourhood community hub extending to a maximum of 0.79ha. As with the employment land, the precise mix of uses within the hub is not fixed at this stage and will be determined through a future Reserved Matters application(s). It is anticipated that the local centre/neighbourhood community hub will provide approximately 1,650 sq m of floorspace, accommodating a range of potential uses including social and community uses, potential healthcare provision and local convenience retail, with residential accommodation above. These uses are anticipated to fall within Use Classes F.2, E and C3.

### **Scale and height**

- 4.15 The Scale Parameter Plan defines the maximum building heights across the Development Zones identified. The proposed building heights have been informed by a range of considerations, including Core Strategy Policy HD6 in respect of housing density, site topography, and the scale of existing built form in the surrounding area. Building heights vary across the site in response to these contextual factors. The tallest buildings within the proposed development are located within the proposed Local Centre/Neighbourhood Community Hub and the employment area, to the south of Watery Lane and the existing Rotherwas Industrial Estate.
- 4.16 The Scale Parameter Plan identifies three building height parameter areas:
- Residential development within Parcels 1 and 2: buildings up to 9.5m to ridge height (approximately 2.5 storeys), with limited areas of up to 10.5m where appropriate for placemaking purposes.
  - Local Centre/Neighbourhood Community Hub: buildings up to 12m to ridge height (approximately 3 storeys).
  - Employment area: buildings up to 12m to ridge height.
- 4.17 The detailed design rationale is set out within the Design and Access Statement submitted with the application.

### **Public open space and GI strategy**

- 4.18 Public open space (POS) will be provided throughout the proposed development, as shown on the Green Infrastructure Parameter Plan. This will include sports and play provision, landscaping, retention and enhancement of existing vegetation, pedestrian and cycle connections, ecological enhancements, and associated infrastructure.
- 4.19 As detailed on the concept masterplan a Neighbourhood Equipped Area of Play (NEAP) is proposed in the north-western corner of the site. The location of the NEAP was amended following discussions with Officers at pre-application stage. In addition, two Local Equipped Areas of Play (LEAPs) are proposed within the central and eastern parts of the site.
- 4.20 A 6.28ha Country Park is proposed to the west of Hoarwithy Road and to the south-west of the main built development areas. The Country Park will comprise the conversion of existing fields to neutral grassland meadow and will include new native hedgerows, riparian scrub and wet woodland, orchard and tree planting, together with footpaths, seating, signage and interpretation features. In addition to enhancing the local landscape setting around Bullinghope, the Country Park will improve habitat connectivity, particularly along the Norton Brook corridor.
- 4.21 The Green Infrastructure Strategy Plan demonstrates how the proposals may incorporate informal orchard planting, wildflower meadow creation and other ecological enhancements, alongside informal seating and picnic areas. The Country Park proposals have been informed by

feedback received during public consultation. The Green Infrastructure Parameter Plan also identifies existing trees and hedgerows to be retained, with appropriate crossing points provided for necessary infrastructure.

### **Access and movement**

- 4.22 The submitted Land Use and Access Parameter Plan identifies the proposed vehicular, emergency, and active travel access arrangements for the site.
- 4.23 Four principal vehicular access points are proposed:
- **B4399 (Southern Boundary):** The primary access to the Site would be taken from the B4399 via a newly formed four-arm roundabout. This junction would provide access to two main internal routes, with the western arm serving the wider residential development and the eastern arm providing access to the proposed employment area.
  - **Green Crize:** A priority junction is proposed from Green Crize. This access would serve a limited parcel of development (approximately 100 dwellings) and would also function as an emergency access to the wider Site. In addition, it would accommodate a through-site bus route.
  - **Lower Bullingham Lane:** A priority junction crossroads is proposed across the section of Lower Bullingham Lane that would be subject to modal filtering. This would enable access to a small number of development parcels associated with the Green Crize connection.
  - **Watery lane:** A further priority junction is proposed on Watery Lane. This access would be restricted to buses, pedestrians and cyclists, whilst also providing emergency vehicular access. It would facilitate bus connectivity through the Site and onward to the Rotherwas Industrial Estate. The delivery of the off-site connection to the industrial estate would be secured via a Section 106 obligation, as the land required lies outside the application boundary and within the control of Herefordshire Council.
- 4.24 The proposals also include the upgrading of an existing farm access on Watery Lane and the introduction of modal filtering south of the railway bridge on Watery Lane. This arrangement would permit pedestrian and cycle access, with vehicular access restricted to emergency use and other limited, controlled circumstances.
- 4.25 All access arrangements have been designed in accordance with relevant local and national standards and will be subject to the Road Safety Audit (RSA) process. The scheme also incorporates a number of additional pedestrian and cycle access points, designed to enhance permeability and connectivity both within the site and to the wider surrounding area.

### **Other matters**

- 4.26 The development would require significant groundworks across the site, including the demolition of existing industrial buildings. These works are necessary to facilitate the proposed residential and commercial development, together with associated infrastructure, surface water drainage systems, and the creation of landscaped public open space.

## **5 Policies**

- 5.1 All applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2 The development plan relevant to the Site currently comprises of the following:
- Herefordshire Local Plan – Core Strategy (2011-2031)
  - Herefordshire Minerals and Waste Local Plan (2024).
  - Lower Bullingham Neighbourhood Plan (2017)
  - Callow and Haywood Neighbourhood Plan (2015)

## Herefordshire Local Plan Core Strategy 2011-2031

5.3 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:- <https://www.herefordshire.gov.uk/planning-and-building-control/local-plan/local-plan-core-strategy/adopted-core-strategy-2011-2031/>

5.4 The following policies are considered relevant to the application proposal:

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS4	Movement and transportation
SS5	Employment Provision
SS6	Environmental quality and local distinctiveness
SS7	Addressing Climate change
HD1	Hereford
HD6	Southern Urban Expansion (Lower Bullingham)
HD7	Hereford Employment Provision
H1	Affordable housing – thresholds and targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
OS2	Meeting open space, sports and recreation needs
MT1	Traffic management, highway safety and promoting active travel
E1	Employment Provision
LD1	Landscape and townscape
LD2	Biodiversity and Geodiversity
LD3	Green infrastructure
LD4	Historic Environment and heritage assets
SC1	Social and community facilities
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
SD4	Water treatment and river water quality
ID1	Infrastructure delivery

## Minerals and Waste Local Plan

5.5 A Minerals and Waste Local Plan (MWLP) has been prepared to guide mineral extraction and the management of waste in Herefordshire up to 2041 and beyond and was adopted in March 2024.

The plan replaces the saved minerals and waste policies of the Unitary Development Plan. The MWLP together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan/5>

5.6 The following policies are considered relevant to the application proposal:

SP1	Resource Management
M1	Minerals Strategy
M2	Safeguarding of Minerals Resources and Associated Infrastructure from Sterilisation or Significant Adverse Effect
W1	Waste Strategy
W4	Wastewater management

5.7 **Lower Bullingham Neighbourhood Plan**

The NDP was made on the 21<sup>st</sup> August 2017 and be viewed on the Council's website by using the following link:-

[Lower Bullingham Neighbourhood Development Plan - Herefordshire Council](#)

The following policies are considered relevant to the application proposal:

LB2 Design

LB6 Integrating the Southern Urban Extension (SUE) with Existing Communities

*Policy LB6 – Integrating the Southern Urban Extension (SUE) with Existing Communities To ensure that the new Southern Urban Extension integrates with, and does not have a detrimental impact on existing communities in Lower Bullingham proposals for the development of the site should include: a) Infrastructure improvements to mitigate any identified impacts on the existing community are addressed;*

*b) Green infrastructure corridors from the site to Lower Bullingham, in particular along Norton Brook, Withy Brook and Red Brook. These should be used to provide natural help to flood defences, through the use of Sustainable Urban Drainage features;*

*c) Effective road, public transport, pedestrian and cycle links from Lower Bullingham to the proposed Country Park, Primary School and Community Hub;*

*d) Sustainable urban drainage and flood mitigation measures that take in to account impacts on existing communities where possible within the legal requirements for section 106 agreements, reduce flooding within the parish at Lower Bullingham Lane and Watery Lane; and*

*e) A flood alleviation scheme with improvements to reduce flooding within the parish at Lower Bullingham Lane and Watery Lane.*

LB7 Contributions to Community Infrastructure

LB8 Reducing the Risk of Flooding

## 5.8 Callow and Haywood Neighbourhood Plan

The NDP was made on the 1 December 2016 and be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/directories/neighbourhood-areas-and-plans-directory/callow-and-haywood-group-neighbourhood-development-plan/>

The following policies are considered relevant to the application proposal:

CH1 Protecting and Enhancing the Rural Landscape

CH2 Building and Transport Design Principles

CH4 Protecting the Sensitive Landscapes Assets in the Urban Fringe

CH8 Provision and Protection of Local Community Facilities

- 5.9 The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed in full via the link below:-

[National Planning Policy Framework - GOV.UK](#)

### National Planning Policy Framework (2024)

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 5 Delivering a sufficient supply of homes

Chapter 6 Building a strong, competitive economy

Chapter 8 Promoting healthy and safe communities

Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

- 5.10 Planning Practice Guidance provides guidance across a broad range of topic areas in terms of determining planning applications and producing local plans. The guidance is set out in various topic areas which can be viewed via the link below:-  
 Planning practice guidance - GOV.UK ([www.gov.uk](http://www.gov.uk))
- 5.11 Paragraph 34 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Herefordshire council is currently in the process of reviewing its development plan however at this stage the emerging policies carry no weight in decision making. As of December 2024, the standard method has been significantly revised from what has been in place for the past few years. The revised overall housing target for Herefordshire has now increased significantly. Therefore, this has meant a revision to the Herefordshire 5 Year Housing Land Supply Position Statement released only in October 2024. As the overall target has increased, this has meant the current supply of housing in the county falls short of the new target. The revised housing target for the county now results in a 5 year Housing Land Supply figure of **3.11 years**. Therefore Paragraph 11(d) is applicable for decision making purposes with regard to all adopted and made Plans.
- 5.12 All other policies within the Core Strategy as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

## 6. Planning History

### 6.1 P194402/O:

A mixed use urban extension of land at Lower Bullingham (known as the 'Southern Urban Expansion' in the Local Plan) to provide up to 1300 dwellings (including specialist housing), B1, B2 and B8 employment uses, a Neighbourhood Community Hub (A1, A3 & A5), a new primary school, a Park and Choose, a country park, public open space, access, drainage and other associated works and demolition of existing industrial buildings. All matters are reserved for future consideration save for 'access'. Only the means of access into the site is sought as part of this outline application, not the internal site access arrangements (i.e. not formally form part of application)

**Decision:** Pending

### 6.2 EIA scoping 232401:

Request for Scoping Opinion for the first phase of the proposed urban extension for up to 540 dwellings (approximately half the number of dwellings set out in the allocation) as well as approximately 5.78ha of employment land (Use Classes B and E), local centre and a country park together with open and play space, infrastructure and associated works.

**Decision issued:** 9th October 2023.

The Proposed Development constitutes Environmental Impact Assessment (EIA) development under Schedule 2, Category 10(b) of the EIA Regulations, relating to infrastructure projects, specifically urban development projects. Given the nature of the proposals, alongside the planning history associated with the wider, currently undetermined application at the Site and surrounding land, a Screening Opinion was not sought. Instead, the Applicant proceeded directly to EIA Scoping.

The Scoping process identified the following areas to be scoped in and to be assessed within the EIA:

- Transport and access
- Nature Conservation and Ecology
- Landscape and Visual
- Socio Economics

Accordingly, an Environmental Statement (ES) has been prepared to support this application. The purpose of the ES is to identify and evaluate the likely significant environmental effects of the Proposed Development.

This includes an assessment of baseline environmental conditions, as well as the potential impacts arising during both the construction and operational phases. The ES also sets out mitigation measures to address any identified adverse effects, together with enhancement measures where appropriate.

## 7. Consultation Summary

7.1 All consultation comments can be read in full online at:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=242558&search-term=242558>

### Statutory Consultations

**Summary Table: see below**

National Highways	No objection subject to conditions	7.2
Welsh Water	No Objections subject to conditions	7.3
Network Rail	No Objections	7.4
Natural England	No Objections subject to conditions	7.5
Environment Agency	No Objections subject to conditions	7.6
Active Travel England	No objections subject to conditions	7.7
Sport England	No objections subject to contributions (S106)	7.8
Historic England	No objections subject to conditions	7.9

## 7.2 National Highways: February 2026: No objection subject to conditions

**National Highways Ref: NH/24/08790**

Referring to the consultation on a planning application dated 23rd October 2025 referenced above, in the vicinity of the A49 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

Highways Act 1980 Section 175B is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to [PlanningM@nationalhighways.co.uk](mailto:PlanningM@nationalhighways.co.uk).

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

## **Annex A National Highways' assessment of the proposed development**

This response represents our formal recommendations and has been prepared by Ellie Smith, Assistant Spatial Planner for National Highways.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the A49 trunk road.

### **Development proposal**

The application is for the first phase of an urban extension (known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling).

### **February re-consultation**

National Highways provided a conditional response on 10th February 2026. After review of the new information National Highways position remains.

### **Previous comments**

National Highways were in ongoing discussions with the consultant for the applicant. The consultant was in discussions with Herefordshire County Council regarding the principles of the off-site active travel funding.

We have received confirmation from the applicant and Herefordshire Highways, that a suitable set of obligations and contributions with Herefordshire Council in relation to sustainable travel improvements has been agreed.

National Highways Planning Response (NHPR 25-01) January 2025 In light of the above, our previous comments have been addressed. National Highways recommend conditions relating to the Travel Plan and a Construction Traffic Management Plan.

### **Previous comments**

LinSig Model Comments Following the review of the latest LinSig model (07129-A49\_Barton Road\_St Nicholas Street LinSig (17.10.25)) received, it has been noted that there are still some discrepancies relating to the geometric parameters and model parameter inputs (e.g. give way connections on some movements) compared to our independent review. However, we deemed that this will not significantly affect the modelling results.

The results of the LinSig model show that there will be additional queueing compared to Reference Case scenario along the A49 Victoria St (S) even with the full benefit of the active mode strategy. However, we are content that the impact of the additional queueing reported will not be severe on the A49 Victoria St (S). Nonetheless, we would indicate that implementation of the proposed active mode strategy as well as its monitoring, (once it has been agreed with the local authority) should form part of the planning conditions.

Please note that all of the comments below are still valid in addition to the latest comments above.

- Ensuring that there will be no "ransom strips" or blockers will be made as part of this proposed development to ensure any mitigation/access required as part of wider site
- A defined vehicle trip envelope should be provided as it is acknowledged that the development quantum is not yet fixed/ remains 'fluid'. This is to determine (and identify relevant conditions) whether the future level of development mix is under or over the defined trip envelope
- Monitoring for the proposed active travel strategy
- Agreement with Herefordshire County Council on active travel strategy • Reassurance regarding monitoring of mode shift change and traffic flows impacting the A49 is given
  - Clear picture of pedestrian / cycle movements before and after the introduction of measures would be important in order to monitor the overall success of the schemes.
  - LCWIP - National Highways would need to be involved in discussions going forward and would need to be provided with robust evidence, to indicate how the active travel schemes are off-setting additional traffic movements generated by the Applicant's scheme.

### **LCWIP Comments**

National Highways aware of discussions between the applicant and the LHA. We would support the concept of the Applicant providing funds to deliver schemes contained within the LCWIP. However, National Highways would need to be involved in discussions going forward and would need to be provided with robust evidence, to indicate how the active travel schemes are off-setting additional traffic movements generated by the Applicant's scheme.

### **Transport**

#### General comments

For clarity, it would be beneficial if this is explicitly stated within the report for background information on the methodology. In addition, it is requested that no "ransom strips" or blockers will be made as part of this proposed development. This is to ensure that where any mitigation/access is required as part of wider site, and if such mitigation falls within the boundary of this development, then these areas of mitigations shall be safeguarded.

#### Development Quantum

Section 6 of the Transport Assessment noted that the composition of the proposed development including the employment element and local centre / community facilities. It was indicated that this will be agreed through reserved matters. Nonetheless, for the purpose of assessments, the applicant assumed the following development quantum:

- Dwellings – 540 dwellings;

- Offices - 350sqm;
- Light Industrial - 4,500sqm; • General Industrial - 4,500sqm;
- Warehousing - 4,500sqm;
- and
- Local centre / community facilities – 1,650sqm

Sensitivity testing is advised given the development quantum seems fluid at the moment.

Vehicle Access Four new vehicular access are proposed to serve the proposed development, all of which will be from local roads. Therefore, National Highways has no further comments and these should be reviewed and agreed with Herefordshire Council.

### **Construction impact**

National Highways will require consulting on a Construction Traffic Management Plan (CTMP). The plan will need to include measures for ensuring that there is no mud or detritus is tracked or dropped onto the SRN. It will also need to include measures to manage the traffic impact of workers and construction vehicles National Highways Planning Response (NHPR 25-01) January 2025 (including abnormal loads) to avoid the busiest times on the SRN. This can be dealt with by a suitably worded planning condition.

### **National Highways Recommendations**

**Condition 1:** Prior to the first occupation of the residential element of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The details of the Travel Plan should include, but not be limited to, the following details:

- a. A specific package of measures and initiatives;
- b. Baseline transport data;
- c. Specific targets and performance indicators for modal shift;
- d. Arrangements for monitoring and evaluation, including the frequency of data collection and reporting; and
- e. A timetable for the implementation of the proposed measures and initiatives. The package of measures shall thereafter be implemented in accordance with the approved Travel Plan and the latest guidance and good practice documentation published by the Department for Transport and the Local Planning Authority.

Reason: To ensure the development encourages the use of sustainable travel modes and the travel plan is in accordance with national and local planning policies.

**Condition 2:** Prior to the first occupation within the residential element of the development, the details of a survey strategy should be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The survey strategy shall include, but not be limited to, a suitable programme and location of new surveys for vehicle, cyclist, and pedestrian movements. Baseline surveys shall be undertaken in line with the approved strategy prior to occupation of the 100th dwelling or within 12 months of the first occupation, whichever occurs first, and repeat surveys thereafter at 50% occupancy (approximately 270 dwellings) or third year of first occupation, whichever occurs first, and at 80% occupancy (approximately 430 dwellings) or fifth year of first occupation, whichever occurs first.

The approved programme shall be implemented in accordance with the latest guidance and good practice documentation published by the Department for Transport and the Local Planning Authority.

Reason: To ensure that robust travel data is available to inform and monitor the effective implementation of sustainable transport measures as outlined in the Travel Plan. National Highways Planning Response (NHPR 25-01) January 2025

**Condition 3:** Prior to the first occupation of the residential element of the development, a Travel Plan Coordinator shall be appointed for a period of ten years or until one year after the development is fully occupied, whichever is later. The duration of this post shall depend on whether monitoring and evaluation demonstrate that the targets detailed in the Travel Plan have been met. If the targets are not met, the role shall be extended further, including monitoring of targets, until such time as it can be demonstrated to the Local Planning Authority that the Travel Plan has achieved its targets and objectives.

Reason: To ensure the development meets the objectives of sustainable development and promotes sustainable travel behaviour.

**Condition 4:** Prior to the first occupation of the residential element of the development, implementation of the Travel Plan shall have commenced in accordance with the approved details. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after the 1st, 3rd, 5th, 8th and 10th years following first occupation (or sooner as provided for by Condition 2) and thereafter every three years if the targets are not met, and to be audited by the Local Planning Authority in consultation with National Highways.

Reason: To ensure the Travel Plan is effectively monitored and achieves its objectives of promoting sustainable transport.

**Condition 5:** Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

- a) Construction phasing
- b) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses and construction delivery times (to avoid peak hours)
- c) Details of any special or abnormal deliveries or vehicular movements.
- d) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- e) Details of signage including type, drawings, timescales and locations
- f) Mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.
- g) A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- h) Waste management.
- i) Wheel washing measures. National Highways Planning Response (NHPR 25-01) January 2025
- j) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and to satisfy the reasonable requirements of road safety.

### **Standing advice to the local planning authority**

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The

NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

**Previous comments: January 2025**

<https://myaccount.herefordshire.gov.uk/documents?id=a5954f3e-109a-11f1-9099-005056ab11cd>

**Previous comments: February 2025**

<https://myaccount.herefordshire.gov.uk/documents?id=af110b67-0b63-11f1-9095-005056ab3a27>

**7.3 Welsh Water: April 2026: No objection**

**WATER SUPPLY**

We have revisited the assessment and in conjunction with our operational colleagues are able to confirm that the proposed development site is not located in an area affected by a strategic water supply matter. However, notwithstanding this our assessment has concluded that the water supply system in the immediate vicinity has insufficient capacity to serve the development and could also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

In light of the above and the positive interactions held with the applicant, we are content to remove the objection and for the application to be determined.

**ASSET PROTECTION**

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

**SEWERAGE**

We have considered the impact of foul flows generated by the proposed development and concluded that flows can be accommodated within the public sewerage system. We advise that the flows should be connected to the foul sewer at or downstream of manhole SO53372701 located verge next to Gatehouse Road east of the proposed development.

Turning to surface water, the proposal is to manage surface water flows by discharging into surface water bodies. Dwr Cymru Welsh Water has no objection to these proposals however advise that the applicant consults with the Environment Agency.

If the objection on water supply is overcome we would only support the proposed development subject to the inclusion of the following condition (s) and advisory notes on any subsequent grant of planning consent.

### **Conditions**

Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at the 450mm foul sewer manhole reference number SO53372701 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

No building shall be occupied until it is served by the approved connection.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### **Advisory Notes**

*The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).*

*The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.*

*In accordance with National Planning Policy Framework (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.*

*Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.*

Previous comments: March 2026: Objection

<https://myaccount.herefordshire.gov.uk/documents?id=49be064e-1c74-11f1-9097-005056ab3a27>

Previous comments: July 2025: No Objection

<https://myaccount.herefordshire.gov.uk/documents?id=daf243ae-5e49-11f0-908d-005056ab3a27>

Previous comments: December 2024: No Objection

<https://myaccount.herefordshire.gov.uk/documents?id=ff6f722a-cdb6-11ef-9089-005056ab11cd>

#### 7.4 **Network Rail: March 2026 No objection**

Network Rail has no objections in principle to the proposed development. However, given the scale and potential impact of the scheme, it may be appropriate to ensure that mitigation measures and contributions are secured to support sustainable transport and enhance rail infrastructure.

The submitted Environmental Statement (Traffic and Transport) highlights the significant effect the development will have on the environment. Paragraph 9.19 references Policy SS4 of the Herefordshire Local Plan, which emphasises the need to work collaboratively with Network Rail to bring forward improvements to the local and strategic transport network to reduce congestion, improve air quality and road safety and offer greater transport choices.

Hereford Station currently falls short of meeting modern accessibility and passenger experience standards. To accommodate increased demand and promote sustainable travel, the following improvements are considered essential:

- Accessible Facilities: Provision of fully compliant accessible toilets and improved waiting shelters.
- Wayfinding Enhancements: Clear, legible signage throughout the station and approaches to assist all users, including those with mobility challenges.
- Drop-off/Pick-up Zone: Improvement of the forecourt to ensure safe and efficient passenger movements.
- Cycle Parking: Additional secure cycle parking to encourage active travel and reduce car dependency.

In line with Policy SS4, Network Rail requests that the planning authority considers securing Section 106 contributions towards any station improvements required as a result of an increase demand for rail as a result of the development.

For the development itself, the works will need to be undertaken following engagement with Network Rail asset protection ([assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk)). The following Network Rail standard advice should be considered:

**ENVIRONMENTAL ISSUES** The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

**NOISE** The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Planning Policy Wales and Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

**BRIDGE STRIKES** Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with Network Rail's Asset Protection Engineers is necessary to understand promoted routes. Developers may be asked to pay for bridge protection barriers.

**GROUND LEVELS** The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

**FOUNDATIONS** Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

**GROUND DISTURBANCE** The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

**SITE LAYOUT** The applicant must ensure that the construction and subsequent maintenance can be carried out to the proposed development (including any boundary treatment) without affecting the safety of, or encroaching onto Network Rail land and air-space. Network Rail therefore requires a minimum 2 metres gap between the proposal and our boundary fencing for the following reasons:

- To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space.
- To ensure that should the proposal fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the development falling into the path of trains.
- To ensure that the proposal (including any boundary treatments) cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
- To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls etc
- To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

**PILING** Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

**EXCAVATIONS/EARTHWORKS** All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail Asset Protection.

**SAFETY (WALES OTHER)** In order to mitigate the risks detailed above, the Developer should contact the company's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk) . The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement

**Previous comments: November 2025**

## 7.5 Natural England comments: February 2026: No objection

Natural England has previously commented on this proposal and made comments to the authority in our response dated 05 March 2025 reference number 504233 (attached). The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Thank you for your consultation on the above dated 26 February 2025 which was received by Natural England on 26 February 2025. Natural England is a non-departmental public body.

Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's advice on other natural environment issues is set out below.

### **Internationally and nationally designated sites**

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### **European site - River Wye SAC - No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

### **River Wye SSSI – No objection**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### **Other advice**

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. (see below for link to website)

<https://myaccount.herefordshire.gov.uk/documents?id=ea7bda84-12e2-11f1-9097-005056ab3a27>

## **7.6 Environment Agency: February 2026: No objection**

Thank you for your re-consultation of the above planning application. We note the addition of the sequential and exception test document that seeks to understand the effects of the Flood Map for Planning update on the site. We note that the extents are similar, and that the site-specific modelling is still an appropriate base for application of the exception test. In light of the above, we would like to reiterate our previous comments (attached) at this time. See comments December 2024 below:

### **Environment Agency: December 2024: No objection**

#### **Planning History**

We have previously provided comments on this site on several occasions in relation to both the Herefordshire Local Plan and specific planning applications. Most recently we commented on the Herefordshire Local Plan Regulation 18 Issues and Options, referencing this site allocation and making acknowledgment to the 2020 Strategic Flood Risk Assessment (SFRA) which has been developed.

In terms of planning applications, we have commented on this site in 2020 (our ref: SV/2020/110571) and also as part of the EIA Scoping in September 2023 (SV/2023/111867), whereby we note that the hydraulic modelling undertaken for the site was deemed to be satisfactory following our review in 2020. E

#### **Flood Risk and Vulnerability Classification**

Based on our Flood Map for Planning parts of the site falls within Flood Zones 2 and 3 (the medium and high risk areas of flooding) from the Norton Brook, Withy Brook and primarily the Red Brook which are all ordinary watercourses acting as tributaries to the River Wye north of the site. Both the Red Brook and an unnamed ditch run through Parcel 1 of the site, whilst the Norton Brook runs along the western edge of Parcel 4 which is proposed as a country park. The works in Parcels 2 and 3 are relatively minor. We note that much of the land on site is not at risk of flooding as this falls within Flood Zone 1 (low risk area of flooding).

Whilst we note the use of this proposed development is mixed, residential dwellings are considered a More Vulnerable use in 'Annex 3: Flood risk vulnerability classification' of the National Planning Policy Framework (NPPF). Therefore, we could consider that the entire site may be More Vulnerable in order for all the development to be classified under the same vulnerability as this is the highest classification noted on site as per the notes to table 2 of the NPPG 'Flood Risk and Coastal Change' Paragraph: 079 (Reference ID: 7-079-20220825). The note states that '*Some developments may contain different elements of vulnerability and the*

*highest vulnerability category should be used, unless the development is considered in its component parts’.*

### **Flood Risk Assessment**

A Flood Risk Assessment (FRA) has been undertaken by BWB Consulting (Ref: BULL-BWB-ZZ-XX-RP-YE-0009\_FRA, version P04, dated 29 August 2024). We are generally satisfied with the content of this document, which is not too dissimilar to the FRA reviewed previously. Importantly, the modelling undertaken has now been re run with the latest climate change allowance of 37% on peak flows (2080s Central Allowance) for the Wye Management Catchment as highlighted in our EIA Scoping response (our ref: SV/2023/111867) and correctly identified in Table 3.2 and Section 4.11 of the submitted FRA. These climate change allowances have been updated, based on the latest scientific data and emission scenarios, since the original modelling was undertaken.

As the modelling on site has already been reviewed in 2020 (highlighted in Section 4.12 of the FRA) we have not assessed it again for this outline application. We therefore accept the flood outlines for various events including the key 1% AEP plus 37% climate change event produced in Figure 4.2 (tributary flooding only) and Figure 4.3 (tributary flooding coinciding with River Wye flooding) of the FRA. We acknowledge that the FRA confirms in section 4.14 that the hydrology was updated, and more recent LiDAR also used in the latest model.

**Disclaimer:** *As above, flood risk modelling undertaken by a third party has been used in support of this application. In this instance, these comments are made in the absence of us having reviewed/undertaken a full review of the associated flood model to verify the assessment and can accept no liability for any errors or inadequacies in the model. The onus is on the applicant/developer to ensure appropriately qualified (and indemnified) consultants undertake assessments of flood risk.*

As was the case in 2020, Section 5 of the FRA confirms that all built development located in Parcel 1 will take place outside of the 1% AEP plus climate change (now 37%) floodplain extent. This can be seen when comparing the Proposed Site Layout 2 (Appendix 2) to the modelled flood outlines contained in Section 4 of the FRA with Public Open Space proposed for the areas at risk of flooding. The exceptions are a road and associated access crossing over the Red Brook and a surface water attenuation feature.

### **Finished Floor Levels**

Section 5.8 confirms that finished floor levels (FFLs) of residential properties will be set to a minimum of 600mm above the modelled 1% AEP plus 37% climate change flood levels, which we agree with. However, Section 5.9 suggests that Less Vulnerable units would only have a 300mm freeboard. In the first instance our West Midlands guidance would seek a 600mm freeboard on all newly built development. Alongside this, as we are considering all development on site under the same vulnerability classification of More Vulnerable, **we would expect to see a 600mm freeboard implemented to the proposed units which are currently being considered as ‘Less Vulnerable’.** If this causes any significant logistical issues, then in these circumstances we would consider a 300mm freeboard on normally considered Less Vulnerable development types and expect to see an additional 300mm of flood resilient techniques incorporated into the building design. **We would be happy to receive confirmation of the above at the next planning stage when detailed design is considered.**

### **Flood Storage Compensation/Flood Risk Betterment**

Any proposed raising of ground levels within the 1% AEP plus 37% climate change flood outline will require compensation. A level for level flood storage compensation scheme with some volume gains and downstream betterment has been proposed to account for the losses in flood storage highlighted in Section 5.14 and detailed in Appendix 7 of the FRA. We understand the need for the access crossing to pass through the floodplain but would question the reasoning for the location of the surface water attenuation area to be located in an area at risk of flooding. **We have no objections to the location of the surface water feature, provided the associated ground level raising is fully compensated for.** The surface water drainage feature would need approval

by the Lead Local Flood Authority (LLFA), who we recommend you consult to confirm that the surface water drainage arrangements are satisfactory in principle, falling under their remit. Further information will be required when detailed designs have been finalised, but we are happy that there is sufficient land on which to undertake the necessary compensation within the wider site.

There are known flooding issues affecting properties downstream of the site in Lower Bullingham which have been mentioned in Section 4.3 of the FRA regarding historical flooding. There is a policy seeking flood risk betterment in accordance with Policy HD6 of the Adopted Core Strategy (2011-2031) which outlines key considerations when looking to develop this key strategic site. This policy has been highlighted in Section 3.33 of the FRA. Specific to matters within our remit, **the policy states that development will be expected to provide “sustainable urban drainage and flood mitigation solutions to form an integral part of the green infrastructure network”**. Previously we have discussed the potential to provide additional flood storage in country park (Parcel 4) which could help to reduce flood risk downstream. We are pleased to see that Section 5.15 of the FRA states there are proposals to lower land within this parcel though no details have been provided yet, we look forward to receiving further information on this work and the potential benefits at a later date. The LPA need to assess whether the betterment described in pages 30 and 31 of the FRA, including a throttle on the access crossing culvert, is sufficient and in line with their Local Plan policy HD6.

### **Access Road and Bridge Crossings**

The Red Brook crossing, secondary culvert and the access crossing on the unnamed watercourse are detailed in Sections 5.17 to 5.20 and in Appendix 7 of the FRA. We understand detailed design is still to take place as this is an outline application but as these are all on ordinary watercourses, they will need the approval of the LLFA falling under their remit.

Any raised highway in the floodplain with culverts underneath it to ensure flood flow routes are not blocked alongside the associated 450mm diameter pipe (secondary culvert) will require careful consideration and a suitable long term maintenance plan to ensure they continue to operate efficiently over the lifetime of the proposed development.

**Water Framework Directive (WFD)** The site falls within two catchments as defined by the Water Framework Directive (WFD). These consist of the ‘Norton Bk - source to conf R Wye Water Body’ to the West and the ‘Wye - Bredwardine Br to Hampton Bishop Water Body’ to the East which are both currently afforded ‘moderate’ ecological status. The aim is to maintain/achieve ‘good ecological status’ by 2027.

We note that in the WFD Scoping Report by BWB Consulting (ref: BULL-BWB-ZZ XX-RP-YE-0008\_WFD, version P03, dated 29 August 2024) section 5.3 that the “development proposals are not deemed to hamper these water bodies’ ability to reach their respective overall water body objectives.” For example, with respect to the Norton Brook, section 4.17 states that “By safeguarding the immediate vicinity within a country park, it will ensure any localised improvement works have sufficient space to be carried out by any relevant stakeholders moving forward if preferred.”

The LPA as a competent authority under the WFD should ensure that the proposal actively contributes towards the water body objectives of achieving good ecological status by 2027 rather than just being satisfied they could be implemented by other stakeholders.

The ‘ES Volume 3 Appendix 8.3 BNG (Biodiversity Net Gain) Report and Statutory Biodiversity Metric Calculation Tool’ by Ecology Solutions (ref: 11537.BNG.vf, dated March 2024) states that: The existing conditions of the Red Brook and Norton Brook were calculated as moderate (paragraph 17). As they were considered highly likely to be over deep (18) both watercourses were downgraded from Moderate condition to Fairly Poor condition (21) because "a river channel whose depth relative to its width suggests that the bed has been incised/dredged and/or the bank tops have been raised with the result that flood flows are less likely to connect with the bank tops and floodplain than if the channel cross-profile were unmodified."

Appropriate enhancement for over deepened watercourses could be to restore floodplain connectivity. Interventions such as targeted bank reprofiling and bed raising (for example replacing lost gravels and woody debris) are particularly suitable when there are relatively few constraints, such as a lack of woody or high-quality vegetation as described along the northern reach of Red Brook.

### **Buffer Zones**

Development that encroaches on watercourses can have a potentially severe impact on their ecological landscape, value and potential. We are therefore happy with the.. exclusion of development from flood zones 2 and 3 which has left a generous buffer of green space around the watercourses on site. However, we note one area of development falls in close proximity to the Red Brook in the southern portion of parcel 1 creating a narrow area for the buffer zone. Whilst we note this development falls outside of the flood zone 2 and 3 extent it would be preferable if a greater standoff distance was provided for the benefit of biodiversity in order to have a wider undeveloped corridor for the entirety of the Red Brook within the plan boundary.

The proposed development should include a scheme to agree and enhance the implemented buffer zones around the watercourses on site to allow for substantive environmental enhancement. We would recommend that no development should take place until a scheme for the provision, enhancement and management of these wider buffer zones (to include watercourses and associated riparian and floodplain habitats) has been submitted to, and approved in writing by, the Local Planning Authority (LPA).

We would recommend that the buffer zone scheme should be free from built development including lighting, domestic gardens and formal landscaping. The scheme should consider:

- plans showing the extent and layout of the buffer zone notably a change of layout where the edge of built development encroaches close to the left bank of the Red brook corridor,
- details of river and floodplain restoration measures to provide more complex habitats with better protection to limit disruptive pressures,
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan,
- details of any proposed footpaths, fencing, lighting, etc.

We agree that in the Southern parcel, adverse impacts to Norton Brook should be more limited due to the absence of any major development except footpaths and cycle paths associated with the proposed country park. Whilst in the Eastern parcel, impacts will be greater due to the scale of the proposed development including a new internal road that will cross the Red Brook. We would anticipate that the proposed new bridge crossing over the Red Brook should be clear span, to accommodate flood flows and minimise impacts on the watercourse. Shading should be considered as a result of any bridge crossing on riparian species and any bridge design should use the least intrusive design to minimise impacts upon the watercourse.

### **Protected Species**

Surveys were carried out in June and September 2023 along the Red Brook and Norton Brook in an attempt to identify the presence of Water Voles and Otters. We note in paragraph 8.4.94 and 8.4.97 of the “ES Environmental Statement – Technical Appendix 8.1 to Chapter 8: Ecology” by Ecology Solutions (ref: 11537.ESEcology.vf, dated March 2024) these surveys concluded that no evidence of otters or water voles were recorded along either brook. Paragraph 8.4.99 of the Technical Appendix 8.1 to Chapter 8: Ecology highlights that the background records identified no water voles within the local vicinity of the site and the most recent closest otter recording was for two individuals 1.1km North of the site in 2020.

### **Fish**

The Technical Appendix 8.1 to Chapter 8: Ecology makes no references to fish as ecological receptors, in the context of priority species, designated features of the Wye SAC/SSSI or as a component of the wildlife and ecology of the watercourses.

Within the WFD Scoping Report surveys were carried out on the watercourses on site and we note paragraph 3.2.4 states that “Fish populations were identified in the Red Brook during the surveys, including Bullhead, young Brown Trout and Three spined Sticklebacks.”

We agree that anthropogenic influences identified along the watercourses, in the WFD Scoping Report paragraph 3.23 such as extensive re-sectioning and silt input, mean that the watercourses (in the site boundary) currently have a reduced suitability for salmonids and lamprey. However, coarse fish, and notably the critically endangered European Eel (a designated feature of the Severn estuary Ramsar) typically still exploit watercourses with less geomorphological variance.

### **Watercourse Improvement Opportunity**

In line with the relevant River Basin Management Plan (RBMP), we recommend that the proposed development is used as an opportunity to restore more natural processes to the watercourses. Missed opportunities for river restoration to support implementation of RBMPs include restore floodplain connectivity through interventions such as targeted bank reprofiling and bed raising which would offer a significant environmental gain.

### **Pollution Prevention**

We note the Red Brook discharges into the River Wye approximately 700m downstream and the Norton Brook which flows into the Wither Brook discharges into the River Wye approximately 900m downstream. We would therefore highlight the importance in considering pollution risk and nutrient neutrality impacts upon these tributaries as they are functionally linked habitats in close connectivity to a sensitive designated main river in that of the River Wye.

We would refer you to our latest Pollution Prevention Guidance targeted at specific activities, which I have attached for the applicant’s consideration.

### **Green & Blue Infrastructure**

Redevelopment of the site offers the opportunity for Biodiversity net gain. Specifically, any flood storage areas, if designed correctly, could also provide wetland habitat throughout the year as well as providing a recreation amenity.

As stated above we would seek appropriate blue infrastructure i.e. ‘blue’ landscape elements are linked to water such as pools, pond and wetland systems, artificial basins or watercourses. Along with green infrastructure they help form an interconnected network of environmental enhancements within and across catchments. We would also welcome identification of opportunities for measures to secure net gains for biodiversity, and other environmental improvements, in line with the NPPF recent revisions.

### **Sustainable Urban Drainage System (SUDs)**

The provision of new SuDS features will only provide the claimed enhanced aquatic habitat for amphibians and invertebrates as well as enhanced foraging opportunities for bats and foraging/nesting opportunities for birds. If they are designed for that purpose with respect to water quality and shape.

We welcome the proposals in section 3.2.4 of the Sustainable Drainage Statement by BWB Consulting (ref: BULL-BWB-ZZ-XX-RP-CD-0001\_SDS, version P03, dated 29 August 2024) that *‘surface water detention basins will be landscaped into the public open space and that basins should be suitably planted to improve water quality and treatment and enhanced to include low flow channels, variable depths, forebays and ponds/permanently wetted areas.’*

### **Summary**

We are generally satisfied with the application at this stage; however, we highlight we would seek clarification at detailed design stage around the following topics in terms of flood risk:

1. In line with West Midlands requirements, finished floor levels of Less Vulnerable uses should also utilise a freeboard of 600mm above the design flood level (and not just the More Vulnerable use) unless there are specified reasons why this cannot be achieved.

2. Whilst a flood storage compensation scheme is being offered as part of the proposals, we would query why on a 44 hectare strategic site, the surface water attenuation feature need to be positioned within the design flood extent (1% AEP plus 37% climate change extent) and need ground level raising to protect it from flood risk. Given this is an outline application consideration should be given to the pond / basin being moved outside of the design flood extent before further progression.

3. We would expect to see further information on the flood risk improvement works to be undertaken in Parcel 4 (country park) which can offer downstream betterment.

Once options and designs are developed and made available at the full application stage, we will be able to provide a more detailed response around the above flood risk aspects and those associated with the development of the main bridge crossing and any outfalls from the drainage system.

## 7.7 **Active Travel England: March 2026: No objection**

I write with regard to your latest consultation request for application ref. P242558/O. Upon review of the latest submitted information, I can confirm that ATE's stance remains unchanged, having previously noted that submitted details had been deemed satisfactory by the LPA and issues raised by ATE could be dealt with via condition/at the detailed design stage.

The applicant should refer to our previous response dated 13th November 2025 for details. I would just seek to add a further comment with regard to the design of the bus/pedestrian/cycle route running between the site access and Twyford Road: - Where the footway is proposed to continue at road level as a coloured 'pedestrian zone', in the absence of a dedicated footpath with kerbed separation from the carriageway, it is recommended that some sort of additional physical protective feature such as bollards be used to delineate the 'pedestrian zone' and avoid the risk of encroachment from heavy vehicle traffic in this section.

### **Active Travel England: November 2025:**

<https://myaccount.herefordshire.gov.uk/documents?id=075e40a2-c3d2-11f0-9092-005056ab3a27>

Notice is hereby given that Active Travel England's formal recommendation is as follows:  
Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response

### **Background**

ATE welcomes the opportunity to provide further comments on this application, which has been considered against the criteria set out in ATE's planning assessment toolkit, national and local planning policy, and active travel design guidance.

### **Key Issues**

#### **Travel Planning**

As previously stated, the indicated ambition for an active travel mode shift in line with Government targets is welcomed and ATE notes the applicant's statement that information set out in the submitted Travel Plan has been deemed sufficient by the LPA at this stage. Nevertheless, ATE reiterates its stance on the importance of specific and discrete initial mode share targets being set at an early stage in the application process, in order to solidify and quantify a sufficiently progressive and ambitious approach to active travel uptake. It is requested that a condition be attached to ensure that the Framework Travel Plan is clarified in this regard, at the earliest opportunity.

### **Off Site Infrastructure**

ATE's preference with regard to mode segregation along the Green Crize route is re stated, based on Summary Principle 2 in Section 1.6 of LTN 1/20 which makes clear that shared use facilities are considered a 'last resort', and are generally not favoured by either pedestrians or cyclists. However, ATE acknowledges that wider constraints have been cited by the applicant, and that shared use may be appropriate in this situation providing that it is well-designed and implemented. Where width constraints are imposed by railway infrastructure, ATE welcomes proposed give-way/shuttle arrangements which will facilitate sufficient footway/cycleway widths.

With regard to details of the Green Crize/Country Park active travel access, ATE notes that lower speeds will be encouraged as part of detailed design work relating to the Country Park access – this is considered essential, given the rural and relatively straight and wide nature of the road in this location. Cycle and pedestrian movements between the park and the main part of the development should be sufficiently prioritised and protected as part of further design iterations.

### **Conclusion**

ATE requests that the local planning authority shares this response with the applicant's agent and LHA. Additional details and amendments in line with the above comments would be welcomed and ATE would be happy to be involved in further discussions where necessary.

### **Active Travel England: July 2025**

<https://myaccount.herefordshire.gov.uk/documents?id=105d8b75-5d81-11f0-908d-005056ab3a27>

### **Active Travel England: June 2025**

<https://myaccount.herefordshire.gov.uk/documents?id=e8243834-44fa-11f0-908e-005056ab11cd>

### **Active Travel England: December 2024**

<https://myaccount.herefordshire.gov.uk/documents?id=d7dde6c1-cdbf-11ef-9089-005056ab11cd>

## **7.8 Sports England: February 2026**

Thank you for consulting Sport England on the above application. Sport England has no comments to make on this additional information consultation. Therefore, please refer to Sport England's previous responses for our current position on this application which for the benefit of doubt have not been superseded and remain extant.

### **Sports England: December 2024**

Thank you for consulting Sport England on the above application.

The proposal is an outline planning application (all matters reserved save for access into the site) for up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling). The proposal is the first phase of an urban extension known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://www.sportengland.org/how-we-can-help/facilities-and- planning/planning-for-sport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

### The Proposal and Assessment against Sport England’s Objectives and the NPPF

The population of the proposed development is estimated to be 1,242 (average household size of 2.3 persons). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England’s Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 1,242 in this local authority area will generate a demand for the following:

Swimming Pools		Sports Halls	
Demand adjusted by	0%	Demand adjusted by	0%
Square meters	12.79	Courts	0.31
Lanes	0.24	Halls	0.08
Pools	0.06	vpwpp	90
vpwpp	78	Cost	£222,299
Cost	£267,430		

\*Costings based on BCIS July 2024 Q3

Sport England accepts that the need for this scale of investment would fall away if it were shown that existing sports facilities were of sufficient quantity and quality to be able to absorb this new growth.

The development’s need to invest in local sporting infrastructure can be met in two ways (or a combination of both);

- Through the provision of sports facilities within their development; or
- through investment to increase the capacity of the local sporting infrastructure

No provision is proposed on site and Sport England notes that Policy HD6 of the adopted Core Strategy sets out that the development will be expected to provide a neighbourhood community hub and/or contributions towards any identified need for other community infrastructure/facilities including indoor and outdoor sports facilities.

Herefordshire Council’s Indoor and Built Sports Facilities Strategy (IBSFS) identifies that there is a need to improve the quality of the existing sports hall stock. For swimming pool provision, the IBSFS identifies that in the medium term there is a need to maintain the standard of the swimming pools via ongoing investment. In the longer term, there will be the need to replace/refurbish Hereford Leisure Pool, Ledbury Swimming Pool and Ross Swimming Pool.

The Council would be able to advise on how best the demand generated from the development can be met in line with the findings of the IBSFS.

### Playing Pitches

The submitted Green Infrastructure Parameter Plan indicates that there will be public open space which is stated would include as required: access, sports and play facilities, drainage, landscaping, retained vegetation, Pedestrian/cycle links, ecological enhancements, and all necessary infrastructure. The submitted Planning Statement (PS) also references the provision of sports and play facilities. However, there is no clear indication that formal sports provision (pitches and ancillary) is to be provided on site provision and if so the location and quantum. However, it is noted that the PS highlights the pre application response form the Council set out their preference for off site contributions through S106 obligations towards outdoor sports, with on site provision not being supported.

In addition to the above, it should also be noted that off-site contributions through S106 obligations towards outdoor sports were also requested within the pre application response from the LPA as the LPA noted on-site provision was not supported.

The Council's Playing Pitch and Outdoor Sports Strategy (PPOSS) highlights that there are current shortfalls for football, rugby, cricket and 3G pitch provision which will exacerbated when taking account of future growth. The additional demand generated from the development could be met through improvements of existing sites (pitch and/or ancillary improvements) or new provision. The PPOSS identifies a range of sites within the Action Plan where investment can be directed towards.

It is therefore considered that off-site contributions towards playing field investment in line with the PPOSS priorities, to accord with policies OS1 and OS2 of the adopted Core Strategy, Appendix 1 of the Infrastructure Delivery Plan and The Planning Obligations SPD.

Further details regarding the contribution sum will be set out by Ruth Jackson, Herefordshire Council Open Space Planning Officer in her planning response.

### Active Design

The latest version of Sport England's Active Design guidance (AD3) was published in May 2023. The guidance sets out ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The principles are aimed at contributing to the Government's objective for the planning system to promote healthy communities through good design (paragraph 8 of the NPPF).

In relation to this guidance, we would like to make the following comments on the design of the proposed development:

- Consideration of opportunities for various circular running/walking routes with distance signage to support physical activity
- Ensure that walking and cycling routes are of sufficient width and surface for a range of users including push chairs and wheelchairs alongside cyclist.
- Consideration of moving the local square to the community hub, which would assist in holding community activities and events.
- Support for the connectivity to existing links which fall outside the red edge boundary.

Whilst noting the outline nature of the proposal, it should be noted that the Active Design guidance includes a checklist that can be applied to developments and it is recommended that the checklist is used in the preparation of subsequent reserved matters planning applications if the application is permitted to ensure that opportunities for encouraging active lifestyles have been fully explored in the detailed planning and design of the development. It is therefore requested that a planning condition be imposed requiring the submission and approval of details to demonstrate how the reserved matters applications have considered Active Design principles. Sport England would welcome discussions with the applicant in due course to provide further advice on how Active Design can be considered in the detailed proposals. A suggested planning condition is as follows:

For each parcel/phase of development for which Outline permission is granted, no development in relation to that parcel/phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met.

Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy.

Informative: Consideration should be given to using the Active Design checklist in Sport England’s Active Design Guidance to assess reserved matters planning applications”

<http://www.sportengland.org/planningforsport>

<http://www.sportengland.org/activedesign>

**Sport England Position:**

In light of the above, Sport England raises no objection with it meeting its objective Provide, subject to confirmation of contributions being secured towards indoors sports (£489,729) and offsite contributions for outdoor sports provision.

**7.9 Historic England: February 2026**

Thank you for your letter of 12 February 2026 regarding further information on the above application for planning permission. We have reviewed the information and do not believe it changes our previous advice sent on the 12 December 2024 in relation to impacts on the non-designated heritage asset known as the 'Rotherwas Ribbon' or the contribution made by the surrounding rural landscape to the significance of Dinedor Camp (NHLE 1001758), a scheduled monument.

On this basis, we do not wish to offer any further comments at this stage.

Historic England has no objection to the application on heritage grounds and will advise further at reserved matters stages.

**Previous comments: December 2024**

<https://myaccount.herefordshire.gov.uk/documents?id=4a92304c-ccec-11ef-9087-005056ab3a27>

**Internal Council Consultations**

**Internal council consultation summary table below:**

Team Leader Area Engineer	No objections subject to conditions and S106	7.10
Principal Natural Env Officer (Landscape)	No objections subject to conditions (RM)	7.11
Principal Natural Env Officer (Trees)	No objections subject to conditions	7.12
Principal Natural Env Officer (Ecology)	No objections subject to conditions	7.13
Public Rights of Way Manager	No objections subject to conditions	7.14
Principal Building Conservation Officer	No objections	7.15
Archaeological Advisor	No objection subject to conditions	7.16
Minerals and Waste Planning Officers	No objections subject to conditions	7.17
Environmental Health Service Manager (Noise / Nuisance)	No objections subject to conditions	7.18
Environmental Health Service Manager (Contaminated Land)	No objections subject to conditions	7.19

Environmental Health Service Manager (Air Quality)	No objections subject to conditions	7.20
Environmental Health Service Manager (Private Water Supply)	No objections	7.21
Strategic Housing Manager	No objections subject to conditions	7.22
Water Operations Team Leader	No objections	7.23
Open Spaces Planning Officer	No objection subject to conditions and S106	7.24
Land Drainage Consultant (LLFA)	No objections subject to conditions	7.25
Lead Local Flood Authority (Emergency Planner)	No objections subject to conditions	7.26
Education Comments	No objection subject to S106	7.27
Strategic Planning Officer Comments	No objections	7.28
Planning Obligation Manager	No objection subject to S106	7.29
Economic Development Team	No Objection	7.30

## 7.10 Team Leader Area Engineer (Local Highway Authority) comments Overview: No objection April 2026

The submitted application is for outline planning permission for Phase 1 of a proposed sustainable urban extension (SUE) at Lower Bullingham, Hereford, comprising of up to 540 residential units, employment land, local centre and the first phase of a country park, with all matters reserved except for access.

Phase 1 would be accessed from the B4299 Rotherwas Access Road (RAR), via the creation of a new four-arm roundabout junction, as well as (for up to c.100 dwellings) from Green Crize, via a simple priority T-junction.

Additional priority access is proposed for Public Service Vehicles (Buses), emergency vehicles, pedestrians and cyclists, via improvements to the existing Twyford Road Link (connecting Watery Lane to Twyford Road). Buses would cross Watery Lane east to west and/or west to east, with no general motorised movements to or from Watery Lane. A shared foot / cycle path would be delineated and provided within this link, connecting the site to Twyford Road and the Rotherwas Industrial Estate (RIE), which forms part of Hereford Enterprise Zone.

The proposed development includes for additional pedestrian and/or cycle accesses via Green Crize, Lower Bullingham Lane and Watery Lane, as well as via existing Public Rights of Way (footpaths).

Given the absence of pedestrian or cycle infrastructure on the RAR and to safeguard dry access to the site for non-motorised users in the event of flooding (up to and including a 1:100 year forecast flood event), the Applicant has proposed mitigation measures to reduce flood levels and also to provide a slightly raised shared use path (cycle footway) beneath the railway line at Green Crize, on the eastern side of the carriageway. This would be enabled by priority give-way vehicular working beneath the railway bridge, with priority to northbound traffic. This provision, along with the Applicant's current off-site proposals for Hoarwithy Road, would connect the site to existing infrastructure for pedestrians and cyclists in the vicinity of the Saxon Hall access. This will be essential to provide connectivity to existing and planned active travel routes towards the city centre and schools, including Hereford Academy.

The link from the Green Crize access to the existing provision for pedestrians and cyclists (north of Saxon Hall) must be in place prior to the first occupation on the site. Depending on future phasing, a temporary, direct pedestrian and cycle route of appropriate quality must also be provided through the site, connecting the earliest occupiers to Green Crize. As site build-out progresses, this must be replaced by permanent, direct and high-quality active travel routes through the site, secured by reserved matters and S38 application(s) (as applicable). The temporary connection must link the Green Crize access and the Watery Lane access (Twyford

Road link) with each residential or non-residential parcel via a direct, convenient and accessible route.

The site-specific policy context is set out in Policy HD6 - Southern Urban Expansion (Lower Bullingham) of the Herefordshire Local Plan Core Strategy 2011-2031, which allocated a minimum of 1,000 dwellings and other land uses. As such, the current application site forms part of the wider Southern Urban Expansion (SUE) (Lower Bullingham) of the adopted local plan. A previous application for the site was submitted in December 2019 for the full SUE. However, this has not progressed further due to the uncertainty surrounding the proposed Herefordshire bypass and Southern Link Road.

Policy HD6 explicitly requires the following in transport terms:

- Suitable vehicular access to the site principally from the B4399;
- Park and Choose site (land and infrastructure) adjacent to the A49/ Rotherwas Access Road roundabout;
- Green infrastructure corridors through the area to include strategic greenways along Red Brook and Norton Brook and links with Withy Brook;
- Creation of a country park to incorporate new footpaths linking with the existing public right of way network in the locality, woodland and orchard planting; and
- New direct walking, cycling and bus links from the urban extension to the Park and Choose to the west, Hereford Enterprise Zone to the east and existing communities and the city centre to the north.

The Highway Authority's review of the current application therefore focuses on whether the requirements of Policy HD6 and other Herefordshire Council transport policies (e.g. Policies SS4 and MT1) have been met.

The Park and Choose site location is not within the proposed area of the Phase 1 development nor the current application. Similarly, only part of the Country Park is proposed within Phase 1. The Greenways are expected to form part of subsequent reserved matters applications.

### **Existing Conditions**

The site is located approximately 2.5km to the south of Hereford. The application site is bounded to the north by the Welsh Marches railway line and to the south by the B4399 Rotherwas Access Road (RAR).

The majority of the proposed Phase 1 development will sit to the west of the Rotherwas Industrial Estate (RIE), between Green Crize and Watery Lane. Existing vehicular access to the site is limited and is currently provided via various field gates from Lower Bullingham Lane and Watery Lane.

The RAR provides a boundary to the site to the south and is part of the Hereford Southern Bypass. It is a single carriageway road and is subject to the national speed limit. It connects to the A49 via a three-arm roundabout to the west. The RAR (Gatehouse Road) also connects to the Straight Mile at a four-arm roundabout with Chapel Road to the east. There are no pedestrian footways on the RAR in the vicinity of the site, although there is some infrastructure along parts of Gatehouse Road some 800m to the east of the proposed access.

The A49 provides a strategic link from the RAR (and thereby the development site) to Hereford City Centre to the north, and Ross-on-Wye to the south. It is approximately 8m in width and again is subject to the national speed limit, although this reduces to 30mph approximately 350m to the south of the railway line. There are no pedestrian footways on the A49 in the vicinity of the development.

Watery Lane is located on the eastern edge of the site. It is approximately 5m in width, narrowing to 4m under the railway bridge; which also has a 4.1m (13'6") height restriction. Watery Lane connects to Lower Bullingham Lane (to the north) and the B4399 RAR (to the south). Watery Lane is subject to the National Speed Limit from its junction with the RAR to a point c.60m north of the railway bridge where it changes to 30mph.

Lower Bullingham Lane runs through the northwest part of the site. It is approximately 4 to 5m in width. The road is intersected by Windsor Road approximately 250m to the south of Holme Lacy Road. At this point the road is subject to a 30mph speed limit and has been stopped up to vehicular traffic, with pedestrian and cycle only access onto Windsor Road. To the south of Windsor Road, Lower Bullingham Lane is open to vehicular traffic and is subject to the national speed limit. A height restriction of 4.57m (15') applies under the railway.

Hoarwithy Road is approximately 6m in width, with a 30mph speed limit from its junction with Holme Lacy Road to the north, to a point approximately 40m north of the railway bridge. At this location, there is currently a change to the national speed limit. This railway bridge also has a 4.57m (15') height restriction. To the south of the railway bridge, Hoarwithy Road narrows to approximately 5m and becomes Green Crize, which provides a boundary to the northwestern edge of the Phase 1 site and is also subject to the national speed limit.

There are several existing public rights of way (PRoW) which run through the site, including the Grafton Footpath 1, which runs through the northern edge of the proposed country park, connecting Green Crize with the settlement of Bullinghope; and Lower Bullingham Footpath 1, which runs broadly south westwards through the site from Watery Lane, crossing beneath the RAR via an existing underpass to the south of the site.

### **Background and Latest Transport Submissions**

The Highway Authority has provided extensive comments on the previous transport submissions (primarily prepared by Phil Jones Associates (PJA) on behalf of the Applicant) in support of this application, and these remain valid with all matters to be agreed.

The Highway Authority provided an initial round of written comments on the planning application, dated February 2025, which followed some pre-application consultation during 2023. A second round of formal comments was provided dated August 2025. In addition, a series of meetings (both topic specific and general) have been held between the Highway Authority, WSP, the Applicant and their transport consultant (PJA). Comments have been provided requesting further information, evidence or changes to the development proposals, where this was considered necessary by the Highway Authority.

The latest submitted documents are considered to be:

- Transport Assessment (TA, PJA, August 2024);
- Revised updated Framework TP (FTP, PJA, June 2025);
- Lower Bullingham, Herefordshire - Amended Scheme – Stage 1 Road Safety Audit and Designer Response Report (TMS / PJA, 15 December 2025); and
- Lower Bullingham, Herefordshire - Twyford Road / Watery Lane – Stage 1 Road Safety Audit and Designers Response Report (TMS / PJA, 15 December 2025).

It is noted that aspects of the access proposals presented within the 2024 TA have been superseded, following further work and design development. The accessibility assessment within the TA has been superseded by that within the appendix to the Revised FTP.

Mitigation measures associated with the proposed scheme include the following:

- B4339 Main Access Roundabout General Arrangement – PJA drawing 07129-A-0001 (P07);

- Green Crize General Arrangement – PJA drawing 07129-A-0020 (Rev P07);
- Hoarwithy Road Shared Footway – PJA drawing 07129-CI-A-SK08 (P03);
- Proposed Bus Gate inc' (sic) on road cycle facility for movements north/south Feasibility Option – PJA drawing 07129-CI-A-SK03 (P10);
- Green Crize / Lower Bullingham Crossing – PJA drawing 07129-A-0060 (Rev P07); and
- Holme Lacy Road/A49 Junction Improvements (Concept for proposed mitigation scheme) – PJA drawing 07129-CI-A-0003 (P01).

Additional plans submitted by the Applicant to support the above proposals include:

- B4339 Main Access Roundabout Typical Sections – PJA drawing 07129-A-0130 (P03);
- Roundabout Indicative Longsections (Sheet 1 of 2) – PJA drawing 07129-A-0011 (P02);
- Roundabout Indicative Longsections (Sheet 2 of 2) – PJA drawing 07129-A-0012 (P02);
- B4399 Main Site Access Roundabout Ditch Drainage Flow Direction – PJA drawing 07129-CI-A-SK06 (P01);
- Green Crize/Lower Bullingham West Crossing Visibility Sections – PJA drawing 07129-CI-A-1001 (A03);
- Green Crize/Lower Bullingham East Crossing Visibility Sections – PJA drawing 07129-CI-A-1002 (A03); Abnormal Vehicle Tracking – PJA Drawing 07129-A-0002 (P02).
- Lower Bullingham Lane Gate Locations – PJA Drawing 07129-A-SK05 (P02);
- Concept Masterplan – Stantec Drawing 35304 BL-M-11 Rev N
- Site Location Plan – Stantec Drawing 35304 BL-M-12 Rev G;
- Scale Parameter Plan – Stantec Drawing 35304 BL-M-17 Rev F;
- Green Infrastructure Parameter Plan – 35304 BL-M-18 Rev F; and
- Land Use and Access Parameter Plan – 35304 BL-M-16 Rev J.

The proposed accesses from the B4299 (RAR), Green Crize and the Twyford Road link have each been the subject of a Stage 1 Road Safety Audit (RSA). The Applicant has accepted the recommendations therein. The Highway Authority accepts that the matters raised by the RSA's for these accesses can likely be addressed by further design iteration, secured via appropriate conditions, ensuring recommendations from the Stage 1 RSAs (and subsequent stage RSAs) are incorporated at detailed design stages.

## **Access**

### **Primary Vehicular Access – Roundabout from the RAR**

The primary means of access is proposed to be from the RAR, in the form of a 4-arm roundabout, as shown in PJA Drawing 07129-A-0001 (Rev P07). This is in accordance with Policy HD6. The southwestern and southeastern arms (Arms 1 and 4) would be with the locally realigned RAR, the northwestern arm (Arm 2) would serve the proposed residential development (and local centre and mobility hub) and the northeastern arm (Arm 3) would serve the proposed employment development.

The Applicant proposes that the speed limit be changed for the stretch of the RAR where the primary access roundabout will be positioned. This would lead to the existing 40mph zone being extended westwards beyond the proposed access roundabout (see Drawing 07129-A-0001 (Rev P07)). The applicant has committed to including additional measures, at subsequent stages of design, to support appropriate lane usage (e.g. lane markings) and to support the proposed reduction in the speed limit. It may be necessary to extend the future 40mph zone further west than currently shown.

Following discussion with the Applicant, provision is made for pedestrians and cyclists, travelling between the residential and employment arms of the roundabout (via a shared Foot/Cycleway) and for cyclists travelling east-west or west-east along the RAR (via a retained stretch of the RAR's existing alignment south of the proposed access roundabout - relevant at times when

flooding has precluded other routes to RIE, such as via the Twyford Road Link). It is acknowledged that the Applicant has expressed an intention that other internal connection(s) would also be provided from within the wider Phase 1 site to the employment area.

In addition, proposals have been incorporated by the Applicant to accommodate abnormal loads that move east-west along the RAR. The Applicant has proposed to retain the existing RAR alignment south of the new access roundabout, to allow a westbound cycle bypass and an (eastbound or westbound) abnormal load route. A swept path analysis of an abnormal load travelling via the link in each direction at separate times is provided for information by the Applicant (PJA drawing 07129-A-0002 (P02)).

Abnormal load movements will need to be managed, to ensure safe turning into and out of the facility under escort. The Applicant proposes to provide a management strategy to confirm the proposed provisions, for agreement by the Highway Authority and to support the designs provided at subsequent stages. The Applicant has also agreed to revisit other aspects of the primary access roundabout proposals, such as the nature and alignment of kerbing, at subsequent design stages, to ensure that abnormal loads that currently utilise the RAR can bypass the south of the roundabout safely under appropriate management. Provision has also been made to amend an existing private access south of the B4399.

A Stage 1 Road Safety Audit (RSA) has been undertaken for the primary site access from the RAR and has identified recommendations that have been accepted by the Applicant and the Highway Authority and will need to be addressed at subsequent design stages. Satisfactory design and delivery of the primary access will need to be secured by planning condition and delivered by entering into an appropriate highway agreement with the Highway Authority (e.g. Section 278 agreement)..

#### Secondary Vehicular Access – Green Crize

The Applicant proposes that a limited quantum of development (c.100 dwellings) would take vehicular access from Green Crize, with the internal layout arranged such that emergency access (and if required bus access) would also be possible / safeguarded between this parcel and the wider site. This parcel would be accessed via a new priority T-junction to be formed with Green Crize, with the site access being the minor arm. The proposed arrangement is shown on PJA drawing 07129-A-0020 (Rev P07).

The proposed priority junction is situated approximately 100m south of the existing railway bridge on Green Crize. There is currently no footway or cycle provision to the proposed location of this access, but the Applicant proposes to address this.

The access and mitigation schemes shown in PJA drawings 07129-A-0020 (Rev P07) and 07129-CI-A-SK08 (P03) are necessary to provide an appropriate, dry, safe access route between the site and existing (and planned) pedestrian and cycle provision in the vicinity of Saxon Hall. This is essential to ensure that the site is accessible by non-car modes and can provide new safe and direct walking and cycling links from the urban extension to existing communities and Hereford City Centre to the north, as required by Policy HD6, as well as to local schools as set out by the supporting text to Policy HD6.

Design alterations have been made by the Applicant to the proposals for Green Crize and Hoarwithy Road since the submission of the planning application. These were required to support the delivery of a dry access via Green Crize for non-motorised users (for up to and including a 1:100-year flood event).

The proposals are also supported by priority give-way vehicular shuttle working (priority to northbound traffic) under the railway line, to enable space for a shared pedestrian cycleway under the railway bridge and connecting northwards to the Saxon Hall access road (and existing off-road pedestrian and cycle provision immediately north of this).

The off-site mitigations for Hoarwithy Road now include: amendment to The Pastures junction; new (minimum 3m wide) shared cycle footways from The Pastures to Saxon Hall access road; an improved uncontrolled crossing to accommodate pedestrians and cyclists; and proposals to extend the 30mph speed limit south of the proposed secondary site access with Green Crize.

The extension of the speed limit beyond the proposed Green Crize secondary vehicular access must be supported by an appropriate gateway feature and signage, as well as visible development between the gateway and the access situated north of it. Measures to achieve a reduction in vehicle speeds is necessary to justify the proposed visibility splays for the new junction.

A Stage 1 RSA has been undertaken for the proposed Green Crize access and for the off-site highway works proposed on Hoarwithy Road. This identified further recommendations that have been accepted by the Applicant and the Highway Authority as being matters that can be addressed at subsequent design stages. This is confirmed in the Applicant's consultant's designer's response to the RSA.

It is judged that, subject to future stages of design and RSAs, the applicant has demonstrated that safe access for vehicles, cyclists, pedestrians and (if necessary, in future) buses can likely be provided from the northwest of the proposed development, connecting to existing provisions. These mitigations are essential to future connectivity of the site and to appropriately meet the requirements of Policy HD6.

Agreement of highway works with the Highway Authority, broadly in accordance with those shown on PJA drawings 07129-A-0020 (Rev P07) and 07129-CI-A-SK08 (P03), will need to be secured by planning condition, for agreement in writing with the Highway Authority prior to first commencement of the development. Delivery of the improvements, when agreed, must also be secured by condition to occur prior to first occupation of the development.

#### *Proposed Stopping Up – Lower Bullingham Lane*

The Applicant has shown, on the Land Use and Access Parameter Plan (Stantec Drawing 35304 BL-M-16 Rev J), the illustrative locations for the proposed stopping up of Lower Bullingham Lane and Watery Lane.

The Applicant proposes that Lower Bullingham Lane, which runs broadly north to south through the proposed Phase 1 development site (and separates the main site from the parcel of c. 100 dwellings to be accessed from Green Crize), will be stopped up to vehicular traffic at its northern end (immediately south of / at the Windsor Road Junction) and at its southern end (adjacent to Green Crize).

Lower Bullingham Lane is not suitable for carrying the forecast volume of general development traffic. Stopping up is also paramount to the safety of pedestrians and cyclists using the route in future.

Stopping up Lower Bullingham Lane would be subject to separate legal processes. However, it will be essential that this can be achieved to enable suitable pedestrian and cycle access to/from the proposed Country Park, west of Green Crize.

The Applicant proposes that Lower Bullingham Lane will be retained for access to existing land uses only and as a non-motorised route. The Applicant has provided drawing 07129-A-SK05 (P02), showing the existing field accesses to which existing landowners require retained (extract below), along with a letter confirming the willingness of the landowner to support stopping-up to general vehicular traffic subject to retained 'access only' arrangements to their land holdings.



The agreement of suitable design and all other arrangements for removing the rights for general vehicular traffic to utilise Lower Bullingham Lane will need to be secured by an appropriate planning condition, as a workable and acceptable arrangement has yet to be demonstrated and agreed. The Applicant's transport consultants previously proposed to provide a sketch of the proposed arrangement at Windsor Road. However, this has not yet been forthcoming. Nonetheless, it is considered likely that subject to the stopping up processes, appropriate arrangements can be established to remove the majority of traffic from Lower Bullingham Lane. Therefore, it is not considered reasonable for the Highway Authority to object to the application solely due to the current lack of detail regarding the stopping up proposals for Lower Bullingham Lane. Any proposals for retained access to existing field gates must be supported by a demonstration that traffic that may need to enter, is able to enter, turn and depart Lower Bullingham safely again in forward gear and will not need to reverse along the lane.

Agreement of proposals as to how these matters will be managed must be secured by planning condition, for agreement in writing by the Highway Authority prior to commencement of the proposed development and subsequent delivery in accordance with the agreed arrangements and timescales.

The Applicant also expressed within the TA the expectation that an emergency vehicle connection will be provided within the internal site layout, east-west across Lower Bullingham Lane. This will provide emergency access to both the broader site land parcels (east and west of Lower Bullingham Lane respectively) from the other parcel and therefore to/from the vehicular access to it.

It is recognised that emergency vehicle access to the part of the Phase 1 site situated east of Lower Bullingham Lane will also be made available via the Twyford Road Link (see later). Nonetheless, to ensure emergency access to the parcel of land west of Lower Bullingham Lane, agreement of the proposed internal emergency connection across Lower Bullingham Lane and the method of control to prevent wider development traffic routing via Green Crize / Hoarwithy Road, will need also to be secured by planning condition. This is important as this will form part of the arrangements for Lower Bullingham Lane and the design of this link. Demonstrating how unauthorised usage will be prevented and authorised usage enabled will be important to the acceptability of the arrangements.

### Development accesses – Country Park

The Applicant has also agreed to the principle of providing an off-site highway improvement scheme for Green Crize, at the (proposed) stopped-up southern end of Lower Bullingham Lane, to achieve and manage this appropriately and to provide safer access for non-motorised users to/from the proposed Country Park. This is essential to ensure that the expected increase in pedestrian and cycle crossing movements east-west across Green Crize in this location (as a result of the proposed development, including the Country Park) can be appropriately and safely accommodated. Access to the proposed Country Park is discussed further below.

Access to the Country Park is proposed for pedestrians and cyclists only (no through route for cyclists). This is from Green Crize and Grafton Footpath 1. It is accepted that non-motorised user movements to/from the Country Park from the development (and southern edge of Hereford) can route via the site and Lower Bullingham Lane (when it is stopped up to general vehicular through traffic). It is recognised that Grafton Footpath 1 and other nearby PRow are not bridleways, so equestrian demand is unlikely. However, there is expected to be demand for crossing Green Crize in this location by pedestrians and cyclists as a result of the development.

It would be beneficial for a limited number of short stay cycle parking spaces to be provided near to the entrance to the Country Park, either within the Country Park or as part of the access improvements to Green Crize. It is requested that agreement of the number, type, design and location of cycle parking for the Country Park (and all other land uses) are secured by planning condition.

The Applicant has provided traffic count and vehicle speed data in the vicinity of the proposed Country Park, collected in September/October 2025. This suggests that there will be a need for measures to enable appropriate visibilities to be achieved, for example vegetation clearance, verge reprofiling, traffic calming and/or speed reduction measures to safeguard necessary splays and to achieve a reduction in vehicle speeds to match constrained visibilities. Advanced signage could also be beneficial to alert drivers to the increased incidence of pedestrians and cyclists crossing Green Crize in this location.

Illustrative drawings to show pedestrian visibilities from the crossing (east and west of Green Crize) have been provided by PJA (Green Crize/Lower Bullingham West Crossing Visibility Sections – PJA drawing 07129-CI-A-1001 (A03) and Green Crize/Lower Bullingham East Crossing Visibility Sections – PJA drawing 07129-CI-A-1002 07129-CI-A-1000 (A03)).

These show the DMRB Standard target and actual object heights that should be visible to a pedestrian waiting to use the crossing, 110m north and 141m south of the proposed crossing location respectively, based on the sight stopping distances (SSD). The SSD were calculated by PJA based on the 85<sup>th</sup> percentile vehicle speeds on Green Crize collected by an ATC survey (25 September to 3 October 2025).

In accordance with the DRMB requirement for cyclists, the visibility splays have been presented based on a 2.5m x-distance from the carriageway at the proposed crossing point, to the nearside edges of the carriageways.

The submitted drawings suggest that there is a need for further design development and that there could be benefits from speed reduction measures along this part of Green Crize (e.g. stepped reduction in speed limit prior to the proposed 30mph extension and/or measures to raise awareness of the crossing point and reduce traffic speeds).

To the south of the crossing, the submitted illustrative drawings show that from the east side of the proposed crossing a target 0.26m high object would likely only be seen by a pedestrian at the absolute minimum sight stopping distance of 106m (calculated by PJA based on the recorded 85<sup>th</sup> percentile speeds). At the desirable 141m SSD, the actual object height that the submitted information forecasts will be seen is 1.26m. To the south the low object height of 1.26 is deemed too high. Therefore, to achieve as low an object height as possible, the intervening verge should

be reprofiled to flatten as much as can be achieved within the limits of the highway ownership. The intervening vegetation should be trimmed back to the highway boundary in the detail design and construction phase. The screenshot below shows the verge as being significantly higher than the road channel line and there is potential to lower this along the splay length to allow a lower low object height to be achieved.



A 0.26m high object height would also not be visible at the desirable SSD to/from the north and south from the western side of the proposed junction, nor to the north from the eastern side. The forecast visible object heights (0.62m, 0.45m and 0.39m respectively) are deemed acceptable given that most vehicles will be higher than 0.26m. Nonetheless, the assessment presented reiterates the need for additional measures. WSP agrees with PJAs assessment that the intervening verges will need to be flattened as much as possible within the highway land boundary and vegetation cut back to the boundary in the detail design and construction phases.

In addition, there is the potential to raise the levels at the junction of Lower Bullingham Lane and Green Crize to move the eye height upwards and (coupled with verge reprofiling) making a lower low object height achievable. The designer should therefore cross fall the footway / tactile paving towards the channel of Green Crize in the detail design and construction phase. To the north, there is also scope to trim vegetation back to the highway boundary in the detail design and construction phase.

Broad principles and requirements for an off-site highway scheme in the vicinity of the Country Park and Green Crize / Lower Bullingham Lane junction have been illustrated by the Applicant in PJA Drawing 07129-A-0060 (Rev P07). However, as set out above there will remain a requirement to demonstrate how a safe crossing arrangement will be established to accommodate future increases in movement demands. There is a need for the off-site highway improvement scheme for this location to be worked up further, in line with the broad principles illustrated on Drawing 07129-A-0060 (Rev P07), to address the outstanding uncertainty about how a safe crossing point will be established.

The Applicant will need to show how stopping up and other arrangements will be laid out and managed safely. Other matters will include (but are not limited to) securing safe arrangements for pedestrian and cycle access to/from the proposed Country Park, accessible access to/from the parking layby proposed for the Country Park, provision to assist pedestrians and cyclists travelling to/from the Country Park via Lower Bullingham Lane and improved connectivity between the public footpaths (shown on PJA Drawing 07129-A-0060 (Rev P07)) already existing within this vicinity.

Prior to agreement in principle, any proposal will need to be subject to a Stage 1 RSA. It is noted that whilst the 'Green Crize/Lower Bullingham Lane Crossing' drawing has (presumably erroneously) been appended by PJA to the RSA for the two main site accesses, dated 15 December 2025 (in PJAs appendix B), these proposals and this drawing were not part of the scope of the RSA undertaken by TMS, as reflected in the TMS RSA document and its appendices. Prior to commencement of any consented development, it will therefore be necessary for the Applicant to demonstrate the safety and acceptability of this Country Park access and offsite connectivity improvements in this location.

To make the development proposals acceptable, a condition will be required to secure the design, agreement and delivery of the off-site highway works at the Lower Bullingham Lane / Green Crize crossing. This must be supported by a Stage 1 RSA at the initial stage of design and appropriate RSAs at subsequent stages. This will be necessary to show how the Country Park can be safely accessed, which is necessary prior to commencement of the proposed development.

#### Proposed Stopping Up – Watery Lane

The Applicant similarly proposes the stopping up of Watery Lane to vehicular traffic, at a location south of the railway line, except for necessary access. Vehicular access would be retained from either the north (for residents on Watery Lane north of the railway line) or from the south, for existing businesses, premises and occupants on Watery Lane further south. The proposal is to preclude the use of Watery Lane as a general through route for proposed development traffic, for which it is not currently suitable.

The TA suggests the need for access arrangements to enable residents of Watery Lane (north of the railway line) an alternative means of egress at times of flooding, instead of relying on Lower Bullingham Lane which becomes submerged. This movement need is accepted.

Nonetheless, the Highway Authority previously raised concerns regarding the convoluted and unclear arrangement for the proposed stopping up of Watery Lane, south of the railway bridge, incorporated within the TA and supporting drawings submitted with the planning application.

Concerns include the lack of turning arrangements for movements associated with the coach depot and a lack of clarity around how authorised usage would be controlled and managed and how unauthorised usage or abuse (e.g. vandalism) will be prevented.

The Highway Authority remains concerned that no layout and/or management arrangements have yet been demonstrated as feasible and acceptable. The complicated series of lockable gates shown in the planning application pack would be at risk of abuse and require ongoing maintenance and management to ensure access were limited only to eligible residents of Watery Lane.

Whilst no acceptable solution has been provided to or agreed by the Highway Authority to date, the continued lack of clarity on this matter is not considered sufficient a reason alone to maintain an objection to the proposed development.

Nonetheless, there remains a need to avoid rat-running of development traffic to Holme Lacy Road via Watery Lane and therefore an appropriate solution is still required. Consequently, details of a suitable arrangement (including layout, management and all other applicable matters), should be secured by an appropriately worded planning condition, should the Local Planning Authority be minded to grant planning permission.

Acceptable arrangements must be agreed prior to commencement of the development and should be supported by a Stage 1 RSA prior to agreement. They must be subject to delivery prior to first occupation of the proposed development. This is necessary to make the development acceptable to the Highway Authority and to avoid unacceptable impacts to residents and occupiers of Watery Lane and the northern end of Lower Bullingham Lane.

*Bus, Active Travel and Emergency Access Connection – to / across Watery Lane (Twyford Road Link)*

The applicant proposes to provide a bus, pedestrian and emergency vehicle access to/from Twyford Road, via Watery Lane (crossing Watery Lane east to west). Pedestrians and cyclists would also be able to access / egress the development from both directions to/from Watery Lane in this location.

After extensive discussion, a joint site visit and several different design proposals for this link, the Applicant's latest proposal is shown on PJA Drawing 07129-CI-A-SK03 (P10). This incorporates replacement of the existing structure spanning the drainage brook running along the eastern side of Watery Lane, a designated shared foot/cycleway delineated to the northern and western side of the proposed connection and space for buses to travel along the link.

For the proposed link to function appropriately, it will need to be constructed to a standard to enable it to be offered for adoption to the Highway Authority and for that to then occur. Provision must also be made for appropriate access restrictions (e.g. ANPR camera enforcement or barriers) to prevent unauthorised use by general vehicles.

Notwithstanding the design presented in PJA Drawing 07129-CI-A-SK03 (P10), there are further matters raised by the Stage 1 RSA (which was undertaken on drawing 07129-CI-A-SK03 (P09)) that will need to be addressed. Further localised realignment of Watery Lane into the site land may be required to address the matters raised, such as those related to visibility at the crossing of Watery Lane in the context of existing on-street parking.

Unfortunately, the visibility splays currently shown do not appear to be achievable, due to the fencing for the adjacent residential park. However, given the ability of the applicant to utilise additional land within the site, as necessary, to address the outstanding matters, and the demonstration that an arrangement that satisfactorily meets requirements is likely to be feasible, it is no longer considered reasonable to object to the proposed development based on the lack of agreement of the proposals for the Twyford Road Link.

Nonetheless, it will be essential to secure an appropriate highway arrangement and design, broadly in accordance with the scheme shown in PJA Drawing 07129-CI-A-SK03 (P10), but also addressing matters raised within the Stage 1 RSA, including providing adequate visibilities and means of access control. These must be submitted to and agreed in writing by the Highway Authority prior to commencement of any development approved and thereafter constructed and opened, in accordance with the agreed plans, prior to occupation of the first dwelling at the development. This is necessary to ensure that the outstanding matters raised by the Stage 1 RSA are addressed and a safe and suitable access is secured in this location. An amended design would also need to be subject to an updated Stage 1 RSA and further RSAs at subsequent design stages. This will be essential to the acceptability of the proposed development, to ensure a safe and appropriate access arrangement to/from Twyford Road, to meet the requirement of Policy HD6 that a new direct walking, cycling and bus link is established between the development and the Hereford Enterprise Zone to the east, as well as the requirement within the supporting text to Policy HD6 that a new link to the Connect 2 Cycleway (situated alongside the River Wye) will be established.

*Pedestrian only Connections – Lower Bullingham Footpath 1, Grafton Footpath 1 and proposed new connection from Green Crize*

The following pedestrian accesses are also proposed by the Applicant:

- Via Lower Bullingham Footpath 1, where it enters the site to the northeast (a short distance along its alignment southbound from Watery Lane, outside of the site red line area);

- Via Lower Bullingham Footpath 1, where it enters/exits the site beneath the RAR to the south;
- Pedestrian access (recreational link into proposed open space) from Green Crize, to be positioned between the existing railway bridge and the secondary vehicular access; and
- Via the proposed Phase 1 Country Park, via Grafton Footpath 1, from Bullinghope to Crize Green. The footpath appears to run through private land from the settlement of Bullinghope to the Country Park.

These will provide supplementary recreational links into, out of and through the site. Where these are outside of the proposed development (particularly the footpath from Bullinghope to the proposed Country Park) they typically run through third-party land. The applicant has not explicitly proposed any improvements or upgrades within the TA.

It is assumed that the impact on existing PRow and potential enhancements will be reviewed by Herefordshire Council's PRow officers and will be further considered as part of reserved matters applications. It is also assumed that all separate legal processes, for amendment or diversion of the applicable PRow, will be followed as necessary (e.g. the concept masterplan shows some localised PRow diversions within the development site). Therefore, whilst accepting their importance, no comment or objection is made by the Highway Authority in relation to these matters.

### **Development Phasing**

It is recognised that the proposed phasing for the site has not yet been identified or approved by the Local Planning Authority (LPA), but that for a site of this size this can make a significant difference to the accessibility of the first dwellings occupied and to accessibility during interim phases of development.

It is assumed that the requirement for a phasing strategy to be agreed in writing with the Local Planning Authority will be secured by planning condition. It is requested that any such strategy should also demonstrate access and accessibility to the satisfaction of the Highway Authority to and during each and every phase of the development's build-out.

The Applicant has shared their likely intention for a phasing plan that commences development towards the southeastern part of the site, close to the RAR access roundabout. In distance and connectivity terms, this is the least accessible part of the site, particularly to day-to-day destinations such as schools, neighbourhoods to the south of Hereford, existing bus stops and Hereford City Centre.

The Applicant has therefore offered to provide a temporary, good quality, pedestrian and cycle connection through the site to Green Crize, so that these destinations could be reached on foot or by cycle from the earliest occupied dwellings at the site.

This temporary route will ultimately be replaced by permanent direct and accessible pedestrian and cycle routes within the internal site layout, with the latter to be agreed via reserved matters applications and/or S38 Agreement(s) with the Highway Authority as applicable.

In the meantime, a temporary internal pedestrian and cyclist spine route must provide an early connection between any phases for which reserved matters approval is sought and Green Crize. It is requested that this be secured via an appropriately worded planning condition(s), to include agreement of the route alignment and other details (e.g. surfacing, lighting, drainage etc.) with the Highway Authority in writing prior to commencement of the development and then construction and opening of the temporary link as per the written agreement, prior to occupation of the first dwelling.

It is recognised that, unless the Applicant's current intentions for phasing change, early dwellings will be further from some day-to-day facilities than if the first dwellings within the wider Phase 1 development were adjacent to Green Crize. Conversely, they will be closer to the Hereford Enterprise Zone.

### **Accessibility**

The Applicant has provided additional information to more accurately represent the range of accessibility of the site (Appendix C of the revised Framework Travel Plan (June 2025)). This was welcomed and aided consideration of key connections and routes. The updated accessibility assessment reinforced, in accordance with Policy HD6, that both the improved Green Crize and Twyford Road linkages to the existing walking and cycling networks are essential connections to the proposed development.

The updated assessment has made limitations of the site location more explicit but has provided confidence that opportunities that can be taken up to support walking and cycling to and from the development can be secured and will be provided, particularly when considering the proposed accesses via these two routes.

The route via Green Crize is essential for movements to local schools, both primary and secondary. Subject to the early delivery of the Hoarwithy Road off-site active travel improvements (prior to occupation of the first dwelling at any approved development) and other existing Herefordshire Council schemes for potential quiet streets (in the area between Hoarwithy Road and the Hereford Academy), it is considered that an option for travel to local schools by walking or cycling will be provided.

Policy HD6 is in consideration of the full potential development allocation at Lower Bullingham, not solely Phase 1 (that is the subject of the current planning application). Therefore, Policy HD6 assumed that there would be a new onsite primary school within the site and therefore that primary education would be easily accessible to future site residents. This will not be the case with Phase 1 of the development coming forward sooner, without a primary school forming part of the proposals.

Consequently, as part of the updated accessibility assessment, the Applicant mapped the location of the three closest existing primary schools in south Hereford (Marlbrook Primary School, Our Lady's Catholic Primary School and St Martins Primary School) and considered the most direct route to each and the existing crossing facilities available on the main roads between them and the site (e.g. the A49 and Holme Lacy Road).

Notwithstanding the Applicant's reference to statutory walking to school distances (that apply for school transport provision not as general accessibility guidance) and to a 2km maximum preferred walking distance to school (IHT), which are considered by most to be beyond a reasonable and likely walking to school distance for most primary school aged children and their families in day-to-day usage, it is deemed that these schools are at the edge of walkability from the proposed development site and are likely to be beyond an attractive walking distance for many. This could provide challenges in promoting sustainable travel to school from Phase 1 of the Lower Bullingham SUE, particularly when considering the 'round trip' or potential journeys to/from dwellings towards the southern parts of the proposed development. Nonetheless, the applicant has now proposed connections via Green Crize / Hoarwithy Road, to existing and proposed infrastructure, which will provide the possibility for such movements for future residents of the Phase 1 development.

Consequently, whilst the issue of the distance cannot be addressed by the current development (in the absence of an on-site primary school), the current proposals seek to implement the improvements that are feasible to facilitate safer journeys to schools on foot and by bicycle.

The internal temporary (and ultimately permanent) pedestrian and cycle linkages through the site itself, as discussed above, are also essential to accessibility to schools because they will provide the connectivity to the proposed infrastructure on Green Crize and Hoarwithy Road.

### **Traffic Impact and Traffic Impact Assessment**

The Applicant has assessed the impacts of the development on the transport infrastructure and services in the local area. The methodologies employed are primarily set out in the Transport Assessment (TA), forming Appendix 9.1 of the Environmental Statement (ES) Volume 3. Additionally, several other documents/submissions have been prepared by the Applicant to supplement the TA and address queries raised by the Highway Authority/WSP, and other stakeholders (including National Highways and Active Travel England). The main documents comprise:

- PJA Technical Note, “Response to Herefordshire Council Comments” (April 2025);
- Systra Technical Note, “Lower Bullingham Forecasting Report” (March 2025)
- JMP Report, “Hereford VISSIM Model PYV” (dated 2015, but submitted April 2025)
- PJA Technical Note, “HC Modelling Comments – Further Information” (June 2025)

The traffic impact assessment is based on the outputs from assignments undertaken in the Hereford City Centre VISSIM<sup>1</sup> model (a microsimulation tool, covering the city) and in supporting junction operational models for individual junctions where mitigation is proposed. The distribution of development demand is taken from an output of the strategic Hereford Transport Model (HTM), subsequently input into VISSIM, with trip generation determined using a set of trip rates, with adjustments to consider the potential for sustainable modal shift arising from active travel measures. The approach to derive and apply active travel adjustments is considered reasonable, however it is noted that this will only be achievable insofar as appropriate Travel Plan measures are fully implemented and active travel infrastructure and associated measures are implemented early in delivery.

As a general framework for assessing the impacts of the proposal, the use of a suite of tools comprising microsimulation and operational modelling is reasonable; and the approach adopted by the Applicant in its assessment of the effects is aligned to previous discussions between the Highway Authority and the Applicant’s transport consultants (PJA). However, the Highway Authority does have some material concerns around the age of the underlying data (from 2012 and 2014) used in the development of the VISSIM tool, or of the ability of the model to fully reflect the impacts of the COVID-19 pandemic: including the lack of a comprehensive Present Year Validation against 2024 traffic data, and the lack of adjustments following the processes in Department for Transport (DfT) Transport Analysis Guidance (TAG) Unit M4 Appendix B to account for impacts in forecasting. It should therefore be recognised that there is a wider range of uncertainty than may typically be expected in the forecasts, and this should be borne-in-mind in the interpretation of results.

The Highway Authority accepts that the model framework on which the evidence is based aligns to previous agreements and is suitable to use as the basis for this application only. Any future applications, or additional analysis to inform revisions or alternative mitigations or assessments must consider and implement updates to the model suite to overcome the aforementioned limitations. Whilst any future approaches should be proportionate, they must be discussed and agreed with the Highway Authority before any further work commences and must take steps to materially address the limitations in a pragmatic way, aligned to guidance. As per previous comments, it is noted that the modelling is highway-focussed, and the assessment of Public

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<sup>1</sup> Verkehr In Städten – SIMulationsmodell (VISSIM). A microscopic traffic flow simulation software package developed by PTV AG, and which is an industry-standard assessment tool.

Transport and walking, wheeling, and cycling impacts is outlined in other evidence through non-modelled means.

The TA notes that there is an 'in principle' acceptance that the impacts of the development do not require mitigation below 440 dwellings and local facilities; this refers to previous comments made by National Highways, not the Highway Authority. Whilst there is no further updated modelling to dispute this, the Highway Authority refers again to the uncertainty in the modelling. To ensure the impacts below 440 dwellings remain acceptable, it will be important to secure the necessary measures to be set out in the to be agreed Travel Plans and the off-site active travel improvements package, whilst the on-site active travel infrastructure and associated measures should also be delivered early to help ensure modal shift for those journeys that have the opportunity to be undertaken by non-car modes.

The TA identifies that mitigation is required at the junction of the A49/Holme Lacy Road/Walnut Tree Avenue. The TA principally notes this is due to the expected queuing on the local road network (Holme Lacy Road). The Highway Authority raised concerns on initial modelling (Junctions 10) that considered the neighbouring junction of Holme Lacy Road/Hoarwithy Road in isolation and did not represent the impact of blocking back from the A49/Holme Lacy Road junction; this was confirmed by a material underrepresentation of queues in the standalone modelling. When modelling the junctions combined in the VISSIM tool, the impact of blocking back was confirmed; further assessment by the Applicant's transport consultant did demonstrate that the proposed mitigation for the A49/Holme Lacy Road/Walnut Tree Avenue was sufficient to alleviate any issues on Holme Lacy Road/Hoarwithy Road. To ensure reasonable performance of this location, the mitigation for the A49/Holme Lacy Road/Walnut Tree Avenue junction must be secured.

The proposed mitigation has been shared in PJA Drawing 7129-A-0003 (P01) supplied by the Applicant's transport consultant, showing the proposed changes in lane markings to make the right-turn movement from Holme Lacy Road to the A49 the dominant movement. It must be noted that the VISSIM modelling demonstrated this would only work with a corresponding change in signal timings at the downstream A49/A465 junction, otherwise queuing from this location would restrict the A49 northbound movement. Furthermore, the assessment assumed that the expected demand reduction due to the successful realisation of modal shift due to the proposed active travel strategy was realised. Opining on the uncertainty in the modelling, the modal shift must be secured, and the Applicant must work with National Highways to secure the changes to the A49/A465 traffic signals to ensure the proposed mitigation is effective and does not lead to undue impacts on the local road network.

### **Off-Site Active Travel Improvements (Trip Banking Strategy)**

In terms of both accessibility and traffic impact from the proposed development, the Applicant has sought, through discussion with the Highway Authority and National Highways, to deliver and/or fund additional off-site active travel routes within Hereford to support a 'trip banking strategy'. That is, to seek to achieve modal shift away from existing vehicle trips on the A49 through Hereford, rather than solely by reducing the generation of trips from the proposed development itself. The applicant has sought to achieve enough relief on the A49 to accommodate trips from this first phase of development, prior to any future Hereford Bypass. Indeed, the Traffic Impact Assessment outlined above relies on achievement of this strategy.

The acceptability in principle of such an approach (subject to agreement of appropriate scheme(s)) was discussed between the Applicant and the Highway Authority during pre-application discussions, based on pre-application evidence relating to trip impacts. The appropriateness of the approach has been accepted, subject to sufficient S106 contribution to enable the Highway Authority to implement improvements, such as relevant Local Cycling and Walking Infrastructure Plan (LCWIP) schemes, as well as to agreement and delivery of appropriate Travel Plans.

In the TA, the Applicant identified four potential off-site Active Travel routes for improvement:

- Route 1: Improvements to the east-west route along Westfaling Street, Breinton Road and Barton Road;
- Route 2: Improvements to NCN 47 (Great Western Way) via its existing off-road route parallel to the western side of the A49(T) south of the River Wye, extending solely to the southern side of the River Wye and connecting eastwards to St Martin's Bridge;
- Route 3: A route north via Bullingham Lane and Green Crize / Hoarwithy Road to Hereford City Centre, via Chestnut Drive and Hinton Avenue, Hinton Crescent, Hinton Road and George V playing fields and St Martin's Street; and
- Route 4: Improvements to NCN 44 via the Connect 2 Greenway, alongside the River Wye and connecting via its existing route through residential areas and Castle Green to Hereford City Centre.

It has, however, subsequently been agreed that some elements of some of these schemes are unlikely to be accepted without significantly more work to demonstrate their deliverability and suitability (e.g. Barton Road Modal Filter). In addition, that there is likely to be other schemes that are better able to integrate with Herefordshire Council's wider plans for walking and cycling in Hereford and to meet the needs of the trip banking strategy.

Consequently, the applicant has agreed to fund schemes to an equivalent value of the above four. Improvements will then be identified and delivered by the Highway Authority using S106 funds from the proposed development. The Applicant has agreed, in principle, to provide the following S106 contributions to the Highway Authority for it to make active travel route improvements pursuant to the trip banking strategy:

- £459,341.63 – Payment upon occupation of the 50<sup>th</sup> dwelling;
- £893,593.96 – Payment upon occupation of the 100<sup>th</sup> dwelling; and
- £1,302,822.46 – Payment upon occupation of the 270<sup>th</sup> dwelling (50% of dwellings).

This equates to a total Offsite Active Travel Links contribution of £2,655,758.05. This is considered an appropriate financial contribution to secure the level and nature of works required as part of the Applicant's trip offsetting strategy.

### **Framework Travel Plan**

A Framework Travel Plan (FTP, August 2024) was submitted to support the planning application. A revised updated Framework TP (June 2025) was subsequently provided. Whilst there remain areas of the revised FTP that need further development, including proposals for the Employment Zone Travel Plan, the Highway Authority has agreed with the Applicant that the necessary Travel Plans can be secured by planning condition(s). This will enable the Highway Authority to ensure that the Travel Plans are coordinated with emerging strategies for Travel Planning in Herefordshire.

It is noted that the requirements for any plans prepared pursuant to discharge of the Travel Plan conditions, that were raised in earlier consultation with the Highway Authority, should be adhered to in any future submission, unless the Highway Authorities requirements and/or policies change notably in the meantime. For example:

- Travel Plans are required for the employment area and the residential development;

- Mechanisms for ongoing funding of the Travel Plans and the divisions of responsibilities for delivery and funding must be clearly identified and agreed with the Highway Authority, with the onus on the Applicant;
- The Travel Plans should be tailored to the specific-site opportunities and constraints, to make best use of the proposed infrastructure and bus services;
- Travel Plan Coordinator(s) for each land use must be in place sufficiently long prior to first occupation to embed the travel plans in marketing and operations and must remain in post until a round of monitoring (post final residential occupation) has shown the (to be agreed in writing with the Highway Authority) targets to be met;
- An extension of implementation and monitoring must occur if the agreed targets are not being met at the final round of monitoring, with time allowed for remedial measures being identified, agreed with the Highway Authority and implemented. An additional round of monitoring must then be undertaken to understand the impact of these remedial actions and to confirm that they have been successful;
- For all actions and measures (including set up, review and monitoring), it must be entirely clear: when they will first occur, how frequently they will be undertaken / repeated (as a minimum), how they will be updated and when they will continue until;
- Data collection approaches, questionnaires and count methodologies, timings, durations and frequencies must be agreed with the Highway Authority before data collection;
- Objectives must be clearly linked to targets and measures;
- Targets must be clearly linked to the TA's forecast trip generation and must include trip targets that are clearly specified (e.g. AM Peak, PM Peak, Daily, linked to the current level of occupation at the time of each round of monitoring), with data on outcomes also collected via physical counts and surveys, not solely resident questionnaires;
- Clear triggers for first, repeat and last monitoring of each type;
- Supplementary monitoring data should be collected, such as through questionnaire surveys, capturing data on behaviour, motivations, contextual information and views (e.g. household size, car and bicycle ownership levels) and for example, uptake of initiatives (e.g. PTP, taster tickets), participation in events, promotions or offers, patronage etc.;
- For questionnaire-based surveys, give commitment as to how response will be maximised and incentivised and to the target response rate sought;
- Timing for each monitoring report clear and commitment to providing clear, unambiguous contextual data in each monitoring report (for example, current level of build-out and occupation, methodology and timing of surveys), copies of any data collection tools used (e.g. blank questionnaire), supporting promotions, response levels (numerically and rates), raw data appended for counts (not just summary);
- Commit to exploring the reasons for any targets not being met and for discussing with the Highway Authority, with remedial measures and actions to be agreed by both parties to address;
- Include a range of measures, including for example communications, services (e.g. car club, beryl bikes), events and incentive-based measures (e.g. travel vouchers), with the nature, responsibility and extent of provision clear and sufficient;

- Clearly set out an action plan with specified delivery and funding responsibilities for all actions and measures, clear triggers for ‘first undertaken’, nature and timing of ‘repeats / updates’ and how long / until when each will be continued; and
- The applicant’s FTP proposed that the residential (site wide) TPC would support the ancillary retail and community uses / occupiers in basic travel planning. This is welcomed for inclusion.

### **Public Transport**

In terms of existing public transport accessibility, the TA reflects that the closest bus stops are situated on The Pastures and Hoarwithy Road. It rightly surmises that future public transport accessibility for the proposed Phase 1 development will be dependent on the diversion of existing or new service(s) through the site (particularly if development is to commence closer to the south of the site).

The Highway Authority’s public transport team has identified an appropriate S106 contribution to enable a route to be established through the site, once sufficient residents and/or employees are occupant at the site.

The contribution would be taken from the total due to the Local Planning Authority to meet the requirements of the Planning Obligations SPD (see next sub section) and this has been agreed by the Applicant. The contribution will be £100k upon first residential occupation, followed by £75k per annum until all the residential units are developed.

The future service is likely to ultimately route via the Twyford Road link, to offer bus priority. Nonetheless, the applicant has committed to design the internal site layout (to be determined through future reserved matters applications) such that there is flexibility in future routes (e.g. a through route to/from Green Crize, utilising a potential bus gate near Lower Bullingham Lane, would not be precluded in subsequent design stages and could therefore provide an alternative route option through the site if beneficial to future public transport operations).

The applicant has also agreed to provide the necessary bus infrastructure (e.g. bus shelters, kerbing etc.) as part of the scheme build-out. These will be sought as part of future reserved matters application(s) and any Section 38 Agreement(s) with the Highway Authority pertaining for the internal layout of the development, as applicable.

### **S106 contributions**

In addition to the specified highway improvement measures agreed in principle and the S106 contributions proposed, the development will also attract Section 106 contributions for highway improvements in the area, due to its proposed scale, in line with Herefordshire Council’s SPD.

Based on a ‘high’ accessibility weighting, S106 contributions would be required as follows, towards the cost of public realm improvements and supporting active travel measures:

- Residential per Flat/1 bed house – £1,465
- Residential per 2 bed house – £1,720
- Residential per 3 bed house – £2,580
- Residential per 4 bed house – £3,440
- Residential per 5 bed house – £4,300
- Residential per 6 bed house – £5,160

It should also be noted that any variations to the numbers shown on the application form would have to reflect this.

Contributions would be required for a range of schemes, which may include some or all of the following:

- Contributions to Safe Routes to Schools, including provision of safe crossing facilities.
- Improvements to public transport service provision, potentially including upgrading of off-site public transport infrastructure where applicable.
- Contributions towards parking controls, loading, re-paving etc.

### **Proposed Mitigation – Summary**

Mitigation measures associated with the proposed scheme consequently include the following:

- B4339 Main Access Roundabout General Arrangement – PJA drawing 07129-A-0001 (P07);
- Abnormal Load management strategy;
- Green Crize General Arrangement – PJA drawing 07129-A-0020 (Rev P07);
- Hoarwithy Road Shared Footway – PJA drawing 07129-CI-A-SK08 (P03);
- Proposed Bus Gate and on-road cycle facility for movements north/south Feasibility Option – PJA drawing 07129-CI-A-SK03 (P10);
- Green Crize / Lower Bullingham Crossing – PJA drawing 07129-A-0060 (Rev P07);
- Holme Lacy Road/A49 Junction Improvements (Concept for proposed mitigation scheme) – PJA drawing 07129-CI-A-0003 (P01);
- Signal changes at the A465/ A49 junction, to be agreed with National Highways and the Highway Authority, to enable achievement of the benefits intended from the Holme Lacy Road / A49 Junction improvement;
- Phasing strategy – to include the proposed safe, suitable and direct access arrangements for each phase within the Phase 1 development;
- Appropriate highway layouts and management arrangements to support the proposed stopping up of Watery Lane and Lower Bullingham Lane, to remove general through movements, in a way that retains essential vehicular access;
- An internal, direct, accessible, surfaced and lit, temporary pedestrian and cycle route connecting each phase of the proposed Phase 1 development to the Green Crize secondary vehicular access and to Watery Lane (opposite the Twyford Road Link);
- Agreement and delivery of Travel Plans covering the residential and employment occupiers;
- S106 contribution of £2,655,758.05, to support trip the trip banking strategy through the delivery of Offsite Active Travel Route;
- Planning Obligations SPD S106 payment, from which a contribution would be taken to deliver a bus service for site occupants; and
- Provision of quality walking and cycling links and bus infrastructure within the site's internal layout (to be agreed at reserved matters stages and through S38 Agreement(s) with the Highway Authority as applicable) to serve the future occupants and bus services through the site.

These mitigations will also need to be supported by other design measures and provisions within the site, as required by the Highway Authority, such as cycle and vehicle parking standards (all land uses and types as applicable) and supporting active travel infrastructure for employment premises (e.g. showers, changing and drying facilities).

### **Other observations**

Careful consideration will need to be given to the phasing of the development and to the phasing of construction of the internal linkages that will connect to the external pedestrian and cycling connections that are proposed. This is required to ensure that the site is sustainably and safely connected to these, the wider network and local facilities and amenities.

## **Summary and Recommendation**

It has been demonstrated that a satisfactory access strategy for all modes can be provided. The proposals therefore meet the objectives of Policy HD6 to a sufficient or appropriate level.

With the proposed mitigation measures, it has been demonstrated that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development.

The submission demonstrates that the proposed development can be made sustainable through the provision of improved public transport, walking and cycling infrastructure, of a level commensurate with the level of development proposed. It therefore satisfies Policy SS4 of the core strategy.

Given the substantial additional information that has been provided by the Applicant and their transport consultant, the access and movement arrangements for all modes within the submitted application are considered to generally be acceptable, with further development and delivery of highway proposals nonetheless needing to be secured by planning conditions, given the uncertainties that still exist in relation to some.

The Highway Authority therefore no longer has an objection to the application and welcomes the time that the Applicant and their consultants have taken to work up proposals to a point that they are considered satisfactory to support this outline planning application.

## **Conditions**

Should the application be granted consent, appropriately worded conditions should be included to cover the following transportation matters:

### **Reserved Matters and Phasing:**

It is requested that broader conditions associated with the requirement for reserved matters submissions / approvals and development phasing proposals, should include requirements for the following to be covered:

- The timing of delivery of on-site highway works (including but not limited to on-site roads, footways, cycleways, bus routes and bus stops); and
- Details of safe and suitable access arrangements for vehicles, pedestrians and cyclists between each phase and to/from the approved site accesses. For pedestrians and cyclists this should include direct, safe and suitable linkages to the Green Crize and Twyford Road site accesses, which might potentially in the short term be met by the proposed temporary pedestrian and cycle spine route.

### **Accesses:**

Prior to commencement of any development to which this permission relates, details of the proposed access works [with the B4339, Green Crize and Watery Lane (including the Twyford Road Link)] must be submitted to and approved by the local highway authority in writing. Development shall not begin in relation to any of the specified access works until details of these accesses and associated off-site highway improvement works (e.g. Hoarwithy Road) have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority. No dwelling shall be occupied until these schemes have been constructed in accordance with the approved details for the associated phase of development.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

**Internal Pedestrian and Cycle Link:**

Prior to commencement of any development to which this permission relates, details of a temporary, direct, pedestrian and cycle link connecting each Phase with the Green Crize, Watery Lane and B4339 accesses must be submitted to and approved by the local highway authority in writing. Development shall not begin until details of the temporary pedestrian and cycle link have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority. No dwelling shall be occupied until the onsite infrastructure, including where applicable the temporary pedestrian and cycle link, has been constructed connecting it with the site accesses, in accordance with the approved details.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Highways Improvement/off site works:**

Development shall not begin in relation to each of the specified highways works to be undertaken at Hoarwithy Road, Green Crize Crossing, Twyford Road Link and the A49 Junctions (The A49/Holme Lacy Road / Walnut Tree Avenue junction and the A49/A465 junction) until details of the relevant works have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority. It is noted that in addition to the proposed changes to lane markings at the A49/ Holme Lacy Road / Walnut Tree Avenue signalised junction, the A49 Junction Works are to comprise signal timing changes to be agreed with the National Highways and the Local Highway Authority.

Prior to occupation of the 25th dwelling, the schemes at Hoarwithy Road, Green Crize Crossing and the Twyford Road Link shall have been constructed in accordance with the approved details.

The A49 Junctions shall be implemented in accordance with the approved details and a programme submitted to and approved with the local planning authority.

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy H and MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].

**Stopping-up Arrangements:**

Prior to the occupation of the 25<sup>th</sup> dwelling a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 shall be applied for – Lower Bullingham Lane and Watery Lane, and evidence submitted to the Local Planning Authority together with a programme for implementation of the Stopping Up Order, Management and Maintenance Plan and the physical design features and signage to be placed in the highway. These shall be submitted to and approved in writing by the local planning authority, and implemented in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

### **Residential Travel Plan:**

Prior to the first occupation/use of the development hereby approved, a Travel Plan for the residential development which contains measures to support and promote alternative sustainable means of transport for occupiers of and visitors to the development hereby permitted, shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of any dwellings. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. This must continue until after the occupation of the final dwelling within the development and until it is demonstrated, in agreement with the Local Highway Authority in writing, that the approved targets have been achieved or alternatively until the Local Highway Authority agrees in writing that all reasonable remedial measures have been identified and implemented. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **Employment Travel Plan:**

Prior to the first occupation/use of the employment development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors of the employment area permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the employment development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually for a minimum of five years. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **Parking / Active travel facilities / Bus Infrastructure:**

Prior to the commencement of the development, a scheme for the provision of bus stop infrastructure (including exact locations and full design specifications for shelters, raised kerbs, and real-time information displays) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The approved scheme shall include:

- Locations sited on straight sections of highway, avoiding interference with junctions or private accesses. Bus cages to have a TRO to prevent parking in them.
- Shelter Designs that maintain a minimum clear footway width of 1.5m to the rear and are set back at least 0.5m from the kerb edge.
- Accessibility Features including a 2m x 2m clear boarding area and raised kerbs (minimum 125mm height) for level boarding.
- Programme for installation.

The bus stops and shelters shall be installed in accordance with the approved details before the first occupation of the development.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

No residential dwelling shall be occupied until secure, covered cycle parking has been provided, including for the proposed Phase 1 of the Country Park, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Full details of the number, location, and type of cycle stands (e.g., Sheffield stands).
- Design specifications for the storage, including materials and lockable access.

The cycle parking shall thereafter be retained for the parking of cycles only and always kept available for use by residents and visitors.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to the first occupation of the employment uses/buildings hereby permitted, a scheme for long and short-stay cycle parking and associated end-of-trip facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:

- Long-Stay Storage: Secure, weatherproof, and well-lit storage for staff.
- Visitor Parking: Conveniently located short-stay stands (e.g., Sheffield stands) within [15m–20m] of the main entrance.
- Commuter Facilities: Detailed plans for on-site changing rooms, showers, and drying facilities for clothes and equipment.
- E-Bike Charging: Provision for electric bike charging points for at least [e.g., 5-10%] of long-stay spaces.

The facilities shall be fully implemented before occupation and retained thereafter for the lifetime of the development.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **Charging / ULEV:**

Prior to the first occupation of any dwelling within any residential phase, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The works serving each dwelling shall be carried out in accordance with the approved details prior to the occupation of that dwelling.

Reason: To address the requirements policies in relation to climate change HD6, SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework

### **Construction Environmental Management Plan (CEMP):**

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority [in consultation with the Environment Agency]. The CEMP shall include:

- Pollution Prevention: Details of fuel storage, bunding, and spill response procedures.
- Water Management: Measures to control surface water run-off and sediment, including the use of silt traps or settlement tanks.
- Protection of Watercourses: Identification of buffer zones (typically 10m) where no construction or storage may occur.
- Groundwater Protection: Methods to prevent contamination of underlying aquifers, especially during intrusive works like piling.

The development shall be carried out in strict accordance with the approved CEMP.

### **Construction Management Plan**

Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **Informatives**

I11, I06, I09, I45, I08, I07, I05, I43, I49, I36, I35

Previous comments can be viewed on line:  
February 2025  
August 2025

<https://myaccount.herefordshire.gov.uk/documents?id=6462eca1-f52f-11ef-908b-005056ab11cd>

#### **7.11 Principal Natural Environment Officer (Landscape) comments: February 2025**

In terms of impact on the landscape the access proposals (in many of the locations) will cause impact, such as removal of trees and hedgerows, and encroachment onto landscape features. The critical point is how the design can mitigate harm and make enhancements to the landscape to promote active travel and quality place making experiences. Having reviewed the access proposals, this is not clear, and therefore further detail is requested to demonstrate that the character of the landscape and townscape positively influences the design in accordance with core strategy LD1, whilst also enhancing biodiversity, LD2 and green infrastructure, LD3.

#### **Main Roundabout (B4339) access and pedestrian underpass access**

In principle, the main roundabout access is supported, however there are some finer points that should be addressed in relation to landscape context and the pedestrian underpass access.

Recommendations:

- 1) There is a view towards the Hereford City Centre (Cathedral) (Refer to figure 1) from the access that should be taken into consideration, and with minor alterations to the access road this view could become orientated by the development.
- 2) There is an opportunity to make a visual relationship between the B4339 underpass access to the existing large oak (T6) and through to the City Centre (Refer to figure 2). By drawing the pedestrian access directly to the tree (what will be the new park), it allows a direct link into the development. At this point, the view can then be directed to the City Centre.
- 3) The existing oak tree (T6) is not standalone. It is connected to a pond with willow trees and bound by undulating levels of reasonable heights (Refer to figure 3). This habitat should be protected as a 'space'. Unfortunately, the masterplan appears to disregard the pond, and it appears that the natural levels will be impacted. It is recommended to include both the tree and pond setting into the scheme and provide adequate space to protect the existing levels around the tree (Refer to figure 3).

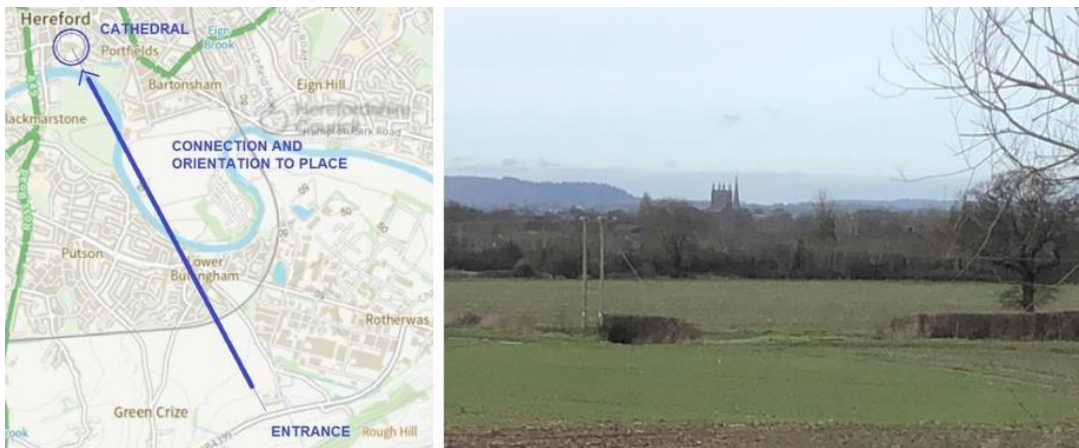


Figure 1: Key view of the City Centre (providing a sense of place and orientation) from the access should be taken into consideration.



Figure 2: The large oak (T6) as a visual cue from the B4339 underpass access. By considering the view towards the City Centre, there is potential to adjust the road alignment so that a view from the proposed park can be made to the City Centre.

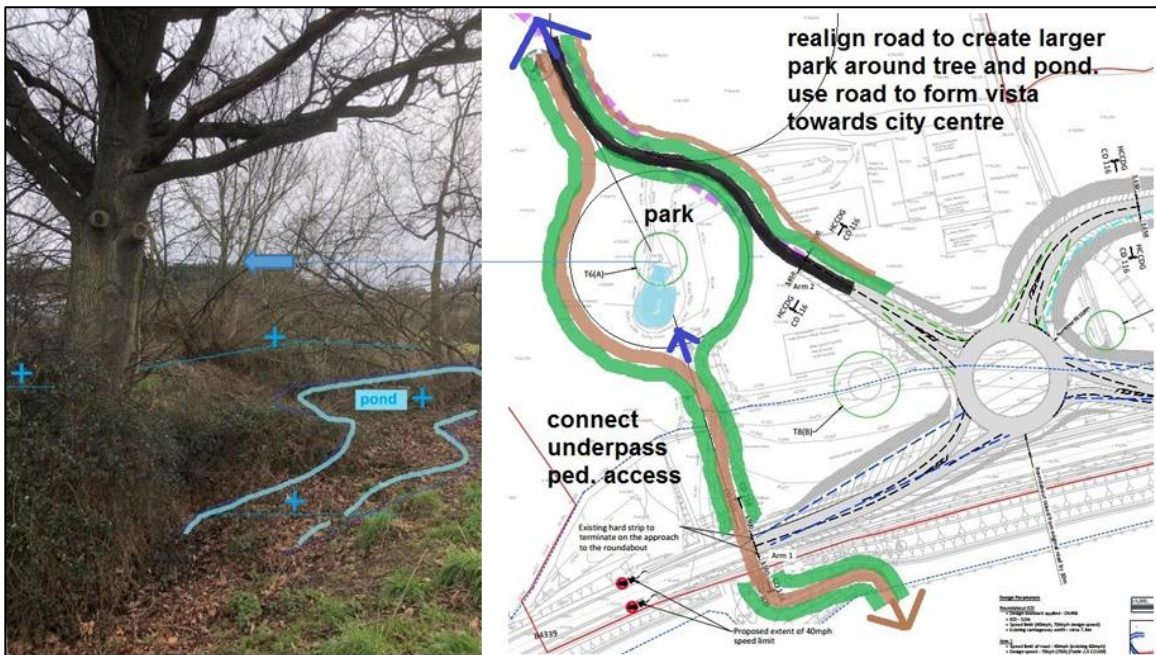


Figure 3: Take into consideration the existing site levels (oak T6 and pond) and assess how this can be protected and integrated into the masterplan.

Review the masterplan vision in relation to the detailed site conditions at the access

As outlined above there are visual connection opportunities from the access to the City Centre, and opportunities to draw people into the park by having a direct connection from the B4339 underpass. Retention of the tree (T6) and the pond will require a revised layout. Note, the masterplan shows trees along the entrance road. Refer the masterplan design in relation to the site specific considerations (Refer to figure 4).

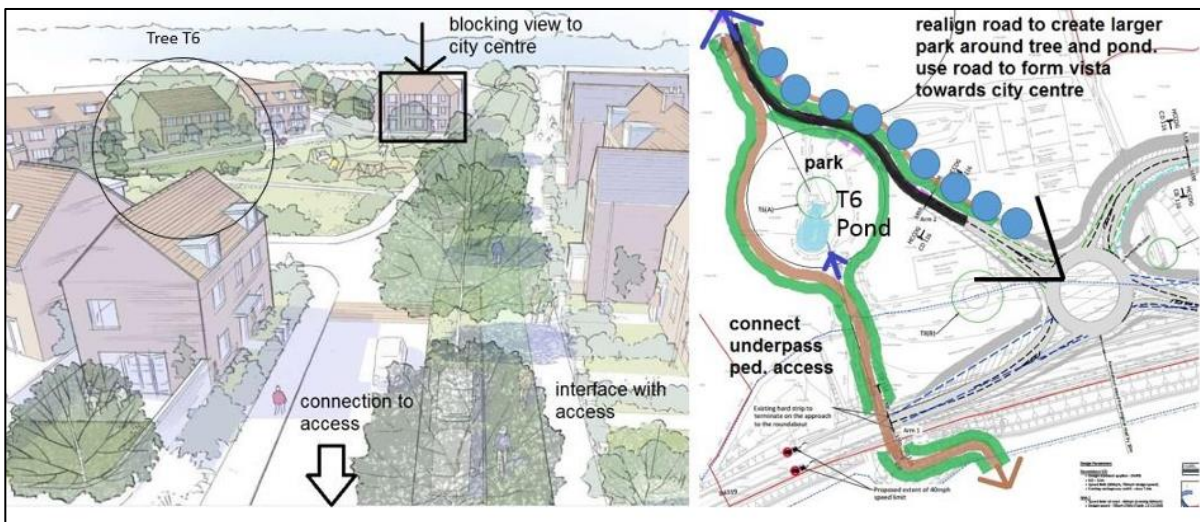


Figure 4: Review the masterplan in relation to the existing conditions and view corridors.

### Watery Lane (public right of way access) – Viewpoint 2

The proposal removes existing hedgerows, and there is no understanding of replacement and enhancement.

**Recommendation:**

1) Provide further information to enhance the landscape context and compensate for loss of hedgerows (Refer to figure 5).



Figure 5: Provide new hedgerow planting (and trees) to link with the existing hedgerow.

### Watery Lane (public right of way access)

Enhance the pedestrian access and circulation into the development.  
Recommendations:

- 1) Close the existing public footpath (Refer to figure 6, reference A) that is located between a narrow space between the back of residential properties and the brook.
- 2) Bridge over the brook at the entrance directly into the park and provide a new wider path (that also accommodates cycles). The new path will be more legible and will promote wider active travel potential connecting to the wider pedestrian circulation network.

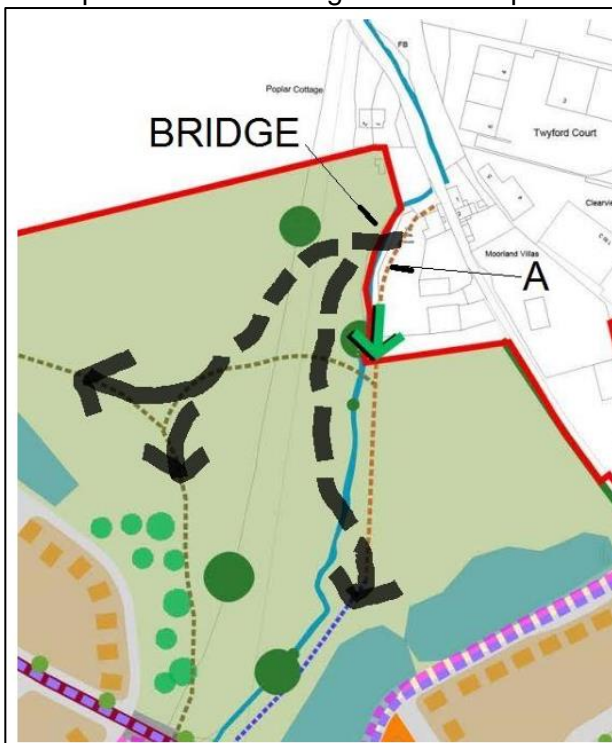


Figure 6: Rethink active travel into the site to give an enhanced and more legible pedestrian path network.

### Watery Lane/Twyford Road Link (through vegetated corridor) – Viewpoint 3

This proposed access impacts existing trees and 'opens-up' the view to the back of the industrial area.

Recommendation:

1) Further information regarding existing trees, and landscaping proposals to mitigate the back of the industrial area and to enhance the amenity (safety and appearance) as part of this access way into the site.(Refer to figure 7).

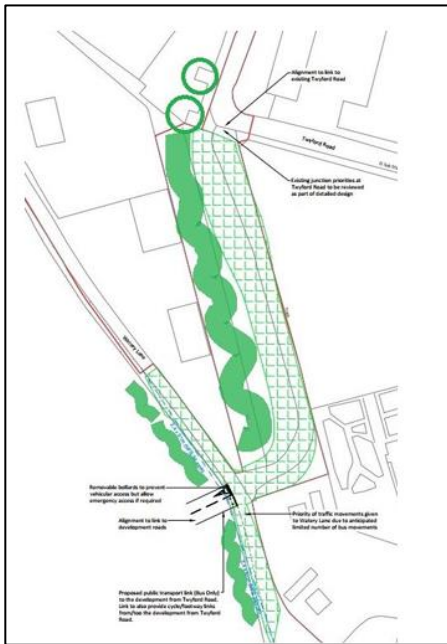


Figure 7: Provide details of the landscaping along access corridor.

### Green Crize/ Hoarwithy Road access

In principle, the access is supported. There is loss of a considerable length of hedgerow, however compensation is provided with tree planting in the park and along the development frontage as part of the masterplan vision.

Recommendation:

1) Provide the proposed context and levels to ensure they are coordinated between the park and access, taking into account the key view that is revealed after passing through the underpass (Refer to figure 8).



Figure 8: Proposed access cross referenced with the master plan vision.

### Lower Bullingham Lane Access

In principle, this access is supported as a means of connecting to the greater development, however there is no indication of levels and therefore understanding of the impacts on the landscape. There is a consideration level change between west and east sides of the lane (Refer to figure 9).

Recommendation:

- 1) Provide levels, context and proposed landscape.



Figure 9: Masterplan, proposed access and existing conditions.

### Country Park pedestrian and cycle access

In principle, this access is supported.

#### Overall

In general provide further detailed information, to include:

- 1) Levels
- 2) Site Context and response to context
- 3) Detailed drawings coordinated back to masterplan vision to ascertain if detailed conditions work with the vision (even if drawn onto the detail plans as illustrative background)
- 4) Proposals that address pedestrian and place making as part of the access proposals

### A greater treescape opportunity

The following is recommended to develop a greater treescape strategy that links Hereford, the development site with the Country Park and beyond (Refer to figure 10). The proposals suggests a Treed Avenue that creates a country park character (Refer to figure 11), that builds on the existing oak avenue south of Green Crize (Refer to figure 12), with a pedestrian/cycle link established between the city and the park.

Use the development to drive this link and work with landowners to provide the widths needed for paths, hedgerows and trees.



Figure 10: Create a greater vision for the lanes and access to the development, Country Park and Green Crize.



Figure 11: Avenue to enhance the park edges, development frontage and link to the Country Park.



Figure 12: Existing Oak Avenue, approaching Green Crize.

#### 7.12 Principal Natural Environment Officer (Trees) comments: January 2026

The previous tree officer comments highlighted concerns over the partial removal of moderate quality trees and groups for the facilitation of the site access both to the north and south of the site (Twyford Road and B4399).

The northern site access seeks to utilise a pre-existing track for access, which will need extensive road works in order to be a viable point of access. These works will include excavation and road laying requiring tree removals in this location. The previous Tree Officer comment goes on to state that some effort should be made to retain an amount of these category B trees marked for felling or, failing that, substantial tree planting should be utilized on site to offset this loss. Item 452 Landscape & Arboriculture Note addresses this concern with the following:

“Final decisions as to exactly what trees would be affected by the implementation of the link and the means of mitigation / compensation for losses will be determined in conjunction with the Highway Authority and Herefordshire Council during the application process with the details to be secured via condition” and “The tree constraints will be taken into account in the detailed design of this route. Care will be taken to minimise losses and retain the higher quality trees wherever feasible. To deliver the link, some losses will be inevitable, however. Reinstatement planting will be specified as space permits, identifying locations and specifying species that are appropriate to the new link for amenity and biodiversity value and in consideration of public safety”

When looking at the southern site access it is clear that the extent and pattern of removal is a necessity for the proposed roundabout serving the site and its visibility splays onto the B4399.

Substantial compensatory planting will therefore need to be put in place to offset the losses of both access points from an arboricultural and Biodiversity Net Gain perspective. A re-planting plan is outlined in the application’s Green Infrastructure Strategy which satisfies this requirement.

Additional conflicts with trees T1-T5 in the south-eastern section of the site will be addressed at the reserved matters stage of application.

In conclusion, where unavoidable, moderate quality tree losses are set to be robustly offset in the form of compensatory planting and there is still discussion to be had regarding the final positioning and total tree losses at the northern access off Twyford Road. For this reason and when balancing the proposal objective and constraints against BS5837 Trees in Relation to Design, Demolition

and Construction, LD1-LD3 of the Herefordshire Local Plan Core Strategy and National Planning Policy Framework (NPPF), I find this proposal, at this outline stage, to be compliant.

Therefore, subject to strict adherence to the following conditions, I have no objection to this proposal.

#### CONDITIONS:

##### Condition 01 – In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Arboricultural Assessment BS5837:2012 (September 2024)

Green Infrastructure Strategy

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

##### Condition 02 – Retention of Existing Trees

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for [...] years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

##### Condition 03 – Replacement of new trees

If within a period of [...] years from the date of planting, the tree, or any tree planted in replacement of it, is removed uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same size and species shall be planted within the first planting season, unless the local planning authority gives written consent to a variation.

Reason: To ensure failing trees are replaced and thereby ensuring that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Principal Natural Environment Officer (Trees) comments: January 2025**

I have reviewed the submitted documents in relation to the arboricultural resource within the site and have the following comments in relation to the proposed access routes.

The Arboricultural Impact Assessment was submitted as part of this outline planning application (FPCR\_Sept 2024). This document highlights all trees within the site and their overall quality in relation to BS5837:2012.

The report highlights that overall 87 survey items were identified during the updated survey. The majority of these were identified as low quality Category C. The proposals to access the site will result in a total of 26 removals but 14 of these would be low quality survey items which is acceptable.

Most moderate quality and high quality trees proposed to be removed are located along the Watery Lane/Twyford Road access. An entire section will have to be felled to facilitate the access route in to the site. Obviously, this is not ideal and would be more beneficial to retain and incorporate in to the scheme. The main roundabout access off Rotherwas Link Road will also require a large section of moderate quality G1 to be removed.

It is noted that most high quality/moderate quality trees have been incorporated in to the wider scheme. There are some minor conflicts by positioning buildings close to these features but this can be addressed during the planning stage for the main body of the site. This is relevant to trees T1-T5 in the south-eastern section of the site.

Overall, it is expected that removals will be required to allow access in to the site. Most of these are lower quality and can be mitigated against through planting. A larger section of moderate quality group G1 will require sectional removal to allow the main access which is not ideal, but extensive tree planting should be proposed to ensure the loss is compensated.

The section of trees along the proposed Watery Lane/Twyford Road access which are proposed to be removed, I have concerns over and believe that some effort could be made for their retention as a feature - it is unclear to whether this is viable in the overall scheme.

I would have no objection to the proposals if the above is considered. If not viable, substantial tree planting should be proposed to potentially mitigate the loss of these important trees.

#### **7.13 Principal Natural Environment Officer (Ecology): No objection March 2026**

Based on supplied amended information there are no new or additional ecology comments.

#### **Principal Natural Environment Officer (Ecology): Previous comments February 2025**

The statutory Biodiversity Net Gain information supplied appears relevant and appropriate. Given the extent of the BNG and its direct connection to implementation of landscaping, public open space, and play facilities the final BNG submission should provide a clear detailed masterplan of which features apply to which discipline and its requirement. As onsite BNG is significant in scale and nature a relevant legal agreement to secure required 30 year HMMP (alongside landscaping, PoS etc) is requested. The final BNG submission should not be made until all layout and plans have been agreed to ensure actual delivery as proposed. The final plans and metric supplied should represent the approved scheme for this development and phase.

#### **Habitat Regulations Assessment**

- A mains sewer connection is available at this location.
- Welsh Water have confirmed in their formal response ref PLA0084066 dated 16/12/2024 that their local mains sewer system (Eign-Rotherwas Waste Water Treatment Works) has capacity to manage all additional foul water flows created by the development as proposed under this OPP up to 540 homes.
- No surface water should be discharged to mains sewer to ensure there is no hydraulic overload of mains sewer system.
- The development can be accommodated within the nutrient allowance considered within current Core Strategy and that was subject to previous HRA considerations.
- With nutrient load accommodated and confirmation of use of Mains Sewer system there are no identified adverse effects from nutrient loading created by the proposed development.
  
- There is no reason to consider that surface water flows cannot be managed through appropriately designed Sustainable Drainage System with managed discharge to relevant watercourses/surface water drain features.
- The use of SuDS to manage surface water flows ensures there are no new or additional nutrient pathways over existing greenfield run-off rates.
- The use of SuDS to manage surface water flows ensures there are no new or additional pollutant pathways in to the River Wye SAC.
  
- The use of mains sewer to manage all foul water flows, that all surface water is managed by SuDS with no discharge to any mains sewer system; can be secured as the high level

principle methodology for drainage for the site through the OPP. Final technical design details can then be considered as part of Reserved Matters.

- *The Case Officer is requested to ensure this requirement is secured as part of any Outline PP granted.*

### **Other considerations**

#### Protected Species (SAC)

The site has direct hydrological connections to the River Wye SAC (Red Brook and other watercourses). These are known to support movement of populations of species identified as a feature of the SAC including fish species, crayfish and movement and likely presence of Otters (aquatic and wider terrestrial activity).

As part of consideration at RM stage a detailed scheme to demonstrate that all areas within 50m of any watercourse and any crossings or other works to watercourses are fully compliant with best practice in respect of Otter movement and safety and passage of fish and crayfish is requested. This is so as to ensure there are no effects from construction and future use, including recreational pressures from the increased population and vehicle movements the development will create. With relevant consideration and mitigation measures secured as part of future detailed layout, structure designs, lighting, design of public open space and landscaping there are no identified likely adverse effects on SAC related species as a result of the current outline planning application. *The Case Officer is requested to ensure this requirement is secured as part of any Outline PP granted.*

#### Effects of construction

The significant construction work proposed, including soil movement and storage, machinery, noise, light, dust (as some examples) have potential to impact the River Wye SAC directly and indirectly via hydrological connections. The works also have potential to impact mobile and opportunistic protected species and wildlife. These effects should be fully considered and relevant mitigation measure identified within a Construction Environmental management Plan (see [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan)) Immediately prior (no more than 3 months is suggested as relevant and reasonable) in advance to works commencing on all or any phased development the following should be supplied for approval by the LPA:

Updated ecological assessment/walkover to consider all protected species and general ecological interests. Updated results and report should be supplied and used to inform a specific Ecological Working Methods Scheme and detail any specific licences or other 'external' permissions that may be required.

A detailed Construction Environmental Management Plan – to consider and detail mitigation and working methods in respect of all non-ecological/wider potential environmental effects from site preparation, soil storage and management, and construction works.

*The Case Officer is requested to ensure this requirement is secured as part of any Outline PP granted.*

With all mitigation secured the final HRA Appropriate Assessment completed should be submitted, with draft conditions as relevant, to Natural England for their comments prior to any OPP being granted

### **Other ecology comments.**

540 homes and associated domestic external lighting has potential to have a significant impact on local dark skies that benefit the amenity of the locality and wider Wye Valley as well as the identified populations of nocturnal and light sensitive species including many bat species,

including 'higher conservation status' species such as Greater Horseshoe. A condition included at OPP would ensure that this is fully considered and mitigated within final plans submitted. A suggested condition would be

#### **Protected Species and Dark Skies (external illumination)**

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency

For all other 'public' lighting this should be minimum required and design/luminaire specification based on current best practice such as that developed by the Bat Conservation Trust and Institute of Lighting Professionals. Areas being proposed with any significant for Biodiversity Net Gain contribution should not be subject to any additional illumination so as to ensure the BNG achieves maximum potential. *The Case Officer is requested to ensure this requirement is secured as part of any Outline PP granted.*

In addition to statutory BNG all developments should demonstrate a clear benefit to specific species. With final design agreed a scheme to show a significant and meaningful wildlife benefit is requested. With advice from an ecological consultant it is anticipated that 20% of new homes could include a range of different built in features to support bird nesting (including but not limited to House Sparrow and Swifts) and bat roosting; hedgehog homes and 'highways' through all impermeable boundary features where these do lead to a main access road; reptile/amphibian hibernacula. Design and layout may facilitate the construction of a suitably located artificial otter holt linked to a watercourse on the site. No features should be installed in Ash trees or any other tree or feature that might have a limited lifespan so as to ensure long term security of the installed features. A detailed plan and specification showing all proposed 'species enhancements' is requested as a future submission for consideration and approval by the LPA. *The Case Officer is requested to ensure this requirement is secured as part of any Outline PP granted.*

The applicant is reminded that all natural planting should fully consider climate change and pest-pathogen resilience. To comply with the Highway Design Guide thorny and spikey species should not be planted adjacent or close to any public footpath, footway, cycleway or other highway feature.

The applicant should be aware that to be an accredited country park - Natural England-Green Flag – there are some very specific and detailed criteria that must be delivered. Careful use of the term "country park" is requested to ensure there is no confusion or higher than reality expectations created. Criteria for accreditation can be found at <https://www.gov.uk/government/publications/accredited-country-parks-in-england>

#### **7.14 Public Rights of Way Manager: Comments: February 2026**

Proposed plans show the diversion of public footpath LOB1. The consultation process for this diversion needs to be carried out and a legal order made before work starts. This must be a condition if approval of the application is granted.

**Previous comments Public Rights of Way Manager: Comments: November 2024**

<https://myaccount.herefordshire.gov.uk/documents?id=9a6a27a7-c9b6-11ef-9089-005056ab11cd>

**7.15 Principal Building Conservation Officer comments: No objection March 2026**

**Policy and Documents**

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies SS6, LD1, &LD4

Further to the built heritage comments of 21/02/2025 where no objections were raised to the proposal, the amended plans and documentation received are duly acknowledged and have been considered;

Noting the contents of the above, the amended details are such not to change the previous comments and as such the consideration of no objection in built heritage terms would remain. However as previously the comments in respect of the reserved matters, that care be taken in the roofscape in terms of design and materials, to assimilate the new development into the existing development when viewed from higher ground and would reference illustration 3 page 10 of the Heritage Impact Assessment is repeated.

**Previous comments: Principal Building Conservation Officer comments: No objection February 2025**

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=242558&search-term=242558>

**7.16 Archaeological Advisor updated comments: February 2026**

Archaeological conditions and design requirements need to be retained as before (194402, 232110 242558 [29/11/24]). No objections, no further comments.

**Previous comments: November 2024**

This is the latest iteration of a very long running proposal, the principal relevant application being 194402, which included significantly more land to the south. I made extensive comments on that application, which you should refer to.

In essence, this smaller proposal will, by virtue of its reduced size, have a marginally lesser impact. However, particularly because most of the heritage assets previously referred to will still be affected, there would continue to be an impact of substance. In particular, the 'Rotherwas Ribbon' remains within the current application site, and needs to be protected.

Whilst it is appreciated that the applicant may wish to update their various assessments etc., there is in my view no particular need to revisit any of this in detail. The site is well understood and the proposal is acceptable as it stands.

Approve with Conditions

The same conditions/requirements as before [cf]. Specifics to be agreed at reserved matters stage as applicable.

## 7.17 Minerals and Waste Officer: No objection Jan 2025

### Mineral safeguarding

The site is in an area designated for the safeguarding of minerals. The relevant policy is that of policy M2 within the Minerals and Waste Local Plan (2024) (MWLP). The policy sets out a criteria where non-mineral developments can be supported within the minerals safeguarding areas. This includes where the non-mineral development is strategic and can be demonstrated to outweigh the need for the mineral resource and associated infrastructure. The development which this application seeks permission for is part of an allocated site within the local development plan and represents a major development as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

NPPF Paragraph 218 also advises that locations of specific minerals resources of local and national significance should be safeguarded, and development avoided in such areas if it might constrain potential future use for mineral working. The application has been supported with a Minerals Assessment by BWB Consulting completed in August 2024. I concur with the conclusions of the assessment with regards to the constraints associated with the site which limit the economic and environmental viability of large-scale mineral extraction on the site.

In addition to policy M2 within the MWLP, policy M3 is also considered to be relevant as it deals specifically with the winning and working of sand and gravel and identifies the preferred areas for workings and new operations. The application site is not listed or identified within the policy. There is currently no identified need for additional sand and gravel resources within the County, with the preferred areas identified expected to come forward over the plan period.

Overall, based on the information submitted, the proposal is not considered to conflict with policies M2 and M3 of the MWLP and no objection is raised with regards to the safeguarding of minerals.

### Waste generation

Dealing with waste is a major challenge for society and needs to be addressed alongside other initiatives to improve the sustainability of our environment and economy. The proposal involves the construction of a significant major development and therefore will generate significant volumes of construction materials and as such compliance with policy SP1 in the MWLP is required. Policy SP1 seeks to ensure that developments are designed to increase the potential for recycling and minimising waste and that resources are directed to contribute positively to addressing climate change. The main principle of policy SP1 is to ensure that development is delivered sustainably when it comes to the sourcing of construction materials and minimising waste generated through the construction.

To address policy SP1 the application has been supported with the following documents;

- Sustainability and Energy Statement dated March 2024
- Bloor Homes Sustainability Strategy
- Framework Waste Management Plan

The documents are welcomed and set out the commitment of the applicants to deliver low carbon housing whilst managing waste generated through the construction sustainably.

The FWMP is identified as being a 'live' document' which will be updated at the Reserved Matters. Waste prevention and management forms one part of the requirement of the Resource Audit. The other is that of material/aggregate to be used in the construction.

Due to the scale and nature of the proposal, it is likely that the development will be phased and this may result in several reserved matters submission. The requirement of Policy SD1 will be

relevant to all phases, with each RM submission requiring a resource audit to set out end of life considerations for the materials used in the proposed development and a strategy for waste prevention.

It is recommended that should the application be approved, the following condition is included to ensure the development complies with the requirements of policy SP1 of the MWLP.

### **Condition – Resource Audit**

As part of the Reserved Matters application/s the applicant shall submit a Resource Audit to identify the approach to materials and waste prevention. The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

#### **7.18 Environmental Health Service Manager (Noise/Nuisance) comments:**

**April 2026: No additional comments**

**No objection February 2025**

This is an outline application with all matters reserved for future consideration, save for access.

There is little information on site layout at this stage but a Noise Impact Assessment (ref. BULL-BWB-ZZ-ZZ-RP-YA 05) has been submitted with this outline application.

Noise has been assessed from the perspective of impact on current residential receptors and future occupants of the site. Sources covered include road and rail traffic, development noise and existing and proposed commercial and industrial activities.

A baseline noise survey was carried out in 2018 with a further validation study taking place in July 2023. Levels were assessed near to existing receptors and also across the proposed site. Noise modelling was carried out to ascertain day and night time noise propagation across the site.

Road traffic noise – external levels:

The modelling shows that the 55dB LAeq,16hr upper guideline for external amenity areas as outlined in World Health Organisation (WHO) Guidelines\* and BS8233\*\* will be exceeded in locations closest to the BS4399 and Green Crize with further mitigation required.

Road traffic noise – internal levels:

According to modelling, for properties situated closest to the B4399 and Green Crize, internal noise levels (day and night time) as set out in the WHO Guidelines and BS8233 will be exceeded and therefore require further mitigation.

Rail traffic noise – internal and external levels:

Rail traffic noise has been considered and the modelling suggests that both internal and external noise levels will not be detrimentally impacted by rail noise.

Existing commercial and industrial noise sources:

Existing noise sources have been assessed according to criteria outlined in BS4142.\*\*\* A scrap yard on the eastern site boundary has been identified as potentially having a *significant adverse impact* on residential dwellings with direct line of site to the business. Paragraph 180 of the NPPF states...” mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and *avoid* noise giving rise to significant adverse impacts on health and the quality of life”. In any future reserved matters application, noise from the scrap yard will need to be further assessed and seriously considered in the revised layout of the site. I appreciate that the modelling has outlined a worst case scenario without any screening correction or knowing the exact layout. However, this department will not accept a significant adverse impact on residential receptors. Design options have been discussed on page 28 and require further exploration once the site layout has evolved.

Proposed commercial and industrial noise sources:

Whilst these are not yet known, plant noise can be controlled via a BS4142 assessment and noise limits imposed, along with suitably-worded planning conditions where necessary. By virtue of class E, any industrial process is one which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Development noise:

Nuisance caused during development can be controlled by a robust CEMP and should include comprehensive assessment, control and monitoring of the impacts on existing residential receptors and also those who move onto the site prior to works finishing.

Mitigation:

The report suggests that in areas on the site where desirable external and internal noise levels cannot be achieved, road traffic noise can be controlled by the installation of acoustic barriers, suitable sound insulation and enhanced glazing (with occupants having to keep windows shut). Site layout and room orientation should be considered as first preference. Only when site solutions are not practical should façade solutions be considered. Occupants having to keep windows closed should be a last resort and will not be supported widely across the site.

Any future reserved matters application should include an updated noise impact assessment based on a more detailed site layout and demonstrate how a good design process has been followed in accordance with ProPG.\*\*\*\* Should the assessment identify that an overheating assessment is required, this should also be provided.

Reason: In order to protect the amenity of the area so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

\*WHO Regional Office for Europe 2018: *Environmental noise guidelines for the European Region* (2)

\*\*BS8233:2014 *Guidance on sound insulation and noise reduction for buildings*

\*\*\*BS4142:2014+A1(2019) *Methods for rating and assessing industrial and commercial sound*  
\*\*\*\*ProPG: *Professional Practice Guidance on Planning and Noise: New Residential Development* (May 2017 or later versions)

7.19 **Environmental Health Service Manager (Contaminated Land) comments: No objection March 2026**

We refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

We've nothing further to add to previous comments other than that the applicant should ensure their commissioned specialists are aware of any changes to layout and land uses as these could affect the conclusions and recommendations of the further works proposed.

The condition previously recommended should be appended to any approval.

**Previous comments Environmental Health Service Manager (Contaminated Land) comments: No objection December 2024**

We refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

*"Bloor Homes (Western) Limited. Bullingham, Hereford. Phase 1 Geo-Environmental Assessment."* Prepared by BWB Consulting, dated August 2024, Doc Ref: BUL-BWB-BGT-xx-RP-LE-0008\_DS, BWB Ref: BWM2135.

The above has been submitted in support of the application which has identified that, although significant contamination is considered to be unlikely, further works are required, particularly in consideration of potential risks from ground gases and unexploded ordnance. As such, an intrusive phase of investigation is recommended to validate the assumptions of the Desk Study/Preliminary Risk Assessment and address identified uncertainties. With this being the case, we'd recommend the condition below be appended to any approval.

Recommended condition

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) The risk assessment submitted in support of the application (BWB, Ref:BMW2135, August 2024) confirmed the possibility of a significant pollutant linkage(s), a site investigation (as recommended) should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.
2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.
3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

#### **7.20 Environmental Health Service Manager (Air Quality): No objection April 2025**

I refer to the above application and I would make the following comments in relation to Air Quality.

The current use of the site is predominantly agricultural fields, therefore the proposed use will generate a significant number of additional vehicle movements during the operational phase of the development. There will also be potential dust impacts during the construction phase.

#### **Transport Assessment**

A transport assessment was prepared by PJA dated August 2024 to support the planning application.

I believe that further information and clarification has been requested by the Local Authority Highways team in respect of the transport data.

It should be noted that baseline and predicted traffic movements used within the air quality model to calculate vehicle emissions within the air quality assessment are based on traffic data taken from transport modelling.

Therefore, if there are any significant changes to the predicted traffic movements as a result of ongoing discussions between the applicant and the highways team, the air quality assessment may need to be reviewed.

### **Detailed Air Quality assessment**

An air quality assessment prepared by BWB dated August 2024 was submitted in support of the application. The assessment was undertaken in accordance with the Institute of Air Quality Management Guidance – Air Quality and Planning.

The report considered:

- the potential impact of dust emissions during the construction phase on surrounding receptors (including PM10).
- the potential impact that the proposed development would have on air quality from increased traffic emissions around the development site and in locations where traffic movement is predicted to increase including the AQMA. Pollutants that were assessed where Nitrogen dioxide, PM10 and PM2.5.

The air quality assessment was modelled using the verification year off 2022, a baseline year of 2024 and the opening year 2031.

The detailed air quality assessment did not predict any exceedances of the air quality objective levels for Nitrogen Dioxide and particulate matter at the modelled locations in 2031.

### **Dust from Construction Phase**

The report concluded that mitigation measures would be required to minimise emissions of dust during the construction phase. Therefore, a suitable condition to control dust during the construction phase should be applied to any planning consent, should the application be approved.

### **Conclusions**

On the basis of the information available I have no adverse comments to make regarding air quality matters, in relation to the proposed development.

However, should further information come forward that significantly changes the traffic data that the air Quality assessment is based upon, the air quality assessment may need to be amended to reflect these changes.

7:21 **Environmental Health Service Manager (Private water supply): No objection April 2025**

7.22 **Strategic Housing Manager Comments: May 2026 No objection**

Following further discussions with the developer, the mix and tenure has been agreed in accordance with the needs data from the Housing Market Area Needs Assessment, Home Point and the Accessible Homes Register.

The following mix has been accepted:

Social Rented :

- 1b 2p flat x 12 M4(1)
- 1b 2p ground floor flat x 12 M4(2)
- 1b 2p first floor flat x 12 M4(1)
- 1b 2p bungalow x 1 M4(2)
- 2b 3p bungalow x 1 M4(2)

2b 4p bungalow x 2 M4(3)  
 2b 4p house x 42 M4(1)  
 3b 5p house x 36 M4(1)  
 4b 6p house x 8 M4(1)  
 5b 8p house x 2 M4(1)

Shared Ownership or Discounted Market :

2b 4p house x 30 M4(1)  
 3b 5p house x 31 M4(1)

All units are to be built to NDSS and must be built to a similar standard as the Open Market units.

A s106 will secure a Local Connection to Lower Bullingham in the first instance.

**Previous comments No objection February 2025**

Further to my comments dated 19/12/24, due to the changes in the NPPF, and further needs data, my original comments need to be revised.

In addition to my original comments, please note that there is no requirement to provide First Homes and therefore the council require the following:

	Open Market	Social Rented	Affordable Home Ownership	
			Shared Ownership	Discounted Market at 30%
1 bed	18	21	8	4
2 beds	88	40	22	10
3 beds	175	40	12	5
4 beds	40	19		
5 beds	30	8		

We have increasingly large families looking for rented accommodation so we would request that 4 of the Social Rented 4 beds be 4 bed 8 person houses and 2 of the 5 beds would be 5 bed 10 person houses.

We also need:

1 x 5 bedroom dormer bungalow (M4(3), (the child and the parent need to sleep on the same floor so it would be 2 bedrooms, wet room, kitchen and living room downstairs, with 3 other bedrooms upstairs

and

1 x 4 bedroom house (M4(2), but it has to have a separate dining room, living room, kitchen downstairs. It also needs to have a fairly large garden and ideally, due to the behaviour and difficulties of the child, it needs to be detached.

Both of these units need to be Social Rent.

Amongst this mix, we also have many families with disabilities who require bungalows. I would ask that there are 8 bungalows delivered, 5 of which are built to M4(3) and 3 built to M4(2). These are to be a mix of 2 and 3 bedroom, in addition to the 5 bedroom M4(3) mentioned above.

We will require the one bedroom units to be back to back houses with the exception of one block of 6 one bedroom units to be allocated for a vulnerable cohort.

All units are to be built to a minimum of the National Space Standards and to be placed throughout the estate in small clusters.

The development will have a local connection to Lower Bullingham in the first instance, followed by Hereford City and then, the County of Herefordshire.

Therefore Strategic Housing would request that a condition be imposed on the outline planning permission that the exact mix of affordable and open market units be agreed prior to submission of Reserved Matters. In addition to this the tenures of Social Rent and Affordable Home Ownership be secured through the s106 in addition to wheelchair accessible bungalows and National Space Standards.

**Previous comments: Strategic Housing Manager Comments December 2024**  
<https://myaccount.herefordshire.gov.uk/documents?id=f214771e-c8ec-11ef-9089-005056ab11cd>

7:23 **Waste Operations Team Leader comments: February 2025 No objection**

7:24 **Open Spaces Planning Officer comments: February 2026**

The amended plans focus on highway updates.

I have reviewed the amended plans for green infrastructure parameter and concept masterplan which look to remain unaffected by highways amendments.

I have no further comments to make.

My previous comments stand.

**Previous comments Open Spaces Planning officer comments: February 2026**

**Open Space Requirements:** Relevant Policies and Evidence bases:  
**National Planning Policy Framework (NPPF):**

- Paragraph 102: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need
- Paragraph 102 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities

**Core Strategy(CS)**

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

**Open Space Evidence Bases:** As part of the Core Strategy Review the following evidence bases have been updated and reviewed.

- Herefordshire Open Space Assessment, Strategy and Action Plan 2023
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Assessment September 2022
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023
- Green and Blue Infrastructure Strategy 2023

**Open Space Policy Requirements:** In accordance with CS policies OS1 and OS2 requirements for open space, sport and recreation facilities will be sought from all new residential development on a site by site basis in accordance with all applicable set standards and evidence bases. Where on-site provision is not appropriate off-site contributions may be sought on an equally beneficial basis for the local community. In this instance a combination of on and off-contributions will be requested

The latest evidence base Herefordshire Open Space Assessment, Strategy and Action Plan 2023 recommends the following quantum for:

- Accessible Greenspace @ 3ha per 1000 population, to include amenity greenspace and semi natural/natural green space in accordance with Natural England Standards
- Provision for children and teenagers @0.25ha per 1000 population in accordance with Fields in Trust

The outline application relates to a first phase of the Southern Urban Expansion (Lower Bullingham) and CS Policy HD6. In accordance with these standards, for a development of 540 houses and an occupancy rate of 2.3 (population 1,242) the developer would be required to provide as a minimum on-site green infrastructure comprising:

- 3.7ha (37,260sq m) of Accessible Green Space @ 3ha per 1000 population
- 0.31ha (310sq m) of Provision for Children and Teenagers @ 0 @ 0.25ha per 1000 population

**On-site Green Infrastructure and Accessible Green Space:** Although an outline application, provision of open space is shown indicatively on submitted plans:

- Concept Masterplan: drawing no. BL-M-11 Rev N
- Green Infrastructure Parameter Plan drawing no. BL-M-18 Rev F
- Green Infrastructure Plan drawing no. 07930-FPCR-XX-ZZ-DR-L-0001\_D

As detailed in the submitted planning statement, proposed open space is more than the minimum requirement as set out above. A total of 14.28ha is proposed to include accessible green space, informal and formal play opportunities and attenuation ponds. An addition of 6.28ha is proposed for a country park.

The submitted Green Infrastructure Strategy responds positively to the Core Strategy Evidence Base for Green Infrastructure and in particular strategic aspirations that meet the wider benefits, for people, place and nature including the delivery of multi-functional open space. Indicative Green Infrastructure Plan (dwg.07930-FPCR-XX-ZZ-DR-L-0001 D provides a concept plan for taking forward this approach. In principal it proposes, GI corridors, strategic greenways along Red Brook and Norton Brook and links with Withy Brook; a series of linked multi-functional spaces that will deliver landscape, amenity and biodiversity benefits as well as performing a SuDS function; retention of existing rights of way and new networks of foot/cycle routes and connections through green spaces; and delivery of a country park providing a variety of planting and informal opportunities for recreation.

The principle of this approach is supported but more detail will be required at detailed reserved matters stage and consideration of the recommendations included in the Herefordshire Green and Blue Infrastructure Strategy and the Open Space Strategy for the delivery of quality on-site accessible green space, children's play areas and green infrastructure. The proposal should demonstrate that its green spaces

- *Are multi-functional - open spaces provide a broad range of features and facilities to support the health and well-being of the residents.*
- *Reflect a multi-functional network and offer differing functions appropriate to the environmental context.*
- *extend the tree canopy*

- *Incorporate SuDS*
- *Increase connectivity to the local nature recovery network including the creation of wildflower grasslands, hedges and woodlands*
- *Reflect local distinctiveness, including landscape character, conservation and heritage of the location.*
- *Provide equality of access to enable people to use an open space without anxiety and excessive effort.*
- *are designed to locate play spaces, access points and seating with regard for the needs of all residents and users.*
- *Ensure entrances are wide and step free.*
- *Incorporate social seating and relaxation areas and sensory planting*
- *Incorporate natural and semi-natural habitats.*
- *Promote movement between different open spaces by use of signage and active travel networks*
- *Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces*
- *Have well located entrances with clear sight lines in and out*
- *have signage to indicate what to expect to find within the site*
- *Provide routes within and through the site suitable for a variety of users*
- *Provide well located spaces for gathering and seating to reduce the likelihood of antisocial behaviour*
- *Provide easy access where necessary through the provision of road crossings.*
- *Provide planting and landscape features for interest and to providing a welcoming environment*

**Children's Play Areas:** The exact housing mix is to be determined at detailed reserved matters stage to include 35% affordable housing in accordance with local planning policy. As more detail is provided at the reserved matters stage, in accordance with the SPD on planning obligations for children's play an indicative cost for the value of play equipment will be calculated to ensure equity of play across the county arising from new development.

**Maintenance:** Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

**SuDS:** The SuDS attenuation basins if designed accordingly to take account of health and safety and standing water issues can provide good opportunities for informal recreation and natural play along with being areas suitable for biodiversity and wildlife. The landscape aspects of SUDs including demonstrating appropriate gradients can be achieved will need to be submitted as part of the landscape scheme.

**Off-site Outdoor Sports Contribution:** The applicant has acknowledged pre-application comments regarding sports provision and the current preference for an off-site contribution through S106 obligations.

The following evidence bases in support of CS Policies OS1 and OS2 set out the sports requirements for Hereford. In this instance the strategy recommends a programme of protection, provision and enhancement to existing facilities to meet both existing and future demands arising from increased populations arising from growth and residential development.

- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Assessment September 2022

- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

The current tariff of **£1,297** per market house for Hereford Area, is subject to changes as the Investment Plan is updated to reflect the new Assessments to support the Core Strategy Infrastructure Delivery Plan.

The contribution will be used towards the following Hereford Area sports facilities (as set out in the evidence bases set out above) and on priorities at the time of receiving the money

Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 and Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023: see Appendix 7

## 7.25 Land Drainage comments No objection August 2025

### Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), 2024



### Flood Risk

#### ***Fluvial Flood Risk***

In accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment.

#### Site Access

Access and egress from the site can be restricted during flood events, noting the following flood mechanisms that are identified in the FRA :-

- Watery Lane and Holme Lacy Road flood from the Wye. Also in some cases the entrance to Rotherwas Estate is blocked due to surface water flooding at the railway bridge.
- The B4399 can flood from the Norton Brook, making the road impassable.

- Lower Bullingham Lane becomes inaccessible due to water held behind a raised section of roadway.
- The Withy Brook can flood Green Crize resulting in deep water at the railway bridge.

The FRA makes reference to a safe route, to the south along Green Crize. However, this route does not lead to an urbanised area with a place of safe refuge. We await commentary from Emergency Planning regarding the implications of siting this large scale development in a location where access can be compromised. The development is likely to place an additional burden on the emergency services. There may be scope to improve access to the site.

The applicant has presented proposals for the on-site vehicular and pedestrian access routes to remain dry for the 100 year event and taking the effects of climate change into account.

Green Crize Railway Bridge

The modelling plots do not all show floodwater on Lower Bullingham Lane. However the Withy Brook breaks it's banks upstream of the Green Crize railway bridge at least annually.



*Ordinary Watercourses and River Wye 5 year peak flood depths*



*Ordinary Watercourses and River Wye Impact Analysis 5 year*

The flooding at Green Crize railway bridge occurs because the road is lower than farmland. This road access will always be at risk of closure.

7.5.2025 The applicant has acknowledged that their model shows Green Crize flooding in events of over 5 years, also suggesting that the model survey data does not represent the actual scenario. We note that the actual observed flooding is more frequent than the modelling report suggests. The model appears to be under-representing the flooding.

The Withy Brook bursts its banks at an existing farm access culvert. The land is owned by Bloor Homes. The applicant needs to present a long term solution that will address this risk and provide assurance that the fluvial flow will not spill across the field to the road. This needs to be addressed as part of the Outline planning application and implemented without delay. This should be regarded as effective riparian management, not a contribution to flooding deficiencies.

The flooding of Green Crize can also occur due to the high soffit level of the railway culvert which limits flow capacity in higher return events.



A Site Meeting was held on 30.5.2025. The twin 225mm dia farm culverts restrict flow. The current land use requires use of the brook crossing, but there are longer term aspirations to develop the area and use the field for biodiversity purposes. Proposals are in hand for Bloor Homes to install granular material to help convey floodwater back into channel, before the water starts draining alongside the railway embankment. Works within Network Rail land are not proposed. The site will continue to be monitored during rainstorms and the functionality of the proposed remedial works will be reviewed.

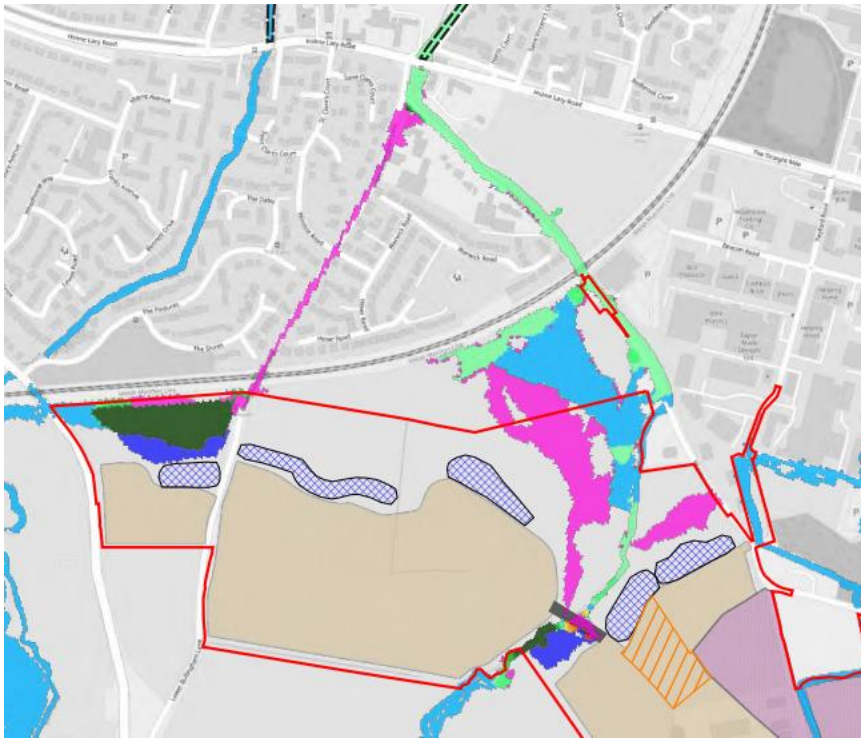
13.8.2025 Subsequent discussions have been held with Bloor Homes regarding the scope of this work, which would involve lowering of the left hand bank of the watercourse at the farm access. A scheduled works start date remains to be confirmed.

#### Lower Bullingham Lane

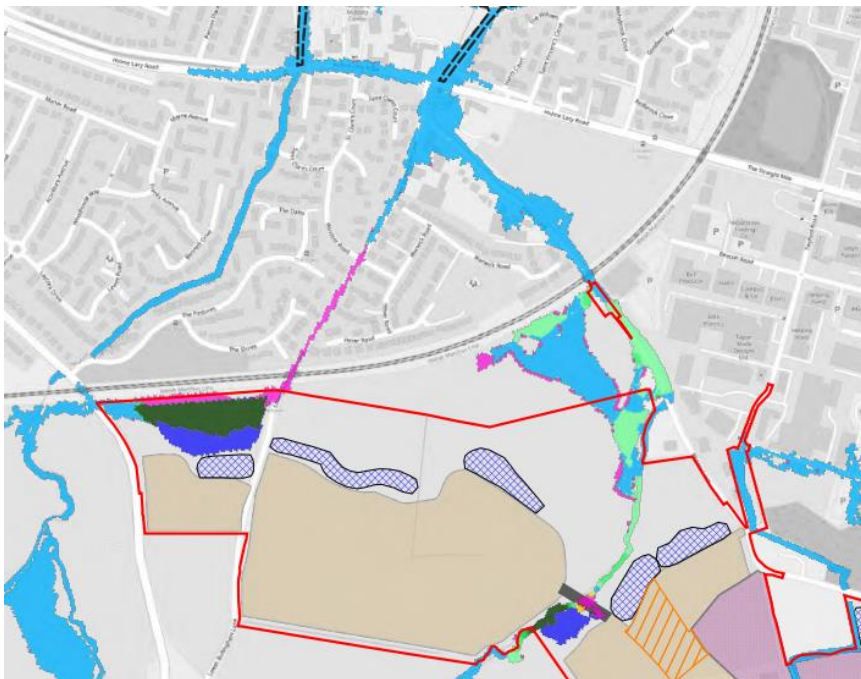
Floodwater on Lower Bullingham Lane becomes trapped due to the presence of raised ground at the Windsor Road junction. This leaves the road closed following each episode. In some cases,

cars are caught in the flood water. It is possible that the road levels drop very slightly, before rising at Windsor Road.





*Ordinary Watercourses Impact Analysis - 50 year*



*Ordinary Watercourses and River Wye Impact Analysis - 30 year*

The modelling does not include the raised ground at Windsor Road. The results suggest that following the development, Lower Bullingham Lane will become a dry access route. Given that road levels are higher up than modelled, there will be an ongoing access issue.

7.5.2025 The applicant has explained that the raised ground is represented in the model.

The provision of upstream attenuation adjacent to the flow route (Flood Compensation location 3) will only have the effect of reducing the flow rate down Lower Bullingham Lane until the compensation area fills with water. The problem of flooding on the lane arises because flood water is trapped there. This is not reflected in the modelling results.

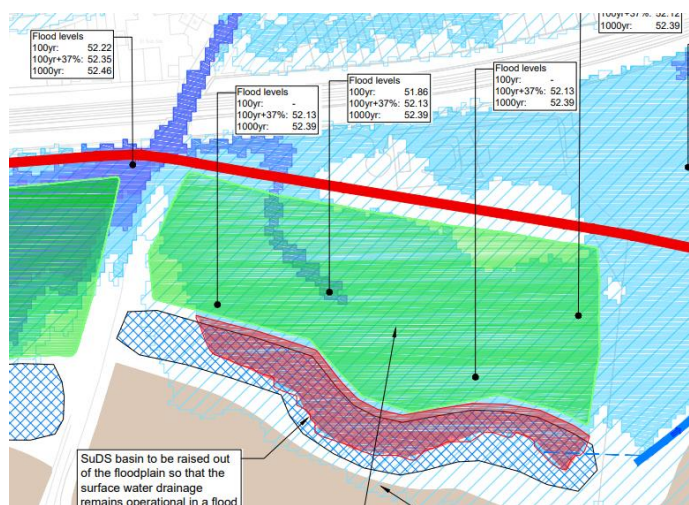
7.5.2025 The applicant has suggested that the proposed interventions could help reduce the probability of Lower Bullingham Lane flooding from the watercourses. However, water weirs over the high point.

To address the issue of pedestrian access during and after floods, we consider that off-site works could be delivered by the developer to improve the profile of Lower Bullingham Lane so that water is not retained after a flood. Improvements could also be made to the highway drainage.

We understand that the Conceptual Design Strategy (SW Strategy Appendix 6) makes an allowance for additional flow into Basin 1. Please clarify whether the attenuation volume has been based on the contributing area from the Red Line area or does it include for addition areas upstream.

7.5.2025 The applicant has confirmed that flow from the extra area is included for.

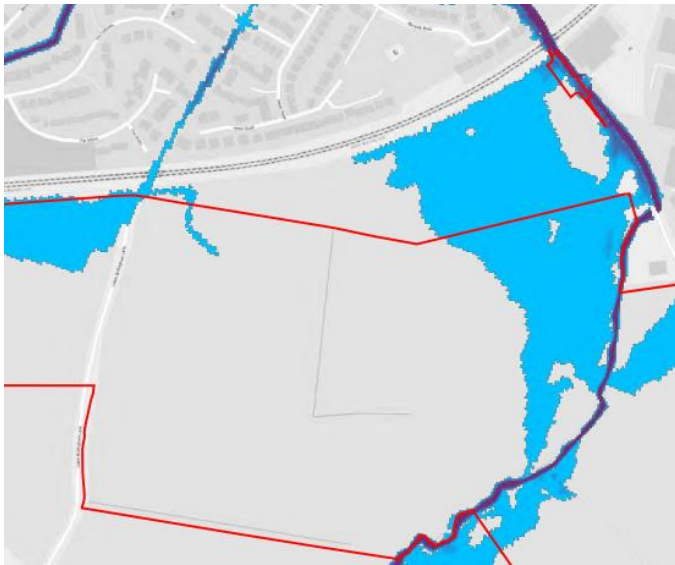
### Watery Lane



### *Ordinary Watercourse with River Wye Impact Analysis 30 year*

During floods, water spills from the Wither Brook along the edge of the railway and discharges under the railway bridge onto Lower Bullingham Lane.

The model results show that the flood storage area north of the proposed SuDS Basin (Location 1) will only flood from the Wye during an exceptional flood event (100 year + 37% CC). This area is not shown as flooded during a 100 year event.



*Ordinary Watercourses with River Wye 100 year*

The water level difference mapping does not show this area as having flooded. We recognise that compensatory storage has been provided because a basin is proposed here, but we are unclear why it has been assumed that the flood storage will provide downstream benefits. We recognise that there is a low lying paved path alongside the railway, which could flood with shallow water but most water drains below the bridge.

7.5.2025 The applicant acknowledges that the FRA makes reference to a NFM 'scrape' that may slow flows onto the lane during these very exceptional flood scenarios.

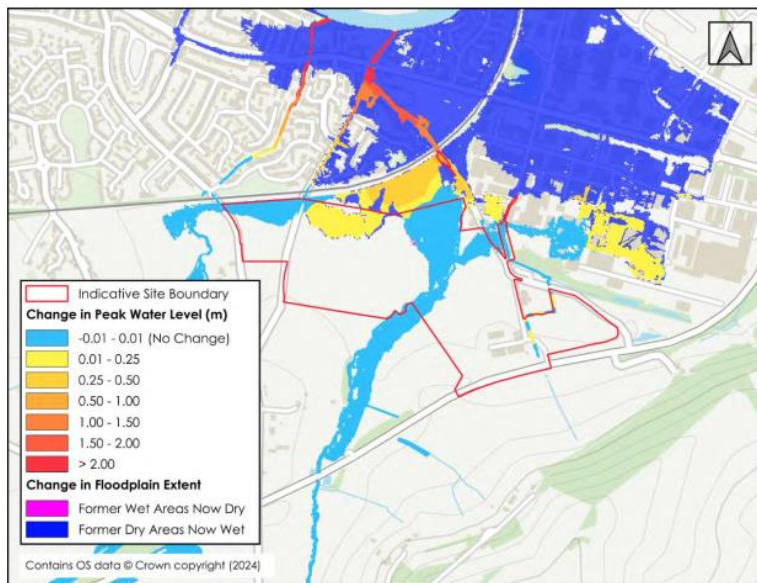


Figure 4.6: Backwater Influence from the River Wye – 1 in 100-year + 37%

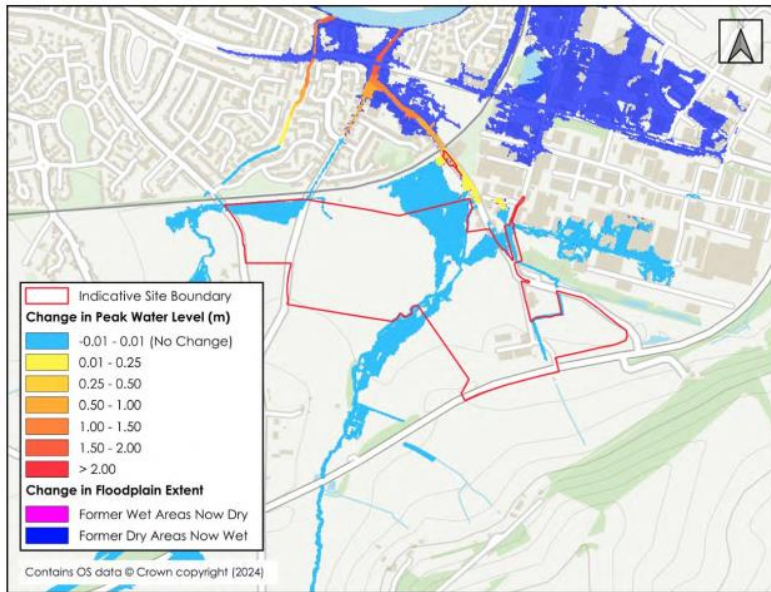
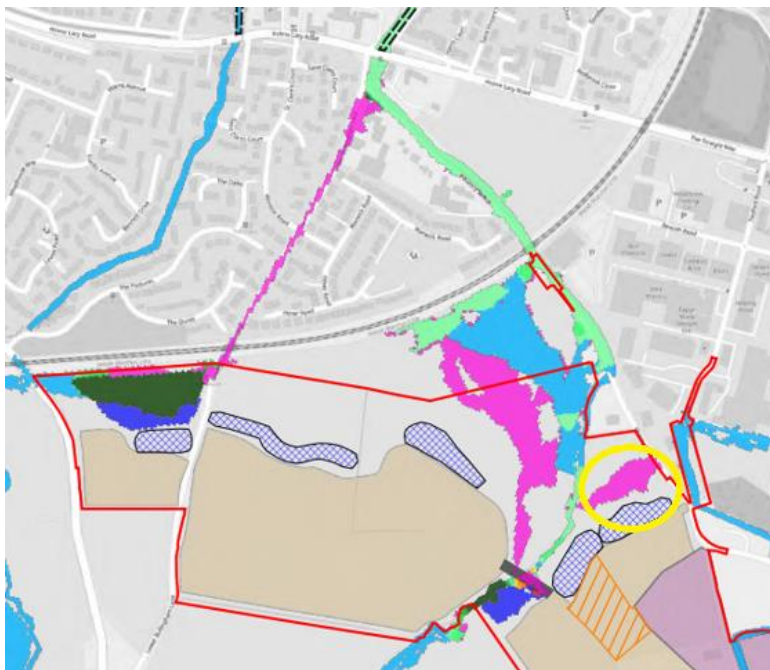


Figure 4.5: Backwater Influence from the River Wye – 1 in 100-year

The modelling results show flow spilling from the right bank of the Red Brook but only in acute storms of 50 year return (the 30 year plots do not show this route).

7.5.2025 Flood records indicate that the Red Brook has caused extensive flooding of the highway at least five times since 1989. It is clear that the model is under-representing the flooding issue.



Ordinary Watercourses Impact Analysis - 50 year



### *Ordinary Watercourses with River Wye 30 year*

We note the proposals for a new access bridge (with a 450mm dia overflow) that would throttle flows on the Red Brook, with the intent of attenuating water in Flood Compensation Location 2. We respect that the purpose of the compensation area is to facilitate construction of the bridge within Flood Zone 3. However, it is clear from a review of the flood storage table that most of the storage volume is low down and so would be flooded mid-way through a storm. Whilst the developer is offering additional storage, due to the forementioned issue there may be a limited impact on downstream flood risk.

Conversely, the Impact Analysis plots show marginal reductions in flood depth on Watery Lane in all flood events. All results are similar, but there is no explanation as to why these benefits arise in small events.

The mapping does specifically show the difference in flood depth as between 50mm and 25mm. if there are any benefits then they have been proven to be marginal in scale.

7.5.2025 The applicant has advised that the modelling outputs identify that during small flood events there are some marginal benefits on Watery Lane due to the proposed highway culverts. However it is possible that this may not be regarded as a tangible benefit by residents.



The FRA states (Page iv) :-

‘Hydraulic modelling of the proposed development has shown that it could potentially offer marginal betterment to downstream flood risk through throttling of flows at the proposed Red Brook crossing in combination with the floodplain compensation areas. However, due to the influence of the River Wye, and the majority of the contributing flood flows being generated from land outside of the site, it is not possible to offer substantial betterment.’

Core Strategy SD3 advises : -

‘where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime ‘

As referenced above, there is scope for the developer to work with Herefordshire Council to facilitate improved access to routes affected by flooding.

7.5.2025 The applicant has acknowledged that a previous study confirmed that the development is not able to provide anything but marginal betterment.

#### Floodplain Compensation

Appendix 7 of the FRA includes an assessment of Flood Plain compensation. We request that these assessment calculations are not only based on high intensity storms. It is necessary to assess the storage areas in accordance with Flood Zone 3b criteria (30 year storm).

7.5.2025 The applicant has explained that the floodplain compensation has been designed on a level for level basis. The model outputs reflect this scenario.

We note that the EA have requested the provision of flood risk improvement works within the Country Park. We understand that the ground near the watercourse is sloped, which may limit the extent of any ground lowering. This issue needs to be further considered by the applicant, by means of fluvial modelling.

The Hereford Integrated Catchment Study commissioned by Herefordshire Council in 2019 considered options to reduce fluvial flood risk associated with the Withy, Norton and Red Brooks. The study highlighted the potential opportunities that could be delivered by the Lower Bullingham site to reduce and slow flood flows through the Red Brook and Withy Brook, for example by incorporating Natural Flood Management (NFM) measures such as leaky dams, enhancing the natural floodplain adjacent to these watercourses, or providing online or offline flood storage features.

Notwithstanding this, any measures need to be considered to not increase the risk of the Norton Brook flooding the B4399 carriageway.

We recommend that opportunities are explored further as part of the Lower Bullingham development, noting that this recommendation aligns well with Policy HD6 of the Core Strategy that discusses the provision of green infrastructure corridors and strategic greenways along Red Brook and Norton Brook.

7.5.2025 Further modelling will be required at Reserved Matters stage, including an assessment of the impact of any works on flood risk upstream on the B4399 carriageway

### Property Thresholds

Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 1:

*Table 1: Flood risk vulnerability and flood zone compatibility*

<b>EA Flood Zone</b>	<b>Essential Infrastructure</b>	<b>Water Compatible</b>	<b>Highly Vulnerable</b>	<b>More vulnerable</b>	<b>Less vulnerable</b>
Zone 1	ü	ü	ü	ü	Ü
Zone 2	ü	ü	Exception test required	ü	Ü
Zone 3a	Exception test required	ü	û	Exception test required	Ü
Zone 3b	Exception test required	ü	û	û	Û
ü Development considered acceptable					
û Development considered unacceptable					

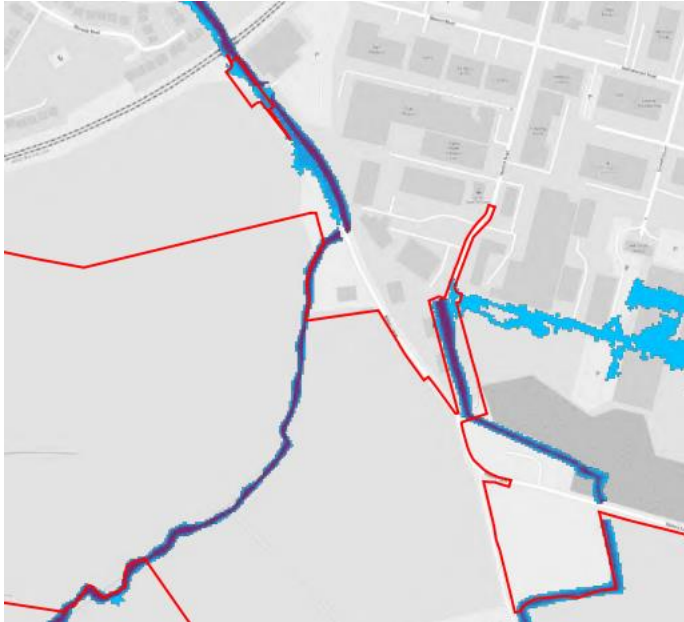
The Planning Practice Guidance to NPPF states that residential development is to be considered as ‘more vulnerable’ development. With reference to Table 1, ‘more vulnerable’ development would be considered appropriate in Flood Zones 1 and 2. However, for ‘more vulnerable’ development in Flood Zone 3a the Exception Test would need to be passed. No development would be considered acceptable in the functional floodplain Flood Zone 3b.

Finished floor levels will need to be raised to protect the proposed development against flood risk. Typically, this would be 0.3m above adjacent ground levels and / or 0.6m above the 1 in 100 year + 37% central Climate Change flood level and allowing for the potential effects of climate change (as advised in the NPPF), whichever is greater. We concur with commentary provided by the EA regarding this issue, noting the request that wherever possible a 600mm threshold should be

provided to Less Vulnerable development (although following further engagement it may in some cases be possible to reduce this and provide a 300mm threshold plus flood resilient measures for a further 300mm).

We have reviewed the FRA and have the following comments

### Modelling assumptions



*Ordinary Watercourses and River Wye – Baseline 5 year*



*Ordinary Watercourses and River Wye – Baseline 30 year*

The Red Brook can cause flooding issues in the vicinity of this area of the Rotherwas Industrial Estate, most likely in storms more intense than 5 years.

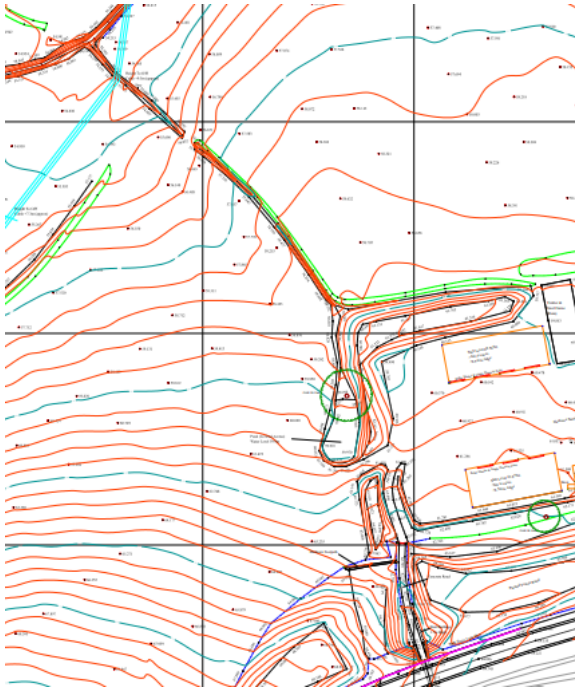
Please clarify which cross sections of the watercourse were surveyed in this area. The ditch from the scrap yard discharges into the Red Brook via a series of culverts (below the Caravan Park and then below an industrial premises). Section 2.2 refers to the un-named ditch discharging in the Red Brook. However, it appears that the model shows water from the scrap yard ditch

discharging across the surface, to the east. Accordingly, there would be less flow in the Red Brook.

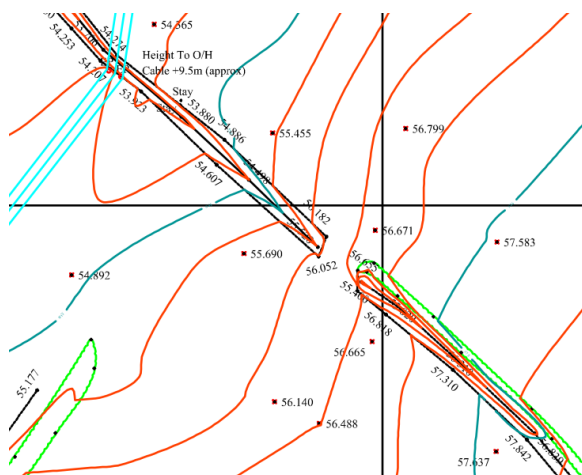
7.5.2025 The cross sections of the red brook and the scrap yard tributary have been provided. The 375mm dia culvert causes a restriction during most rainstorms, leading to off-site flooding to the east. However, note our earlier comments regarding historic issues of the Red Brook flooding the road from the west.

A further simulation has been provided showing the implications of the culverts being smaller, noting that access to capture all details was difficult.

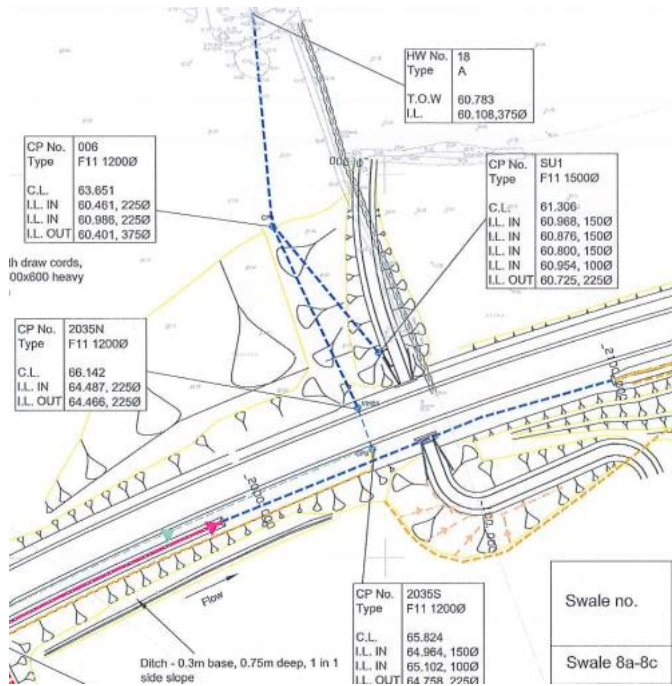
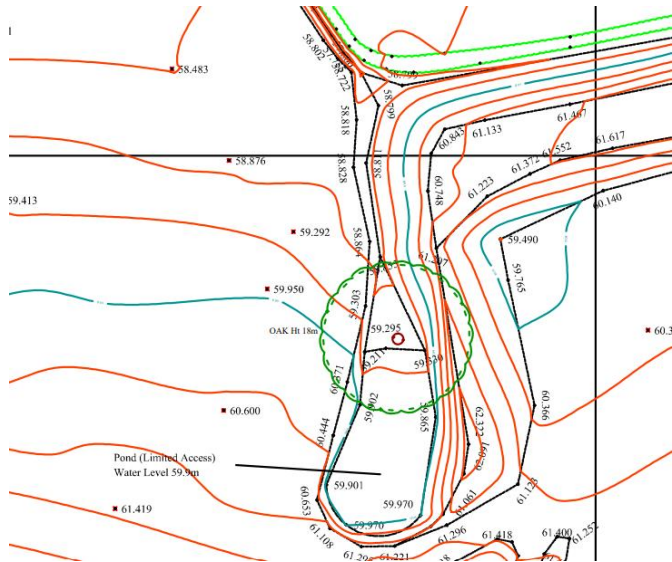
### Land Drainage



*Topographical Survey showing existing ditch discharging into Red Brook*

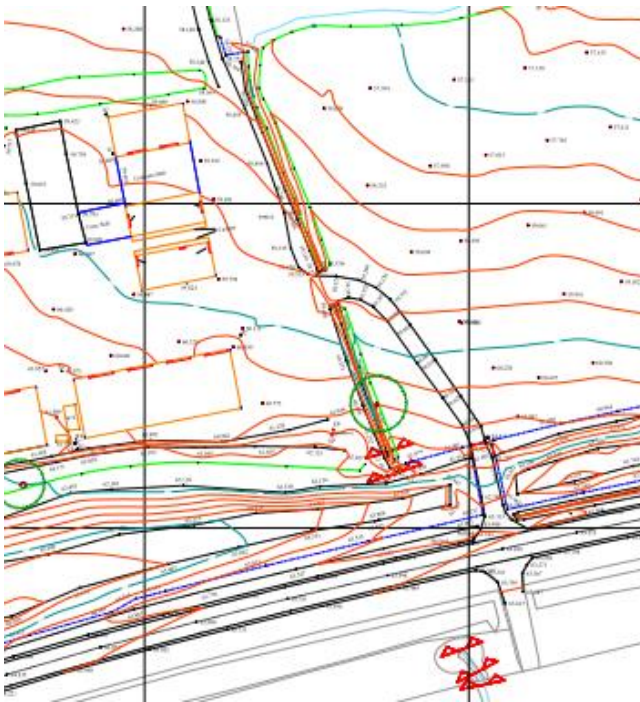




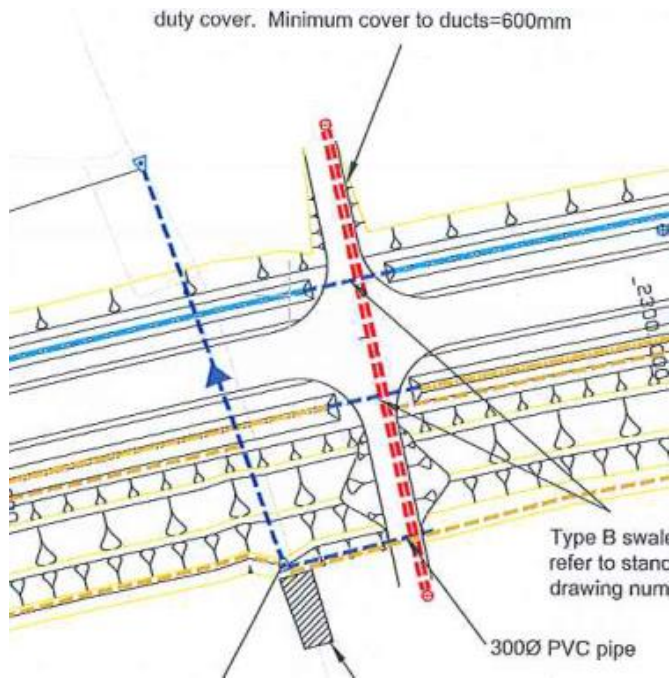


B4399 design drawing showing highway drains

The masterplan does not include provision for the land drainage referenced above.



*Topographical Survey showing existing ditch*



*B4399 design drawing showing existing culvert*

The Illustrative Floodplain Management Strategy does not include for a new culvert below the diverted B4399. We assume that the applicant would seek to extend the existing highway culvert. However, the culvert would become close to an urbanised area, so would require redesign in accordance with the Culvert Design guide. There are no details, there could be ecological issues to consider. It would be impractical to de-culvert a short section on the south side because there is an existing swale there which forms a part of the highway SuDS.

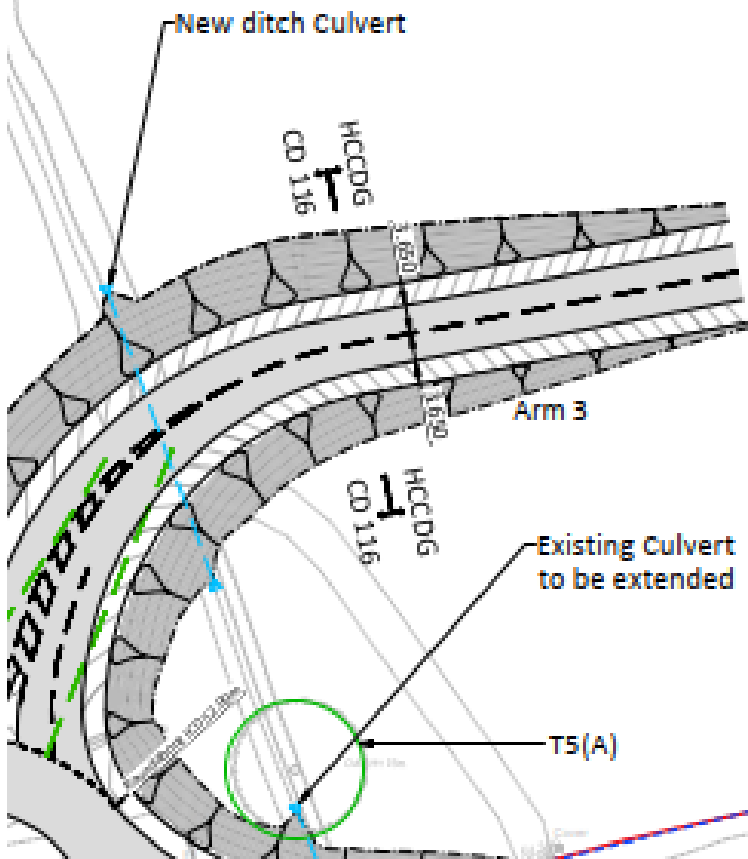
A strategy for conveying this land drainage below the new B4399 would need to be addressed at Reserved Matters stage.

7.5.2025 The applicant has acknowledged that the ditch was missing from the layout plans. Also the layout is preliminary. We confirm that this issue may be addressed at Reserved Matters stage, but stress that **a section of ditch or swale will be required**. A possible configuration is illustrated below.





13.08.2025 The project's highway engineer PJA have prepared an updated GA drawing of the access roundabout, which includes preservation of the open ditch, where practical.



13.08.2025 The proposal would create a 157m long Land Drain  
 We object to this proposal. **No effort has been made to make provision for a ditch at this location.**



The Conceptual Drainage Strategy drawing does not show the watercourse/ditch that runs anticlockwise around the scrap yard. This is however referred to as a watercourse on the Illustrative Floodplain Management Strategy.

7.5.2025 The watercourse/ditch is now shown on the plan. Provision will be made to allow access to maintain the watercourse.

The ditch/watercourse would need to run as open channel alongside the proposed new service road. It is not shown as an open watercourse at the south of the extract below, although the green infrastructure plan does show an open watercourse. We request clarity on this issue, noting that there would be no vehicular access to the area alongside the roundabout.

7.5.2025 The applicant has advised that the only sections of culverting will be below accesses.

#### Design of new highway culvert

We note that the proposed highway would be located above the 1000 year flood zone. This is broadly similar to the 100 year higher central climate change projection, which is acceptable.

Owing to the pipe size the secondary 450mm diameter culvert below the proposed Red Brook highway crossing would need to be designed in accordance with the Culvert Design Guide. There would be a risk of personnel entry which could require the provision of security screens. The screens would blind with debris and if the road became adopted then regular cleansing would be required. The performance of the 450mm diameter culvert during floods would be adversely impacted by the presence of the screens.

The proposed 450mm dia culvert crossing could also become a habitat for animals, as it will not carry a baseflow.

A mammal pass may be needed on the main culvert.

Further design will be needed at outline stage to present a solution that does not require security screens.

7.5.2025 The applicant has completed an outline design as requested during planning application 194402. We understand from discussions with the designer that the overflow culvert has been proposed to help keep the downstream flood extent away from the existing highway.

CIRIA guidance identifies the need to minimise risk by using fencing. The applicant has identified that the proposed 450mm dia pipe would be raised up. Conversely the Design Manual HA107/04 for Roads and Bridges refers to a maximum 375mm dia culvert, this is also referenced in earlier versions of Sewers for Adoption.

We acknowledge that it should be possible to develop a revised design and consider that this may be addressed at Reserved Matters stage. The designer would identify the optimum arrangement. It may be possible to use staggered pipes (maximum size of 375mm dia) or a short section of 375mm dia orifice pipe adjoining a 450mm dia pipe, or an alternative approved design

**Surface Water Flood Risk**

The FRA includes a recommendation that building thresholds will be raised a minimum of 150mm to mitigate the risk of surface water flooding. Noting the requirements of the Building Regulations Part M, we request clarification from the developer as to whether this approach will be implemented.

7.5.2025 The applicant has confirmed that this matter will be addressed at reserved matters stage

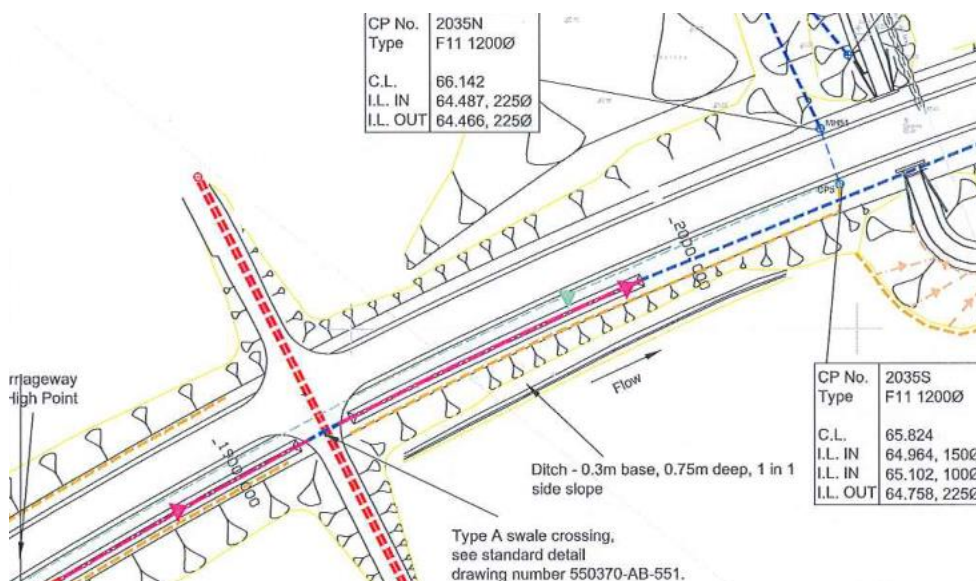
**Surface Water Drainage**

Layout

Surface water from the proposed roundabout and spine road is shown draining into the site. If the highways are to be adopted, then this presents a problem because current HC policy is that highway drains should discharge to HC assets. A revised design will be needed that allows for adoption to proceed.

7.5.2025 The applicant has confirmed that this matter will be addressed at reserved matters stage

13.08.2025 The existing B4399 road carriageway will drain towards the roundabout. The highest point on the road carriageway is approximately 200m to the west of the existing Agricultural Underpass. At Reserved Matters the additional flow from this catchment will need to be considered, including any runoff into the road cutting.



Levels need to be shown on the drawings. Our initial assessment is based on a cursory review, further information to support the proposed design is needed, particularly levels on drawings including the topographical base mapping.

The drawings do not indicate how the respective basins operate. Although micro drainage simulations have been provided, we are unclear where the base of the respective basins sit compared to the adjacent ditches.

Table 3.2 – There is no plan showing which the numbers of the basins/catchments. It is unclear how the flow controls work in tandem. Several of the basins are listed together. We assume, for example that the water level in basins 1 and 2 would be the same, with one flow control at basin 2. Please also provide a cross section showing the respective levels of the basins.

7.5.2025 For each basin, we note the intent to install a Hydroslide hydrobrake alongside a conventional Hydrobrake. The two flow controls would be staggered.

Can the applicant please advise whether the functionality of the Hydroslide flow controls will ever be checked, noting that the flow controls utilise a slide mechanism.

Hydrobrakes work best when they discharge water freely. This allows an air core to form within the flow control. At low flows the flow control operates as an Orifice and can pass more water than design literature may indicate.

Flow from Basin 1 discharges into Basin 2. We hold no objection to this concept but note that the respective basins are only 300mm different in elevation. The inlet to Basin 2 is likely to be higher than the outlet of Basin 2. In some storms the water level in Basin 2 may drown out the flow controls at Basin 1.

We note that Basin 2 is trapezoidal in shape and so water would fill the base quickly. Accordingly, it is possible that the water level in Basin 2 would rise quickly.

We request that the applicant reconsiders the design of Basins 1 and 2, prior to granting Outline approval.

13.08.2025 The applicant has presented a revised proposal for Basins 1 and 2, which we accept. Basin 1 is 0.8m higher than Basin 2, which will ensure that the flow controls operate properly. The revised design features conventional hydrobrakes for Basins 1 and 2, which have been designed to mirror QBar Greenfield Runoff (2 L/s/Ha). Some additional attenuation has also been provided. This design provides the assurance that the flow controls will operate properly.

On review of the Drainage Catchments Table we note that the modelled discharge rates are slightly higher (2.15 l/s/Ha for Basin 1 and 2.60 l/s/Ha for Basin 2). At Reserved Matters stage a detailed design can be produced that can address this matter.

There is an open ditch shown. Please clarify whether there are any proposals for access points for pedestrians and maintenance vehicles. We also note that there are no pedestrian crossing points proposed on the Red Brook.

7.5.2025 This detailed design issue will be addressed at a later stage



We note that this ditch crosses different levels of land, accordingly in order to create a steady profile the width of the banks will vary. The full width of the ditch needs to be considered, so that maintenance issues can be reviewed at an early stage.

7.5.2025 This detailed design issue will be addressed at a later stage

We understand that Flood Compensation Location 1 would fill only in an acute Wye flood. In such an event, water arising from the Wye floodplain would back up this ditch. It would be important to control bank levels so that Flood Compensation Location 1 filled and emptied as the designer intended. Please clarify the extent and level of Flood Compensation Location 1 with respect to this ditch.

7.5.2025 This applicant has explained that this issue has been considered in the hydraulic modelling exercise. This will need to be checked at detailed design.

The EA have passed comment regarding the location of Flood Compensation Location 1, however our understanding is that this is not in the functional flood plain 3B.

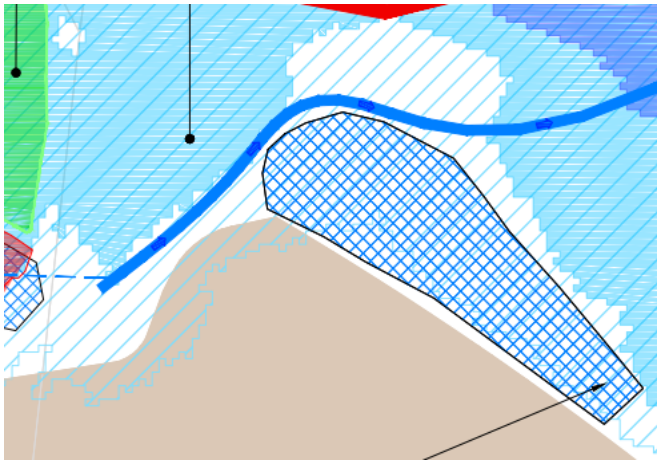
The SuDS are designed as Green SuDS which is welcomed. The WFD Scoping Report recommends the provision of “appropriate surface water storage and treatment features at the construction and operation stages”. However, the SuDS Drainage Statement advises that the drainage system should be designed in accordance with the Design and Construction Guidance (DCG) and put forwards for adoption by Welsh Water. The presence of the open ditch would render the upstream network as unadoptable, unless a statutory authority was to maintain it.

Drawings are needed to demonstrate that there is adequate space to build the raised bunds whilst providing the proposed attenuation volume. The overflow on balancing ponds is normally installed 300mm above the 100 year Central CC Projection (30%), as referenced in the drainage strategy. The proposed ponds appear to have indicative side slopes to meet existing ground elevations. Pond side slopes should be considered given close proximity of the flood compensation areas to the ponds and the displacement of floodplain in some locations.

7.5.2025 The strategy plan has been updated to show the bunds. Detailed cross sections will be required at detailed design stage.

The proposed ditch alongside this basin would need to be routed away from the flood zone but also away from the edge of the embankment. It needs to be possible to maintain the ditch safely. Please clarify the depth of this ditch and provide a cross section.

7.5.2025 Based on the information presented, the proposed ditch is relatively shallow



We reiterate comments made under 194402 which we understand have been broadly followed in the design :

‘the invert of the attenuation basins will be at or above the 100 year fluvial flood level of the receiving watercourse....we also stress that it is expected that outfalls to watercourses are made c.300mm above bed level to prevent siltation/blockage of the outfall, and that further raising of the basin invert may be required to facilitate an appropriate connection.’

#### The use of soakaways

Under planning application 194402, only four soakaway tests were completed. The original Sustainable Drainage report advised that the “Investigation of the western parcel is not currently available, the report assumes that the observations made of the Eastern parcel will be applicable to the wider site.”

Following the 194402 submission we reviewed the trial pit information and noted that there are areas of the site where soakaways may work. Clearly the presence of clay below much of the site may hinder this approach, but this needs to be properly considered as part of the reserved matters submission.

Section 4.32 of the FRA :-

‘The BGS holds historical records of borehole samples across the UK which include measurements of groundwater levels taken during the sample. These are measurements taken at one point in space and time and are not a substitute for a long-term record of groundwater levels. However, they can provide an indication of groundwater levels that could potentially be experienced. There is one borehole record available in the site, located in the Alluvium Deposits of Parcel 1 (reference: SO53NW179). The borehole was taken in 2021 and reports a groundwater strike at 3.9m Below Ground Level (bgl).’

Section 6.3 of the FRA :-

‘It is recommended that groundwater monitoring is undertaken to confirm the potential seasonal variations in the water table across the site. The presence of the shallow groundwater levels should be considered in the design of the earthworks, foundations, and below ground infrastructure.’

The outline design can be based on a viable strategy utilising attenuation, but it is possible that some shallow infiltration features may work. This needs to be addressed at Reserved Matters, but groundwater monitoring should be implemented to capture sufficient field data.

The provision of groundwater monitoring data will also inform the basin design, noting that springs may be created or the base may become boggy.

### Parameters

A 6 hour storm was used for the outline design. It is possible that the critical storm could be different. A full assessment will be required at Reserved Matters stage to identify the critical storm in order to ensure that adequate space is provided for the basins.

7.5.2025 The applicant has advised that a range of storms were used to assess the design.

The Drainage Strategy confirms the intent to utilise the 30% central Climate Change and 45% upper Climate Change predictions. All the calculations presented to date are based on the central figure.

7.5.2025 The simulations include for 45% Climate Change

Given the scale of development and because variable flow controls are proposed we request that the 30 year and 50 year attenuation designs are also designed with the central Climate Change prediction.

7.5.2025 The applicant has committed to providing this detail at Reserved Matters stage. The simulation will need to show how the flow controls perform during these storms. The SuDS should be designed with the intent of attenuating all site runoff whilst discharging the equivalent runoff from a 30 year or 50 year storm (no CC).

We note that in section 3.2 it has been assumed that the site will have 55% impermeable areas (it would appear that the calculations assume 65% IA with 6% urban creep, please clarify).

7.5.2025 The revised surface drainage strategy included corrected figures.

The proposed basins are often downstream of landscaped areas, please clarify how these areas will drain.

7.5.2025 The applicant has advised that the landscaped areas are generally downstream of the basis. The Strategy includes a table listing Impermeable Areas. There are no landscaped areas listed within the table. A catchment plan is required, identifying how the contributing areas have been incorporated within the runoff calculations. This issue can be addressed at Reserved Matters

### Variable Flow Controls

The designers have presented proposals for variable flow controls. These utilise floats to facilitate changes to the orifice. Please present details.

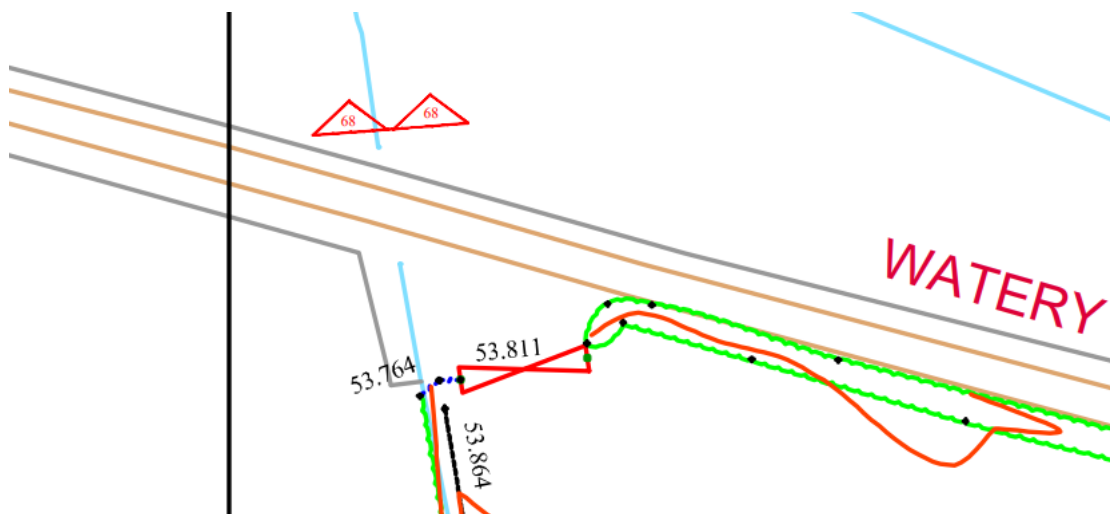
We note the proposals in Table 3.2 to seek to replicate greenfield runoff rates for different storms. At Catchments 8 and 9 flow rates are low, it may be impractical to achieve the proposed low rates.

7.5.2025 There are proposals for a hydroslide and a hydrobrake. The hydroslide would have a very small orifice and would be subject to blockage (noting that vegetation may be swept through).

The hydrobrake would come into operation during day to day rainfall. We do not consider the proposals for Basin 8 to be sustainable. Some redesign will be required at Outline stage. Is there any reason why one basin cannot be provided in place of Basins 8 and 9? We also note that the catchment serving basin 8 is uphill of Basin 6/7.

13.08.2025 The applicant has presented a revised design for Basins 8 and 9. As Basin 9 is higher up, a direct discharge into Basin 8 has been proposed. Dual flow controls have been replaced by a single hydrobrake at each basin. This concept is acceptable in principle as it addresses the risks that were highlighted under our review.

However, following a site visit we note that the highway culvert is a 225mm dia culvert that is installed on an steep gradient. Red Brook Cross Section 68 shows that this discharges at IL 52.53. However, there is a shallow ditch near the culvert inlet and this does not appear to have been surveyed.



Basin 8 has been designed with an invert level of 53.1m. It is possible that the highway culvert inlet is higher than the proposed basin outlet, this issue will need to be addressed at detailed design stage.

At Reserved Matters stage the applicant will need to consider the scenario where the 225mm dia land drain is overwhelmed and water floods the road carriageway. The proposed hydrobrake may not operate properly in this scenario. If not designed correctly, then episodes of carriageway flooding could be exacerbated because runoff discharging from the basin outlet pipework will add to the ponded water on the road carriageway. An assessment of the pass-forward flow for a submerged hydrobrake will need to be presented and this flow rate should be used in the hydraulic assessment.

**The submitted design does not demonstrate that there is sufficient space to install the proposed basin 8 within the allocated area, accordingly some extra space may need to be allocated.**

Note our comment below that **“Insufficient space has been provided for future ditch maintenance.** The basin appears to be too close to the scrap yard.”

The ongoing performance of the hydroslide hydrobrakes is critical to the performance of the SuDS. Please explain which party would be responsible for visiting the flow controls and checking their performance. Under the CDM Regulations all activities that present risks to operatives are to be avoided where necessary. Accordingly, a confined space entry would need to be arranged, with respective risk assessment completed each time an inspection was required. On this basis the designer should be considering reducing the need for an inspection to prove that the

hydroslide is operational, by considering a design that utilises two or more flow controls mounted at different heights.

7.5.2025 The applicant has advised that a maintenance plan will be developed at Reserved Matters stage.

### Exceedance Flows

There is no commentary on how drainage exceedance (overland flood flow) routes through the development may be provided. Normally site roads are used to divert water towards the above ground detention basins for events in excess of the capacity of the drainage system. Runoff can be temporarily retained in low vulnerability areas such as car parks. We await clarity on this issue. A plan of the proposed exceedance flow routes will need to be provided.

7.5.2025 The drainage strategy has been supplemented with this detail, which will need to be considered during the detailed design.

### Basin serving catchment 8



Insufficient space has been provided for future ditch maintenance. The basin appears to be too close to the scrap yard.

Surface water flooding frequently occurs on Watery Lane at the north eastern corner of the scrap yard. It is likely that the existing highway culvert is too small. The water on the carriageway could impede the performance of the hydrobrake unless it is raised up. The pond base would need to be raised up (insufficient space appears to have been allocated).

7.5.2025 The drainage strategy drawing has been updated, this issue will be considered in detailed design. However, note our comments above regarding the two basins.

13.08.2025 The space allocated for the balancing pond does not appear to have changed significantly since the revised design has been presented.

### Foul Water Drainage

Foul sewerage would be facilitated by means of a pumping station, utilising a rising main. The route of the rising main is shown along part of the B4339. We request that this is installed using no-dig techniques due to the risk of damaging the B4399 green SuDS.

7.5.2025 This issue will need to be considered during detailed design

### **Overall Comment**

#### **APPROVAL**

Our review has identified some issues that will need to be addressed under the Reserved Matters application that may affect the site layout. These include the provision of open ditches and the alignment of Basin 8

Access to the site may be compromised during a flood event. Off-site measures could be implemented to mitigate the risk to residents

Any subsequent application will need to consider the latest government flood mapping, noting that the flood map for planning was re-issued in March 2025

#### **Previous comments: February 2025**

**<https://myaccount.herefordshire.gov.uk/documents?id=2ab9a755-f29f-11ef-9089-005056ab3a27>**

#### **7.26 Lead Local Flood Authority (LLFA) comments – Flood Emergency Plan: April 2026**

Thank you for consulting us on the Lower Bullingham outline application.

I have reviewed the outline Flood Emergency Plan (FEP) submitted by the applicant on 08/04/2026; BUL-BWB-ZZ-XX-T-W-0017\_FEP.

I am content that the outline FEP has overcome the concerns raised in my previous response. I am content that this will act as a form of mitigation for the flooding present off site and that, subject to further work, there is a viable way to reduce the risk created to these areas as a result of intensification.

I therefore recommend the following condition:

*Prior to the construction of the development, a Flood Emergency Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of the proposed 'Welcome Pack', signage and routing options, as well as how occupants will be able to sign up to all relevant emergency alerts. It shall also include a method to retain the plan through property turnover, update the plan and include a timescale for revision of the plan for the lifetime of the development.*

I would also request that, prior to discharging this condition, the applicant contacts us via [floodrisk@herefordshire.gov.uk](mailto:floodrisk@herefordshire.gov.uk) to discuss the 'detailed design' of the FEP so that we can provide further guidance.

Previous comments can be viewed on line: March 2026

**<https://myaccount.herefordshire.gov.uk/documents?id=1cd7c17a-32ca-11f1-9098-005056ab3a27>**

#### **7.27 Education Officer Comments: November 2025: Please see Appendix 8**

#### **7.28 Strategic Planning Officer comments: January 2025: No objection**

Thankyou for consulting Strategic Planning on the above application. The response will focus primarily on the proposal in relation to the site's inclusion in adopted policy, and the aspirations of emerging policies for Hereford.

### **Herefordshire Core Strategy 2011-2031**

The Core Strategy is the statutory adopted development plan for the county, and the policies and proposals within it are what the application must be determined against at the time of writing. In particular, the proposal site should, along with the other relevant policies in the Core Strategy, accord with policy HD6- Southern Urban Expansion (Lower Bullingham). This policy formally allocates the proposal site for a comprehensively planned mixed use Sustainable Urban Expansion of a minimum of 1000 new homes, 5 hectares of employment land, a park and choose facility, a country park incorporating new footpaths and woodland/orchard planting/green infrastructure corridors, 210 primary school places, a neighbourhood community hub, and walking/cycling and bus links between the park and choose, enterprise zone and city centre. The proposal seeks to deliver a "first phase" of the urban extension, delivering 540 dwellings and most of the elements of the infrastructure specified within the policy. It is noted that the park and choose site is not included, but as this phase does not cover the geographical area that would be connected to this (adjacent to the A49 roundabout as desired by the policy), this is to be expected. It is noted that approximately 4.8ha of employment land is offered, which is considered in reasonable compliance with the "around 5ha" specified in the policy.

### **Transport infrastructure**

In terms of related infrastructure, Appendix 5 of the Core Strategy states that circa 540 dwellings is the indicative net housing that can be delivered on this site prior to infrastructure coming forward. A key part of this infrastructure is the Hereford relief road. After a stop was placed on this project by the previous council administration, this is once more a cabinet priority. Though with fresh evidence and funding sources to be determined to bring forward this infrastructure, timescales for delivery are currently not defined. So the proposed first phase approach of 540 units is considered the most feasible option for bringing the site forward at this time. At the time of writing, fresh evidence is being prepared in the form of a new county-wide transport model, to be followed by a Transport Scoping Report to determine highway infrastructure capacity requirements for bringing forward proposed urban extension sites in the draft Local Plan. For the time being however, the proposal should be assessed against the infrastructure requirements for the site set out in Appendix 5 of the Core Strategy. Emerging Local Plan 2021-2041 At the time of writing, the draft Local Plan, which will replace the Core Strategy with an expected adoption of 2026, proposes to continue allocating the proposal site through draft policy HERE7. I would draw attention to one main variation between HD6 and HERE7, in that the latter seeks the safeguarding of an area of land on site to accommodate a new primary school, with proportionate financial contributions. The strategic aim of this is to both serve the new development and consolidate primary provision in the south Wye area of the city. HD6 seeks funding for 210 places, with an unspecified method of contribution. Though the plan is at Regulation 18 at the time of writing and does not carry any material weight, this is something that may wish to be taken into consideration when working up plans for the 2nd phase of the development.

### **Hereford Enterprise Zone Local Development Order (LDO)**

Part of the proposal site (the south-east corner) is covered by the Hereford Enterprise Zone (HEZ) Local Development Order (LDO). This has been designated since 2011 to support the development of Rotherwas Industrial Estate. It does this by simplifying planning arrangements through granting permission for certain forms OFFICIAL of development, avoiding the need to go through the ordinary application process for development that supports the aspirations for the HEZ. It is noted that some of the land on this area is proposed on the indicative masterplan for non-commercial uses- public open space and attenuation ponds. However it should be noted that the LDO does not prevent such land uses that aren't expressly permitted through it, but would be determined through this normal process as part of the application. Economic Development may

wish to be satisfied that this will not lead to any shortage or under delivery of commercial land in the LDO area.

## Conclusion

The proposal would serve to bring forward a Sustainable Urban Expansion that has formed a key element of the Core Strategy's aspirations for Hereford and wider growth targets since the plan's adoption in 2015, insofar as is practically feasible as infrastructure allows for at this time. The indicative plans would appear to accord with the relevant policies. With these matters considered, Strategic Planning raises no objections to the proposal.

7.29 **Planning Obligations Manager: no objection subject to S106**

7.30 **Economic Development Team: No objection/support May 2026**

## Summary

The proposal involves the demolition of a small existing storage building and its replacement, along with associated open storage, with a new, larger industrial building for rental use. This will provide additional employment space and deliver significantly greater economic benefits.

The development complements the recently constructed units within the Hereford Enterprise Zone (HEZ), which adjoins the site. It represents a continuation of the successful regeneration of the Rotherwas area, delivering much-needed business rental space in the local market.

## Economic Benefits

- Converts underutilised land into productive employment use.
- Creates new job opportunities for local residents.
- Supports business growth and economic diversification in Hereford.
- Compliance with Planning Policy

## Compliance with National and Local Planning Policies

### National Planning Policy Framework (NPPF)

Paragraph 11 sets out a presumption in favour of sustainable development. This proposal aligns with that principle by delivering clear economic benefits, supporting employment growth, and making efficient use of land.

### Herefordshire Core Strategy – Policy E1 (Employment Provision)

The proposal will enhance employment provision and contribute to the diversification of the Herefordshire economy. It is compatible with surrounding land uses and supports the planned growth of employment activity in this location.

## Other Consultee Responses

See summary table below

NHS – Herefordshire Clinical Commissioning Group	No objections subject to S106	7.31
Open Spaces Society	No Objections subject to S106	7.32
Forestry Commission	Standing Advice	7.34
Hereford Enterprise Zone	Support	7.34
NHS Primary Care	No objections subject to S106	7.35

7.31 **NHS: Herefordshire Clinical Commissioning Group:** Due to length of comments see Appendix 6

### Summary

Wye Valley NHS Trust (the “Trust”) has assessed the detrimental impact caused by the proposed development on local acute healthcare infrastructure and is requesting the developer to mitigate the harmful impact by way of a S106 contribution towards the healthcare infrastructure. The Trust does not object to the development subject to the detrimental impact of the development being mitigated as detailed in this planning statement (the “Statement”). Without the contribution, the proposed development is not in accordance with the sustainable development as defined in the Local Development Plan and in the NPPF. If planning permission is granted by the local authority, the Trust would expect a contribution, within the section 106 Agreement, to secure contributions to mitigate the harmful impact caused the Proposed Development on infrastructure capacity to provide healthcare provisions to the occupants of the proposed development and the existing local community that it serves.

<b>Total Contribution</b>	<b>£416,748.48</b>
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The Trust’s current capacity is already maximised and will not be able to absorb the increased demand for health care caused by the residents of the Proposed Development. Therefore, without the contribution, the Proposed Development is contrary to Herefordshire Council’s (the Council) own Development Plan Policies and it would not be in accordance with the current Government planning policies stated in the updated December 2024 NPPF. The Trust considers this to be a conservative request which is directly related to the development, necessary to ensure the delivery of the required healthcare infrastructure so that it meets additional demand associated with the proposed development caused by population new to Herefordshire

7.32 **Open Space Society: No objection. December 2024**

### Public Rights Of Way

There are three PROW which are in close proximity to the proposed development areas , GF1 , LOB2 and LOB 1. The Design and Access statement indicates that a Public Path Diversion Order will be needed for LOB 1 if planning permission is approved. This most likely will be under the Town and Country Planning Act 1990 Sec 257. The proposed diversion as currently indicated appears to be reasonable, and in line with the proposed development. However I would draw attention to Department of Environment Circular 1/09 – 7.8 which states :

“ In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic”.

### Active Travel- Section 106 Resources

The Design and Access Statement emphasis on Active Travel, could be supported in the following way. A portion of the significant amount of Section 106 money attached to this application, could be allocated to the improvement of the PROW in Grafton, Dinedor and Lower Bullingham , thus increasing and expanding public access to the local PROW network.

### Proposed Country Park

This is arable land of around 15.3 acres. The topography of the proposed area is noteworthy. This is a relatively steep gradient on eastern side of a small valley and is probably a more difficult site

on which to build, because of the gradient of the slope. The proposed Country Park is also adjacent to a flood risk area of 1:100 +35% on the totality of it's western flank

National Planning Policy Framework published 12 Dec 2024, is still promoting the use of LGS (local green spaces). This is considered inadequate, because the land only has the same protection as green belt, and cannot be designated unless the neighbourhood or local plan is being prepared or updated.

It is recommended that if this planning application is accepted , use should be made of the most appropriate way to protect the proposed Country Park Area from future development. This is best done by the Council or the Developers Voluntary registering the 15.3 acres as a Town or Village Green for Lower Bullingham.

No objection is raised to this proposal

7.33 **Forestry Commission: December 2024 Standing advice**  
<https://myaccount.herefordshire.gov.uk/documents?id=1d975f66-cdac-11ef-9089-005056ab11cd>:

7.34 **Hereford Enterprise Zone comments: December 2024**

Thank you for giving me the opportunity to comment on this outline application on behalf of the Hereford Enterprise Zone.

I'm writing in support of the application with regards to the employment land provision and the sustainable travel measures proposed to connect this development into Skylon Park , Hereford Enterprise Zone (HEZ ) and the wider Rotherwas Industrial Estate.

In particular, I support the 5.57 hectares of employment land proposed with an indicative 13,850 sqm of workspace constructed, which is very much in keeping with the Local Plan. I can confirm that this quantum of land will be needed; demand for employment land remains strong at the HEZ, with over 2/3rds of the employment land allocated built out or committed to development with considerable interest in the remaining plots. I note that the exact mix of uses will be determined through market testing of demand as part of future reserved matters applications. This is sensible, but I can confirm that B and E Class Uses are at the core of the development at the HEZ next door to this site and remain relevant in terms of market demand there.

Turning to access and movement, I support the provision for access to active travel mode and buses only onto Rotherwas Industrial Estate via a link from Watery Lane onto Twyford Road. This will greatly facilitate sustainable access to employment opportunities on the Estate for future occupants of the housing on this development. The bus link should also help the broader provision of services into the City from this site and Rotherwas.

I note that the proposal is that these works should be delivered via a S106 contribution from the applicant as the land required to implement the project is outside the applicant's land ownership. My strong preference is for this project to be delivered by the applicant as part of their required early works on site, ensuring efficiency and certainty of delivery. I note this would likely require the transfer of the relevant land from Herefordshire Council ownership to do so.

7.35 **NHS Primary Care Comments: November 2024**  
**Due to length of comments see Appendix 9**

### **Summary**

In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity

to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, Herefordshire and Worcestershire ICB would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated. The terms set out above are those that Herefordshire and Worcestershire ICB deem appropriate having regard to the formulated needs arising from the development. Herefordshire and Worcestershire ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the National Planning Policy Framework (NPPF). Herefordshire and Worcestershire ICB looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

## **8. Representations**

### **8.1 Hereford City Council Comments: March 2026: Objection**

The HCC planning committee objects to this application as the amendments do not provide a satisfactory solution for vehicular traffic including abnormal loads, pedestrians, cyclists etc

#### **Previous Comments January 2025**

Hereford City Council Planning Committee OBJECTS to the outline planning application 242558. Cllrs have significant concerns around flooding and traffic impact on local roads - the site is very land-locked, severed from the City by the rail line which has only very narrow road bridges under it, all of which have a propensity to flood, and severed from the countryside by a 60mph road.

Members were appreciative of, and wish to broadly support, the objection from Lower Bullingham Parish Council, but Hereford City Council would additionally wish to see a much more stronger provision for public and active travel and that advice from Active Travel England should be awaited and taken on board in line with the advice ATE gave in respect of the 240422 (350 houses by Lugg Meadow off the A438 Ledbury Road) application. To address these issues and to support affordability and sustainability, the scheme needs a rethink.

### **8.2 Lower Bullingham Parish Council: March 2026: Objection**

Lower Bullingham Parish Council objects to the application and reiterates it's comments made on 04th July 2025 & 20th December 2024

#### **Lower Bullingham Parish Council: July 2025: Objection**

Lower Bullingham Parish Council object to the application due to the lack of infrastructure to support the additional traffic

#### **Previous comments: Objection; December 2024**

Lower Bullingham Parish Council Object to the application, and make the following comments Due to the current roads infrastructure, there must be no development of the site in any form until the current inadequate infrastructure is addressed in the form of a Bypass or /and a second river crossing.

Reasons:

1. Holme Lacy road is as we know already at capacity as National Highways have already advised Herefordshire Council.

2. Other roads affected considerably by flooding are Lower Bullingham Lane – from Green Crise through to the junction onto Holme Lacy Road & the junction from Lower Bullingham Lane leading down Watery Lane. The areas are also within the proposed development site area. Local residents have access problems in these areas when flooding occurs.

3. The application site where the proposed access field onto the C261 also floods.

4. The current road infrastructure is not sustainable to carry such an increase in traffic onto the C1261, the proposed access to & from the site for the 110 dwellings is not suitable or safe as it is located near a bend, is narrow, and currently has a 60mph limit

5. The proposed access site and immediate surrounding roads network B4399 Holme Lacy Road & C1261 Hoarwithy road are already affected by flooding, which has exacerbated over the last few years and will increase with climate change.

6. Traffic coming onto & off the development will have a detrimental impact on the surrounding area, which is open countryside, it will also have an environmental impact upon wildlife with the removal of established hedgerows.

7. There will also be a further impact upon the minor roads network leading to Dinedor Village & Ridgehill leading onto the A49 as these will be used as a rat run when the C1261 floods under the railway bridge at The Pastures.

The proposed access is not in conformity with the following policies (listed below) of Herefordshire Councils Core strategy or Lower Bullingham Parish Council Neighbourhood Plan policies (listed below) .

### **Policy HD6 - Southern Urban Expansion (Lower Bullingham)**

Land at Lower Bullingham will deliver a comprehensively planned sustainable urban expansion. The new development will be sensitively integrated into both the existing urban fabric of Hereford, and the wider landscape, through high design and sustainability standards. The development will be expected to provide: 2a minimum of 1,000 new homes, at an average density of up to 35 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment; • a target of 35% of the total number of dwellings shall be affordable housing; • around 5 hectares of employment land comprising a mixture of use class B1, B2 and B8 to complement Hereford Enterprise Zone; • suitable vehicular access to the site principally from the B4399; • Park and Choose site (land and infrastructure) adjacent to the A49/Rotherwas Access Road roundabout.

Movement 4.2.83 The provision of new road infrastructure, along with a package of sustainable transport measures, is necessary for Hereford to deliver its full housing and economic growth. Sustainable transport measures are also required to assist in creating a development which is less dependent on the private car. New growth areas will be designed to inhibit traffic and encourage more sustainable modes of travel and contribute to new and the enhancement of existing highway and sustainable transport infrastructure.

4.2.84 It is expected that the principal vehicular access to the development is via Rotherwas Access Road and likely to take the form of a new roundabout. Access to the north into the city and to the employment to the east will be restricted to and/or prioritised for buses, walking and cycling.

### **Policy HD3 - Hereford movement**

A Relief Road to the west of Hereford to reduce the volume of traffic from the city centre and enable the delivery of walking, cycling and bus improvements on the existing highway network. The road will be designed and developed in such a way which avoids and mitigates adverse impacts or physical damage to or loss of habitats, noise pollution and vibration, light pollution, air pollution, flood risk and water quality on the River Wye SAC, as well as residential amenity and business interests. Consideration of the impact of the road on heritage assets, their significance and setting, as well as the historic character of the wider landscape will also be required. Further assessments will be undertaken as part of the Hereford Area Plan and subsequent planning application(s).

**Policy MT1 – Traffic management, highway safety and promoting active travel** Development proposals should incorporate the following principle requirements covering movement and transportation: 1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;

4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;

6. have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices. Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.

### **Lower Bullingham Parish Council Neighbourhood Development plan**

#### **Policy LB6 – Integrating the Southern Urban Extension (SUE) with Existing Communities**

To ensure that the new Southern Urban Extension integrates with, and does not have a detrimental impact on existing communities in Lower Bullingham proposals for the development of the site should include: a) Infrastructure improvements to mitigate any identified impacts on the existing community are addressed; b) Green infrastructure corridors from the site to Lower Bullingham, in particular along Norton Brook, Withy Brook and Red Brook. These should be used to provide natural help to flood defences, through the use of Sustainable Urban Drainage features; c) Effective road, public transport, pedestrian and cycle links from Lower Bullingham to the proposed Country Park, Primary School and Community Hub; d) Sustainable urban drainage and flood mitigation measures that take in to account impacts on existing communities where possible within the legal requirements for section 106 agreements, reduce flooding within the parish at Lower Bullingham Lane and Watery Lane; and e) A flood alleviation scheme with improvements to reduce flooding within the parish at Lower Bullingham Lane and Watery Lane. Background/Justification Lower Bullingham will see significant new development over the next fifteen years. This development should not be at the expense of the quality of life of existing and future residents. In conjunction with Policy HD6 in the Herefordshire Core Strategy, Policy LB6 of the neighbourhood plan will be used to ensure that new infrastructure is in place to support the needs arising from the new community that will grow in the parish and that any impacts such as flooding are fully taken in to account in the planning of the urban extension.

#### **Policy LB8 – Reducing the Risk of Flooding**

All new development in the Neighbourhood Plan Area is required to include adequate surface water drainage measures to protect existing and new development from flooding. Development should be designed to reduce the consequences of flooding and to facilitate recovery from the effects of flooding. Particular importance will be attached to any development that could lead to an increased risk to flooding of areas subject to existing flooding problems.

These include: Rotherwas Industrial Estate; Watery Lane; Lower Bullingham Lane.

Background/Justification This policy seeks to ensure that any new development includes appropriate surface water drainage measures and design features that reduce the consequences of flooding and measures that facilitate recovery from the effects of flooding

### **8.3 Callow & Haywood Group Parish Council comments: March 2026**

Callow & Haywood Group Parish Council Objects to the application and reiterates the comments submitted by the PC on 23/12/2025

#### **Previous comments: Objection; July 2025**

<https://myaccount.herefordshire.gov.uk/documents?id=59c69c32-6265-11f0-9090-005056ab11cd>

#### **Previous comments: Objection December 2024**

Callow & Haywood Group Parish Council Object to the application and make the following comments. Holme Lacy road (B4399) & The A49 are already at capacity with high volumes of traffic, and would not be able to cope with an overbearing increase in traffic that this development

would significantly contribute too . Sections of Holme Lacy Road & Watery Lane frequently flood . The local experience from residents of how often areas such as Watery Lane and the Withy Brook flood are far in excess of the estimates used in the Flood Risk Assessment included in the application - the 1 in 100 and 1 in 1000 annual probabilities figures as based on Environment Agency data. Consequently the basis of the flood risk assessment is flawed, even if it is based on national guidance, and it should be revisited, taking into account local knowledge and evidence of actual floods that have happened.

#### 8.4 **Dinedor Parish Comments: July 2025**

Dinedor Parish Council has reconsidered this application in the light of the amended plans now submitted and wishes to reiterate it's earlier comments contained in our letter of January 2025

##### **Previous comments: Objection January 2025**

Dinedor Parish Council has considered this application at a meeting of the parish council held on 19th December which was attended by 19 members of the public and now wishes to make the following comments/observations. We understand that this application refers to access arrangements only and we have therefore limited our comments to matters relating to access as outlined in the supporting documents for this application.

The outline plans refer to two main vehicular access points to the development with one access off Green Crize for a section of the proposed development of approximately 100 houses and a second, larger access off the B4399, Rotherwas Access Road. There is separate provision for walking and cycling for the larger area of the proposed development towards Putson/Hinton.

Turning firstly to the access from Green Crize, this proposed access appears to be located on a narrow section of the road immediately before the railway bridge when travelling towards Hereford. The bend in the road at this point is well known for being hazardous due to the limited visibility, frequently flooding and speed of traffic. We believe this access point will need to cater for some 200+ additional vehicles with a minimum of some 400+ additional vehicle movements each day, excluding visitors and deliveries, representing an unacceptable hazard. Flood mitigation measures and a widening of the road at this location would be required to ensure the safety of all road users at this junction.

The proposed access through the B4399 includes a new roundabout which will, inevitably, slow through traffic through that route. The road is used by heavy goods vehicles accessing the Rotherwas Estate as well as other vehicles and slowing the traffic with the resultant speed increase after the roundabout will have a negative impact on air quality at this location and for those living in the immediate vicinity of the roundabout.

The development will create a significant increase in traffic volume along the B4399 which is already a busy road during peak periods, serving businesses on the Industrial Estate as well as access to Holme Lacy village and the Holme Lacy bridge. Two years ago when commenting on the outline application for this development, we noted that an expansion of the Industrial Estate was limited as a result of a lack of investment in the road network by Highways England. There remains no progress on this item.

We have already experienced the road through Dinedor Village, which is a single-track road, being used as a rat run by residents attempting to by-pass the pinch points that already exist with regard to access to and from the B4399. The increase in traffic volumes will exacerbate this issue.

The B4399 route has been closed due to flooding on some occasions this year and flooding on the Hoarwithy Road and Holme Lacy Road has impacted significantly on the B4399 during the past months. It is acknowledged that this is an increasingly frequent issue and not likely to improve over the coming years. We believe a significant investment in flood mitigation will be required if the proposed access routes are to remain viable throughout the year.

Finally, we question the calculation by the applicant of the average number of vehicles movements per household. We believe the actual figure will be higher, particularly in a predominantly rural location where not all residents will work, shop or attend schools within walking distance. We further question the assumption that there will be a significant number of residents from the estate who will use the footpath or cycle route as an alternative to the car as those figures are based on the speculative, but not evidenced, assumption that there would be around a 50% increase in bicycle journeys reducing the number of vehicle ingresses and exits to/from the development site from present averages for such a site.

**Previous comments: Objection; July 2025**

**<https://myaccount.herefordshire.gov.uk/documents?id=b1b417c7-695c-11f0-908e-005056ab3a27>**

**8.5 Other Consultee Comments**

**3<sup>rd</sup> Party representation**

In response to publicity (Hereford Times) and display of site notices: 3 Rounds of Public Consultation. Representations have been received during the processing of this application which raise a range of concerns, summarized below. 53 public comments are registered for this application, of which 50 object to the proposal. As noted in the applicants Statement of Community Involvement considerable public engagement was undertaken by the applicant prior to submission of their planning application. All of the comments have been made available on the planning website separately, and should be read in full, but the main comments and concerns raised are summarised as follows: The matters raised are summarised as follows:

**Principle**

- Unsustainable
- Build in Hereford City rather than destroying 'green fields'
- Rotherwas being the centre of the county's commerce shouldn't this land be preserved to allow businesses to grow and expand
- Housing will not be affordable for local residents
- Look to build on brownfield
- better use of the area is more conducive to creating a reservoir, leisure, and business centre.

**Transport/Access:**

- Excessive traffic and congestion everywhere
- Increase in traffic from houses opposite The Wye Inn and people accessing Rotherwas
- Effects on the flow of traffic
- Be a complete standstill on the Holme lacy road
- Relief road is not suitable for all the extra traffic
- 100 homes equal to 200 vehicles.
- Hoarwithy Road is narrow, plagued by boy racers and used by
- Exit for 100 houses onto Hoarwithy Road
- The increase in traffic there will cause even more problems, especially during school run times as there will not be a school within the development unless and until Phase 2 is built.
- Priority must be given to a second major road bridge over the river Wye.
- The only exit for the estate off St Clare's will be Home Lacy Road after the building begins, and a good portion of the new estate will also use this road which is at capacity already.
- Current traffic across town ridiculous
- Not everyone can cycle or walk. Public transport is unreliable
- Bypass required
- Safety aspect for equestrians
- Construction Traffic will impact on equestrian access

**PROW:**

- How will the development protect and enhance the PROW
- No bridleways

**Environment**

- Wildlife habitat impact
- Continual destruction of more land
- Taking away green space
- Land home to many species eg Owls
- Once land gone and houses built land is lost forever
- No more destruction
- Eco houses
- POS could be upgraded for horse riders and cyclists

**Water Environment**

- Watery Lane is constantly flooding & ground saturation
- This area floods regularly, flooding made worse by building on farmland
- Floods prevent people leaving their homes as all routes from here flood
- Flood defences may be built, and may protect these houses when built, but will cause flooding to other properties in the area.
- Until the risk of flooding to this area is dealt with there should be no further planning permission granted for properties
- Trying to build in what is basically a floodplain. Should be illegal
- Flooding has increased significantly.
- Area Floods every time there's torrential Rainfall making access difficult for those of us who reside in the neighbouring area Holme Lacy Road between Winston Road and St Vincents Close Floods deeply on a regular basis.
- Residents and Businesses within close proximity have to ensure Flood Defences are in place. Building on Floodplains is irresponsible and damaging towards those that potentially end up moving there and those who already exist.
- Land by watery lane floods all the time which is only going to get worse if all these houses are built which will also affect Holme lacy road
- Rotherwas relief road was impassable due to flooding
- Get marooned 3 or 4 times a year every winter
- Resolve the flooding on Bullingham Lane between Windsor Roads and the Railway Bridge
- Any plans to resolve the flooding on Holme Lacy Road outside the Wye Inn
- Access to the new estate from Bullingham Lane onto Hoarwithy Road giving access for residents on Warwick Road if flooding on Holme Lacy Road.
- Drainage system needs to be updated and replaced; we have sewage running into our rivers.

**Amenity**

- Huge influx of housing and people leading to potential crime
- The building of additional properties will lead to an increase of anti-social behaviour that is already high in the Saxon Gate area

**Infrastructure**

- Extra stress out of the capacity of the local school (places), dentists leisure and hospital, medical centre, ambulance time delays
- There are not enough services for this area now and the roads around the area are ill equipped for the traffic travelling them
- Putting further pressure on already struggling Road Network
- Pressure on Sewage System
- Need to complete the relief road, build another bridge

- What is needed is another river crossing to alleviate the situation before you can think about adding to the chaos
- Park and Ride
- Increase of care home places

#### **Other matters including non-material planning considerations**

- House Insurance will become abhorrently expensive
- Loss of HGV operating Centre and no properties to accommodate HGV operations. Will have to cease trading. Need to be relocated.
- Business owner which employs 50+ workers, the traffic is getting so bad that it is making deliveries late and often they don't even collect goods as they can't get to us on time, we are losing customers due to this. We would have no option but to move our business out of Hereford and there would be a lot of jobs lost. This would apply to a lot of other businesses on the Rotherwas so there would be a lot of workers without work.
- Businesses on that land that have been there years and them having to find new places is very stressful for them
- Compensation for houses if flooding occurs

The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=242558&search-term=lower%20bullingham>

## **9. Officer's Appraisal**

### **Policy context**

9.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

9.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS) (adopted by the Council on 16 October 2015) and the Minerals and Waste Local Plan (adopted by the Council on 8 March 2024). Lower Bullingham NDP and Callow and Haywood NDP.

9.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015, and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be considered by the Council in deciding any application. In this case the relevant policies of the Core Strategy have been reviewed and are considered generally consistent with the NPPF with regards to promoting sustainable types and patterns of development. As such, it is considered that they can still be attributed significant weight.

9.4 The Council is currently in the process of preparing a new local plan. A draft was published in the March 2024 for Regulation 18 consultation. Following the changes to the NPPF made at national level in December 2024 however, the Council decided to cease further work on the Draft Regulation 18 Local Plan because a new spatial strategy is required to address the significant uplift in housing growth. The council will now progress its Local Plan under the new plan making process introduced by the Levelling up and Regeneration Act (LURA) 2023. No draft of the plan

under the new plan making system has yet been published. As such, there is no emerging plan to which any weight can currently be attributed.

- 9.5 The NPPF makes clear that all decisions need to apply the presumption in favour of sustainable development as set out at Paragraph 11 of the NPPF. This states that development which accords with an up-to-date development plan should be approved without delay. Where there are no relevant policies or the most relevant policies are considered to be 'out-of-date', then the presumption in favour of sustainable development as set out by Paragraph 11 d) ('the tilted balance') is engaged. This means that planning permission should be granted, unless:
- I. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 9.6 Footnote 8 makes clear that, for applications involving the provision of housing, policies should be regarded as being out of date if the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing sites. Following changes to the standard method for calculating housing targets which accompanied the revised NPPF in December 2024, the Council is no longer able to demonstrate a five-year supply of housing land. The current supply figure in the county is 3.11 years (April 2025). The relevant policies of the development plan should therefore be regarded as being 'out of date' and the positive presumption as set out at Paragraph 11 d) is engaged.
- 9.7 All other policies within the Core Strategy as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making. The National Planning Policy Framework and Planning Practice Guidance are also material considerations, alongside specific topic based technical guidance and documentation.

### **Principle of development**

- 9.8 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy, as set out in Paragraph 11 of the National Planning Policy Framework.
- 9.9 Core Strategy Policy SD2 relates to delivering new homes and establishes the overarching requirement for the delivery of homes in Herefordshire within the 2011-2031 plan period. The policy identifies Hereford as the focus for housing development. Outside Hereford, the focus for residential development is within the market towns.
- 9.10 Policy SS2 makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford City and the market towns.
- 9.11 HD6 Southern Urban Expansion (Lower Bullingham)) of the Core Strategy identifies that the site as a sustainable urban expansion area for a minimum of 1000 homes at an average density of up to 35 dwellings per hectare and comprising a mix of open-market and affordable provision.

9.12 The policy advises that the development should include, but not be limited to the following:

- a minimum of 1,000 new homes, at an average density of up to 35 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;
- a target of 35% of the total number of dwellings shall be affordable housing;
- around 5 hectares of employment land comprising a mixture of use class B1, B2 and B8 to complement Hereford Enterprise Zone;
- suitable vehicular access to the site principally from the B4399;
- Park and Choose site (land and infrastructure) adjacent to the A49/ Rotherwas Access Road roundabout;
- green infrastructure corridors through the area to include strategic greenways along Red Brook and Norton Brook and links with Withy Brook;
  - creation of a country park to incorporate new footpaths linking with the existing public right of way network in the locality, woodland and orchard planting;
  - development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and contributes to the distinctiveness of the site and surrounding environment;
- the provision on site of appropriate sports and play facilities, open space, community orchards and allotments;
  - 210 primary school places and where appropriate contributions towards new additional pre-school facilities;
- a neighbourhood community hub, including small scale convenience retail and provision of and/or contributions towards any identified need for other community infrastructure/facilities, including community meeting space and health provision, indoor and outdoor sports, where appropriate;
- sustainable urban drainage and flood mitigation solutions to form an integral part of the green infrastructure network;
- new direct walking, cycling and bus links from the urban extension to the Park and Choose to the west, Hereford Enterprise Zone to the east and existing communities and the city centre to the north;
- sustainable standards of design and construction; and
  - the protection, conservation and, where possible, enhancement of the heritage assets, their significance and setting. An evaluation of the archaeological importance of the area should be provided to ensure appropriate protection of heritage assets and inform the detailed development proposals.

*The area will be planned in a comprehensive manner to show the layout of development and the required infrastructure.*

9.13 The principle of housing delivery at this site is accepted, as it is located in a sustainable location in accordance with NPPF paragraphs 61–71. While the proposal represents a first phase of development and does not fully comply with all aspects of the aforementioned policy, this does not outweigh the overall acceptability of the site in principle.

9.14 The proposal is in line with Core Strategy policy SS2 and HD1 which relates to the development of housing and Hereford is identified as a focus for sustainable housing growth and plays an important part in meeting the target housing growth for the city and county as well as being in line with Policy HD6 which states within the Appendix 5 that up to 540 dwellings can be delivered as phase 1 of the identified allocation which can be delivered prior to the infrastructure known as the Western Bypass.

9.15 It is necessary, however, to determine the extent to which the proposal is capable of complying with other relevant development plan policies.

9.16 The report therefore considers the following key planning issues relevant in the assessment of this application and they are as follows and in no particular order of importance):

- Access, highway safety and connectivity
- Landscape and visual impact including trees
- Heritage Assets and Historic Environment
- Biodiversity and Ecology and HRA
- Design, layout and impact on residential amenity
  - Air Quality
  - Noise and Disturbance
  - Contaminated Land
- Public open space/ Open Space provision
- Flood Risk and Water Management
- Affordable Housing / Housing Mix
- Employment Land
- Local Centre
- Country Park
- PROW
- Minerals and Waste
- Climate Change
- Planning Obligations
- Canceling if the relief Road
- Loss of Agriculturally Productive Land
- Park and choose, and new school provision
- Education, Community Facilities and Employment

9.17 This planning application, which forms a large part of the strategic allocation HD6, includes the main development components which are required by the policy to facilitate a comprehensive scheme to be delivered across the developable area and allowing for infrastructure to be planned comprehensively in accordance with the requirements.

9.18 In this regard, Officers consider that the application proposals address the strategic ambition of policy HD6 in accordance with the adopted Development Plan.

9.19 In terms of the decision making context for the proposed development, legislation requires that the application is to be determined in accordance with the Development Plan unless material considerations indicate otherwise with the application being assessed on its own merits. As advised above this application is accompanied by an Environmental Statement (ES) which details the environmental effects of the proposal and suggested mitigation where required. Officers are satisfied that the ES provides a comprehensive assessment of the significant environmental effects likely to arise as a result of this development by virtue of its size, nature, location and the cumulative effects with other developments in the locality during and beyond the construction and operation of the proposed development. Mitigation measures have been identified that aim to bring environmental impacts to an acceptable level and the mitigation can if necessary be secured either through the imposition of planning conditions or as obligations in a S106 Agreement. Officers can confirm that the environmental information submitted with this application has been taken into account as part of the consideration of this application and in terms of formulating the officer recommendation, overall, the level of environmental assessment that has been carried out is considered to be comprehensive and proportionate in terms of the scale and nature of the proposed development.

9.20 The principle of residential development is therefore considered acceptable, however as the latest published 5 year housing land supply figure is 3.11 years (April 2025), paragraph 11d of the NPPF is also engaged which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 9.21 On the basis of the above the proposal is considered to represent sustainable development and given the Governments requirement to deliver a significant number of new homes during the plan period, will within that balance of meeting housing need and addressing climate change, contribute significantly to meeting both objectives. As such Core Strategy policies SS1 and SS7 and the associated aims and objectives of the NPPF are satisfied.

9.22 The overall planning balance is undertaken at the end of the report.

### **Access, Highway Safety and Connectivity**

- 9.23 As detailed above, access is the only detailed matter (other than principle) that is being considered as part of this outline proposal. As defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 'Access' refers to the accessibility to and within the site for vehicles, cycles, and pedestrians, including the positioning and treatment of access and circulation routes and how these integrate with the surrounding access network.
- 9.24 Core Strategy Policy MT1 requires development proposals to demonstrate that both strategic and local highway networks can accommodate the traffic impacts of a development without adversely affecting the safe and efficient flow of traffic, or that such impacts can be managed to acceptable levels through mitigation. Developments must also ensure safe entrance and exit and provide appropriate operational and manoeuvring space.
- 9.25 The National Planning Policy Framework emphasises the need for developments to offer genuine choice in movement. Core Strategy Policy SS4 similarly requires developments to minimise impacts on the transport network.
- 9.26 Acknowledging that the spatial strategies have identified this area for development, there are then parts of policy HD6 that relate to this matter. Policy HD6 further supports transport provision through the delivery of:
- Suitable vehicular access to the site principally from the B4399;
  - Park and Choose site (land and infrastructure) adjacent to the A49/ Rotherwas Access Road roundabout;
  - Green infrastructure corridors through the area to include strategic greenways along Red Brook and Norton Brook and links with Withy Brook;
  - Creation of a country park to incorporate new footpaths linking with the existing public right of way network in the locality, woodland and orchard planting; and
  - New direct walking, cycling and bus links from the urban extension to the Park and Choose to the west, Hereford Enterprise Zone to the east and existing communities and the city centre to the north.
- 9.27 Paragraph 116 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or if residual cumulative impacts on the road network, after mitigation, would be severe.

- 9.28 The Environmental Statement includes chapters and updated chapters on the Transport Assessment, addendums, technical notes, a full Travel Plan, vehicular access drawings, other design drawings, and off-site highway proposals.
- 9.29 Full details of the proposed access are assessed as part of this application; internal road arrangements are reserved for assessment at the reserved matters stage as part of the 'layout' submission. Nevertheless, the submitted concept masterplan demonstrates how the dwellings, employment, community building and retail units could be delivered, showing a circular spine street, secondary streets, lanes, and recreational pedestrian and cycle routes.
- 9.30 The Land Use and Access Parameter Plan show the key vehicular and non-vehicular access points as well as highlighting emergency vehicular access points and bus routes.
- 9.31 Officers have consulted with both the Local Highway Authority (LHA) and National Highways who, following extensive discussions and revisions to the scheme, now confirm that they raise no objections, subject to conditions. Active Travel England, as a statutory consultee, has also reviewed the application and raises no objection.
- 9.32 The site is located approximately 2.5km to the south of Hereford. The application site is bounded to the north by the Welsh Marches railway line and the B4399 Rotherwas Access Road to the south. As such existing access is limited and the surrounding road network comprises a mixture of rural and urban streets, with limited footway and cycling provision in places. As highlighted with the LHA commentary key constraints include:
- Absence of continuous pedestrian and cycle infrastructure on the B4399 and A49
  - Flood risk affecting existing routes during extreme events
  - Unsuitability of Lower Bullingham Lane and Watery Lane for general development traffic
- These constraints have materially informed the design of the proposed access and mitigation strategy
- 9.33 Whilst the application is submitted in outline form, it seeks detailed approval of the Primary Vehicular Access off B4399 Rotherwas Access Road.
- 9.34 This primary access is proposed via a new four-arm roundabout on the B4399 Rotherwas Access Road. This accords with Policy HD6.
- 9.35 The roundabout would:
- Serve residential, employment and local centre parcels
  - Include accommodation for pedestrians and cyclists
  - Retain a route for abnormal load movements along the B4399
- 9.36 A reduction and extension of the existing speed limit is proposed to support the safe operation of the access, subject to detailed design and statutory processes. Furthermore, a Stage 1 Road Safety Audit has been undertaken, and its recommendations have been accepted in principle and final design, construction and dedication of the roundabout would be secured via condition and a Section 278 Agreement.
- 9.37 A secondary access via Green Crize is proposed to serve up to approximately 100 dwellings, with emergency access safeguarded to the wider site.
- 9.38 This access is critical not only for vehicular movements but for enabling safe, direct and dry pedestrian and cycle access towards local schools and communities to the north, including Hereford Academy.
- 9.39 The proposal includes:

- A new priority T-junction
  - Shared pedestrian and cycle provision
  - Off-site improvements along Hoarwithy Road
- 9.40 Subject to further design development and delivery secured by condition, the LHA is satisfied that safe access can be achieved.
- 9.41 The provision of the link referenced as 'The Twyford Road Link' is a policy requirement of the Herefordshire Local Plan Core Strategy Policy HD6 – Southern Urban Expansion (Lower Bullingham) which requires;
- *New direct walking, cycling and bus links from the urban extension to the Park and Choose to the west, Hereford Enterprise Zone to the east and existing communities and the city centre to the north*
- 9.42 This link between the site and Twyford Road, via Watery Lane, is proposed for buses, pedestrians, cyclists and emergency vehicles only. This connection is essential to meet Policy HD6 requirements for direct sustainable links to the Hereford Enterprise Zone. While further design refinement is required to address Road Safety Audit matters (particularly visibility and access control), the LHA is satisfied that a suitable arrangement is achievable and can be secured by condition.
- 9.43 The application also proposes to stop up Lower Bullingham Lane and Watery Lane to general vehicular through traffic, while retaining essential access for existing landowners, residents and businesses.
- 9.44 These measures are necessary to:
- Prevent unsuitable rat-running
  - Improve safety for pedestrians and cyclists
  - Ensure roads operate within their physical limitations
- 9.45 Final layouts, access management arrangements and enforcement mechanisms have not yet been fully detailed; however, the LHA considers these matters capable of resolution through planning conditions and separate legal processes and as advised above does not object on this basis.
- 9.46 The proposal includes multiple new and enhanced pedestrian and cycle connections, as well as access to the Phase 1 Country Park. A new crossing of Green Crize will be required to safely accommodate increased pedestrian and cycle demand. While further design work and a bespoke Road Safety Audit are required, the principle of the access is supported, and the details can be secured by condition. Cycle parking provision and integration with Public Rights of Way will also be addressed at subsequent stages.
- 9.47 As noted in the LHA comments, given the scale of the development, phased delivery is considered to be a key material consideration. Also the applicant has committed to:
- Providing a temporary high-quality pedestrian and cycle route through the site from early phases
  - Replacing this with permanent routes as development progresses
- 9.48 A detailed phasing and access strategy will be required by condition to ensure safe and sustainable access at all stages of build-out.
- 9.49 The Transport Assessment uses a combination of strategic and microsimulation modelling to assess traffic impacts. The modelling approach is considered acceptable for this application.

9.50 Key mitigation includes:

With the proposed mitigation measures as detailed below:

- B4339 Main Access Roundabout General Arrangement – PJA drawing 07129-A-0001 (P07);
- Abnormal Load management strategy;
- Green Crize General Arrangement – PJA drawing 07129-A-0020 (Rev P07);
- Hoarwithy Road Shared Footway – PJA drawing 07129-CI-A-SK08 (P03);
- Proposed Bus Gate and on-road cycle facility for movements north/south Feasibility Option – PJA drawing 07129-CI-A-SK03 (P10);
- Green Crize / Lower Bullingham Crossing – PJA drawing 07129-A-0060 (Rev P07);
- Holme Lacy Road/A49 Junction Improvements (Concept for proposed mitigation scheme) – PJA drawing 07129-CI-A-0003 (P01);
- Signal changes at the A465/ A49 junction, to be agreed with National Highways and the Highway Authority, to enable achievement of the benefits intended from the Holme Lacy Road / A49 Junction improvement;
- Phasing strategy – to include the proposed safe, suitable and direct access arrangements for each phase within the Phase 1 development;
- Appropriate highway layouts and management arrangements to support the proposed stopping up of Watery Lane and Lower Bullingham Lane, to remove general through movements, in a way that retains essential vehicular access;
- An internal, direct, accessible, surfaced and lit, temporary pedestrian and cycle route connecting each phase of the proposed Phase 1 development to the Green Crize secondary vehicular access and to Watery Lane (opposite the Twyford Road Link);
- Agreement and delivery of Travel Plans covering the residential and employment occupiers;
- S106 contribution of £2,655,758.05, to support trip the trip banking strategy through the delivery of Offsite Active Travel Route;
- Planning Obligations SPD S106 payment, from which a contribution would be taken to deliver a bus service for site occupants; and
- Provision of quality walking and cycling links and bus infrastructure within the site's internal layout (to be agreed at reserved matters stages and through S38 Agreement(s) with the Highway Authority as applicable) to serve the future occupants and bus services through the site.

9.51 With these measures in place, and subject to delivery of sustainable travel interventions, the LHA considers that traffic impacts can be accommodated without unacceptable harm to the network.

9.52 The development will be supported by:

- Residential and Employment Travel Plans
- S106 funding to secure bus service provision
- A substantial off-site active travel contribution (£2.66m) to support trip-banking and wider modal shift

9.53 These measures are considered necessary, reasonable and directly related to the development.

9.54 As detailed above the application places significant emphasis on active travel connectivity. New pedestrian and cycle routes are proposed linking the site to existing infrastructure, employment areas, schools and Hereford City. A key element is the provision of a flood-resilient (“dry”) route via Green Crize, including a shared footway/cycleway beneath the railway line. This connection is essential to ensure safe and suitable access by non-car modes and must be delivered prior to first occupation.

- 9.55 The LHA, National Highways and Active Travel England raise no objection to the proposal, subject to conditions and agreed Section 106 obligations. They are satisfied that a safe and suitable access strategy can be achieved for all modes, and that, with mitigation in place, the development would not result in a severe residual impact on the highway network or give rise to unacceptable highway safety issues.
- 9.56 Following the submission of additional transport information, officers consider that the access and movement arrangements are acceptable and that sustainable transport options have been appropriately prioritised. The scheme includes a comprehensive package of mitigation measures, alongside a Section 106 contribution of approximately £2.66m to support active travel improvements, wider transport mitigation, and bus service enhancements.
- 9.57 Overall, the development is considered to comply with relevant national and local planning policy, including NPPF paragraphs 109–118 and objectives of Policies SS1, SS4, SS7, HD6, MT1, LB7, and CH2 of the Neighbourhood Plan to a sufficient and appropriate level. Officers conclude that there are no highway or transport grounds on which to refuse the application.

### **Landscape and visual impact including trees**

- 9.58 Whilst Landscape is a Reserved Matter, it is important, in the context of policies HD6 and LD1 of the Core Strategy, policy LB6 of the Lower Bullingham Neighbourhood Development Plan, policies CH1 and CH4 of the Callow and Haywood Neighbourhood Development Plan and the NPPF to assess the proposals environmental impacts.
- 9.59 The ES assesses the likely significant effects of the proposed development on the site and surrounding context in terms of landscape and visual amenity. This chapter outlines the assessment methodology, baseline conditions for the site and immediate surrounding context, mitigation measures and the likely residual significant landscape and visual effects. A Landscape and Visual Impact Assessment (LVIA) has also been carried out and submitted. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with and connects to the surrounding green infrastructure network.
- 9.60 Policy LD1 requires proposals to demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, Policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.
- 9.61 Policies SS2 and SD1 seek to ensure that proposals make efficient use of land taking into account the local context and site characteristics. Whilst layout is a matter for future consideration, the illustrative plan submitted with the application seeks to demonstrate that a medium density scheme (35 dwellings per hectare) is acceptable and in line with policy HD6. Policy HD6 also requires the new development is expected to provide green infrastructure corridors through the area to include strategic greenways along Red Brook and Norton Brook and links with Withy Brook as well as the creation of a country park.

- 9.62 Policy HD6 specifically states: “Land at Lower Bullingham will deliver a comprehensively planned sustainable urban expansion. The new development will be sensitively integrated into both the existing urban fabric of Hereford, and the wider landscape, through high design and sustainability standards
- 9.63 The Lower Bullingham Neighbourhood Plan (LBNP) Policy LB6 Design Integrating the Southern Urban Extension (SUE) with Existing Communities. The proposal includes a comprehensive GI Strategy plan which responds to recommendations in the Herefordshire Green Infrastructure Strategy and the requirements of Policy HD6 of the Core Strategy and The Callow and Haywood Neighbourhood Plan (C&HNP) Policy CH1 Protecting and Enhancing the Rural Landscape and Policy CH4 Policy.
- 9.64 Protecting the Sensitive Landscape Assets in the Urban Fringe Policy CH1 seeks to protect and enhance the rural landscape by requiring development to maintain the area’s tranquillity through sensitive design, appropriate access arrangements and consideration of traffic impacts. The policy also supports the retention of trees and hedgerows, the use of native planting, and the delivery of high-quality green infrastructure that strengthens ecological and recreational networks. Policy CH4 recognises the sensitivity of the urban fringe landscape adjoining the southern edge of Hereford and seeks to protect these landscape assets from inappropriate development pressures associated with urban expansion.
- 9.65 The Callow and Haywood Neighbourhood Plan (C&HNP) Policy CH1 Protecting and Enhancing the Rural Landscape and Policy CH4 Policy: Protecting the Sensitive Landscape Assets in the Urban Fringe
- 9.66 As detailed above there are no landscape or environmental designations covering this site. Core Strategy policy SS6 states that development proposals should be shaped through an integrated approach to planning certain listed environmental components from the outset. This needs to be based upon sufficient information to determine the effect upon each of these. Of these the following are considered relevant: landscape, townscape and local distinctiveness biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest, the network of green infrastructure; local amenity (including light pollution, air quality and tranquillity) and the loss of agricultural land and food productivity.
- 9.67 As covered section 3 this site is situated to the south of the residential suburb of Lower Bullingham. To the east lies the Rotherwas Industrial Estate and Herefordshire Enterprise Zone (HEZ) which constitutes largely of large industrial, commercial and warehouse buildings. To the south of the Site lies further agricultural land, which also forms part of the wider site allocation. To the west lies further agricultural land as well as some limited residential development to the west of Green Crize. Therefore, the site can be considered to be well related to existing development.
- 9.68 As detailed within the submission, the Green Infrastructure (GI) Strategy for the site proposes a series of linked multi-functional spaces that will deliver landscape, amenity and biodiversity benefits as well as perform SuDS functions, responding to flood risk, pollution control and climate change issues.
- 9.69 The green spaces of the site will be seeded with locally appropriate grass seed mixes and managed as neutral meadow grassland. Retained hedgerows will be reinforced and new native tree planting will be implemented around the site boundaries, within hedgerows and along the watercourse corridors to provide a robust landscape structure and extend so as to link the existing habitat network. The Green Infrastructure Plan demonstrates how the proposed Country Park could be delivered to include a picnic area, informal orchard tree planting, wildflower meadow and native wet woodland planting. As well as enhancing the landscape around Bullinghope this will improve local habitat linkages, particularly benefiting the Norton Brook corridor.

- 9.70 The proposals will assist in integrating the proposed development as well as contributing positively to the wider green infrastructure between the southern edge of Hereford and the countryside beyond. The proposals reinforce the biodiversity value of linear brook features, reinstate field pattern with species rich hedgerows, create species rich grassland and establish habitat linkages, mitigate visual impact of proposed development on landscape through careful and considered planting of small woodlands, integrate landscaping with industrial plots, incorporate tree and shrub planting also streetscape and provide linear buffers along transport corridors, incorporate suds, and to incorporate biodiversity features in recreational spaces. The green spaces of the Site will be seeded and managed as wildflower grassland or amenity grassland, retained hedgerows will be reinforced, new mixed native hedgerow planting introduced, and new native tree planting will be implemented around Site boundaries, within hedgerows and along the watercourse corridors to provide a robust landscape structure and extend and link the existing habitat network.
- 9.71 As set out in the Heritage Assets and Historic Environment section, the “Rotherwas Ribbon” is identified as an unusual linear feature of prehistoric origin and is of archaeological significance. In response, a 40-metre-wide corridor, centred on the alignment of the Rotherwas Ribbon, is proposed to form a green corridor. This will secure the preservation of the asset in situ, while also enhancing its legibility and appreciation as a distinctive landscape feature within the site.
- 9.72 The Council’s Landscape Officer has reviewed the application. The GI Strategy demonstrates a landscape-led approach that has informed the outline design and responds positively to Policy LD1, the NPPF and Policy CH4 of the C&HNP (in respect of the Country Park element).
- 9.73 The strategy seeks to retain and enhance key existing site features, including watercourses, public rights of way, hedgerows and trees, and to establish a coherent green infrastructure framework. This would deliver multifunctional green spaces providing landscape, biodiversity, recreational and SuDS benefits, alongside strengthened habitat connectivity through meadow creation, native woodland planting and reinforcement of hedgerows.
- 9.74 Existing views, including towards Dinedor Hill, are identified for retention, and the proposed Country Park would convert existing fields into neutral meadow grassland with associated woodland, orchard and riparian planting, together with informal paths, seating and interpretation. The proposals also incorporate play provision and new pedestrian and cycle links through the green infrastructure network.
- 9.75 Whilst the application is in outline and detailed design is reserved for future consideration, the submitted strategy provides an acceptable framework for ensuring that the detailed landscape proposals are brought forward in a manner that conserves and enhances the character and visual qualities of the area, including within the high sensitivity landscape of the country park.
- 9.76 An assessment of landscape and visual effects has been undertaken within Volume 3, Chapter 7 of the ES. The Site lies outside any statutory or non-statutory landscape designations and forms part of the urban fringe context to the south of Lower Bullingham and adjacent to the Rotherwas Industrial Estate.
- 9.77 The assessment identifies that the proposed development would extend the existing settlement pattern and give rise to localised adverse landscape effects. At the wider scale, effects on national and county landscape character areas are not considered significant.
- 9.78 At the site level, some hedgerow and tree removal would be required to facilitate access, including along the B4399 and proposed active travel routes. However, the majority of existing vegetation, watercourses and waterbodies would be retained and integrated into a strengthened green infrastructure framework, supplemented by new hedgerow, tree and waterbody creation with biodiversity enhancements and replacement planting where losses occur.

- 9.79 While the introduction of built development within existing arable fields would give rise to significant initial landscape effects, these would be temporary. As green infrastructure establishes and matures, it is assessed that mitigation would be effective, resulting in residual landscape effects reducing to not significant.
- 9.80 Within the LVIA it concludes that residual visual effects will be effectively mitigated through implementation of the GI Strategy and detailed reserved matters planting and management plans, such that no significant long-term residual effects are predicted. The development is considered capable of being accommodated without significant adverse effects on landscape character or visual amenity and is not in conflict with Policy LD1 of the Core Strategy.
- 9.81 Policy LD1 of the Core Strategy requires proposals to maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 9.82 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It requires planning policies and decisions to ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 9.83 An Arboricultural Assessment of existing trees supports the application, and this presents the results of an assessment of the existing trees' arboricultural value, based on their current condition and quality as well as providing an assessment of impact arising from the Proposed Development of the Site. This Assessment confirms that the Proposed Development will result in the retention of a high proportion of the existing tree cover as shown on the GI Parameter Plan.
- 9.84 However, the Landscape Officer acknowledges that some tree and hedgerow removals will be required, and these trees are largely identified as category B and C and U. A large proportion of the required losses are primarily associated with the proposed access points. However, a suitable quantity of structured tree planting has been identified within the submitted GI Plan to mitigate for the proposed tree removal. This new tree planting has been identified within or close to hard landscaped areas, alongside the primary access roads, within the roadside verges and within proposed areas of POS. It is noted that the Forestry Commission has not objected to the proposal, whilst providing standing advice in relation to ancient woodland. Officers are satisfied that the proposed development would not give rise to adverse impacts upon the nearby areas of ancient woodland, namely Camp Wood and the woodland located to the south-east of the site, having regard to the degree of separation from the development and the nature of the proposal.
- 9.85 The detail of the landscaping shall form part of the reserved matters submissions. Landscaping in this Reserved Matters context is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as 'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 9.86 Given the sensitivities of the site, whilst the main roundabout access is supported from a landscape perspective, it will be necessary to give very careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage and make careful reference to the reports that support this application. It is also noted that the Landscape Officer has requested detailed information on site levels and proposals that address pedestrian and place making to inform future reserved matters applications.

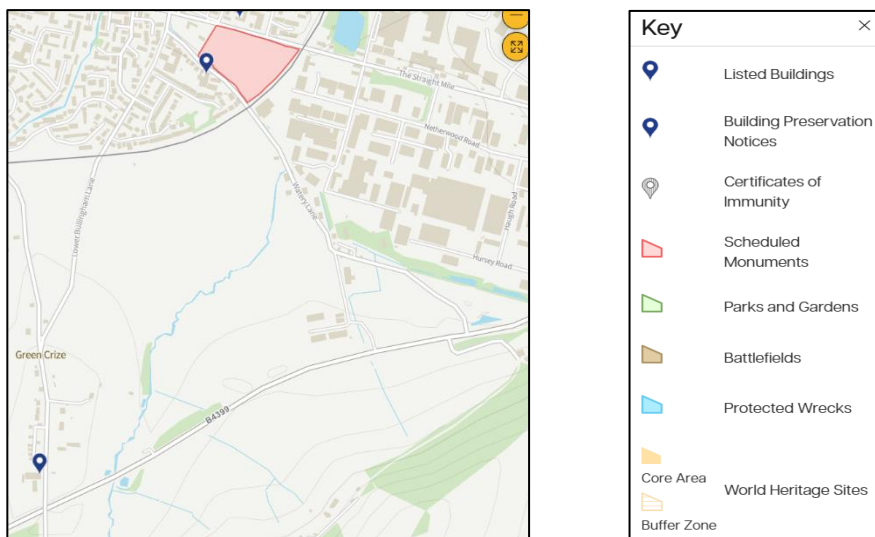
- 9.87 Officers are satisfied that, on the basis of the information provided any future development on the site can be provided that both respects the townscape, landscape and green infrastructure of the area, as well as enabling landscape buffers to mitigate the impact of the development on the wider landscape. A scheme can be delivered that is in accordance with the expectations of Policy SS6, LD1, LD2, LD3 and HD6 of the Core Strategy and NDP policies C&HNP Policy CH1 and, CH4 and LBNP Policy LB6 subject to detailed design being secured at reserved matters stage.

### **Heritage Assets and Historic Environment**

- 9.88 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions. Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 9.89 Section 72 of the act refers to the councils' need to pay special attention to the desirability of preserving or enhancing the character or appearance of and building of land in a Conservation Area in the exercise of their duties.
- 9.90 Paragraph 208 of the NPPF goes on to state that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.91 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, and notes heritage assets and specifically those with environmental designations.
- 9.92 Core Strategy Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 9.93 Core Strategy Policy HD6 requires that development is expected to protect, conserve and, where possible, enhance the heritage assets, their significance and setting. It also advised an evaluation of the archaeological importance of the area should be provided to ensure appropriate protection of heritage assets and inform the detailed development proposals.
- 9.94 Policy CH3 of the Callow and Haywood requires that development proposals affecting buildings or structures on the Local Heritage List must demonstrate how the significance of the heritage asset will be protected or enhanced.
- 9.95 The National Planning Policy Framework also includes guidance in terms assessing impact of proposals on designated and non-designated heritage assets. Paragraph 207 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's significance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 208 identifies local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 210 goes onto advise, in determining applications, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to

sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.

- 9.96 The Framework then goes on to advise how to consider potential impacts. Paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset is, the greater the weight should be). Paragraph 213 outlines any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 214 deals with considering proposals which would lead to substantial harm. Paragraph 215 relates to less than substantial harm to a designated heritage asset and sets out the harm should be weighed against the public benefits. Paragraph 216 relates to non-designated heritage assets and confirms the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
- 9.97 No Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields are present within or in the vicinity of the site and whilst there are no Listed Buildings within the site, although there are a number of Listed Buildings within its proximity. As such, as part of the submission a Heritage Impact Assessment (HIA) prepared by Headland Archaeology, has been submitted to accompany the application and to assist in the assessment of the proposal upon both archaeological and heritage assets. These reports have been reviewed by both Historic England, the Council's Archaeology Advisor and Historic Buildings Officer.



**Figure 5: Heritage Assets: Historic England Website: [Map Search](#) / [Search the List: Map Search](#) / [Historic England](#)**

- 9.98 The HIA also concludes that there are 16 known non-designated heritage assets within the site and these are characterised by areas of Iron Age or Roman settlement evidence and of Bronze Age activity, all of which are considered to be of local to regional importance.
- 9.99 Furthermore the “Rotherwas Ribbon”, an unusual linear feature of prehistoric date, has been identified as being of national importance. As such a 40m wide corridor centred on the line of the Rotherwas Ribbon is proposed to create a “green corridor” which will preserve the heritage asset in situ and increase awareness of it as a landscape feature.
- 9.100 As advised above the site does not contain any designated heritage assets, but there are a number of designated assets in close proximity namely:

Scheduled monuments

UID 1005357 Bullingham Old Church  
UID 1005320 Lower Bullingham deserted medieval village

#### Listed Buildings

UID 1301543 Barn about 20 yards w of Watery Lane Farmhouse  
UID 10999576 St Charles House  
UID 1157557 Manor Cottage  
UID 1472533 Medieval Hall and Cross Wings of Freedom Church  
UID 1099575 Barn 20 yards NW of Green Crize  
UID 1099562 Bullinghope Court  
UID 1348848 Ruins of Church of St Peter  
UID 1348849 Church Cottage  
UID 1099560 Church of St Peter

- 9.101 Both Historic England and the Council's Historic Buildings Officer have been consulted on the application. Historic England have advised that due to the limited nature of the detailed elements in the current application there is no known impact on the aboveground heritage assets and as such are therefore not offering advice at this stage.
- 9.102 However, they do acknowledge and note the positive engagement with your archaeological adviser and the creation of the protection buffer for the 'Rotherwas Ribbon' and recommend that the views of the Council's conservation and archaeological advisers are sought in relation to this current application and the progression of design of reserved matters. Their comment concludes that they have no objection to the application on heritage grounds and will advise further at reserved matters stages.
- 9.103 The Council's Archaeological Advisor has confirmed in their comments that, the 'Rotherwas Ribbon' is within the current application site and needs to be protected and concludes that the proposal is acceptable and has recommended conditions. These address matters relating to the implementation of a programme of archaeological work, completion of archiving reporting and publication, and a condition requiring detailed design and method statement for the foundation design and all new groundworks within the employment land over and around the 'Rotherwas Ribbon'.
- 9.104 The Council's Historic Building Officer has commented in respect of the setting of listed buildings only and concurs with the findings of the HIA and as such has advised no objection to the proposal in respect of the setting of listed buildings.

#### **Conclusion on Heritage matters**

- 9.105 Whilst noting the comments of Historic England, when considering the specific merits of this scheme, the Archaeological Advisor and Principal Building Conservation Officer advise that the proposal does not cause harm to the setting, significance or experience of these heritage assets. As such the proposal adheres to the aims of Core Strategy Policy LD4, alongside the requirements set out within Chapter 16 of the NPPF and Callow and Haywood NDP policy CH3. Due to the prominence of the site, the scale of the development and location of proximity to the heritage assets both above and below ground, officers consider the proposals result in no harm when considered individually and cumulatively. It is noted that officers are in receipt of a no objection from both Historic England and the Council's Principal Building Conservation Officer and the Archeologically advisor

#### **Biodiversity and Ecology**

- 9.106 Core Strategy policies SS6 and LD2 state that development proposals should conserve, restore and enhance those environmental assets that contribute towards the county's distinctiveness, including biodiversity. With regards protected species, LD2 states that development that is liable to harm nationally protected species will only be permitted if the conservation status of their

habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations. Similarly, the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other things minimising impacts and achieving net biodiversity gain. It further states that when determining planning applications, local planning authorities should apply certain, specified principles, which include that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 9.107 The application submission has been supported an Ecological Assessment of the site has been undertaken by Ecology Solutions which provided an updated baseline to inform the ecology chapter of the supporting Environment Statement. The necessary habitat surveys were carried out in order to ascertain the general ecological value of the site and to identify the main habitats and associated plant species. A suite of Protected Species surveys was also undertaken throughout the site including Badgers, bats, Hazel Dormice, Otters, Water Voles, breeding birds, reptiles and Great Crested Newts. The illustrative plans do indicate the retention of scrub, hedgerows and trees within the site will be retained. New areas of landscape planting will also be provided at RM stage and will provide, maintain and enhance foraging and commuting opportunities for bats and birds. The creation of species-rich wildflower grassland will provide improved foraging habitat for badger, reptiles, and amphibians, contributing to increased site biodiversity. Furthermore, the establishment of scrub planting along Norton Brook will strengthen habitat connectivity, particularly for dormice, and deliver enhanced nesting and shelter opportunities for a range of fauna. The addition of Public Open Space along retained green infrastructure and ecology corridors will assist in adding to the biodiversity of the site.
- 9.108 The Council's Ecologist has identified potential impacts arising from the scale and nature of the proposed construction works. In particular, there is potential for both direct and indirect effects on the River Wye Special Area of Conservation (SAC), including those associated with hydrological connectivity. The development also has the potential to affect mobile and opportunistic protected species, as well as wider ecological interests.
- 9.109 These impacts must be appropriately assessed and mitigated. Accordingly, a condition is recommended requiring the submission and approval of a Construction Environmental Management Plan (CEMP) prior to the commencement of any development. This shall be informed by an updated ecological assessment and walkover survey to ensure that all protected species and ecological receptors are fully considered and safeguarded during construction. In addition, the proposal has the potential to adversely affect local dark skies, which contribute to the amenity of the area and the wider Wye Valley landscape. A further condition is therefore recommended to control external lighting, ensuring the protection of light-sensitive species and the preservation of the intrinsically dark landscape. Ecological enhancements which would come forward through conditions and landscaping reserved matter(s). The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. Indeed, it should provide net gains for biodiversity as such the proposal will ensure accordance with Policies SS6 and LD2, policy CH2 of the CHNDP and the NPPF.

### **Biodiversity Net Gain (BNG)**

- 9.110 As confirmed by the Councils Ecologist the submitted information relating to Biodiversity Net Gain appears relevant and appropriate as the proposal will achieve a minimum of 10% BNG as detailed within the submission. However, as the proposed onsite BNG is considered to be significant in scale and nature a relevant legal agreement to secure the required 30-year Habitat Management and Monitoring Plan (HMMP). This will be included and secured within the S106 Agreement. The Habitat Management and Monitoring Plan (HMMP) outlines how the developer will manage, maintain, and monitor the onsite habitats to achieve mandatory Biodiversity Net Gain (BNG). It ensures legal compliance with the Environment Act 2021 by detailing habitat creation, monitoring frequency, and corrective actions. In the event of excess BNG units being created under the

Biodiversity Gain Plan which are not required to satisfy BNG these will be secured on a BNG site register via an 'Excess BNG agreement'.

- 9.111 Finally, there are no reasons why the Local Planning Authority should consider that full details, specifications, locations and future management of any required mitigation, compensation and Biodiversity Net Gain cannot be secured within the development site should outline consent be granted or in combination with appropriate landscaping, included in any reserved matters scheme. The final BNG submission cannot be made until the site layout has been agreed.

### **Habitats Regulations Assessment (HRA)**

- 9.112 The site lies within the River Wye SAC catchment, and a Habitat Regulation Assessment has been completed. Natural England has confirmed that they are able to conclude there will be no adverse effects. This is explained in more detail below.
- 9.113 The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). As a site located within the catchment of the River Wye SAC, there the requirement for an assessment under the Habitat Regulations is triggered.
- 9.114 The HRA screening and appropriate assessment was completed by the Local Planning Authority and submitted by a formal consultation with Natural England. Natural England has confirmed in their formal response that the proposed development will not have significant adverse impacts on designated sites and has no objection. As part of the submitted mitigation to secure no effect on the integrity of the designated site, conditions have been included within the HRA, and these have been incorporated into the recommendation and conditions at the end of this report for completeness. Based on the information which has been submitted and comments received from Natural England and the Council's Ecologist, the proposal is considered acceptable in terms of its ecological impacts in the context of LD2, guidance contained in the NPPF and Natural England's Standing Advice, subject to the various conditions suggested which are included within this recommendation.

### **Design, layout and impact on residential amenity**

- 9.115 Chapter 12 of the NPPF relates to achieving well designed and beautiful places. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 identifies that planning policies and decisions should ensure that developments meet a number of criteria.
- 9.116 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well-planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 9.117 Policy HD6 is expected to deliver a comprehensively planned sustainable urban expansion that is sensitively integrated into both the existing urban fabric of Hereford, and the wider landscape, through high design and sustainability standards. As well as creating a development of bespoke, high quality and inclusive design.

- 9.118 At a local level Policy LB2 of the LBNP requires all new development proposals to be of good quality design. It also states that proposals will be expected to meet a number of criteria including, amongst other things, that they have been designed to take account of site characteristics and surroundings (as detailed in points i—ix of the policy) and that they will have no significant adverse impact on residential amenity for existing and future residents. It also states that new developments should create safe environments that minimise opportunities for crime.
- 9.119 The application has been submitted in outline form which reserves all details apart from access for further consideration. As such, detailed information regarding the layout of the site, and the design of the proposed residential and commercial development, is not provided at this stage. These matters would be considered as part of subsequent Reserved Matters applications, where detailed design proposals would be submitted for assessment. Many of the issues raised will need to be carefully considered at the Reserved Matters Stage, in particular as highlighted in the Principal Building Conservation Officer's comments that care needs to be taken with the roofscape in terms of design and materials, to assimilate the new development when viewed from higher ground. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings and this will again be a matter for consideration at a later stage.
- 9.120 Herefordshire Local Plan Core Strategy SD1 is also relevant in assessing amenity impacts of development proposals. The policy requires development to safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light, or air contamination, land instability or cause ground water pollution. Paragraphs 196 to 201 of the National Planning Policy Framework also relate to ground conditions and pollution.
- 9.121 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any housing should respond to the character of traditional buildings within the locality and the wider area. It is also acknowledged that policy HD6 requires an average density of up to 35 dph across the site.
- 9.122 Policy LB6 of the Neighbourhood Development Plan (NDP) sets out that the Southern Urban Extension should be planned and delivered in a way that supports integration with existing communities and seeks to minimise impacts on areas such as Lower Bullingham. The policy is largely prescriptive, with an emphasis on requirements relating to infrastructure provision, connectivity, sustainable drainage systems (SuDS), flood risk mitigation, and green infrastructure, rather than specifying detailed design outcomes.
- 9.123 As part of the submission an Illustrative Masterplan has been submitted which demonstrates how a suitable design and layout could be achieved at the Site to accommodate the proposed development as well as a series of parameter plans which inform future reserved matters applications.
- 9.124 A Parameters Plan showing proposed submitted Building heights can be seen in Appendix 3.
- 9.125 The proposed development will comprise two-storey dwellings in accordance with Policy HD6, with buildings within the neighbourhood community hub/local centre and the employment area limited to three storeys (12m), reflecting existing heights in the Rotherwas Industrial Estate and the Hereford Enterprise Zone (HEZ). Heights have been informed by a landscape-led approach to minimise visual impact. No dwellings are in immediate proximity that would be directly affected, and while some properties in the wider area may experience minor changes to outlook, significant harm is not anticipated. Conditions will safeguard residents during construction. The development is also not expected to adversely affect the setting of any listed buildings, with detailed matters of layout, design, height, and materials addressed at the reserved matters stage.
- 9.126 The submitted Land Use and Access Parameter Plan indicates that the development would include connections through the site for walking, cycling, and other non-motorised modes of

travel. It also shows potential linkages to existing communities, local facilities, and the Public Rights of Way (PRoW) and wider leisure network.

- 9.127 Officers would note that there is also potential for the introduction of additional boundary planting subject to an appropriate layout and orientation of houses at the Reserved Matters Stage, and as such any adverse impact can be mitigated but note that the Reserved Matters submissions, in relation to scale, layout, appearance and landscaping will need to carefully consider the impacts of the proposals having regard to the amenity of proposed and existing dwellings to ensure compliance with policy SD1 of the Core Strategy and Paragraph 135 of the NPPF.

### **Air Quality**

- 9.128 The proposed development has been assessed for potential air quality impacts. The Site lies approximately 150 m south of the Hereford Air Quality Management Area (AQMA) but is outside any designated AQMA itself.
- 9.129 The application is supported by an air quality assessment prepared by BWB dated August 2024. The report considered:
- the potential impact of dust emissions during the construction phase on surrounding receptors (including PM10).
  - the potential impact that the proposed development would have on air quality from increased traffic emissions around the development site and in locations where traffic movement is predicted to increase including the AQMA. Pollutants that were assessed were Nitrogen dioxide, PM10 and PM2.5.
- 9.130 The detailed air quality assessment did not predict any exceedances of the air quality objective levels for Nitrogen Dioxide and particulate matter at the modelled locations in 2031. An Air Quality Assessment (AQA) confirms that predicted pollutant levels (NO<sub>2</sub>, PM10, PM2.5) will remain below national objectives both during construction and operation. Mitigation measures will minimise dust emissions during construction.
- 9.131 As highlighted by the EHO the application site is predominantly agricultural fields, but the proposal will generate a significant number of additional vehicle movements during the operational phase of the development. They have also acknowledged that there will be potential dust impacts during the construction phase. The report concludes that mitigation measures would be required to minimise emissions of dust during the construction phase. Therefore, a condition to control dust during the construction phase has been added and included at the end of this report.
- 9.132 The EHO has not objected to the proposal and the development is considered to have negligible impact on local air quality and Officers are satisfied that the proposal accords with Policies SD1 and SS6 of the Herefordshire Local Plan – Core Strategy and the relevant provisions of the National Planning Policy Framework (NPPF).
- 9.133 The proposal is therefore considered acceptable in terms of safeguarding residential amenity and ensuring that adverse impacts arising from air contamination are minimised for both future occupiers and neighbouring residents.

### **Noise and disturbance**

- 9.134 The proposed development will introduce residential use to land that is currently in agricultural use. Based on the siting of the proposed dwellings adjacent to existing residential properties, the proposed development is considered entirely compatible with the surrounding context.
- 9.135 As part of the submission, a Noise Impact Assessment (ref. BULL-BWB-ZZ-ZZ-RP-YA 05) has been submitted with this outline application and reviewed by the Council's technical Environmental Health (Noise) Officers. Noise consideration has been assessed from the

perspective of impact on current residential receptors and future occupants of the site. Sources covered include road and rail traffic, development noise and existing and proposed commercial and industrial activities.

- 9.136 The Council's EHO has reviewed the noise assessment methodology and findings including mitigation measures, and raises no objection to the proposed development, subject to the inclusion of appropriately worded condition to ensure that any future reserved matters applications to include an updated noise impact assessment based on a more detailed site layout.
- 9.137 Accordingly, Officers are satisfied that, subject to the proposed condition, the development accords with Policies SD1 and SS6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (NPPF) in terms of safeguarding residential amenity.

### **Contaminated Land**

- 9.138 The application is accompanied by "*Bloor Homes (Western) Limited. Bullingham, Hereford. Phase 1 Geo-Environmental Assessment.*" Prepared by BWB Consulting, dated August 2024, Doc Ref: BUL-BWB-BGT-xx-RP-LE-0008\_DS, BWB Ref: BWM2135.
- 9.139 The Council's EHO has been consulted on the submission and acknowledges although significant contamination is considered to be unlikely, further works are required, particularly in consideration of potential risks from ground gases and unexploded ordnance. As such the Council's EHO has confirmed that he has no objection to the proposed development, subject to the imposition of appropriately worded conditions. Subject to the inclusion of this condition, Officers are satisfied that the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy have been met.
- 9.140 The proposal is therefore considered acceptable in respect of land contamination, ensuring that the development will safeguard human health, controlled waters, and the wider environment.

### **Public open space/ Open space provision**

- 9.141 Policies OS1 and OS2 of the Herefordshire Core Strategy require the provision of open space for all new developments, with requirements assessed on a site-by-site basis and in accordance with applicable standards. Given the scale of the proposed development, there is a requirement to provide on-site play and open space provision.
- 9.142 In addition, Policy HD6 of the Core Strategy expects the development to provide:
- the provision on site of appropriate sports and play facilities, open space, community orchards and allotments
  - green infrastructure corridors through the area to include strategic greenways along Red Brook and Norton Brook and links with Withy Brook;
- 9.143 This proposal incorporates these requirements as well as the inclusion of a new country park,
- 9.144 Policy CH8 of the CHNDP identifies that the provision of proposals for local community facilities, such as community gardens and greens will be supported in principle.
- 9.145 Paragraph 102 of the NPPF reaffirms that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. It states that the provision of open space, sports and recreational opportunities in a local area should be based on robust and up-to-date assessments of need.
- 9.146 Provision of open space is shown indicatively on submitted plans:

- Concept Masterplan: drawing no. BL-M-11 Rev N
- Green Infrastructure Parameter Plan drawing no. BL-M-18 Rev F
- Green Infrastructure Plan drawing no. 07930-FPCR-XX-ZZ-DR-L-0001\_D

- 9.147 The above demonstrate that the proposed areas of open space are integral to the design of the development.
- 9.148 The Council's Open Space Officer has highlighted that for a development of 540 houses and an occupancy rate of 2.3 (population 1,242) the developer would be required to provide as a minimum on-site green infrastructure comprising:
- 3.7ha (37,260sq m) of Accessible Green Space @ 3ha per 1000 population
  - 0.31ha (310sq m) of Provision for Children and Teenagers @ 0 @ 0.25ha per 1000 population
- 9.149 This is in accordance with Core Strategy policies OS1, OS2, and HD6, and would be secured through the Section 106 Agreement
- 9.150 The proposed open space as detailed within the supporting information is more than the minimum requirement. A total of 14.28ha is proposed to include accessible green space, informal and formal play opportunities and attenuation ponds and an addition of 6.28ha is proposed for a country park.
- 9.151 The Council's Open Space Officer has agreed the principle of the approach detailed above but more detail will be required at Reserved Matters stage with particular reference to the recommendations included in the Herefordshire Green and Blue Infrastructure Strategy and the Open Space Strategy for the delivery of quality on-site accessible green space, children's play areas and green infrastructure.
- 9.152 Maintenance of the on-site public open space is proposed to be undertaken by a management company which is a matter that will be addressed through the S106 Agreement. However, the general distribution of play areas across the site is acceptable. Further details of location, accessibility, specifications, and design, as well as associated cost values, will be provided at Reserved Matters stage.
- 9.153 Regarding off-site Outdoor Sports Contribution the submission has acknowledged pre-application comments regarding sports provision and the current preference for an off-site contribution. The sum of One Thousand Two Hundred and Ninety Seven Pounds (£1,297) Index Linked per Open Market Unit in each Reserved Matters Area towards the Outdoor Sports Facilities would be required to meet the policy expectations
- 9.154 On this basis, officers are satisfied that the site is capable of being developed in accordance with the requirements of Core Strategy Policies OS1, OS2, and HD6, ensuring appropriate public open space, play provision, and green infrastructure enhancements.

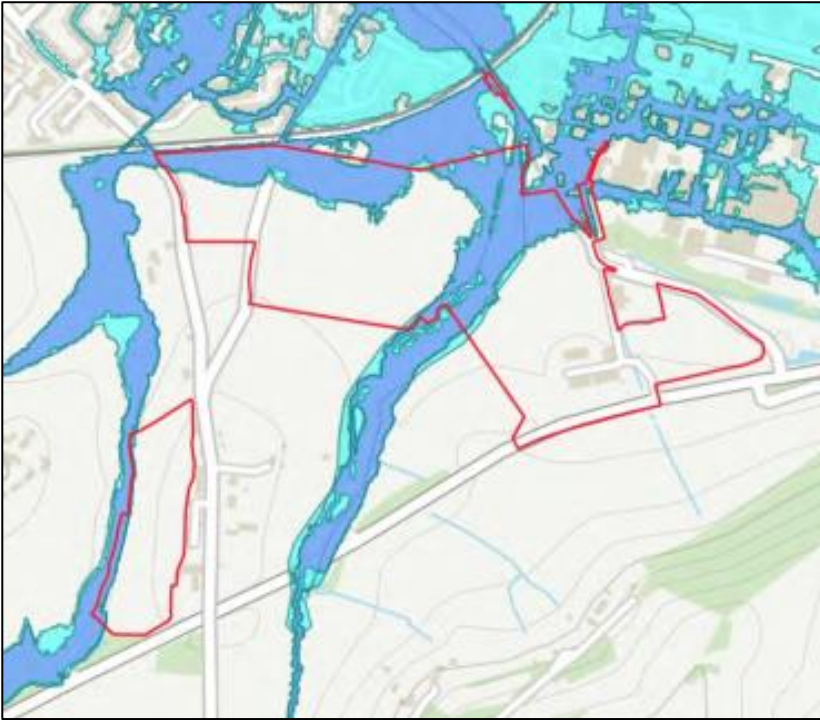
### **Flood Risk and Water Management**

- 9.155 Chapter 14 of the National Planning Policy Framework relates to meeting the challenge of climate change, flooding and coastal change. Paragraphs 170 to 182 deal with planning and flood risk.
- 9.156 NPPF paragraph 161 requires that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 9.157 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.
- 9.158 Paragraph 170 of the NPPF states "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."
- 9.159 Paragraph 181 of the NPPF states "when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
  - The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - Any residual risk can be safely managed; and
  - Safe access and egress routes are included where appropriate, as part of an agreed emergency plan.
- 9.160 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, wastewater treatment and river quality. SD3 sets out measures for sustainable water management will be required to be an integral element of new development to reduce flood risk; to avoid adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. SD4 seeks to ensure development does not undermine the achievement of water quality target for rivers within the county, through the treatment of wastewater. The policy sets out a hierarchy in terms of the approach to wastewater. In the first instance, developments should seek to connect to the existing mains wastewater infrastructure.
- 9.161 As required, the application is supported by a Flood Risk Assessment (FRA) (amended during the application) and an associated drainage strategy.
- 9.162 Policy HD6 expects development to provide sustainable urban drainage and flood mitigation solutions as an integral part of the green infrastructure network.
- 9.163 Policy LB8 (Reduce the Risk of Flooding) of the LBNP expects the development to provide suitable surface water drainage measures to protect existing and new development from flooding. It seeks to ensure that any new development includes appropriate surface water drainage measures and design features that reduce the consequences of flooding and measures that facilitate recovery from the effects of flooding. Policy LB6 identifies that Lower Bullingham will see significant new development and in particular the Southern Urban Extension development should not be at the expense of the quality of life of existing and future residents' and any impacts such as flooding are fully taken in to account in the planning of the urban extension.
- 9.164 The application has been assessed in accordance with policies HD6, SD3 and SD4 as well as Section 14 of the NPPF, specifically paragraphs 180 and 181. These outline that local planning authorities should ensure that flood risk is not increased elsewhere when determining planning

applications. Additionally, applications should be supported by a site-specific flood risk assessment where appropriate and built forms should only be placed in the lowest risk areas.

- 9.165 As detailed above drainage colleagues including the Flood Risk Management & Drainage Officer have been involved in extensive discussions about this application. During these discussions updated information and evidence has been submitted as a key element with this proposal is the assessment of potential flood risk benefits as required under Policy HD6 of the Core Strategy.
- 9.166 Paragraph 180 of the National Planning Policy Framework (NPPF) states: "Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account."
- 9.167 As highlighted elsewhere within this report this application forms part of an allocated site (Policy HD6) within the adopted Herefordshire Core Strategy (2015). As such a sequential test has already therefore been undertaken as part of the Local Plan process and as per Paragraph 180 of the NPPF, the sequential test is therefore not required to be applied again. Notwithstanding the above, it is noted the proposed development has been sequentially arranged to avoid the existing floodplain. During the course of the application, officers requested that consideration be given to the potential need for either an updated Sequential Test or the submission of an Exception Test in relation to the proposed development.
- 9.168 As detailed within the submission (FRA) and confirmed by the Lead Local Flood Authority (LLFA), the application site is at medium and high risk of flooding. The northern part of the urban extension adjacent the railway line and along the brook corridor is designated as Flood Zone 3 and the site has multiple watercourses present within the application site (including the Withy and Red Brooks).
- 9.169 As noted previously there are a number of watercourses flow through the site and local area, and their associated floodplains are present within the site. However, the site's varied topography restricts floodplains to low-lying areas, enabling development to be directed to higher-elevation land.
- 9.170 The Environment Agency (EA) released updated fluvial (river) and surface water flood maps between January and April 2025. A review of the Flood Zones confirms that they remain unchanged from the dataset used at the time of the site's allocation. The EA's Risk of Flooding from Surface Water dataset indicates a reduction in the mapped extent of surface water flooding in the updated mapping. This reflects a clearer distinction between the fluvial floodplain and areas at risk of surface water flooding within the revised dataset



**Figure 6: Environment Agency Flood Map for Planning (Rivers and Sea), 2024**

- 9.171 Paragraph 180 of the NPPF states that the Exception Test may need to be reapplied where relevant aspects of a proposal were not considered at the plan-making stage, or where more recent information on flood risk should be taken into account. The requirement for an Exception Test is determined by the development's flood risk vulnerability classification and its location within the Flood Zones, as set out in Table 2 of the PPG. The proposed residential led development is classified as 'more vulnerable'.
- 9.172 The development is shown to encroach into the Environment Agency (EA) Flood Zones. However, the BWB site-specific Flood Risk Assessment (FRA) incorporates detailed hydraulic modelling, which demonstrates that the majority of the development lies outside and above the 1 in 100-year flood extent (Flood Zone 3). The development does, however, marginally encroach into the 1 in 1,000-year flood extent (Flood Zone 2).
- 9.173 The NPPF confirms that 'more vulnerable' development is appropriate within Flood Zone 2, and therefore an Exception Test is not required in respect of these areas.
- 9.174 The limited exceptions to this position are set out below:
- Works to Watery Lane and Twyford Road fall within Flood Zone 3; however, these relate to existing highway infrastructure and are constrained by their fixed alignment.
  - The proposed road crossings of Red Brook and a minor eastern tributary necessarily pass over watercourses and associated Flood Zone 3 extents. These crossings are essential to the delivery of the allocated development and would have been anticipated at the plan-making stage. The designs will be elevated above design flood levels and include appropriate floodplain compensation to ensure no net loss of floodplain storage.
  - Areas of amenity, landscaping, and biodiversity within Flood Zone 3 are classified as water-compatible development and are appropriately located within higher risk areas, reflecting a sequential approach to site layout.
- 9.175 The modelled flood extents are derived from detailed topographical survey data and site-specific hydraulic modelling. The EA Flood Zones are based on strategic-scale modelling and are therefore more indicative. The site-specific modelling is considered to provide a more refined representation of flood risk. Paragraph 178 of the NPPF confirms that it is appropriate to base the application of the Exception Test on a site-specific Flood Risk Assessment.

- 9.176 As identified within the drainage officer comments access and egress from the site can be restricted during flood events. In the FRA the following flood mechanisms are identified
- Watery Lane and Holme Lacy Road flood from the Wye. Also in some cases the entrance to Rotherwas Estate is blocked due to surface water flooding at the railway bridge.
  - The B4399 can flood from the Norton Brook, making the road impassable.
  - Lower Bullingham Lane becomes inaccessible due to water held behind a raised section of roadway.
  - The Withy Brook can flood Green Crize resulting in deep water at the railway bridge.
- 9.177 Drainage Officers have reviewed the application in detail and confirmed no objection. Albeit their review has identified a number of matters that will need to be addressed in relation to the detailed layout at the Reserved Matters stage, these are not considered to be fundamental in terms of the principle of development.
- 9.178 These matters include the provision of open drainage ditches and the alignment of Basin 8. Accordingly, a drainage condition has been included, requiring the submission of detailed drainage information alongside any Reserved Matters application for layout. This will ensure that the outstanding matters are addressed in a coordinated and comprehensive manner.
- 9.179 During the application process, the Lead Local Flood Authority (LLFA) requested feedback from a Flood Emergency Plan (FEP) perspective. The LLFA advised that, although information had been provided regarding access and egress to and from the site and how these routes are affected by, and may affect, flood risk, no standalone FEP had been submitted consolidating this information and formally defining emergency procedures for the site.
- 9.180 Given the nature of the site and the identified flood risks, an appropriate FEP is considered integral to the acceptability of the proposals in their current form. The purpose of any FEP is to raise awareness of flood risk within the Lower Bullingham area, encourage future residents and users of the Southern Urban Expansion site to sign up for flood alerts and weather warnings, and, in the event of flooding, guide occupants to areas of safe refuge and, where necessary, direct them to use access and egress routes that are at the lowest risk of flooding. In response, the applicant has submitted an Outline Flood Emergency Plan setting out procedures for safe access and egress, as well as occupant response in the event of flooding. The plan identifies trigger levels, warning mechanisms, and evacuation routes. This document has been reviewed by the LLFA, who have confirmed that the outstanding matters raised in their original consultation response have been addressed. Confirmation has been provided that the proposed culvert will be constructed as a box culvert, thereby reducing flood risk, and that the FEP will act as mitigation in relation to residual off-site risk.
- 9.181 On this basis, and subject to the implementation of the recommended mitigation measures, the LLFA no longer objects to the proposal. The Drainage Officer, who previously noted that access to the site may be compromised during a flood event and suggested that off-site measures could be implemented to mitigate risk to future residents, also raises no objection. As set out above, the requirement for a formal FEP has been secured by condition following discussions with the LLFA, thereby addressing this concern.
- 9.182 The proposal accords with Policy LB8 of the LBNP and Policy LB6, as it incorporates appropriate surface water drainage measures to ensure that both existing and proposed development are adequately protected from flooding. The scheme has been designed to reduce flood risk and its consequences through the implementation of mitigation. The Proposed Development would not increase flood risk within areas already identified as being susceptible to flooding, including Rotherwas Industrial Estate, Watery Lane, and Lower Bullingham Lane. As such, the development complies with Policy LB8 of the LBNP. Furthermore, in accordance with Policy LB6 (d) and (e), the scheme incorporates measures that contribute to flood risk reduction.

## **Foul Water Drainage**

- 9.183 The FRA confirms that it is proposed to drain foul water from the development separately to surface water. Welsh Water sewer records (which are included in Appendix 3 of the SDS) show the presence of an existing 150mm foul sewer approximately 240m north-east of the site. The sewer records also demonstrate a foul pumping station adjacent to the north-west of the site.
- 9.184 With respect to foul drainage Welsh Water have confirmed in their comments they have no objection to the proposed scheme as the disposal of foul flows from the site will be to the mains sewer and a bespoke condition has been requested and added stating that only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at the 450mm foul sewer manhole reference number SO53372701.
- 9.185 Drainage colleagues have confirmed that foul sewerage would be facilitated by means of a pumping station, utilising a rising main. The route of the rising main is shown along part of the B4339 and detail the construction of the pumping station and its use as detailed by the Drainage Officers is a consideration for the Reserved Matters Stage and have requested that this is installed using no-dig techniques due to the risk of damaging the B4399.

## **Water Supply**

- 9.186 Welsh Water, in their most recent consultation response, confirm that the application site is not located within an area affected by any strategic water supply constraint. However, they advise that there is currently insufficient capacity within the local network in the vicinity of the site to serve the proposed development, which could result in detriment to existing customers' water supply.
- 9.187 Welsh Water advise that, in the event of a future application for a water connection under Section 41 of the Water Industry Act 1991, a hydraulic modelling assessment may be required. This assessment may identify the need for reinforcement works to the network, which would be delivered alongside the provision of new water mains under Sections 41 and 51 of the Water Industry Act 1991.
- 9.188 These requirements fall outside the Town and Country Planning Act 1990 and would be addressed through the separate statutory water connection process.
- 9.189 Notwithstanding the above, Welsh Water confirm that they withdraw their previous objection in respect of water supply and raise no objection to the determination of the application.
- 9.190 Following the submission of additional details to satisfy earlier concerns raised by drainage colleagues the drainage objection has been removed, and officers have confirmed no objection subject to suitably worded conditions to address earlier concerns which can be secured under a under future Reserved Matters application.
- 9.191 Officers are satisfied that a Sequential Test regarding planning and flood risk as per the NNPF paragraph 172 is not required. To conclude both Welsh Water and the Land Drainage team have requested some further clarification so far as a future Reserved Matters application is concerned, but in principle have raised no objection. Having regard to the details submitted and that this is an outline application Officers are satisfied that there is likely to be a technical solution, and further drainage details can be required by condition alongside the RM application to ensure this is considered holistically.
- 9.192 Overall, Officers consider following the most recent drainage and flood information which has been shared with the EA, the LLFA and drainage team, that with the addition of a number of prescriptive conditions to address sustainable urban drainage, its management, and future flood risks associated with subsequent reserved matters, the development would be acceptable. All of

these conditions have been incorporated into the recommendation below and as such the proposal is considered acceptable in terms of Core Strategy Policies SD3 and SD4, and HD6, LBNDP Policy LB6 and LB8 and guidance within Chapter 14 of the NPPF.

## **Affordable Housing / Housing Mix**

### Affordable Housing

- 9.193 Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations. Paragraph 66 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.
- 9.194 Policy H1 of the Core Strategy establishes that affordable housing is required on sites of more than 10 dwellings. This proposal, comprising up to 540 units, therefore, triggers a requirement for affordable housing provision.
- 9.195 Policy HD6 of the Core Strategy requires that the mix, size and tenure of new housing meet the needs identified in the latest version of the Herefordshire Local Housing Market Assessment (HLHMA), which in this case is the HLHMA 2021.
- 9.196 Policy H3 of the Core Strategy also requires that larger housing sites provide dwellings to meet the needs of younger single people, create adaptable housing for residents with additional needs, and tailor housing for the elderly including offering a mix of house types such as bungalows.
- 9.197 The applicants have constructively engaged with officers during the determination of the application and have provided an affordable mix which would significantly contribute towards the area's affordable housing needs.
- 9.198 The application proposal also includes for the provision of 35% affordable housing as required by Policy H1 and Policy HD6 of the Core Strategy. As the application is made in outline, discussions regarding the mix and tenure of affordable housing provision have been undertaken during the application process to ensure accordance with Policies H1 and Policy HD6.
- 9.199 The provision of affordable housing would be secured through a Section 106 agreement. The siting and design of the affordable dwellings would be secured as part of any forthcoming reserved matters submissions. The Affordable Housing Units shall be for the following affordable housing tenures:
- (a) 67.7% Social Rented Units; and
  - (b) 32.3% Intermediate Units
- 9.200 The development will have a local connection to Lower Bullingham in the first instance, followed by Hereford City and then, the County of Herefordshire.
- 9.201 The affordable housing units will be secured through the S106 legal agreement exact mix of affordable and open market units be agreed prior to submission of Reserved Matters including the tenures of Social Rent and Affordable Home Ownership and in addition to wheelchair accessible bungalows and National Space Standards. Officers consider that the provision of this amount of affordable housing, particularly the provision of social rent units, is a substantial benefit of the proposals.

### Open Market Housing Mix

- 9.202 Policy H3 and HD6 requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures to contribute to mixed and balanced communities and a balanced housing market.
- 9.203 Housing mix should be based on the most up to date evidence of local housing need and market demand. The Herefordshire Local Housing Market Assessment (HLHMA) the HLHMA 2021 provides the most up to date evidence based to inform the housing mix on residential applications. Although this application has been made in outline, discussions have taken place to agree a mix a of unit types acceptable to the Council and a condition has been added at the end of this report to secure the number, size and type of open market housing on any individual phase of the development in line with agreed parameters. However, the housing mix is not detailed and will be identified as part of future reserved matters applications. Accordingly, subject to this condition requiring agreement of the housing mix either in advance or as part of a reserved matters (layout) submission and alongside the Section 106 agreement which secures the affordable housing, officers are satisfied that the proposal will comply with Core Strategy policies H1, H3, and HD6 and Paragraphs 8 and 60 of the NPPF. by delivering an appropriate mix of dwelling sizes and supporting a balanced and inclusive community.

### **Employment land (Use Class B and E)**

- 9.204 Policy HD6 requires the provision of approximately 5 hectares of employment land, incorporating a mix of Use Classes B1, B2 and B8, to support and complement the Hereford Enterprise Zone.
- 9.205 In line with Policy E1 this proposal will enhance employment provision and contribute to the diversification of the Herefordshire economy. As well as being compatible with surrounding land uses and supports the planned growth of employment activity in this location.
- Policy SS5 promotes employment provision with the delivery of new strategic employment land in tandem with housing growth.
- Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. This proposal aligns with that principle by delivering clear economic benefits, supporting employment growth, and making efficient use of land.
- 9.206 In compliance with this requirement, the proposed development provides approximately 5.57 hectares of employment land, as identified on the Indicative Masterplan. This employment area is located to the eastern part of the site, adjacent to Watery Lane, and is proposed to accommodate a flexible mix of Use Classes B and E. This flexibility is considered appropriate in responding to changing market demands and supporting a broad range of employment-generating uses.
- 9.207 The development proposals involve the demolition of approximately 2,968 sqm of existing employment floorspace, comprising agricultural and industrial buildings, located to the east of the site on the northern side of the B4399.
- 9.208 Following demolition, the scheme will deliver a net increase of 10,882 sqm of employment floorspace, contributing to the provision of modern, flexible business premises in line with local employment and economic growth objectives. This application will use underutilised land into productive employment use, while creating new job opportunities. It will also help support business growth and economic diversification.
- 9.209 The Council's Economic Development Officer has confirmed support for both the principle and scale of the proposed employment land. This aligns with the employment land allocation and strategic objectives set out in the Core Strategy, as discussed at the pre-application stage. While the proposal involves the demolition of an existing storage building, it will deliver additional employment space and generate significantly greater economic benefits overall. Furthermore, the development complements the recently constructed units within the Hereford Enterprise Zone

(HEZ), which adjoins the site. It represents a logical continuation of the successful regeneration of the Rotherwas area, providing much-needed business rental space within the local market.

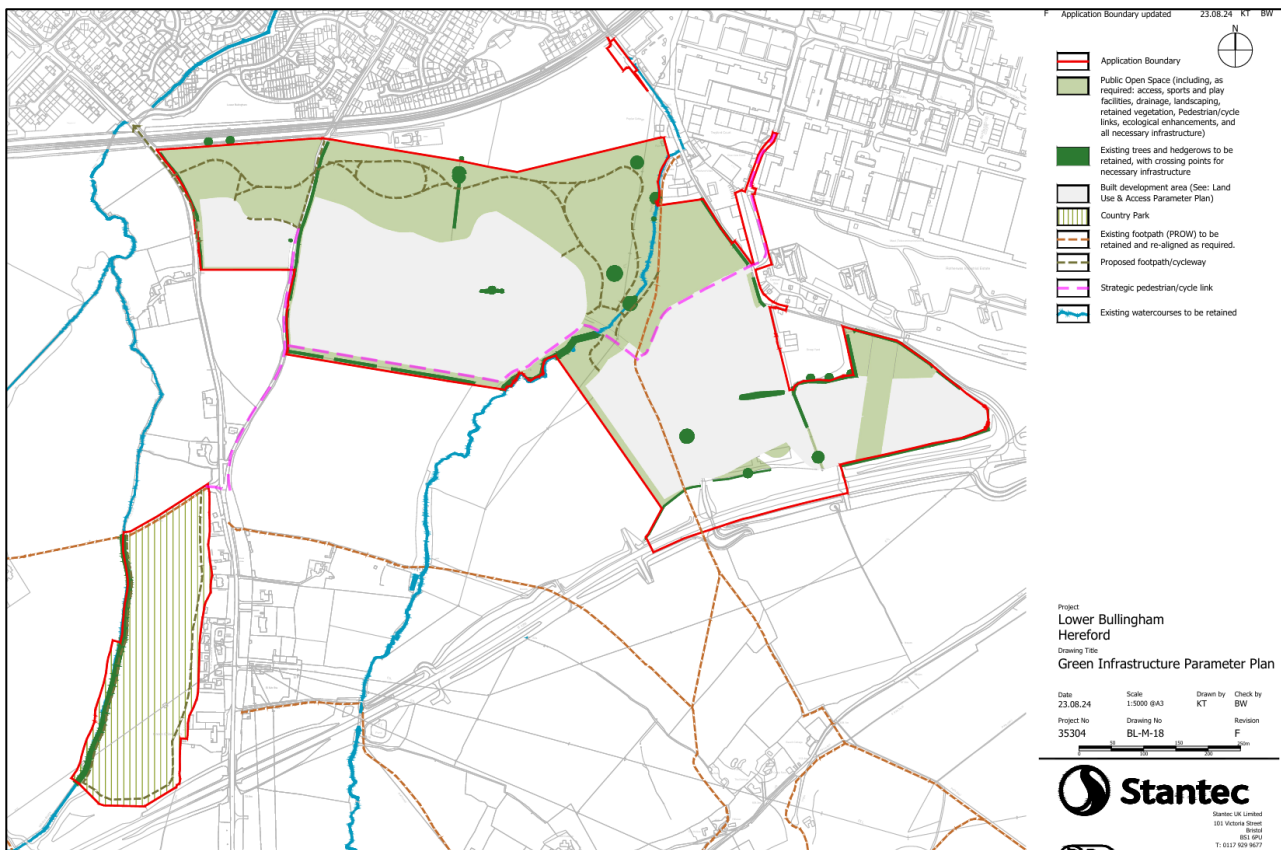
- 9.210 The parameter plans submitted alongside the application confirm that building heights within the employment area will not exceed 12 metres (3 storeys). This reflects the prevailing scale and character of development within the adjoining Rotherwas Industrial Estate and the wider Enterprise Zone, thereby ensuring visual and contextual compatibility.
- 9.211 As this is an outline application, with all detailed matters reserved, the precise configuration and mix of employment uses will be determined at the Reserved Matters stage. This will allow the development to adapt to market requirements and ensure the delivery of a viable and diverse employment offer.
- 9.212 Similarly, details relating to car and cycle parking provision will be established through future Reserved Matters submissions, ensuring that appropriate levels of parking are delivered in accordance with the Council's standards and the final layout of the scheme. The proposed four-arm roundabout will provide access to two key internal access roads. The western road of these two will provide main vehicular access to the wider Site, and the eastern road will provide access to the employment units at the east of the Site.
- 9.213 Overall, the Proposed Development accords with the requirements of Policy HD6, SS5 and E1 and makes a policy compliant and meaningful contribution towards the delivery of employment land within the area.

#### **Local Centre**

- 9.214 Policy HD6 requires the provision of a neighbourhood community hub, including small scale convenience retail and provision of and/or contributions towards any identified need for other community infrastructure/facilities, including community meeting space and health provision.
- 9.215 The submitted Land Use and Access Parameter Plan indicates that the local centre (neighbourhood community hub) will extend to a maximum area of 0.79 hectares. However, the precise mix and disposition of uses within the local centre/neighbourhood community hub would be determined at the reserved matters stage. The proposal anticipates the delivery of a new local centre / neighbourhood hub providing approximately 1,650 sqm of floorspace. The scheme would accommodate a flexible mix of uses, including community and social infrastructure (Use Class F.2), potential healthcare provision and other local services and convenience retail (Use Class E), with residential accommodation above (Use Class C3). This part of the development is intended to function as a focal point for the wider neighbourhood, contributing to local service provision and supporting a sustainable, mixed-use environment in accordance with the principles of accessible, walkable neighbourhood planning.
- 9.216 As detailed above the proposed development establishes a structured height strategy informed by a landscape led approach. Development is arranged across three parameter height zones with the Local Centre/Neighbourhood Community Hub at up to 12m (3 storeys).

#### **Country Park**

- 9.217 As part of the proposal, an area has been designated for a new Country Park, located within the south-western portion of the site. This is identified on the Land Use and Access Parameter Plan (Figure 7 below). The Country Park is bordered to the east by residential development running parallel to Hoarwithy Road, and to the south by the B4399. The western boundary is defined by Norton Brook and adjacent agricultural land rising towards the hamlet of Bullinghope, with further agricultural land to the north and scattered residential development beyond. The site comprises predominantly arable farmland, with existing hedgerows, scrub, rough grassland, and ruderal vegetation also present



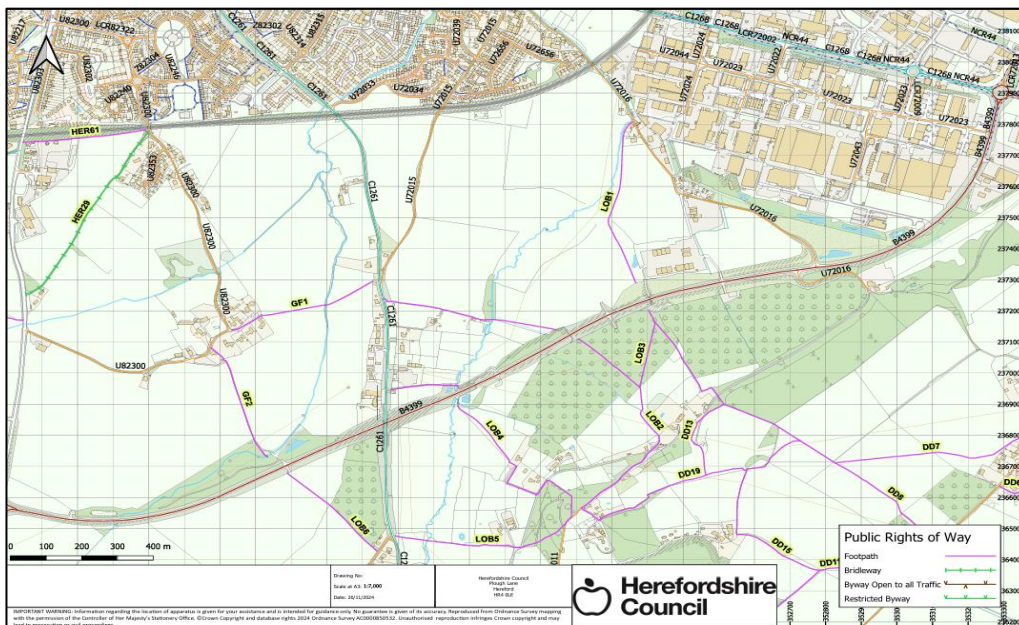
**Figure 7: Green Infrastructure plan parameter plan**

- 9.218 Policy HD6 requires the provision of a Country Park to include new footpath connections linking into the existing Public Right of Way (PRoW) network, together with woodland and orchard planting. The application proposes a Country Park area of approximately 6.28 hectares to deliver these requirements.
- 9.219 The proposed Country Park would incorporate informal paths and provide pedestrian and cycle connections to the wider network of open spaces within the development. The existing PRoW within the northern part of the Country Park would be retained and enhanced, with additional connections formed to the main development area. The Indicative Green Infrastructure Plan (drawing 07930-FPCR-XX-ZZ-DR-L-0001 D) demonstrates how the Country Park could be delivered, including provision for a picnic area, informal orchard planting, wildflower meadow creation, and native wet woodland planting along Norton Brook. These measures provide biodiversity enhancement and strengthen ecological connectivity, particularly along the Norton Brook corridor would provide biodiversity enhancement and strengthen ecological connectivity, particularly along the Norton Brook corridor.
- 9.220 Overall, the Country Park is designed to enhance the landscape setting around Bullinghope, provide accessible recreational space for future residents, and contribute positively to local green infrastructure and habitat networks. The detailed design and delivery of infrastructure within the Country Park would be secured at reserved matters stage.
- 9.221 In terms of delivery and long-term management, it is proposed that the Country Park would remain in private ownership (Bloors), with ongoing management and maintenance undertaken by a management company. This approach is consistent with the Council's established policy position that it will not adopt or take responsibility for new areas of public open space. Accordingly, whilst Policy HD6 refers to land being transferred to the Council, the current proposal provides for the Country Park to be delivered and retained within private ownership, with public access secured and maintained through appropriate legal and management mechanisms. As such, the proposed

delivery and long-term stewardship arrangements are consistent with the Council's position, notwithstanding the inconsistency in the supporting text of HD6.

### Public Right of Way (PRoW)

- 9.222 The layout under consideration would impact on the current definitive route of the PRoW. This is highlighted by the Public Rights of Way Officer in their comments, as the proposal shows the diversion of public footpath LOB1.
- 9.223 This process would take place outside and separate to the determination of this application and should any issues arise which result in changes to the PRoW not being supported, the applicant would have to seek alterations to the approved layout utilising the most appropriate mechanism depending on the scale and nature of the required changes. It is important to emphasise that the granting of planning permission does not override this other legislation (Highways Act). As such, any concerns relating to the impact of the layout on the existing PRoW should not delay the determination of this planning application, nor would it be reasonable to refuse the application on that basis. However, it is noted that the supporting information advises that the existing rights of way will be retained, primarily within greenways, and a network of foot/cycle routes will provide new connections through the green spaces.



**Figure 8 Public rights of way map: Source Herefordshire council website**

- 9.224 The layout under consideration would impact on the current definitive route of the PRoW. In such circumstances, the applicant would need to obtain a separate consent in respect of the rerouting of the PRoW.

### Minerals and Waste

- 9.225 A Minerals and Waste Local Plan (MWLP) was adopted in March 2024 and guides mineral extraction and the management of waste in Herefordshire up to 2041 and beyond. The plan replaces the saved minerals and waste policies of the Unitary Development Plan. As advised within the minerals and waste officer comments the proposal is in an area designated for the safeguarding of minerals. The relevant policy is that of policy M2 with in the Minerals and Waste Local Plan (2024) (MWLP).
- 9.226 The policy sets out a criterion where non-mineral developments can be supported within the minerals safeguarding areas. This includes where the non-mineral development is strategic and can be demonstrated to outweigh the need for the mineral resource and associated infrastructure.

NPPF Paragraph 223 also advises that locations of specific minerals resources of local and national significance should be safeguarded, and development avoided in such areas if it might constrain potential future use for mineral working. The application has been supported with a Minerals Assessment by BWB Consulting. The minerals and waste officer has reviewed the submission and concurs with the conclusions of the assessment with regards to the constraints associated with the site which limit the economic and environmental viability of large-scale mineral extraction on the site. MWLP, policy M3 is also of relevance as it deals specifically with the winning and working of sand and gravel and identifies the preferred areas for workings and new operations. However, this application site is not listed or identified within the policy. There is currently no identified need for additional sand and gravel resources within the County, with the preferred areas identified expected to come forward over the plan period. The Minerals and Waste officer has advised no objection and there is no conflict with policies M2 and M3 of the MWLP with regards to the safeguarding of minerals

9.227 In addition to policy M2 within the MWLP, policy M3 is also considered to be relevant as it deals specifically with the winning and working of sand and gravel and identifies the preferred areas for workings and new operations. The application site is not listed or identified within the policy. There is currently no identified need for additional sand and gravel resources within the County, with the preferred areas identified expected to come forward over the plan period.

9.228 This proposal involves the construction of a significant major development and demolition of approximately 2,968 sqm of existing employment floorspace, comprising agricultural and industrial buildings, located to the east of the site on the northern side of the B4399. Therefore, the proposal will generate significant volumes of construction materials and waste from demolition and as such compliance with policy SP1 in the MWLP is required. Policy SP1 seeks to ensure that developments are designed to increase the potential for recycling and minimising waste and that resources are directed to contribute positively to addressing climate change. The main principle of policy SP1 is to ensure that development is delivered sustainably when it comes to the sourcing of construction materials and minimising waste generated through the construction. This application has been supported with the following documents which set out the commitment of the applicants to deliver low carbon housing whilst managing waste generated through the construction sustainably:

- Sustainability and Energy Statement dated March 2024
- Bloor Homes Sustainability Strategy
- Framework Waste Management Plan

9.229 Following the review of the supporting information to address the requirements of Policy SP1, it is considered that should the application be approved, a Resource Audit will be required to set out end of life considerations for the materials used in the proposed development and this has been secured by an appropriately worded condition.

9.230 Accordingly, officers are satisfied that, subject to the proposed condition, the development accords with Policies M2, M3 and SP1 of MWLP and the National Planning Policy Framework (NPPF).

### **Waste - Refuse and Recycling**

9.231 The Council's Refuse and Recycling team has been consulted and raised no objection. Refuse and recycling bins and the locations of bin collection points will be secured under any forthcoming reserved matters applications. Also, under the RM applications tracking for refuse vehicles will be assessed as part of the layout. A financial contribution of £80.00 (index linked) per dwelling has also been secured to provide 1 x black bin and 1 x green bin and this is detailed within the draft heads of terms.

### **Climate change**

- 9.232 Core Strategy Policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 9.233 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living and sustainable modes (as defined by the NPPF). The NPPF sets out at paragraph 115 that in assessing sites for specific applications for development Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this Paragraph 117 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 9.234 The proposed development is located in close proximity to Hereford City and benefits from good access to a range of facilities and opportunities to utilise a number of sustainable travel modes (including train station, bus links and pedestrian and cyclist travel options).
- 9.235 A condition is recommended to ensure electric vehicle charging points alongside details in terms of cycle parking provision and these matters would be considered at the reserved matters stage, setting out how design measures will be incorporated as part of the development.
- 9.236 Overall, the proposed development incorporates a range of sustainability measures and is considered in compliance with CS Policies SS7 and SD1.

### **Planning Obligations**

- 9.237 Core Strategy Policy ID1- Infrastructure Delivery, states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in paragraph 58 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (section 106 agreement). To meet the tests obligations, satisfy all of the following:
- a) *necessary to make the development acceptable in planning terms;*
  - b) *directly related to the development; and*
  - c) *fairly and reasonably related in scale and kind to the development.*
- 9.238 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services) and the Wye Valley Trust (primary health care), Contributions to the Wye Valley Trust are necessary to bridge an initial funding gap resulting from the unplanned for increased population resulting from the development.
- 9.239 The Planning Obligations Manager has confirmed the required contributions and the infrastructure projects that would benefit. The application is accompanied by a draft Heads of Terms and the proposed contributions, that makes provision for contributions towards education, sustainable transport, libraries, waste on-site play equipment, a surgery contribution and the provision of and eligibility for occupation of the affordable housing. Officers are satisfied that the

contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

9.240 It is also noted Network Rail have requested contributions. This is due to a change in Government funding towards railway stations in that any bids for funding need to be accompanied by developer contributions towards rail. Whilst the SUE policies do not reference rail requirements, policy SS4 does reference that Herefordshire Council will work with Network Rail in bringing improvements to the network. The consultation response does not identify railway trips associated with the development or the costs of any schemes. To enable contributions to be requested towards Hereford train station, Network Rail will need to provide additional information to meet the statutory CIL tests which are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

From the proposed development:

1. How many trips are generated from the proposed development that will use the rail network that require works to the station to make the development acceptable?
2. What is the cost of the works identified in the consultation response as:
  - Accessible Facilities: Provision of fully compliant accessible toilets and improved waiting shelters.
  - Wayfinding Enhancements: Clear, legible signage throughout the station and approaches to assist all users, including those with mobility challenges.
  - Drop-off/Pick-up Zone: Improvement of the forecourt to ensure safe and efficient passenger movements.
  - Cycle Parking: Additional secure cycle parking to encourage active travel and reduce car dependency.
3. How are the costs of the works and the number of rail users from the development calculated to make them fairly and reasonably related in scale and kind to the development?

9.241 A summary of the list of obligations are listed below:

Infrastructure	Quantum of contribution
Affordable Housing	<p>The developer covenants to provide 35% of on-site affordable housing</p> <p>The developer covenants with Herefordshire Council that the Affordable Housing Units shall be for the following affordable housing tenures;</p> <ul style="list-style-type: none"> <li>• 67.7% social rented units</li> <li>• 32.3% intermediate units</li> </ul> <p>The developer covenants with Herefordshire Council to deliver 2 units of affordable housing as a wheelchair accessible bungalow to M4(3) regulation standard.</p> <p>The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need to the parish of Lower Bullingham in the first instance.</p>

Biodiversity Net Gain	The developer covenants that the development leaves biodiversity in a better state than before it took place and an approach where the Owner shall work with local authorities, wildlife groups and other stakeholders to support their priorities for nature conservation to ensure a net increase in biodiversity to mitigate the adverse effects arising from the Development
Biodiversity Excess Credits	Herefordshire Council covenants to work with the developer to establish a Biodiversity Net Gain credit bank if excess credits are established through the Biodiversity Net Gain Plan
Public Open Space and Country Park	<p>The developer covenants with Herefordshire Council to provide public open space and the country park to include:</p> <ul style="list-style-type: none"> <li>• 4.01 hectares (37,570 sqm) of on-site green infrastructure comprising:</li> <li>• 3.7 hectares (37,260 sqm) of accessible green space; and</li> <li>• 0.31 hectares (310 sqm) of children's and teenager's play.</li> </ul> <p>The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.</p>
Off-site Active Travel Measures	The developer covenants to provide a financial contribution of <b>£2,655,758.05 (index linked)</b> to provide transport infrastructure projects arising from the councils Local Transport Plan and the Local Cycling, Walking and Wheeling Infrastructure Plan or such subsequent successor council transport plan.
Standard Transport Supplementary Planning Document Contribution	<p>The developer covenants to provide a financial contribution of;</p> <ul style="list-style-type: none"> <li>• <b>£1,720.00 (index linked)</b> for each 2-bedroom open market dwelling</li> <li>• <b>£2,580.00 (index linked)</b> for each 3-bedroom open market dwelling</li> <li>• <b>£3,440.00 (index linked)</b> for each 4-bedroom open market dwelling</li> <li>• <b>£4,300.00 (index linked)</b> for each 5-bedroom open market dwelling</li> </ul>

	to deliver the requisite active travel measures required to mitigate the impact of the development
Bus Service Contribution	The developer covenants to provide a financial contribution of <b>£100,000.00 (index linked)</b> to provide bus infrastructure
Hospital Contribution	The developer covenants to provide a financial contribution of <b>£416,748.48 (index linked)</b> to provide additional capacity, equipment, facilities and/or infrastructure at Hereford County Hospital
Outdoor Sports Contribution	The developer covenants to provide a financial contribution of <b>£1,297.00 (index Linked)</b> per open market dwelling to provide Outdoor Sports Facilities in accordance with the Herefordshire Playing Pitch and Outdoor Sports Strategy and Action Plan February 2023 as amended from time to time
Health Care contribution	The developer covenants to provide a financial contribution of <b>£355,200.00 (index linked)</b> to provide infrastructure for the provision of primary and community healthcare services at South and West Herefordshire Primary Care Network, the Hereford City WBC and Hereford Medical Group Primary Care Network.
Education contribution	The developer covenants to provide financial contributions of: <ul style="list-style-type: none"> <li>• <b>£207,020.00 (index linked)</b> towards pre-school education infrastructure</li> <li>• <b>£1,546,506.00 (index linked)</b> towards primary education infrastructure</li> <li>• <b>£1,534,221.00 (index linked)</b> towards secondary education infrastructure</li> <li>• <b>£48,438.00 (index linked)</b> towards post-16 education infrastructure</li> <li>• <b>£472,376.00 (index linked)</b> towards youth education infrastructure</li> <li>• <b>£262,057.00 (index linked)</b> towards special education needs and alternative provision</li> </ul>

Recycling and waste contribution	The developer covenants to provide a financial contribution of <b>£80.00 (index linked)</b> per dwelling to provide 1 x black bin and 1 x green bin for each dwelling.
Library contribution	<p>The developer covenants to provide a financial contribution of;</p> <ul style="list-style-type: none"> <li>• <b>£146.00 (index linked)</b> for each 2-bedroom open market dwelling</li> <li>• <b>£198.00 (index linked)</b> for each 3-bedroom open market dwelling</li> <li>• <b>£241.00 (index linked)</b> for each 4-bedroom open market dwelling</li> </ul> <p>to provide improved library infrastructure at Hereford library.</p>

### **Cancelling of the relief road and impact on the deliverability of strategic housing sites**

9.242 This application is for a smaller quantum of development, known as Phase 1. The application for the larger site 194402/O is still under consideration following confirmation of the future transport strategy for Hereford and the cancellation of proposals known as The Western Bypass Phase 1 (previously known as 'Southern Link Road (SLR)) which was formerly proposed as a new highway link along with a new river crossing to the west of Hereford City Centre. The aim of the Western Bypass Phase 1 and new river crossing was to ease congestion on the existing network, particularly on the A49. Prior to submission and during pre-application discussions, work was undertaken to establish and confirm the amount of development which could come forward, without having an unacceptable impact on the local and strategic highway network, in line with relevant planning policy. Those discussions confirmed that a proposal for up to 540 dwellings and circa 5 ha of employment land could be delivered in advance of any bypass, link road, or wider 'strategic' highway improvements (subject to several on and off-site mitigation measures and assuming an active travel strategy is in place). This conclusion also generally aligns with the Core Strategy which anticipates a similar number of dwellings being delivered prior to the delivery of the Western Bypass Phase 1 (previously known as the SLR) and a river crossing associated with the bypass.

9.243 As confirmed by the LHA the traffic generated from this first phase is considered capable of being accommodated on the existing transport network without the requirement for additional city-wide measures to be put in place, and therefore able to be brought forward in advance of the alternative transport strategy for Hereford being confirmed.

### **Loss of Agriculturally Productive Land**

9.244 The NPPF emphasises that planning decisions should contribute to and enhance the natural environment. This includes recognizing the intrinsic character and beauty of the countryside and the wider benefits derived from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile (BMV) agricultural land.

- 9.245 The Planning Practice Guidance (PPG) advises that this approach aims to protect BMV agricultural land and soils in England from significant, inappropriate, or unsustainable development proposals, and to manage soils sustainably.
- 9.246 The Agricultural Land Classification Map confirms that the site comprises Grades 1, 2, 3a, and 3b land, which are considered the highest quality agricultural land. Both the NPPF and Core Strategy Policy SS7 encourage the use of lower quality agricultural land where development on agricultural land is necessary.
- 9.247 While the NPPF acknowledges the economic benefits of BMV land, paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising ‘...the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...’. the use of agricultural land is only one material consideration in the determination of planning applications.
- 9.248 A Soil Assessment report has been submitted to support the application. The Soil Assessment has indicated that soils at the Site have been classified as Grade 1, Grade 2, and Grade 3b.
- 9.249 The proposed development will involve the loss of approximately 33.3 hectares of BMV agricultural land. However, the western area which forms the proposed Country Park (approximately 6.28 ha) would remain undisturbed and in-situ. Whilst the loss of agricultural land results in some harm, the site is within an area where the land has already been identified for development within the Core Strategy which has undergone examination. The loss of BMV and other agricultural land in this location has already been considered at the plan-making stage, and the principle of development on this site, including the loss of BMV land, is therefore already accepted. Consequently, although the loss of agriculturally productive land is a factor in the planning balance, officers consider that an objection to the scheme solely on the basis of the loss of BMV land would be unsound.

**Park and Choose site adjacent to the A49/ Rotherwas Access Road roundabout and New school provision**

- 9.250 The site is part of the larger allocation under Core Strategy Policy HD6, and this policy should provide for at least 1,000 dwellings over the Plan period together with key associated social infrastructure requirements. These infrastructure specific requirements include:
- Park and Choose site (land and infrastructure) adjacent to the A49/ Rotherwas Access Road roundabout.
    - The Proposed Development is for Phase 1 of the wider site allocation. While it does not propose a Park and Choose facility at this stage, the Phase 1 indicative masterplan has been designed so as not to preclude Phase 2 which could include the delivery of a Park and Choose facility. This approach is deemed to be acceptable.
  - 210 primary school places and where appropriate contributions towards new additional pre-school facilities.
    - pre-application discussions prior to the submission established that the Proposed Development does not meet the thresholds for the provision of a new 1FE school. Education contributions will be secured through a S106 legal agreement
- 9.251 As this submission has been brought forward as the ‘first phase of the wider allocated site’, the above elements have not been included, however in line with planning policy where the development is expected to have the potential for an adverse effects due to the additional pressure put on existing facilities by the increased local population, the implementation of mitigation in the form of Section 106 obligations has been secured and this has been detailed with the draft heads of terms as per para 9.237 and the proposed mitigation measures proposed will ensure that the development in accordance with Policy SC1.

## **Other Matters**

9.252 For this phased mixed-use development, the deadline for the submission of reserved matters relating to subsequent phases has, unusually, been extended to eight years. This extended timeframe reflects the scale, complexity, and phased delivery of the development, which will come forward over a longer implementation period than would typically be expected for a conventional scheme. Officers are satisfied that the longer period for the submission of reserved matters is justified in this instance and would provide sufficient flexibility to enable the comprehensive delivery of the development across its various phases. The extended timeframe is not considered to prejudice the timely delivery of housing within the authority area, nor is it considered to undermine the Council's ability to demonstrate a five-year housing land supply.

## **Planning Balance and Conclusion**

9.253 The application proposal plays a significant role in the Lower Bullingham Strategic Allocation and delivering this site provides substantial benefits, including:

- Addressing the urgent need for housing, including affordable housing, within the allocated plan period up to 2031 and beyond, by providing 540 homes on part of an allocated site.
- Generating economic benefits through on-site employment during the construction phases and provision of employment land
- Provision of a local centre
- Providing infrastructure for the wider allocation as well as a Country Park
- In environmental terms the scheme offers the ability to mitigate flooding locally and also offers improved access to public transport and opportunities for cycling and walking to prospective inhabitants and wider population.

9.254 However, it is not surprising that a development proposal of this scale raises various issues and concerns, leading to potential conflicts with other policy interests. Consequently, a considerable amount of time has been invested in reviewing, assessing, and refining the submission documents to understand and shape the necessary mitigation strategies. These strategies are intended to ensure that the new homes, and other components of this development proposal are capable of being sustainable.

9.255 This process included extensive discussions with consultees regarding the planning obligations needed to make the development acceptable from a planning perspective. These obligations must be directly related to the development and should be fair and reasonable in scale and kind.

9.256 As advised above the proposed development forms part of a strategic site and would deliver 540 dwellings, employment land, a local centre and a Country Park together and the application is for outline permission with all matters reserved except for access. Therefore, it is only the principle of development and the principal means of access that is to be assessed. The quantum of development is considered capable of being accommodated on the site but the detail of this is not currently under consideration.

2.257 It has been demonstrated that a satisfactory access strategy for all modes can be provided and the proposals therefore meet the objectives of Policy HD6 to a sufficient or appropriate level. With the proposed mitigation measures, it has been demonstrated that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development. The submission demonstrates that the proposed development can be made sustainable through the provision of improved public transport, walking and cycling infrastructure, of a level commensurate with the level of development proposed. It therefore satisfies Policy SS4 of the core strategy.

- 9.258 The site is close to Hereford City and within walking and cycling distance of the Hereford as well as the local highway network and existing services and facilities within Hereford City. It is therefore considered to be a sustainable location. The proposed layout as shown within the illustrative masterplan part of first phase of a strategic site is considered broadly acceptable whereby it would provide, and allow for, the requisite level of open-space and associated infrastructure without compromising visual amenity or resulting in any notable adverse landscape impacts. Highways and connectivity matters have largely been satisfactorily resolved; the proposal would enable active travel links to surrounding residential areas and services and facilities and; would not sterilise the ability for further development of the remainder of the strategic site as per policy HD6. The LHA has concluded that the local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, that the proposals as before us now are designed and laid to achieve safe entrance and exit and have appropriate operational and manoeuvring space.
- 9.259 In terms of the NPPF no harm has been identified to designated heritage assets.
- 9.260 With no five year supply of housing land in Herefordshire, footnote 8 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 77) or where the Housing Delivery Test indicates that the delivery of housing was substantially below 75% of the housing requirement when measured over the previous three years.
- 9.261 As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision taking this means, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed: or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
- 9.262 In this case there are no specific policies in the NPPF that indicate development should be restricted and therefore paragraph 11di) is considered not to be engaged for the purposes of this application. Accordingly, an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 9.263 The contribution the scheme makes to the supply and delivery of housing in the county is a significant material consideration in favour of the scheme. In environmental terms the scheme offers the ability to mitigate flooding locally and also offers improved access to public transport and opportunities for cycling and walking not just to prospective inhabitants, but the wider population. These opportunities arise from upgrades to walking and cycling infrastructure that will be delivered through the securing of financial contributions secured by the S106 and include a bus route from the via the proposed new Twyford.
- 9.254 Officers acknowledge that the proposed development would result in the loss of agriculturally productive land and would have an impact on the amenity of existing public rights of way. It is further recognised that the proposal would materially alter the current experience of the open fields for nearby residents, by introducing a high-density form of development and a consequential increase in activity within the area. These impacts have been carefully considered in the overall planning balance.
- 9.265 The LHA has concluded that the local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, that

the proposals as before us now are designed and laid to achieve safe entrance and exit and have appropriate operational and manoeuvring space.

- 9.266 NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network. Following extensive discussions with the Local Highway Authority essential mitigation necessary as detailed in paras 9.21 to 9.55, key connections to it so there are alternative and safe options for sustainable travel for future residents of the development site have been secured. The proposals have addressed these requirements with delivery being secured through mechanism such as S278 and Section 106. Officers would conclude that, with the appropriate conditions and legal agreements the proposals meet the requirements of policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy and guidance contained within the National Planning Policy Framework.
- 9.267 There are several matters that can be readily satisfied with suitable worded conditions and the planning conditions as detailed below are further necessary to regulate development in accordance with the tests prescribed at paragraph 57 of the NPPF are set out below. Conditions will include provisions relating to the phasing of the development and requirement that the Reserved Matters layout is informed by the revised indicative masterplan and associated parameter plans and the recommendation is subject to the completion of a s106 agreement to secure the affordable housing and provision of the requisite levels of public open space; and financial contributions to mitigate impacts arising on educational infrastructure, the local transport network, off-site sports infrastructure, health care provision and waste collection.
- 9.268 All other matters such as appearance, scale, layout and landscaping will be determined at the reserved matters stage and officers have identified in this report some key issues that will be key to informing an acceptable scheme is brought forward. These include, the layout and design of the dwellings will be crucial at that stage to ensure there is no adverse impact upon any neighbouring properties and as referenced above due the sites location on the edge of the city, high quality design that address climate change as well as recognising key constraints such as existing landscape and biodiversity features and integrating them into the development successfully whilst addressing technical matters such as highway layouts and drainage.
- 9.269 The proposed development will result in a change to the landscape character and therefore create conflict with policy LD1 of the Core Strategy, however this change is to be expected with such change to of use. The impact on visual amenity is only considered to be minor, and there are opportunities for tree and other green infrastructure retention and enhancement alongside biodiversity enhancement in accordance with policies LD2 and LD3. The application was submitted prior to Biodiversity Net Gain becoming mandatory and it is not a policy requirement for this Site to provide a 10% net gain. Nonetheless, the application proposals will result in BNG, and this is a further benefit of the scheme which attracts moderate weight.
- 9.270 Concerns raised by local residents and the Parish Councils in respect of flooding and drainage, including the are acknowledged and have been taken into consideration in the assessment of the application. During the course of the application, additional information and clarification were sought from the applicant and subsequently reviewed by the Lead Local Flood Authority (LLFA). Following this review, the LLFA has confirmed that the principle of the development is acceptable, subject to the imposition of appropriately worded planning conditions, as set out below. The Environment Agency, having reviewed the information submitted and have not raised an objection. The LLFA's emergency planning officer has confirmed no objection subject to the insertion of a FEMP condition which has been included at the end of this report.
- 9.271 As detailed above this site forms part of an allocated strategic site and the application site area for this application has been reduced which has removed previous concerns in the form of highway impact. The proposal is for development of part of one of the three strategic allocations around Hereford that are crucial to delivery of the requisite homes over the lifetime of the Core

Strategy. It is important to stress that this application would deliver housing, and this includes affordable housing in Hereford City where there is currently under delivery of dwellings.

- 9.272 The Core Strategy recognises the key role played by the city and states that Hereford will accommodate a minimum of 6,500 new homes within the plan period. This site offers a significant contribution to that total. The principle of development is supported via the Council's adopted policies. The site has been considered in line with the aims of policy requirements as set out in HD6 as reported above. Overall, officers consider that the scheme is well-conceived and capable of delivering the high-quality sustainable development that the Core Strategy envisages.
- 9.273 There would be both economic and social benefits of providing dwellings which would include but not be limited to the initial boost to the local economy during the construction phase, the associated contribution this makes to community vitality and wellbeing, affordable housing, expenditure during construction and additional dwellings to increase choice within the market including affordable provision. The securing of an appropriate mix of open-market and affordable housing would also help to contribute towards a mixed and balanced community. Subject to a well-planned reserved matters scheme, it is reasonable to conclude that there would be no adverse environmental impact; or if any do arise, that they would be of insufficient magnitude to outweigh the benefits of providing dwellings within a sustainable location.
- 9.274 As advised, the application has undergone various revisions during the course of its assessment. This has resulted in several periods of public consultation relating to the proposals, during which representations have been received from local residents and parish councils. It is acknowledged that the vast majority of respondents do not support the proposed development. The matters raised within these representations have been considered as part of the assessment process and have led to requests for further information and amendments to the scheme.
- 9.275 Notwithstanding the number of local objections, no other areas of harm have been identified by statutory consultees, notably the LHA. Material planning considerations in respect of highways, drainage, ecology, landscape, heritage, possible contamination, and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions and/or S106 requirements. Overall, officers' assessment of the scheme concludes the proposal accords with the development plan and there are no material considerations to indicate that planning permission should not be granted.
- 9.276 To conclude, subject to a well-considered reserved matters application(s), it is reasonable to conclude that there would be no discernible adverse environmental impacts; or if any do arise, that they would be of such insufficient magnitude to outweigh the benefits of providing residential development, including affordable housing, in a sustainable location and the proposals are considered to represent sustainable development and are generally in accordance with the development plan. Given all the above and having due regard to the 'tilted balance', for the reasons set out above, it is considered that the identified harms do not significantly and demonstrably outweigh the benefits of the scheme and, as such, outline planning permission should be granted. In conclusion, the recommendation is to permit the planning application, subject to completion of a Section 106 Agreement and various planning conditions, which include those recommended by consultees.
- 9.277 Overall, officers conclude that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits of this allocated site, and no grounds for refusal have been identified and therefore accord with the policies of the NPPF taken as a whole. It is not considered that the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement (Draft Agreement to be published for a minimum of 10 working days prior to**

determination) officer named in the Scheme of Delegation are authorised to grant Outline planning permission with all matters reserved except access subject to the conditions below and any other further conditions (or amendments) considered necessary.

That planning permission be granted subject to the following conditions:

**Standard**

- 1 Application for approval of the first reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission, or within three years of final completion of any legal challenge under S288 of the Town & Country Planning Act 1990. The last of the reserved matters shall be submitted before the expiration of eight years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for a phase shall be obtained from the Local Planning Authority in writing before any development on that phase commenced.

Reason: To enable the Local Planning Authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1, LD1, LD2, LD3, LD4, HD6, MT1, OS1, OS2 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

- 4 The development shall be carried out strictly in accordance with the approved plans as far as it relates to access:

- Site Location Plan: BL-M-12 Rev G
- Roundabout General Arrangement Plan: ref 07129-A-0001-P07
- Green Crize General Arrangement Plan: ref: 07129-A-0020-P07

except where otherwise stipulated or approved by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy, SD1, MT1 and HD6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 The reserved matters applications should be in general in accordance with the following plans:
- Land Use and Access Parameter Plan: ref 35304 BL-M-16 Rev J
  - Scale Parameter Plan: ref 35304 BL-M-17 Rev F
  - Green Infrastructure Parameter Plan: ref 35304 BL-M-18 Rev F

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, MT1 and HD6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Site wide pre-commencement conditions**

- 6 **Drainage matters**  
The reserved matters submission relating to layout, scale, appearance and landscaping for residential development (or a phase thereof) submitted pursuant to Condition 3 shall be accompanied by detailed surface water and foul water drainage design drawings/construction plans and approved in writing by the Local Planning Authority in consultation with Welsh Water.

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure drainage conforms with Policies SD3, SD4 and HD6 of the Herefordshire local Plan - Core Strategy and the national planning Policy Framework

- 7 **Internal Roads**  
Details of internal access, estate roads, pedestrian/cycle routes, and circulation arrangements within the development shall be reserved for future approval as part of the submission of reserved matters. No development shall commence on any phase of the development until full details of the internal access and circulation layout for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, HD6, MT1 and the National Planning Policy Framework

- 8 **Phasing Plan**  
Prior to the commencement of development of any phase, a detailed development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority identifying the phasing, if any, for the development and shall specify the following:
- Residential phase(s)
  - Employment phase(s)
  - Country Park
  - Local Centre
  - Timing of delivery of on-site highway works (including but not limited to on-site roads, footways, cycleway, emergency access opening) and timing
  - Timing of delivery of offsite highways improvements (Section 278 works)
  - Timing of delivery of public open space
  - Procedures for amending the phasing plan if subsequently deemed necessary.
  - Delivery of drainage infrastructure

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan, unless an alternative plan is submitted to and agreed in writing by the Local Planning Authority.

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, HD6, MT1 and the National Planning Policy Framework.

**9 Highway Access works**

Prior to commencement of any development to which this permission relates, details of the proposed access works [with the B4339, Green Crize and Watery Lane (including the Twyford Road Link)] must be submitted to and approved by the Local Highway Authority in writing. Development shall not begin in relation to any of the specified access works until details of these accesses and associated off-site highway improvement works (e.g. Hoarwithy Road) have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority. No dwelling shall be occupied in a particular phase until these schemes have been constructed in accordance with the approved Phasing Plan for the associated phase of development.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

**10 Any future reserved matters application should include an updated noise impact assessment based on a more detailed site layout and demonstrate how a good design process has been followed in accordance with ProPG. Should the assessment identify that an overheating assessment is required, this should also be provided.**

Reason: In order to protect the amenity of the area so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

**11 Pedestrian/cycle link**

Prior to commencement of development within each phase, details of a temporary, direct, pedestrian and cycle link connecting each Phase with the Green Crize, Watery Lane and B4339 accesses must be submitted to and approved by the local highway authority in writing. Development shall not begin until details of the temporary pedestrian and cycle link have been submitted to and approved by the Local Planning Authority in writing, following the completion of the technical approval process by the local highway authority.

No dwelling shall be occupied until the approved temporary pedestrian and cycle link serving that phase, has been provided in accordance with the approved details.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12

### **Bus stop Infrastructure**

Prior to the commencement of development within each phase, details for the provision of bus stop infrastructure required to serve that phase (including exact locations and full design specifications for shelters, raised kerbs, and real-time information displays) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

The submitted details shall include:

- Locations sited on straight sections of highway, avoiding interference with junctions or private accesses. Bus cages to have a TRO to prevent parking in them.
- Shelter Designs that maintain a minimum clear footway width of 1.5m to the rear and are set back at least 0.5m from the kerb edge.
- Accessibility Features including a 2m x 2m clear boarding area and raised kerbs (minimum 125mm height) for level boarding.
- Programme for installation.

Any bus stops and shelters approved for the relevant phase shall be installed in accordance with the approved details prior to the first occupation of that phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13

### **FFL**

No development within a phase, other than demolition and site clearance, shall commence until a plan showing the finished floor levels of the proposed development in relation to the existing and proposed ground levels of the surrounding land has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. Ground floor levels should be set so that, should groundwater emerge in extreme conditions, water would not be able to enter directly into the building.

Reason – for the avoidance of doubt and to ensure that the levels of the buildings are built to ensure protection from groundwater flooding in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

14

### **Contamination**

Prior to any works or site preparation commencing on a phase, the following information shall be submitted to and approved in writing by the Local Planning Authority:

a) The risk assessment submitted in support of the application (BWB, Ref:BMW2135, August 2024) confirmed the possibility of a significant pollutant linkage(s), a site investigation (as recommended) should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with

situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15

#### **CEMP**

Prior to any works or site preparation commencing within a phase, including site clearance or demolition works, and storage of equipment and materials on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

The CEMP shall include:

- named 'responsible person'
- ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP)
- **Pollution Prevention:** Details of fuel storage, bunding, and spill response procedures.
- **Water Management:** Measures to control surface water run-off and sediment, including the use of silt traps or settlement tanks.
- **Protection of Watercourses:** Identification of buffer zones: details of a detailed scheme to demonstrate that all areas within 50m of any watercourse and any crossings or other works to watercourses are fully compliant with best practice in respect of Otter movement and safety and passage of fish and crayfish
- **Groundwater Protection:** Methods to prevent contamination of underlying aquifers, especially during intrusive works like piling
- Hours of working
- Tree protection (and arb report)
- Dust management and mitigation measures
- Storage of materials
- consider and detail mitigation and working methods in respect of all non-ecological/wider potential environmental effects from site preparation, soil storage and management, and construction works

The approved CEMP shall be approved in writing and implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies HD6,SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

16

#### **Ecology**

No more than 3 months prior to the commencement of development within any phase, including site clearance, demolition, material or equipment storage on site, the following shall be submitted for approval by the Local Planning Authority:

- a) Updated ecological assessment/walkover to consider all protected species and general ecological interests.
- b) Updated results and report, where required by the updated ecological assessment/walkover, shall be supplied and used to inform a specific Ecological Working Methods Scheme; and
- c) detail any specific licences or other 'external' permissions that may be required.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies HD6,SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency

17

**CTMP**

Prior to any works or site preparation commencing on a phase of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

- a) Construction phasing
- b) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses and construction delivery times (to avoid peak hours), parking for site operatives
- c) Details of any special or abnormal deliveries or vehicular movements.
- d) Clear and detailed measures/method to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- e) Details of signage including type, drawings, timescales and locations
- f) Mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.
- g) A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- h) Waste management.
- i) Wheel washing measures
- j) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

**Reason:** To mitigate any adverse impact from the development on the A49 trunk road and road network and in the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18

**Contamination**

The Remediation Scheme, as approved pursuant to condition no. 14 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be

submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19

#### **Housing Mix**

Proposals for the number, size and type of open market housing on any individual phase of the development shall be submitted to the Local Planning Authority for approval either prior to or as part of any reserved matter application(s) relating to Layout.

The size and type of the open market housing shall comply with the following Table:

<i>Dwelling Type</i>	<i>Quantity (%)</i>
<i>2-bed</i>	<i>20 – 25</i>
<i>3-bed</i>	<i>30 – 50</i>
<i>4-bed</i>	<i>25 – 35</i>
<i>5-bed</i>	<i>0-5</i>

The development shall thereafter be implemented in accordance with the approved scheme.

Reason: The permission is outline only and this condition is imposed to ensure the development meets the present and future housing by requiring delivery of the most appropriate size and type of additional housing in accordance with the requirements of policies HD6 and H3 of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework.

20

#### **Sport England**

No development in relation to any phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met within that phase.

Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy and the National Planning Policy Framework.

21

### **Archaeology**

No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service. The development shall not be occupied in full until the programme of archaeological work, including agreed archiving reporting and summary publication, has been completed.

**Reason:** To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

22

### **Resource Audit**

Prior to any development including demolition commencing on site a Resource Audit to identify the approach to materials and waste prevention should be submitted to the Local Planning Authority. The Resource Audit shall include the following;

The Resource Audit shall include the following:

- The amount and type of construction aggregates required and their likely source;
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

**Reason:** The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

23

### **Additional Ecological Enhancements**

No development shall commence on site until a detailed plan and specification showing all proposed 'species enhancements' in addition to statutory BNG has

been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies HD5, SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency and the National Planning Policy Framework

**24 Flood Emergency Plan**

Prior to the construction of the development, a Flood Emergency Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of the proposed 'Welcome Pack', signage and routing options, as well as how occupants will be able to sign up to all relevant emergency alerts. It shall also include a method to retain the plan through property turnover, update the plan and include a timescale for revision of the plan for the lifetime of the development.

**Reason:** To protect the development from flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

**Site wide - pre-occupation conditions**

**25 LMP**

Prior to the first occupation of each phase, a landscape management plan for all non-private landscaped areas within that phase, including details of implementation, management responsibilities, and maintenance arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The approved LMP shall thereafter be implemented and maintained in accordance with the approved details.

No development within each phase shall be occupied until a Landscape Management Plan (LMP) for that phase, including a programme for implementation, addressing management responsibilities and maintenance schedules for upkeep of all landscaped areas, other than domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The LMP shall be implemented in accordance with the details of the programme of implementation and shall be maintained and retained thereafter.

**Reason:** To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of heritage assets hereabouts, to maintain and enhance the character and appearance of the location and to ensure that the development complies with the requirements of Policy SS6, HD6, LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

**Site wide - compliance conditions**

**26 Define permission**

In line with the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification), the maximum amount of development permitted comprises:

a) Up to 540 dwellings (Use Class C3),

- b) 5.57 hectares Employment Land Use Class B And E
- c) 1650 sqm of mixed-use local centre (Use Classes F2 and E)

**Reason:** To define the scope of the permission in the interests of a satisfactory form of development and to comply with Policy SD1, MT1 and HD6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

**27 Streetlighting**

**Prior to installation of any streetlighting or lighting in other public areas, details of the design and luminaire specification should be submitted to an approved.**

**To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)**

**28 Arboricultural**

**Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following document:  
Arboricultural Assessment BS5837:2012 (September 2024)**

**Reason:** To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**29 Contamination**

**If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason:** In the interests of human health and to comply with Herefordshire Core Strategy policy SD1.

**30 Foul Water**

**All foul water from the development site shall discharge through a connection to the existing public Mains Sewer network at a suitable point agreed with Welsh Water. No building shall be occupied until it is served by the approved connection.**

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4

**31 SUDS**

**Surface water shall be managed by SuDS with no discharge to any mains sewer system.**

**Reason:** In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4.

**32 Trees**  
If within a period of 5 years from the date of planting, the tree, or any tree planted in replacement of it, is removed uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same size and species shall be planted within the first planting season, unless the Local Planning Authority gives written consent to a variation.

**Reason:** To ensure failing trees are replaced and thereby ensuring that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**33 Trees**  
No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

**Reason:** To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**34 Stopping up**  
Prior to the occupation of the 25<sup>th</sup> dwelling, an application for a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 in respect of Lower Bullingham Lane and Water Lane shall be submitted to the Local Highway Authority. Evidence of the submission of the application shall be submitted to the Local Planning Authority together with a programme for implementation of the Stopping Up Order, a Management and Maintenance Plan and details of the physical design features and signage to be placed in the highway.

The submitted details shall be approved in writing by the Local Planning Authority and thereafter be implemented in accordance with the approved details.

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

#### **Highway off Site Works**

**35 Highway Improvement /Off Site Works**  
Development shall not begin in relation to each of the specified highways works to be undertaken at Hoarwithy Road, Green Crize Crossing, Twyford Road Link and the A49 Junctions (The A49/ Holme Lacy Road / Walnut Tree Avenue junction and the A49/A465 junction) until details of the relevant works have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority. It is noted that in addition to the proposed changes to lane markings at the A49/ Holme Lacy Road / Walnut Tree Avenue signalised junction, the A49 Junction Works are to comprise signal timing changes to be agreed with the National Highways and the Local Highway Authority.

Prior to occupation of the 25<sup>th</sup> dwelling, the schemes at Hoarwithy Road, Green Crize Crossing and the Twyford Road Link shall have been constructed in accordance with the approved details.

The A49 Junction Improvements shall be implemented in accordance with the approved details and a programme submitted to and approved with the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy HD6 and MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].

#### Residential Phases - Pre-occupation conditions

#### 36 Highway survey

Prior to the first occupation within the residential element of the development, the details of a survey strategy should be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The survey strategy shall include, but not be limited to, a suitable programme and location of new surveys for vehicle, cyclist, and pedestrian movements. Baseline surveys shall be undertaken in line with the approved strategy prior to occupation of the 100th dwelling or within 12 months of the first occupation, whichever occurs first, and repeat surveys thereafter at 50% occupancy (approximately 270 dwellings) or third year of first occupation, whichever occurs first, and at 80% occupancy (approximately 430 dwellings) or fifth year of first occupation, whichever occurs first. The approved programme shall be implemented in accordance with the latest guidance and good practice documentation published by the Department for Transport and the Local Planning Authority.

Reason: To ensure that robust travel data is available to inform and monitor the effective implementation of sustainable transport measures as outlined in the Travel Plan. and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### 37 Travel Plan Coordinator

Prior to the first occupation of the residential element of the development, a Travel Plan Coordinator shall be appointed for a period of ten years or until one year after the residential element of the development is fully occupied, whichever is later. The duration of this post shall depend on whether monitoring and evaluation demonstrate that the targets detailed in the Travel Plan have been met. If the targets are not met, the role shall be extended further, including monitoring of targets, until such time as it can be demonstrated to the Local Planning Authority that the Travel Plan has achieved its targets and objectives.

Reason: To ensure the development meets the objectives of sustainable development and promotes sustainable travel behaviour and ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### 38 Travel Plan

Prior to the first occupation of the residential element of the development, implementation of the Travel Plan shall have commenced in accordance with the approved details. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after the 1st , 3rd , 5th, 8th and 10th years following first occupation (or sooner as provided for by Condition 40) and thereafter every three years if the targets are not met, and to be audited by the Local Planning Authority in consultation with National Highways.

**Reason:** To ensure the Travel Plan is effectively monitored and achieves its objectives of promoting sustainable transport and to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

39

#### **Water Efficiency**

Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

**Reason:** In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD3 SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

40

#### **Cycling**

No residential dwelling within a phase of the development shall be occupied until secure, covered cycle parking for that phase has been provided in accordance with the approved Phasing Plan submitted pursuant to Condition 8, including the timescale for delivery of the country park, and in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:

- the number, type and location of cycle parking spaces and stands (including Sheffield stands where applicable); and
- design and construction details of the cycle parking and storage facilities, including materials, weather protection and lockable access arrangements.

The approved cycle parking facilities shall be provided prior to first occupation of the relevant phase and shall thereafter be retained, maintained and kept available for the parking of cycles by residents and visitors at all times.

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

41

#### **Car charging**

Prior to the first occupation of any dwelling within any residential phase, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The works serving each dwelling shall be carried out in accordance with the approved details prior to the occupation of that dwelling.

**Reason:** To address the requirements policies in relation to climate change HD6, SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord

with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework

**Residential Phases - Compliance conditions**

- 42 No external lighting other than lighting of the highway shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency

- 43 **Open Space**  
The timing of the delivery of play areas and public open space (POS) within each phase of the development shall be carried out in accordance with the approved Phasing Plan for that phase, submitted pursuant to Condition 8. The play areas and public open space shall be constructed in full accordance with the approved details. They shall be completed and made available for use in accordance with a timetable that has been submitted to and approved in writing by the Local Planning Authority. Once provided, the play areas and public open space shall be retained and maintained in accordance with the approved details for the lifetime of the development.

Reason. In order to comply with the requirements of Policies HD6, OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Employment/non residential Phase (s) – pre-commencement condition.**

- 44 **Hours of use**  
Any Reserved Matters application containing non-residential buildings shall provide details of the hours of use and, where relevant, hours for deliveries and collections for approval in writing by the Local Planning Authority.

The use of the premises shall be implemented in accordance with the details as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjacent properties and the general locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 45 **Archaeology**  
No work on the employment phase of development shall take place until a detailed design and method statement for the foundation design and all new groundworks relating to groundwork within the employment land over and around the 'Rotherwas Ribbon has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.

**Reason:** The development affects a site on which archaeologically significant remains survive, and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

**Employment Phase – Pre-occupation conditions**

**46**

**Travel Plan**

Prior to the first occupation/use of the employment development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors of the employment area permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the employment development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually for a minimum of five years. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**47**

**Floodlighting**

Details including illumination areas, luminance levels and control systems of any floodlighting or external lighting proposed to illuminate any phase of the employment development, shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building(s) are occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**Reason:** To safeguard local amenities and adjoining land uses, Dark Skies and to comply with Policy SD1, SS6 and LD1 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework and Conservation of Habitats and Species Regulations (2018)

**48**

**Car charging**

Prior to the first occupation of each unit / building sited within the employment phase of the development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the staff and visitors of the employment uses hereby permitted shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and provision retained and kept available for use thereafter.

**Reason:** To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

49

### **Cycle**

Prior to the first occupation of the employment uses/buildings hereby permitted, a scheme for long and short-stay cycle parking and associated end-of-trip facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:

- **Long-Stay Storage:** Secure, weatherproof, and well-lit storage for staff.
- **Visitor Parking:** Conveniently located short-stay stands (e.g., Sheffield stands) within [15m–20m] of the main entrance.
- **Commuter Facilities:** Detailed plans for on-site changing rooms, showers, and drying facilities for clothes and equipment.
- **E-Bike Charging:** Provision for electric bike charging points for at least [e.g., 5-10%] of long-stay spaces.

The facilities shall be fully implemented before occupation and retained thereafter for the lifetime of the development.

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

50

### **Highway**

Prior to the first occupation of each unit / building sited within the employment phase of the development hereby permitted the access, turning area and parking facilities (including areas for the manoeuvring, parking, loading and unloading of vehicles) as detailed within the RM submissions relating to layout and landscaping (or subsequent conditions) shall have been laid out, consolidated, surfaced and drained. Such areas shall thereafter be retained and kept available for those uses at all times.

**Reason:** In the interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1 and the National Planning Policy Framework.

### **Employment Phase(s) – Compliance Condition**

51

### **Use class control**

The land allocated for the employment phase of the development hereby permitted shall be used for Class B and E use only of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** The Local Planning Authority wish to control the specific use of the employment land/premises on this strategic site, in the interest of local amenity, highway safety, delivery of economic objectives and to comply with Policy SS5, E1, HD6, MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **INFORMATIVES:**

1

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**2** The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

**3** Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.

All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance

**4** A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

**5** This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

**6** In connection with Conditions 46 and 38, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request

should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ

- 7 A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed
- 8 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'
- 9 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 10 The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system.
- 11 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 12 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
- 13 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
- 14 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 15 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto
- 16 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 17 The applicant should be aware that to be an accredited country park - Natural England-Green Flag – there are some very specific and detailed criteria that must be delivered. Careful use of the term “country park” is requested to ensure there is no confusion or higher than reality expectations created. Criteria for accreditation can be found at <https://www.gov.uk/government/publications/accredited-country-parks-in-england>
- 18 The applicant is reminded that all natural planting should fully consider climate change and pest-pathogen resilience. To comply with the Highway Design Guide thorny and spikey species should not be planted adjacent or close to any public footpath, footway, cycleway of other highway feature
- 19 Prior to discharging condition 24, the applicant contacts us via [floodrisk@herefordshire.gov.uk](mailto:floodrisk@herefordshire.gov.uk) to discuss the ‘detailed design’ of the FEP so that further guidance can be provided
- 20 Consideration should be given to using the Active Design checklist in Sport England’s Active Design Guidance to assess reserved matters planning applications”
- 21 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact HARC, Fir Tree Lane, Rotherwas, Hereford HR2 6LA (Tel: 01432 260470).
- 22 In regards to condition 35 Highways Improvement/off site works: the details shall be in general accordance with the submitted Informative Drawings: Hoarwithy Road Footway Drawing No. 07129-CI-A-SK08 PO3; Green Crize Crossing Drawing No. 07129-A-0060 P07; and Twyford Road Link Drawing No. 07129-CI-A-SK03 P10.

Decision: .....

Notes: .....

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**Background Papers**

List of Background Papers (Section 100D of the Local Government Act 1972)  
 Available at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

Minerals and Waste Local Plan 2024

Lower Bullingham Neighbourhood Plan 2017

Callow and Haywood Neighbourhood Plan 2016

Herefordshire Local Plan – Core Strategy 2011–2031

All internal consultee responses

All external consultee responses

All public representations received during consultation

Relevant correspondence from the applicant/agent during processing of the application.

Application Documents (including subsequent supporting technical submissions)

Application Forms and Ownership Certificates

Completed Herefordshire Council Biodiversity and Ecology Measures Checklist

Completed Herefordshire Council Climate Change Measures Compliance Checklist

Submitted plans and drawings

Updated Design and Access Statement

Planning Statement (including draft Heads of Terms)

Statement of Community Involvement

Arboricultural Assessment (including Tree Survey)

Heritage Impact Assessment

Flood Risk Assessment

Sustainable Drainage Statement

Water Framework Directive Scoping Report

Phase 1 Geo-Environmental Assessment

Soil Assessment

Minerals Assessment

Noise Impact Assessment

Updated Framework Travel Plan

Air Quality Assessment

Framework Waste Management Plan

Energy and Sustainability Statement and Sustainability Infographic

Statutory Biodiversity Metric Calculation (Excel Spreadsheet)

Outline Flood Emergency Plan

BWB Sequential Test & Exception Test Commentary (BUL-BWB-ZZ-XX-T-W-0016 Rev P02) (13.10.25)

Lower Bullingham, Herefordshire - Amended Scheme – Stage 1 Road Safety Audit and Designer Response Report (TMS / PJA, 15 December 2025)

Lower Bullingham, Herefordshire - Twyford Road / Watery Lane – Stage 1 Road Safety Audit and Designers Response Report (TMS / PJA, 15 December 2025).

Email from Agent to Planning Officer '242558 Lower Bullingham - National Highways update' (01.09.2025)

Technical Note: Response to National Highways Comments (07129-T-06-A) 10.03.25 (including Appendix A – Systra Response)

BWB Review of LLFA Feb 2025 Comments (BUL-BWB-ZZ-XX-T-W-0012 Rev P03) (11.03.25)

Technical Note: Response to Active Travel England Comments (07129-T-05-C) (03.04.25)

Technical Note: Response to Herefordshire Council Highways Comments (07129-T-07-B) 04.04.2025 (including appendices A-E)

Technical Note: HC Modelling Comments - Further Information (07129-T-08-A Rev A) 02.06.25

Technical Note: HC Highways Post Application Engagement Tracker (07129-T-09-A Rev A) (05.06.25)

Landscape and Arboriculture Note – Consultation Comments Response (06.06.25)

BWB Review of LLFA May 2025 Comments (BUL-BWB-ZZ-XX-T-W-0014 Rev 01) (13.06.25)

Updated HC Action Tracker (10.10.25)

Letter from EFM regarding Education Contributions (01.10.25)

'Letter of Comfort' provided by the landowners confirming they are satisfied with the proposed arrangements for continued access to their retained farmland (23.01.2026)

ES Volumes 1 (Main Text), 2 (Figures) and 3 (Appendices)

ES Non-Technical Summary

Heads of Terms/Draft S106

**Appendices:**

Appendix:1: Illustrative Concept Masterplan (Phase 1) BL-M-11 Rev N;

Appendix: 2: Green Infrastructure Parameter Plan: 35304 BL-M-18 Rev F

Appendix 3: Scale Parameter Plan: 35304 BL-M-17 Rev F

Appendix 4: Green Infrastructure Plan 07930-FPCR-XX-ZZ-DR-L-0001-Rev D (illustrative only)

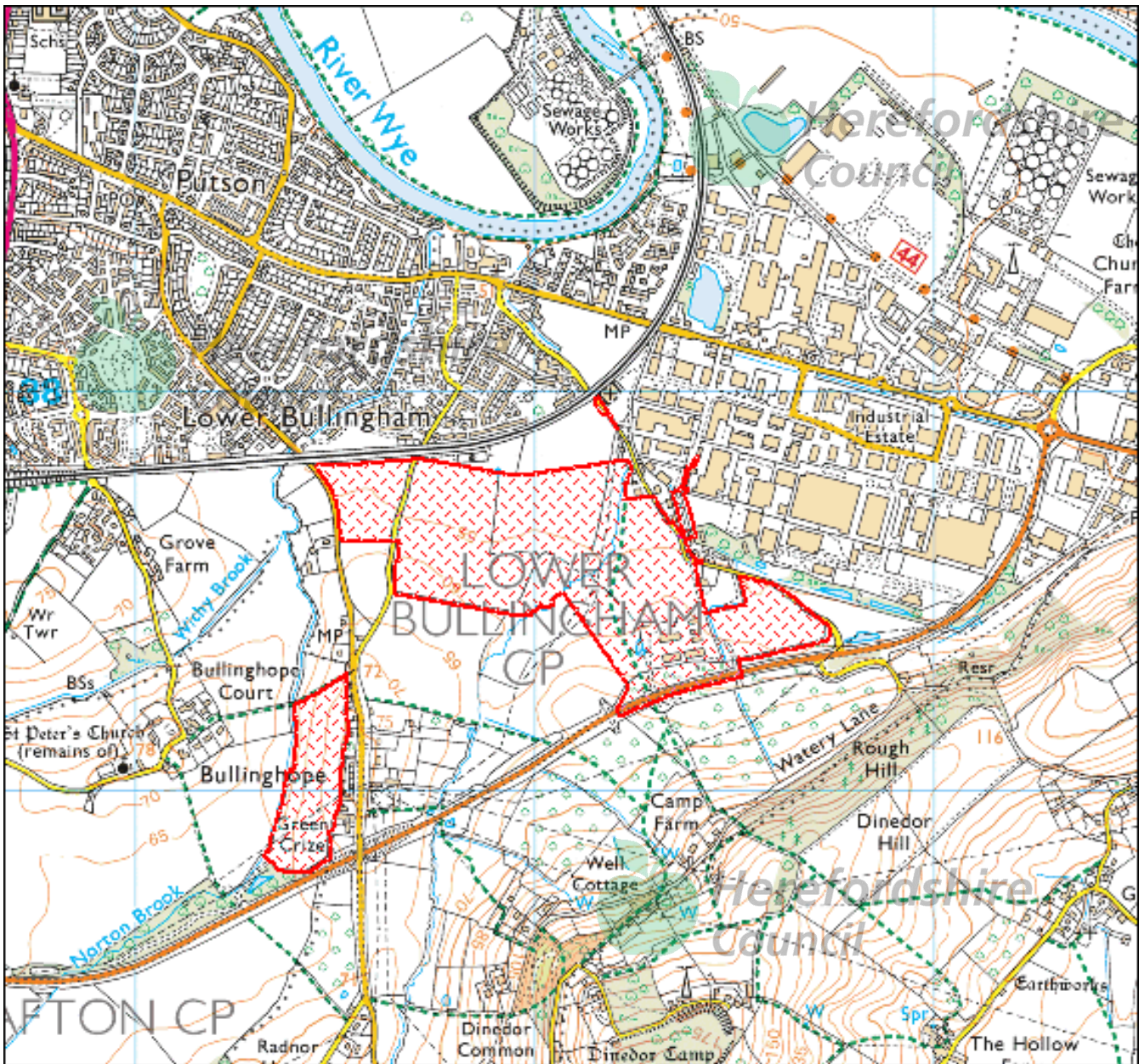
Appendix 5: Land Use and Access Parameter Plan 35304 BL-M-16 Rev J

Appendix 6: NHS: Herefordshire Clinical Commissioning Group: March 2026

Appendix 7: Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 and Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

Appendix 8: Education Officer Comments: November 2025

Appendix 9: NHS: Primary Care Comments: November 2024

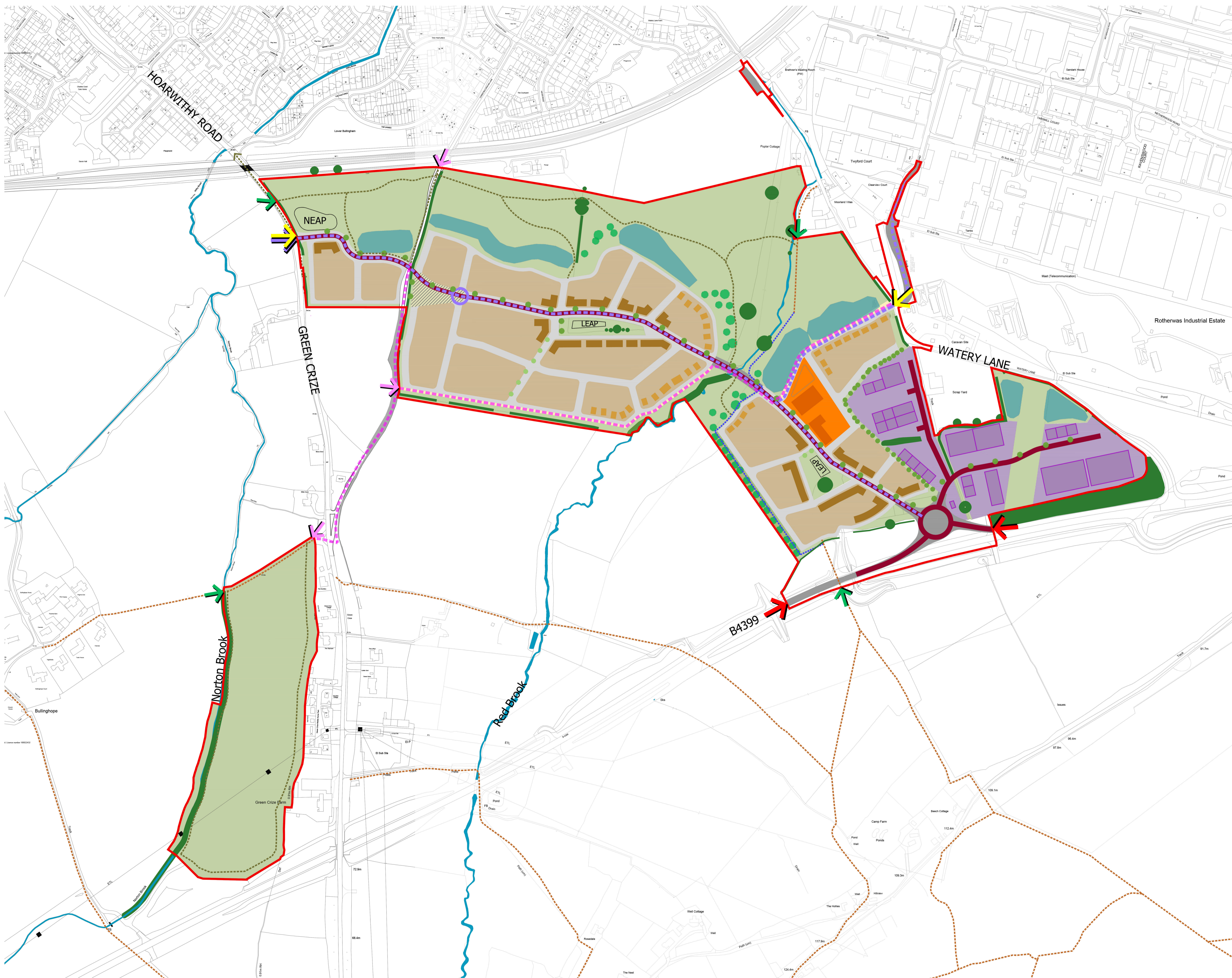


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APPLICATION NO: 242558

SITE ADDRESS : LAND TO THE SOUTH OF LOWER BULLINGHAM, WEST OF THE ROTHERWAS INDUSTRIAL ESTATE, NORTH OF THE ROTHERWAS, HEREFORD, HR2 6JW

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- Site Boundary
- Residential
- Employment land area
- Neighbourhood Community Hub /Local Retail
- Infrastructure
- Public Open Space including informal play areas, Country Park \*arrangements are subject to pre-application negotiations, sports provision and attenuation ponds
- Indicative Location of Attenuation Ponds
- Mobility Hub
- Local Square
- Existing Infrastructure
- Residential frontage on key space
- Residential frontage on open space
- Indicative footprint of employment buildings
- Retained trees and hedgerows
- Primary street trees
- Secondary street trees
- Parkland trees
- Watercourse
- Main vehicular access \*arrangements are subject to pre-application negotiations
- A secondary vehicular access point to serve up to 100 dwellings
- Bus Route / emergency access link / footway and cycle access
- Pedestrian / cycle access
- Pedestrian access
- Public Right of Way
- Diverted Public Right of Way
- Proposed Footpath
- Key Footpath/cycleway link
- Primary routes
- Bus route
- Potential bus gate

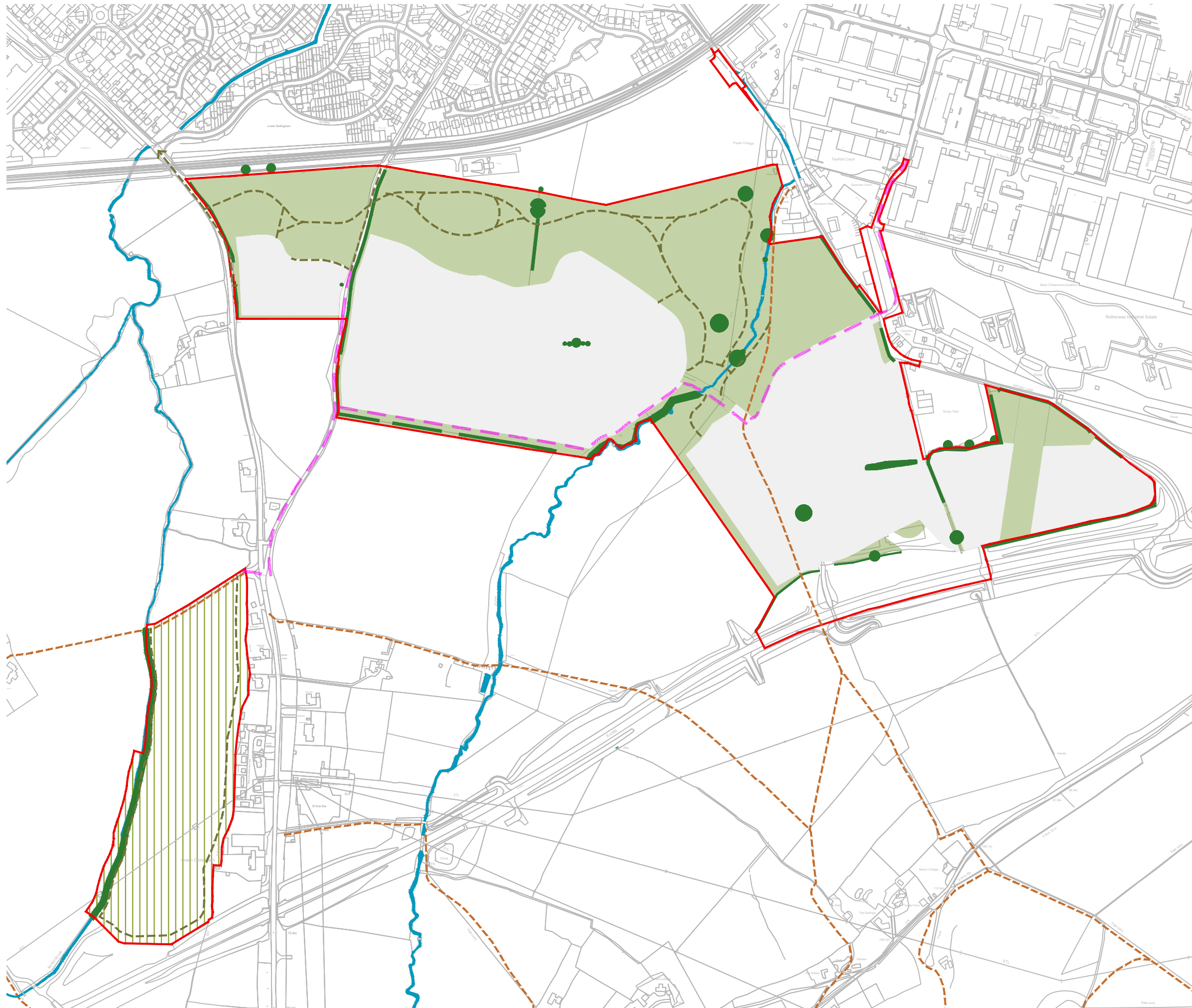
Project  
**Lower Bullingham Hereford**  
 Drawing Title  
**Concept Masterplan**

Date 23.08.24 Scale 1:2500@A1 Drawn by Check by  
 Project No 26218 Drawing No BL-M-11 Revision  
 KT BW  
 N

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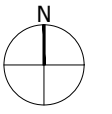
219





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Revision	Date	Drn	Ckd
F Application Boundary updated	23.08.24	KT	BW



-  Application Boundary
-  Public Open Space (including, as required: access, sports and play facilities, drainage, landscaping, retained vegetation, Pedestrian/cycle links, ecological enhancements, and all necessary infrastructure)
-  Existing trees and hedgerows to be retained, with crossing points for necessary infrastructure
-  Built development area (See: Land Use & Access Parameter Plan)
-  Country Park
-  Existing footpath (PROW) to be retained and re-aligned as required.
-  Proposed footpath/cycleway
-  Strategic pedestrian/cycle link
-  Existing watercourses to be retained

Project  
**Lower Bullingham  
 Hereford**  
 Drawing Title  
**Green Infrastructure Parameter Plan**

Date	Scale	Drawn by	Check by
23.08.24	1:5000 @A3	KT	BW
Project No	Drawing No	Revision	
35304	BL-M-18	F	



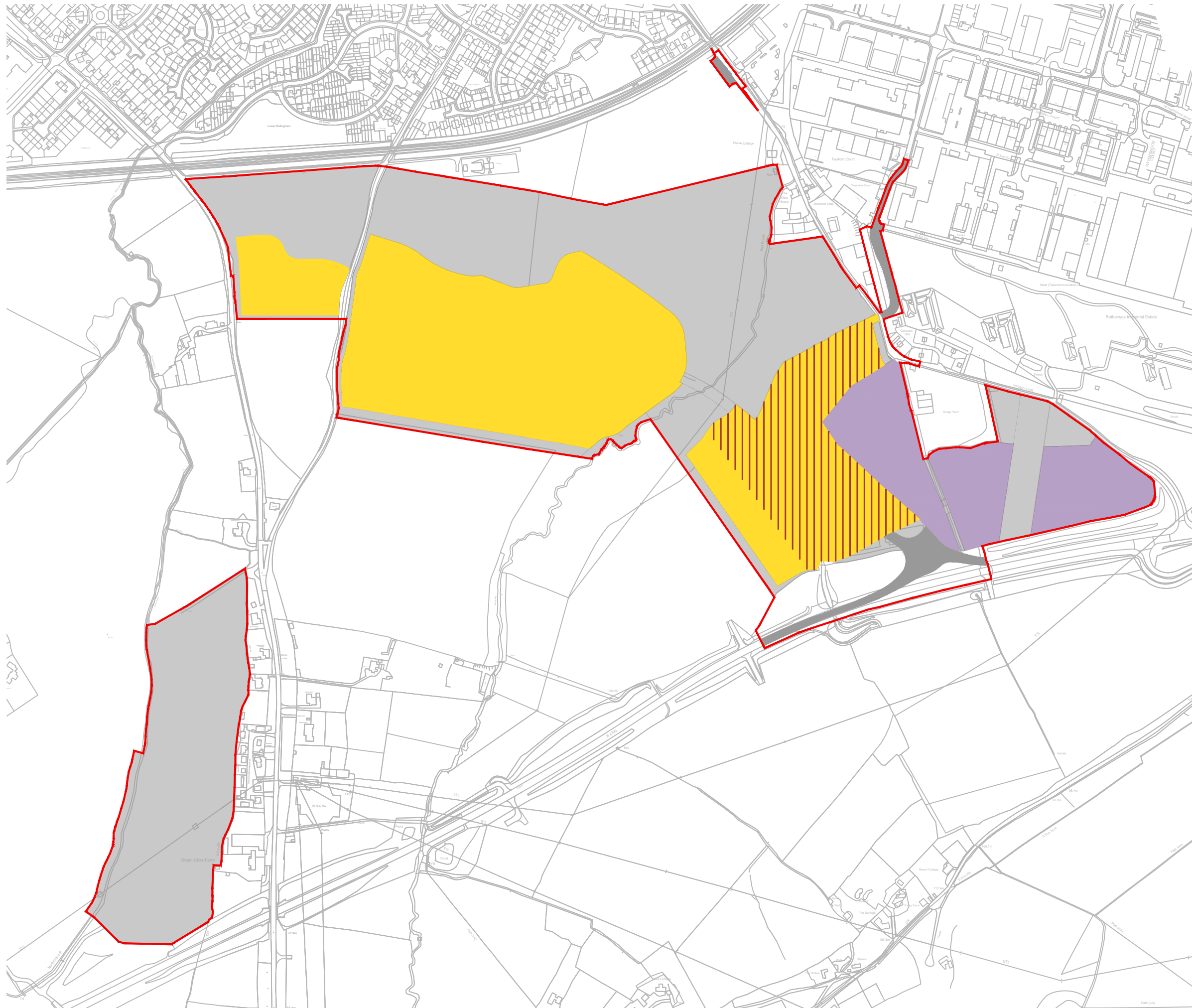

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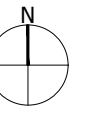
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Revision	Date	Drn	Ckd
F	23.08.24	KT	BW



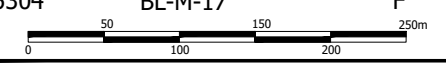
-  Application Boundary
-  Up to 9.5m high (2 storeys). Occasional up to 10.5m high (2.5 storeys) in suitable locations for placemaking purposes.
-  Up to 12m high (3-storeys)
-  Employment area - Up to 12m high

**Notes:-**

- Heights are measured from the highest adjacent finished ground level to the ridge of the roof. In residential areas incidental elements such as chimneys may exceed the ridge by up to 1.5m.
- Some re-modelling of the existing ground levels will be necessary to achieve appropriate development platforms. Finished ground levels are not known at this stage and these could vary up to +/- 2 metres from the AOD heights shown

Project  
**Lower Bullingham  
 Hereford**  
 Drawing Title  
**Scale Parameter Plan**

Date	Scale	Drawn by	Check by
23.08.24	1:5000 @A3	KT	BW
Project No	Drawing No	Revision	
35304	BL-M-17	F	

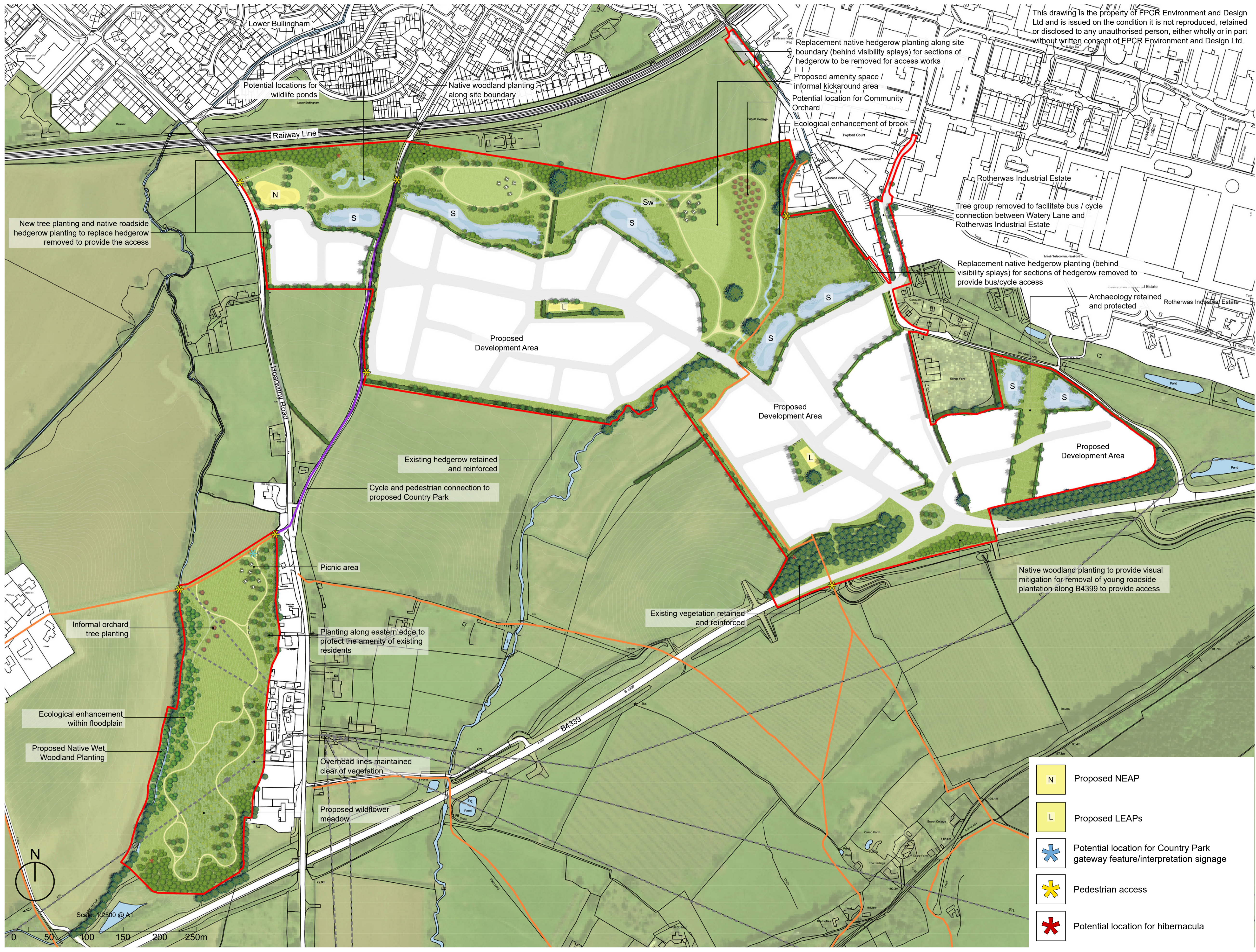


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**Site boundary**

**Existing woodland/trees/hedgerow retained (Refer to Tree Survey)**

**Proposed Parkland Trees**

Indicative mix Species	Girth	Root
Acer campestre	10-12cm	RB
Alnus glutinosa	10-12cm	RB
Betula pendula	10-12cm	RB
Corylus avellana	10-12cm	RB
Fagus sylvatica	10-12cm	RB
Malus sylvestris	10-12cm	RB
Populus nigra	10-12cm	RB
Prunus avium	10-12cm	RB
Quercus ilex	10-12cm	RB
Quercus robur	10-12cm	RB
Salix fragilis	10-12cm	RB
Sorbus torminalis	10-12cm	RB
Tilia x europaea	10-12cm	RB

**Proposed Riparian Scrub / Wet Woodland**

Indicative Mix Species	Size	Root
Alnus glutinosa	60-80cm	br
Populus tremula	60-80cm	br
Salix caprea	60-80cm	br
Salix cinerea	60-80cm	br
Salix fragilis	60-80cm	br
Salix viminalis	60-80cm	br

*To be planted at density circa 1 plant/m<sup>2</sup>*

**Proposed Native Woodland**

Indicative Mix Species	Size	Root
Acer campestre	60-80cm	br
Alnus glutinosa	60-80cm	br
Betula pendula	60-80cm	br
Crateagus monogyna	60-80cm	br
Ilex aquifolium	60-80cm	C
Quercus robur	60-80cm	br
Prunus spinosa	60-80cm	br
Sorbus aucuparia	60-80cm	br

*To be planted at density circa 1 plant/m<sup>2</sup>*

**Proposed Native Hedgerow**

Indicative Mix Species	Size	Root
Acer campestre	60-80cm	br
Corylus avellana	60-80cm	br
Crateagus monogyna	60-80cm	br
Ilex aquifolium	60-80cm	C
Prunus spinosa	60-80cm	br
Rosa canina	60-80cm	br

*To be planted at 7 plants/1m double staggered*

**Proposed Orchard Trees**

**Existing grassland**  
*To be resown with Emorsgate EM2 or similar where disturbed through construction*

**Proposed Wildflower Grassland**  
*To be sown with Emorsgate EM2 or similar*

**Proposed Amenity Grassland**  
*To be sown with Emorsgate EG22 or similar*

**SuDS Basins (S) and Swale (Sw) (Indicative)**  
*To be sown with Emorsgate EG8 or similar*

**Potential locations for picnic areas**

**Indicative pedestrian routes**

**Existing Public Right of Way (PROW)**

**Pedestrian connection to Country Park**

**Legend:**

- N Proposed NEAP
- L Proposed LEAPs
- Star Potential location for Country Park gateway feature/interpretation signage
- Yellow Star Pedestrian access
- Red Star Potential location for hibernacula

J:\7900\7930\LANDS\Plans\7930 Green Infrastructure Plan [D].indd

Bloor Homes  
Lower Bullingham  
Hereford

# GREEN INFRASTRUCTURE PLAN

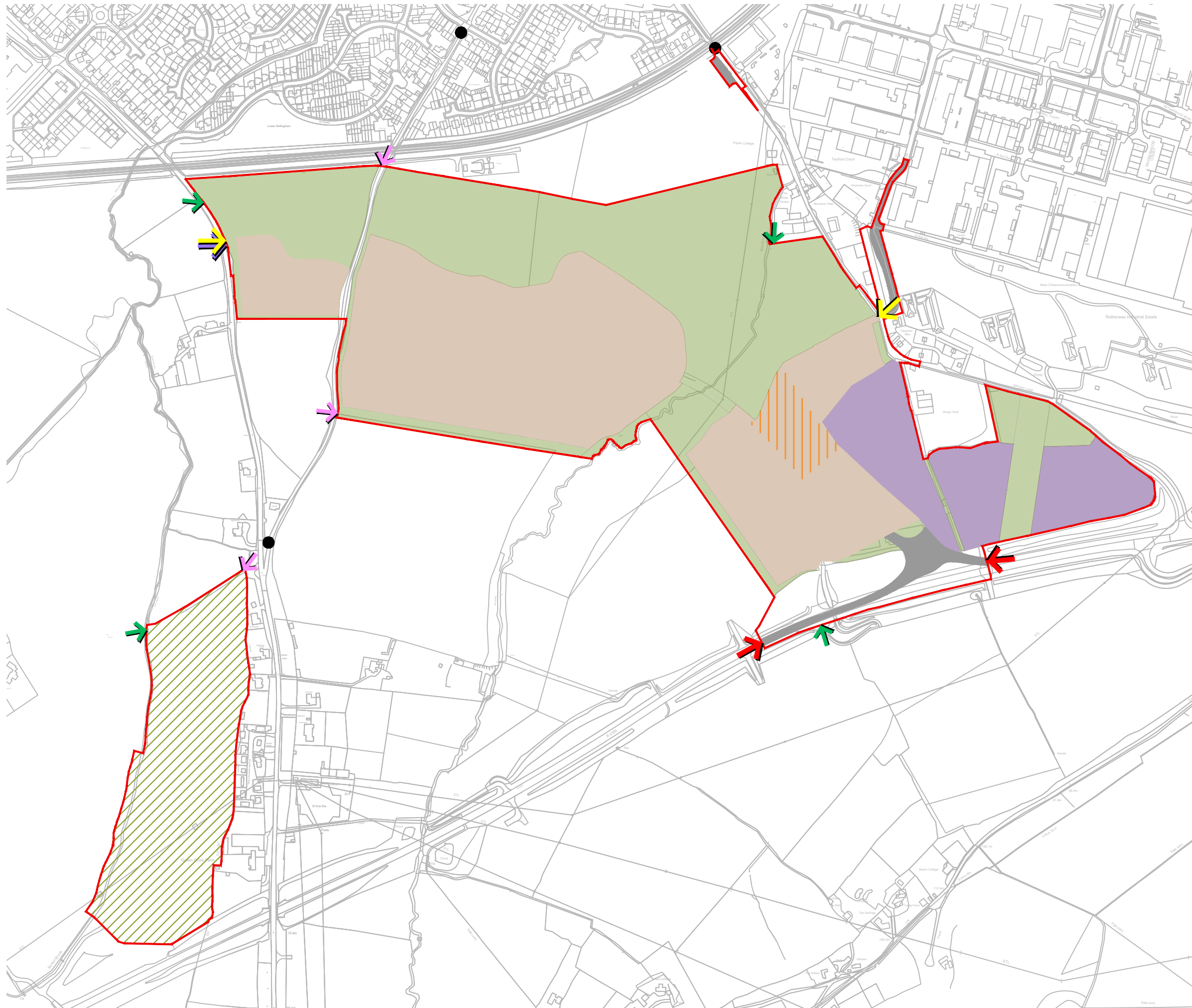
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27th August 2024 ER/CEP  
**07930-FPCR-XX-ZZ-DR-L-0001 rev D**

masterplanning  
environmental assessment  
landscape design  
urban design  
ecology  
architecture  
arboriculture

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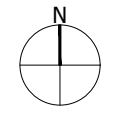
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

















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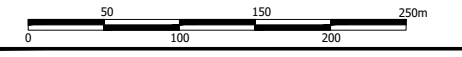
Revision	Date	Drn	Ckd
J Plan/legend update	05.03.26	KT	BW



-  Application Boundary
-  Residential Development (including, as required: access, circulation, Public Open Space, landscaping, pedestrian/cycle links and associated infrastructure)
-  Employment B1/E, B2 and B8 (including, as required: access, circulation, incidental open space, landscaping, pedestrian/cycle links and associated infrastructure)
-  Public Open Space (including, as required: access, sports and play facilities, drainage, landscaping, retained vegetation, community orchards and allotments, pedestrian/cycle links, ecological enhancements, and all necessary infrastructure)
-  Neighbourhood Community Hub (including Mixed Use and Mobility Hub)
-  Access Infrastructure
-  Existing Infrastructure
-  Country Park
-  Main vehicular access
-  A secondary vehicular access point to serve up to 100 dwellings
-  Bus Route / emergency access link / footway and cycle access
-  Pedestrian / cycle access
-  Pedestrian access
-  Modal Filter restricting vehicular access

Project  
**Lower Bullingham  
 Hereford**  
 Drawing Title  
**Land Use and Access Parameter Plan**

Date 02.09.24	Scale 1:5000 @A3	Drawn by KT	Check by BW
Project No 35304	Drawing No BL-M-16	Revision J	




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## MEMORANDUM

To : Internal Consultee  
From : Ms Heather Carlisle, Planning Services, Plough Lane Offices – H26  
Tel : 01432 260453 My Ref : 242558  
Date : 25/11/2024

---

**SITE:** Land to the south of Lower Bullingham, west of the Rotherwas Industrial Estate, north of the Rotherwas, Hereford, HR2 6JW

**APPLICATION TYPE:** Outline

**DESCRIPTION:** The first phase of an urban extension (known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling). All matters are reserved for future consideration save for 'access'. Only the means of access into the site is sought as part of this outline application, not the internal site access arrangements.

**APPLICATION NO:** 242558

**GRID REFERENCE:** OS 352026, 237392

**PARISH:** Lower Bullingham

The application form, plans and supporting documents are available in Wisdom.

Please let me have your comments by **27/12/2024**. If I have received no response by this date I shall assume that you have no objections. Should you require further information please contact the Case Officer.

Any comments should be added below and actioned in Civica to, **Ms Heather Carlisle**.

Comments: (Continue on a separate sheet if necessary)

Object

Support

No Objection

Approve with Conditions  (Please list below any conditions you wish to impose on this permission.)

Further information required

Consultation response from: Ruth Jackson Open Space Planning Officer

---

**Open Space Requirements:** Relevant Policies and Evidence bases:

**National Planning Policy Framework (NPPF):**

- Paragraph 102: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need
- Paragraph 102 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities

**Core Strategy(CS)**

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

**Open Space Evidence Bases:** As part of the Core Strategy Review the following evidence bases have been updated and reviewed.

- Herefordshire Open Space Assessment, Strategy and Action Plan 2023
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Assessment September 2022
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023
- Green and Blue Infrastructure Strategy 2023

**Open Space Policy Requirements:** In accordance with CS policies **OS1 and OS2** requirements for open space, sport and recreation facilities will be sought from all new residential development on a site by site basis in accordance with all applicable set standards and evidence bases. Where on-site provision is not appropriate off-site contributions may be sought on an equally beneficial basis for the local community. In this instance a combination of on and off-contributions will be requested

The latest evidence base Herefordshire Open Space Assessment, Strategy and Action Plan 2023 recommends the following quantum for:

- Accessible Greenspace @ 3ha per 1000 population, to include amenity greenspace and semi natural/natural green space in accordance with Natural England Standards
- Provision for children and teenagers @0.25ha per 1000 population in accordance with Fields in Trust

The outline application relates to a first phase of the Southern Urban Expansion (Lower Bullingham) and CS Policy HD6. In accordance with these standards, for a development of 540 houses and an occupancy rate of 2.3 (population 1,242) the developer would be required to provide as a minimum on-site green infrastructure comprising:

- **3.7ha (37,260sq m)** of Accessible Green Space @ 3ha per 1000 population
- **0.31ha (310sq m)** of Provision for Children and Teenagers @ 0 @ 0.25ha per 1000 population

**On-site Green Infrastructure and Accessible Green Space:** Although an outline application, provision of open space is shown indicatively on submitted plans:

- Concept Masterplan: drawing no. BL-M-11
- Green Infrastructure Parameter Plan drawing no. BL-M-18
- Green Infrastructure Plan drawing no. 07930-FPCR-XX-ZZ-DR-L-0001\_D

As detailed in the submitted planning statement, proposed open space is more than the minimum requirement as set out above. A total of 14.28ha is proposed to include accessible green space, informal and formal play opportunities and attenuation ponds. An addition of 6.28ha is proposed for a country park.

The submitted Green Infrastructure Strategy responds positively to the Core Strategy Evidence Base for Green Infrastructure and in particular strategic aspirations that meet the wider benefits, for people, place and nature including the delivery of multi-functional open space. Indicative Green Infrastructure Plan (dwg.07930-FPCR-XX-ZZ-DR-L-0001 D provides a concept plan for taking forward this approach. In principal it proposes, GI corridors, strategic greenways along Red Brook and Norton Brook and links with Withy Brook; a series of linked multi-functional spaces that will deliver landscape,

amenity and biodiversity benefits as well as performing a SuDS function; retention of existing rights of way and new networks of foot/cycle routes and connections through green spaces; and delivery of a country park providing a variety of planting and informal opportunities for recreation.

The principle of this approach is supported but more detail will be required at detailed reserved matters stage and consideration of the recommendations included in the Herefordshire Green and Blue Infrastructure Strategy and the Open Space Strategy for the delivery of quality on-site accessible green space, children's play areas and green infrastructure. The proposal should demonstrate that its green spaces

- *Are multi-functional - open spaces provide a broad range of features and facilities to support the health and well-being of the residents.*
- *Reflect a multi-functional network and offer differing functions appropriate to the environmental context.*
- *extend the tree canopy*
- *Incorporate SuDS*
- *Increase connectivity to the local nature recovery network including the creation of wildflower grasslands, hedges and woodlands*
- *Reflect local distinctiveness, including landscape character, conservation and heritage of the location.*
- *Provide equality of access to enable people to use an open space without anxiety and excessive effort.*
- *are designed to locate play spaces, access points and seating with regard for the needs of all residents and users.*
- *Ensure entrances are wide and step free.*
- *Incorporate social seating and relaxation areas and sensory planting*
- *Incorporate natural and semi-natural habitats.*
- *Promote movement between different open spaces by use of signage and active travel networks*
- *Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces*
- *Have well located entrances with clear sight lines in and out*
- *have signage to indicate what to expect to find within the site*
- *Provide routes within and through the site suitable for a variety of users*
- *Provide well located spaces for gathering and seating to reduce the likelihood of antisocial behaviour*
- *Provide easy access where necessary through the provision of road crossings.*
- *Provide planting and landscape features for interest and to providing a welcoming environment*

**Children's Play Areas:** The exact housing mix is to be determined at detailed reserved matters stage to include 35% affordable housing in accordance with local planning policy. As more detail is provided at the reserved matters stage, in accordance with the SPD on planning obligations for children's play an indicative cost for the value of play equipment will be calculated to ensure equity of play across the county arising from new development.

**Maintenance:** Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

**SuDS:** The SuDS attenuation basins if designed accordingly to take account of health and safety and standing water issues can provide good opportunities for informal recreation and natural play along

with being areas suitable for biodiversity and wildlife. The landscape aspects of SUDs including demonstrating appropriate gradients can be achieved will need to be submitted as part of the landscape scheme.

**Off-site Outdoor Sports Contribution:** The applicant has acknowledged pre-application comments regarding sports provision and the current preference for an off-site contribution through S106 obligations.

The following evidence bases in support of CS Policies OS1 and OS2 set out the sports requirements for Hereford. In this instance the strategy recommends a programme of protection, provision and enhancement to existing facilities to meet both existing and future demands arising from increased populations arising from growth and residential development.

- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Assessment September 2022
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

The current tariff of **£1,297** per market house for Hereford Area, is subject to changes as the Investment Plan is updated to reflect the new Assessments to support the Core Strategy Infrastructure Delivery Plan.

The contribution will be used towards the following Hereford Area sports facilities (as set out in the evidence bases set out above) and on priorities at the time of receiving the money

Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
Allpay Park - Moorhouse	Football	One adult, one mini 5v5, one mini 7v7 and one youth 11v11 (overmarked with youth 9v9) all of good quality. Ancillary provision of good quality. Site is located on a flood zone. The adult pitch is currently played to capacity, whilst all other pitches have potential spare capacity. All spare capacity onsite is discounted due to be located on a flood zone. Westfields FC (Step 5/Tier 6) suggests there is a need to extend/develop a larger car park onsite. At present there is not enough parking space available, with significant congestion around the ground on training and match days.	Sustain pitch quality with appropriate levels of maintenance. Explore the opportunity to extend/develop a larger car park onsite. Ensure pitch and ancillary provision meet the recommended requirements for the Step/Tier football being played at the site. Also ensure the site can allow for the promotion of clubs.	Sports club HFA FF	Local	Protect Provide
Belmont Abbey	Football	One adult, one youth 9v9, one mini 7v7 and two mini 5v5 pitches of standard quality. Ancillary provision of good quality. Available for community use. Adult pitch has actual spare capacity of 0.5 MES per week. Youth 9v9 pitch has actual spare capacity one MES per week. Mini 7v7 pitch is played to capacity at peak time, whilst the mini 5v5 pitches have actual spare capacity of 0.5 MES per week.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to improve the ancillary provision onsite. Explore the feasibility to increase number of changing rooms onsite to cater for current demand, through temporary or permanent facilities.	Sports club HFA FF	Local	Protect Enhance Provide

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		Toros FC reports that although the ancillary facilities are of good quality, there are currently not enough changing rooms to cater for its recent growth in teams.				
Broomy Hill	Football	<p>One adult pitch of standard quality. Available for community use. Ancillary provision of poor quality.</p> <p>Adult pitch is currently played to capacity at peak time.</p> <p>Hinton FC (Regional Feeder League) reports that it has planning permission granted for the build of a new clubhouse at Broomy Hill. At present the Club has a tender out for prices on the build and is awaiting responses on this to progress the development. The Club plan to apply for Football Foundation Funding to support the development whilst the Club plan to raise funds through local business support, Section 106 monies, and fundraising for the remaining amount.</p>	<p>Look to improve pitch quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to improve the ancillary provision onsite.</p> <p>Look to support the Club with required funding actions to ensure the clubhouse development is completed.</p> <p>Ensure pitch and ancillary provision meet the recommended requirements for the Step football being played at the site. Also ensure the site can allow for the promotion of clubs.</p>	Sports club HFA FF	Local	Protect Enhance Provide
Burghill Tillington & Weobley Cricket Club	Cricket	<p>One standard quality grass square which consists of six senior wickets and one NTP. Ancillary provision of poor quality. The senior wickets are overplayed by 12 MES per season.</p> <p>The site has recently had a new two-lane fixed net facility built.</p>	<p>Look to improve square quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to improve the ancillary provision onsite.</p>	Sports club HCB ECB	Local	Protect Enhance
Gorsty Lane	Football	<p>One mini 5v5, one mini 7v7 (overmarked with mini 5v5) and two youth 9v9 (overmarked with mini 7v7) pitches all of poor quality. Pitches are affected by poor drainage with standing water often present after rain. Ancillary provision of poor quality.</p> <p>Mini 5v5 overplayed to capacity at peak time. Mini 7v7 pitch is overplayed by 0.5 MES per week. Youth 9v9 pitches are overplayed by 1.5 MES per week.</p> <p>Tupsley Girls FC suggests that to accommodate the growth of the Club, a new changing facility is required onsite. It reports it may have to look for an alternative site to help its growth if this is not feasible.</p>	<p>Look to improve pitch quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to develop current ancillary facilities or develop new changing provision onsite, to accommodate the growth of Tupsley Girls FC.</p> <p>Explore the feasibility of adding the site to the LFFP priority site list within the Herefordshire LFFP update.</p>	Trust HFA FF	Local	Protect Enhance Provide
		One poor quality MUGA with no	Look to improve court quality with	Trust		Protect

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		sports lighting.	enhanced levels of maintenance.			Enhance
Grandstand Road Park	Football	One adult and one mini 5v5 pitch of poor quality. Ancillary provision of poor quality. Both pitches have potential spare capacity, which is discounted due to poor pitch quality.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to improve the ancillary provision onsite.	Council HFA FF	Local	Protect Enhance
		One poor quality MUGA, with no sports lighting.	Look to improve court quality with enhanced levels of maintenance.	Council		Protect Enhance
				Protect		
				Protect		
Hereford City Sports Club	Football	One adult, one youth 9v9 and one mini 7v7 pitch of standard quality. Ancillary provision of standard quality. Site is located on within a flood zone and floods often. The pitches offer spare capacity, however due to being in a flood zone and also offering unsecure tenure the spare capacity is discounted.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to improve the ancillary provision onsite.	Council HFA FF	Local	Protect Enhance
	Cricket (Disused)	Site is now solely used for rugby union activity by Greyhound RFC. Previously the site accommodated a 14 wicket cricket square, with satellite imagery suggesting it has not been maintained since circa 2013.	Retain as strategic reserve and look to reinstate if levels of future/recreational demand warrant more supply.	Council ,HCB ECB		Protect
	Rugby union	Two senior rugby union pitches of M0/D1 (poor) quality. Ancillary provision of standard quality. Site is located within a flood zone and floods often. The pitches onsite are currently played to capacity. The ancillary facilities are aging and in need of modernisation. The current short term lease (2026) will create issues for the Club in accessing relevant S106/grant funding. Sports lighting on training area requires updating. Greyhound RFC reports it is looking to extend its current lease. It wants to extend its lease to a more substantial length of time to meet criteria for relevant grant funding, which generally requires secure tenure for a minimum of 25 years, for future ancillary and pitch enhancements.	Look to improve pitch quality with enhanced levels of maintenance and potential drainage improvements. Explore the opportunity to improve the ancillary provision onsite. Explore the opportunity to upgrade sports lighting on grass training area. Support Greyhound RFC in securing an extension to the lease to secure tenure of the site on a long-term basis.	Council/ Sports club RFU		Protect Enhance
Hereford Lads Club	Football	One mini 7v7 of standard quality. Pitch is played to capacity at peak time. Ancillary provision of standard quality. Hereford Lads Club FC (Step 6) suggest that work is required to improve the quality of the clubhouse on its site, Hereford Lads Club. At present, work is being done to the community	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to continue improvement to the ancillary provision onsite. Ensure pitch and ancillary provision meet the recommended requirements for the Step football being played at the site. Also ensure the site can allow for the promotion of clubs.	Sports club HFA FF	Local	Protect Enhance

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		room to improve its quality. The changing block is a recent development built in the last five years and is of good quality.				
Hereford Leisure Centre	Football / 3G	<p>One adult, two youth 11v11 and two youth 9v9 pitches of standard quality. Ancillary provision of standard quality. Site is located within a flood zone and floods often.</p> <p>The pitches offer spare capacity, however due to being in a flood zone and also offering unsecure tenure the spare capacity is discounted.</p> <p>Site previously accommodated a further one adult pitch, this is no longer being marked out. The pitch is currently subject to an ongoing planning application (220369) for a proposed installation of a new 1.03km closed circuit cycle track with associated external works including perimeter fencing, learn to ride areas, skill based off road areas and perimeter lighting. If approved, the development of the unused adult pitch will need to meet Sport England and NPPF guidelines.</p>	<p>Look to improve pitch quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to improve the ancillary provision onsite.</p> <p>Ensure that any development/approved planning application of the circuit cycling track which would see the permanent loss of the unmarked adult pitch meets Sport England and NPPF guidelines.</p> <p>In line with LFFP and PPOSS findings explore the feasibility of creating a full size 3G pitch on the site. This should be located in a suitable location to limit the potential effects of flooding and is its own independent facility and not a conversion of the hockey AGP on the site.</p> <p>Ensure 3G pitch is installed to RFU specification Law 1 dimensions with shockpad and gains WR compliance for rugby union match play and training use.</p>	Halo Leisure HFA FF RFU	Hub site	Protect Enhance Provide
	Hockey AGP	<p>One poor quality full size (98x68) sand based hockey AGP with sports lighting, available for community use. Ancillary provision of standard quality. Site is located within a flood zone and floods often.</p> <p>Pitch currently has 43% spare capacity on a weekly basis, the majority of which is on Sundays. Hereford HC suggest maintenance on the pitch and surrounding facilities are a big factor in the poor quality pitch.</p>	<p>As a priority look to fully refurbish the pitch with an appropriate surface for hockey. The preferred surface should be discussed with appropriate stakeholders (Council/Halo Leisure/EH/ Hereford HC).</p> <p>Look to secure community access for community (Hereford HC), educational (curricular/extracurricular demand).</p> <p>Explore the feasibility of creating a portfolio of pitches which can be refurbished at the similar times in order to reduce overall costs. In particular Hereford Leisure Centre and Whitecross High School.</p>	Halo Leisure EH		Protect Enhance
	Athletics	<p>One poor quality synthetic eight-lane 400m athletic track, with sports lighting. Ancillary provision of standard quality. Site is located within a flood zone and floods often.</p> <p>The track is Hereford Leisure Centre is currently working towards TrackMark status, although the cage on site is considered non-compliant.</p> <p>Halo Leisure is currently working towards a track</p>	<p>Look to carry out an in depth track inspection to determine the most suitable actions to improve its quality. This should include the potential of a full refurbishment/deep clean.</p> <p>Explore the opportunity to improve the ancillary provision onsite.</p> <p>Ensure work towards gaining TrackMark status is continued.</p>	Halo Leisure EA		Protect Enhance

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		replacement in the coming months. Halo Leisure is looking for local clubs to support the funding of the track as it states it currently does not have the resources to fund the entire project. Hereford AC as began a project to raise funds in order to support Halo Leisure with the development and resurfacing of the track.				
	Cricket	One standalone poor quality NTP. Site is located within a flood zone and floods often.	Look to improve quality with enhanced levels of maintenance.	Halo Leisure HCB ECB		Protect Enhance
	Cycling / BMX	Planning permission (220369) at Hereford Leisure Centre was approved, subject to conditions, to create a new 1.03km closed circuit cycle track with associated external works including perimeter fencing, learn to ride areas, skill based off road areas and perimeter lighting. The approval also includes the installation of a social hub comprising of three individual reused shipping containers with associated outdoor seating area.  The development has the backing of British Cycling, Sport England as well as the Council and Hereford City Council. The facility aims to provide people within the locality with a safe place to learn to ride/exercise in addition to contributing to several health and wellbeing benefits.	Work with the relevant stakeholders to develop the planned circuit cycle track subject to relevant planning conditions.  Ensure that any development/approved planning application of the circuit cycling track which would see the permanent loss of the unmarked adult pitch meets Sport England and NPPF guidelines.	Halo Leisure BC		Provide
Hereford Leisure Pool (King George V Playing Fields)	Football	Two adult pitches of poor quality. Ancillary provision of standard quality. Site is located within a flood zone and floods often.  The pitches are currently unused. However, due to being located on a flood zone the pitches spare capacity has been discounted.  Site previously accommodated a further two youth pitches. Goalposts for these pitches were removed <i>circa</i> 2018.	Look to improve pitch quality with enhanced levels of maintenance.  Explore the opportunity to improve the ancillary provision onsite.  Explore the opportunity/need to bring back into use the unused youth pitches previously marked onsite	Trust HFA FF	Key centre	Protect Enhance
	Tennis	Six standard quality grass courts, with no sports lighting, available for community use. Site is located within a flood zone and floods often.  Also there is a macadam area which can accommodate up to four courts, however, no provision was marked out upon non-technical assessments.	Look to improve court quality with enhanced levels of maintenance.  Explore the opportunity to develop macadam area for formal tennis courts including quality and accessibility improvements.	Trust LTA		Protect Enhance Provide
	Cricket (Disused)	Previously used for cricket. The site accommodated a five	Retain as strategic reserve and look to reinstate if levels of future/recreational	Trust HCB		Protect

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
	)	wicket grass square, however, ceased maintenance for cricket use circa 2009. The site remains active for other sporting use.	demand warrant more supply.	ECB		
	MUGA	Site is identified in the LFFP as a site for MUGA development.	Explore the feasibility to undertake LFFP priority projects onsite.	Trust HFA, FF		Provide
	Rounders	One standard quality rounders pitch.	Look to improve pitch quality with enhanced levels of maintenance.	Trust RE		Protect Enhance
	Tennis	One good quality and one standard quality macadam courts with no sports lighting, both available for community use.	Look to improve court quality with enhanced levels of maintenance.	School LTA		Protect Enhance
Newton Farm	Football/ 3G	<p>Two adult, two youth 9v9, two mini 7v7 and two mini 5v5 pitches of standard quality. Ancillary provision of poor quality.</p> <p>Adult pitches have actual spare capacity of two MES per week. Youth 9v9 pitches are played to capacity at peak time. Mini 7v7 pitches have spare capacity but are played to capacity at peak time. Mini 5v5 pitches have actual spare capacity of 0.5 MES per week.</p> <p>Belmont Wanderers FC is currently working towards the development of the site. The Club is working with the Football Foundation and HFA to navigate through a Stronger Towns bid with the exact scope of the works required to be determined. This being said there are aspirations from the Club for the development to include the creation of a full size 3G pitch, in replacement of one of the onsite grass pitches. Very little ancillary provision, onsite, with portacabins servicing the pitches. As part of the proposed plan for the site, a brand new clubhouse and changing block is to be developed. The Club plans to apply for Football Foundation funding to support the development with Belmont Wanderers FC accessing other funds to support the remaining costs.</p>	<p>Look to improve pitch quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to improve the ancillary provision onsite.</p> <p>Explore the opportunity to develop the site, including developments for full size 3G pitch, dedicated ancillary provision and grass pitch improvement.</p> <p>Explore the opportunity to install shock pad and gain WR compliance for rugby union training use.</p>	Sports club Council HFA FF RFU	Local	Protect Enhance Provide
Old School Lane (Pegasus Juniors)	Football	<p>One youth 11v11 and one mini 7v7 pitch of standard quality. Ancillary provision of good quality.</p> <p>Youth 11v11 pitch is overplayed by two MES per week. Mini 7v7</p>	<p>Look to improve pitch quality with enhanced levels of maintenance.</p> <p>Ensure pitch and ancillary provision meet the recommended requirements for the Step/Teir football being played at the site. Also ensure the site can</p>	Sports club HFA FF	Key centre	Protect

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		pitch has spare capacity, however, is played to capacity at peak time.	allow for the promotion of clubs.			
	3G	<p>One good quality full size (106x70) 3G pitch, with sports lighting and available for community use. Pitch is FIFA compliant. Ancillary provision of good quality.</p> <p>Pitch has minimal spare capacity with only two hours of spare capacity throughout the week (one on the weekend, one midweek).</p> <p>Hereford Pegasus FC (Step/Tier) aspires to develop a second full size 3G pitch onsite.</p>	<p>Sustain pitch quality with appropriate levels of maintenance.</p> <p>Explore the feasibility to develop a second 3G onsite.</p> <p>Ensure pitch is on the 3G Register and are retested for compliance so that they can support use for competitive match play and is renewed when required.</p> <p>Ensure the provider has in place a mechanism for future sustainability, such as a sinking fund formed over time (as per Football Foundation Terms &amp; Conditions), for repair and resurfacing when necessary.</p> <p>Ensure pitch and ancillary provision meet the recommended requirements for the Step/Tier football being played at the site. Also ensure the site can allow for the promotion of clubs.</p>	Sports club HFA FF		Protect Provide
The Copse (Burghill Community Playing Fields)	Football	<p>One adult pitch of poor quality. Ancillary provision of poor quality.</p> <p>Adult pitch is played to capacity, however, could accommodate further teams at peak time if quality was improved.</p>	<p>Look to improve quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to develop onsite ancillary provision</p>	Trust HFA FF	Local	Protect Enhance
The County Ground (Herefordshire FA)	3G	<p>One good quality full size (106x70) 3G pitch, with sports lighting and available for community use. Pitch is FIFA compliant. Ancillary provision of good quality.</p> <p>Pitch has minimal midweek spare capacity with only two hours of spare capacity. At the weekend the pitch has six hours of spare capacity.</p> <p>Used to accommodate Step 5 Football.</p>	<p>Sustain pitch quality with appropriate levels of maintenance.</p> <p>Ensure pitch is on the 3G Register and are retested for compliance so that they can support use for competitive match play and is renewed when required.</p> <p>Ensure the provider has in place a mechanism for future sustainability, such as a sinking fund formed over time (as per Football Foundation Terms &amp; Conditions), for repair and resurfacing when necessary.</p> <p>Ensure pitch and ancillary provision meet the recommended requirements for the Step football being played at the site. Also ensure the site can allow for the promotion of clubs.</p>	HFA FF	Local	Protect
	3G	<p>One good quality full size (102x64) 3G pitch with sports lighting and available for community use. Pitch is FIFA compliant. Ancillary provision of standard quality.</p> <p>Pitch is currently available for 14 of the 18 FPM during the midweek and all 16 hours of the FPM on the weekend. Current usage of the site is currently unknown.</p>	<p>Sustain pitch quality with appropriate levels of maintenance.</p> <p>Ensure pitch is on the 3G Register and are retested for compliance so that they can support use for competitive match play and is renewed when required.</p> <p>Ensure the provider has in place a mechanism for future sustainability, such as a sinking fund formed over time (as per Football Foundation Terms &amp; Conditions), for repair and resurfacing when necessary.</p>	School HFA FF		Protect
Victoria Park (Hereford)	Football	<p>One adult pitch of poor quality. Ancillary provision of good quality.</p>	<p>Look to improve quality with enhanced levels of maintenance.</p>	Sports club HFA FF	Local	Protect Enhance

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		Adult pitch is overplayed by one MES per week. Pitch has potential spare capacity at peak time. Tupsley Girls FC reports that maintenance of the pitch is limited.				
	Cricket (Disused)	Previously, accommodated an NTP onsite. The NTP has since been removed and is no longer onsite, satellite imagery suggests the NTP was removed circa 2009.	Protect the site in accordance with Sport England and NPPF guidelines and explore potential future options for the pitch.	Sports club HCB ECB		Protect
Westfaling Street Park	Cycling / BMX	One good quality macadam BMX pump track.	Sustain track quality with appropriate levels of maintenance.	Council BC	Local	Protect
	MUGA	One poor quality MUGA with no sports lighting.	Look to improve court quality with enhanced levels of maintenance.	Council		Protect Enhance
Widemarsh Common (Hereford)	Football	One adult, one youth 9v9 one mini 7v7 and one mini 5v5 of poor quality. Ancillary provision of poor quality. Site located on a flood zone. Adult pitch is overplayed by two MES per week. Youth 9v9 pitch is played to capacity. Mini 7v7 has potential spare capacity which is discounted due to site being located on a flood zone. Mini 5v5 pitch is played to capacity at peak time. Hereford Lads Club FC has an agreement with the Council onsite through a license. The Club maintains the site, however, due to it being open access and common land, the Council has ownership of the site.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to develop onsite ancillary provision.	Council HFA FF	Local	Protect Enhance
	Cricket (Disused)	The site previously had an eight grass wicket square onsite, with an NTP attached. The cricket provision onsite has not maintained or accessed since circa 2009.	Protect the site in accordance with Sport England and NPPF guidelines and explore potential future options for the pitch.	Council HCB ECB		
Hereford Rugby Club	Rugby union	Two senior and one mini rugby union pitch of M2/D0 (standard) quality. One senior pitch has sports lighting. Site is located on the riverbank, within a flood zone and flood often. Ancillary provision of poor quality. Unlit senior pitch is played to capacity. Floodlit senior pitch is overplayed by six MES per week. Mini pitch is overplayed by one MES per week. Hereford RFC reports that its poor quality ancillary provision is limiting potential demand on	Look to improve pitch quality with enhanced levels of maintenance/drainage improvement. Explore the opportunity to develop onsite ancillary provision. Explore the opportunity to upgrade sports lighting onsite.	Sports club RFU	Local	Protect Enhance

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		the site, particularly for women and girls. Its strategic ambition is to either replace or upgrade its clubhouse to better cater for all types of demand in addition to establishing more facilities in order for the Club to grow. The Club also reports that the sports lights onsite require updating.				
Hereford Squash Tennis and Racquet ball Centre	Tennis	<p>Three good quality macadam courts with sports lighting and three poor quality macadam courts with sports lighting. Hereford Tennis Centre aspires to refurbish the poor quality as dedicated padel tennis courts to widen the sports it offers to the community.</p> <p>Hereford Tennis Centre has plans to make improvements to its clubhouse. The improvements will look to offer added community functions to the clubhouse allowing it to be used for a range of activities support groups from across the area.</p> <p>The courts onsite are currently considered to be overplayed marginally due to the number of members at Hereford Tennis Centre.</p>	<p>Sustain court quality with appropriate levels of maintenance.</p> <p>Explore the opportunity to develop poor quality courts into dedicated padel tennis courts.</p> <p>Explore the feasibility to develop ancillary provision onsite.</p>	Sports club LTA	Local	Protect Enhance Provide
St. Martins Bowls Club	Bowls	One good quality flat green with no sports lighting. Site located within a flood zone.	Sustain green quality with appropriate levels of maintenance.	Sports club BE	Local	Protect
Hereford shire Cricket Ground (Pentland Gardens )	Cricket	<p>One good quality grass square which consists of six junior wickets and one NTP. Ancillary provision of standard quality. Square is played to capacity. Herefordshire CCC aspires to open the site up to cater for senior cricket demand, are currently exploring conditions of use on the site.</p> <p>Herefordshire CCC plans to utilise the site as a hub for the growing women's and girls' game. The site does not currently have ancillary provision to support this.</p>	<p>Sustain square quality with appropriate levels of maintenance.</p> <p>Explore the opportunity to develop hybrid wickets onsite to increase capacity.</p> <p>Look to have ball strike assessment completed to understand risks and proximity of houses surrounding the ground.</p> <p>Explore the opportunity to improve ancillary provision onsite. This would include the provision being developed to support women's and girls' cricket onsite.</p>	Sports club HCB ECB	Key centre	Protect Enhance Provide
	Bowls	<p>One good quality flat green with no sports lighting.</p> <p>Bulmers BC is operating below the recommended sustainability membership.</p>	<p>Sustain green quality with appropriate levels of maintenance.</p> <p>Support the club in increasing membership to ensure green remain sustainable.</p>	Sports club BE		Protect
Hereford Bowls Club	Bowls	<p>One standard quality flat green with no sports lighting.</p> <p>Hereford BC has two main projects planned for its ancillary provision onsite which include carrying out maintenance/repairs to its roof and to replace/repair the windows of the building.</p> <p>Hereford BC is currently</p>	<p>Look to improve green quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to support and complete ancillary provision projects set out by Hereford BC.</p> <p>Monitor Hereford BC membership to ensure that the clubs demand can be met.</p>	Sports club BE	Local	Protect Enhance

Site	Sport	Current status	Recommended actions	Partners	Site hierarchy tier	Aim
		operating recommended capacity.				
Castle Green	Bowls	One poor quality flat green with no sports lighting. Castle Green BC has had issues with lack of maintenance and vandalism which is impacted both green and ancillary provision quality. Castle Green BC is operating close to the recommended sustainability membership.	Look to improve green quality with enhanced levels of maintenance. Explore the opportunity to improve ancillary provision onsite. Support the club in increasing membership to ensure green remain sustainable.	Sports club BE	Local	Protect Enhance
Newton Farm Skate Park	Skate Park	One standard quality skate park.	Look to improve skate park quality with enhanced levels of maintenance.	Trust SBGB	Local	Protect Enhance
Hereford Skate Park	Skate Park	One good quality skate park. Site is located on a flood zone.	Sustain skate park quality with appropriate levels of maintenance.	Trust SBGB	Local	Protect

- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

Facility	Overview	Action	Lead agency	Timescale (S/M/L)	Priority (H/M/L)
Hereford Leisure Pool	<p>Opened in 1976 and refurbished (reception, changing facilities, and gym area) in 2016, it houses facilities including; a 6-lane 25m pool (below average), 27m leisure pool (below average), two training pools (below average), 85 station fitness suite (above average), and two studios (above average). Pool tanks have not received any significant refurbishment since opening although the pumps have been upgraded in recent years.</p> <p>It has 45% of the total accessible water space in the County.</p> <p>FPM modelling suggests very strong demand for the pools, with an assumed 99% used capacity figure despite its age/ condition. In addition, the FPM indicates scope to increase accessible hours for the pools.</p> <p>City of Hereford SC is the primary swimming club pool user. It hires it for 17 hours per week. Hereford Triathlon Club also uses the pool for 1.5 hours per week. Public swimming lessons are operating at 86.6% capacity (1,820 attendees).</p>	Maintain and where possible improve the quality of the facility.	Halo/Council	Long	Medium
		A long-term plan is required to replace/refurbish the sites pools.	Halo/Council	Long	High
		Investigate further to ensure pools are available for the full allocation of community hours	Halo/Council	Short	High
		Ongoing review of programming for the pool, to ensure maximum participation from all age and health groups.	Halo/Council	Short	Medium
Hereford Rowing Club	Club based on the River Wye, with clubhouse and other ancillary facilities.	Support club to grow/diversify membership and assist with volunteer/coach development	Hereford Rowing Club/British Rowing	Medium	Low

Hereford Leisure Centre	<p>Opened in 1985 and modernised in 2015 the site features an 8-court good quality sports hall, a good quality 83 station health &amp; fitness and toning suite, good quality studio, two above average squash courts, and a dedicated gymnastics area.</p> <p>The sports hall is effectively operating as a 4-court hall, as two courts are permanently allocated to the resident trampolining club, and another two courts are utilised as a flexible exercise class space. Use of the remaining sports hall includes kick boxing, netball, badminton and taekwondo. Off the 44 community peak time hours available the hall is operating at 70% used capacity.</p> <p>The onsite gymnastics offer is significant with 592 regular attendees at sessions.</p> <p>The toning suite was added in 2016 and benefits for those with mobility/health issues.</p> <p>Halo indicates that the squash courts receive moderate use, mainly in the form of pay and play bookings.</p>	Maintain the quality of the facility.	Halo/Council	Long	Medium
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DATE RETURNED: .....13 Dec. 24.....

## Planning Statement | Acute Healthcare Matters

Local Authority Planning Reference: P242558/O

Site Address: Land to the south of Lower Bullingham west of the Rotherwas Industrial Estate north of the Rotherwas Hereford HR2 6JW

Proposed Development: PENDING S106 AGREEMENT - The first phase of an urban extension (known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling). All matters are reserved for future consideration save for 'access'. Only the means of access into the site is sought as part of this outline application, not the internal site access arrangements.

Date of Statement: 31/03/2026

### Acute Healthcare Contribution Summary

#### Summary

Wye Valley NHS Trust (the "Trust") has assessed the detrimental impact caused by the proposed development on local acute healthcare infrastructure and is requesting the developer to mitigate the harmful impact by way of a S106 contribution towards the healthcare infrastructure. The Trust does not object to the development subject to the detrimental impact of the development being mitigated as detailed in this planning statement (the "Statement"). Without the contribution, the proposed development is not in accordance with the sustainable development as defined in the Local Development Plan and in the NPPF. If planning permission is granted by the local authority, the Trust would expect a contribution, within the section 106 Agreement, to secure contributions<sup>1</sup> to mitigate the harmful impact caused the Proposed Development on infrastructure capacity to provide healthcare provisions to the occupants of the proposed development and the existing local community that it serves.

Healthcare modality	Number of events generated	Contribution required towards	Contribution required <sup>2</sup>
Emergency attendances at	507	Cost of additional capacity	£40,394.24

<sup>1</sup>Calculated using averaged Department of Health and Social Care NHS national cost multipliers outlined in Appendix 1

A&E			
Emergency admissions	209	Cost of additional capacity	£205,229.08
Elective admissions	19	Cost of additional capacity	£27,743.63
Elective day case	210	Cost of additional capacity	£59,408.51
New outpatient appointments	1674	Cost of additional capacity	£75,874.82
Emergency and GP referred diagnostic examination attendances	323	Cost of additional capacity for undertaking diagnostic examinations and treatment on emergency patients and those referred by GPs	£8,098.19
<b>Total Contribution</b>			<b>£416,748.48</b>

The **Trust’s current capacity is already maximised and will not be able to absorb the increased demand for health care caused by the residents of the Proposed Development.** Therefore, without the contribution, the Proposed Development is contrary to Herefordshire Council’s (the Council) own Development Plan Policies and it would not be in accordance with the current Government planning policies stated in the updated December 2024 NPPF. The Trust considers this to be a conservative request which is directly related to the development, necessary to ensure the delivery of the required healthcare infrastructure so that it meets additional demand associated with the proposed development caused by population new to Herefordshire.

## 1. Introduction

This statement sets out the evidence of the detrimental impact created by the development on the Trust’s infrastructure capacity and it demonstrates how the requested contribution is in the compliance with the CIL 122 test.

- Appendix 1
  - Demonstrates how the additional healthcare that will be needed by the residents of the Proposed Development cause a harmful impact on the Trust’s infrastructure capacity. It also contains a detailed calculation of how the detrimental impact can be mitigated.
- Appendix 2
  - Outlines the Trust’s statutory responsibilities to provide acute healthcare and the current acute healthcare planning context in Herefordshire.
- Appendix 3
  - Provides the policy support for the request to mitigate the impact.
- Appendix 4
  - Demonstrates how this request meets the tests set out in Regulation 122 (2) of the Community Infrastructure Levy (“CIL”) Regulations 2010.

- Appendix 5
  - Provides options for expansion of healthcare infrastructure to mitigate the impact.

## **1. Additional requirements [Land to the south of Lower Bullingham west of the Rotherwas Industrial Estate north of the Rotherwas Hereford HR2 6JW]**

### **2.2. Emergency attendances at A&E**

- 2.2.1. By calculation, the Trust anticipates that the Proposed Development of 540 homes would create 507 new Emergency attendances at A&E.
- 2.2.2. Emergency attendances at A&E include people presenting from all age groups of the population.
- 2.2.3. The A&E at Hereford County Hospital is closest to this proposed development. In an emergency, people are known to attend their nearest A&E, whether by ambulance or as "walk-in" attenders. However, some types of conditions will always be conveyed to other hospitals irrespective of the patient's place of residence as some of the specialist services are not provided at the Hereford County Hospital
- 2.2.4. A contribution is required towards increasing A&E infrastructure capacity caused by the detrimental impact from the Proposed Development as the current infrastructure cannot consume the additional activity created by the proposed development.

### **2.3. Emergency admissions**

- 2.3.1. By calculation, the Trust anticipates that the Proposed Development of 540 homes would create 209 new Emergency Admissions to hospital.
- 2.3.2. Emergency admissions occur when a person who attends A&E requires admission to a hospital bed, treatment and an overnight stay of at least one night. Emergency admissions occur amongst all age groups. Anticipated demand is an average across all ages and types of emergency admission.
- 2.3.3. Emergency admissions for the population of the Proposed Development will take place. Increasing demand means that we have been admitting more emergencies than the Trust has capacity to accommodate. This trend will be exacerbated by the Proposed Development.
- 2.2.4. The rate of emergency admissions is driven by demographic trends and population health. The hospital meets resultant infrastructure capacity issues by:

- ❖ Increasing its use of hospital equipment such as scanners, and laboratory equipment;
- ❖ Increasing bed numbers to reduce utilisation rates to safer levels;
- ❖ Upgrading, expanding or developing new infrastructure.

It is anticipated that additional capacity will be needed to accommodate additional emergency admissions generated because of the Proposed Development.

2.3.5. A contribution is therefore required towards additional emergency admissions infrastructure capacity through expansion.

## 2.4. Elective admissions

2.4.1. By calculation, the Trust anticipates that the Proposed Development of 540 homes would create 19 new Elective Admissions to hospital.

2.4.2. Elective admissions occur when a person who attends on outpatient requires admission to a hospital bed, treatment (usually a surgical procedure) and an overnight stay of at least one night. Elective admissions occur amongst all age groups. Anticipated demand is an average across all ages and types of elective admission.

2.4.3. Elective admissions for the population of the Proposed Development will take place. Increasing demand means that we have more elective admissions than the Trust has capacity to accommodate leading to an increasing elective waiting list. This trend will be exacerbated because of the Proposed Development.

4.2.4. The rate of elective admissions is driven by demographic trends and population health. The hospital meets resultant infrastructure capacity issues by:

- ❖ Increasing its use of hospital equipment such as scanners, and laboratory equipment;
- ❖ Increasing bed numbers to reduce utilisation rates to safer levels;
- ❖ Upgrading, expanding or developing new infrastructure.

It is anticipated that additional capacity will be needed to accommodate additional elective admissions generated because of the Proposed Development.

A contribution is therefore required towards additional elective admissions infrastructure capacity through expansion.

## 2.5. Elective day case

2.5.1. By calculation, the Trust anticipates that the Proposed Development of 540 homes would create 19 Elective day case admission to hospital.

2.5.2. Elective day case admissions occur when a person who attends on outpatient

requires admission to a hospital bed, treatment (usually a surgical procedure) but no overnight stay. Elective day case admissions occur amongst all age groups. Anticipated demand is an average across all ages and types of elective admission.

2.5.3. Elective day case admissions for the population of the Proposed Development will take place. Increasing demand means that we have more elective day case admissions than the Trust has capacity to accommodate leading to an increasing elective day case waiting list. This trend will be exacerbated because of the Proposed Development.

6.2.4. The rate of elective day case admissions is driven by demographic trends and population health. The hospital meets resultant infrastructure capacity issues by:

- ❖ Increasing its use of hospital equipment such as scanners, and laboratory equipment;
- ❖ Increasing bed numbers to reduce utilisation rates to safer levels;
- ❖ Upgrading, expanding or developing new infrastructure.

It is anticipated that additional capacity will be needed to accommodate additional elective day case admissions generated because of the Proposed Development.

A contribution is therefore required towards additional elective admissions infrastructure capacity through expansion.

## 2.6. New Outpatient attendances

2.6.1. By calculation, the Trust would anticipate that the Proposed Development of 540 homes would create a demand for 1674 additional new outpatient appointments.

2.6.2. New outpatient appointments are the first patient appointment for assessment and treatment following GP referral, without admission to hospital, with or without a procedure.

2.6.3. New outpatient appointments usually take place at a patient's local hospital (in this case, it would be the Hereford County Hospital). Although, some clinics are held only at one of the Trust's locations to make best use of specialist resources (whether they be staff or equipment).

2.6.4. Outpatient capacity and attendances are closely matched. Additional new outpatient attendances will be generated by the Proposed Development. It is therefore anticipated additional capacity will be needed and will be provided by:

- Additional clinics
- Increased use of, or new, equipment

- Additional outpatient clinic infrastructure

2.6.5. A contribution is required towards increasing new outpatient infrastructure capacity to mitigate the detrimental impact that the Proposed development will create.

## 2.7. Emergency and GP referred diagnostic attendances

2.7.1. By calculation, the Trust would anticipate that the Proposed Development of 540 homes will increase a demand for 323 additional emergency or routine diagnostic attendances referred by GPs.

2.7.2. Hereford County Hospital is the closest hospital to the Proposed Development and undertakes routine and urgent radiological examinations (e.g. X-rays, MRI, CT scans) as emergency or requested by GPs. Capacity and demand for radiological examinations are closely matched.

2.7.3. The Proposed Development will create additional demand for GP requested radiological examinations and reports. This demand will be met by:

- Additional appointments
- Increased use of, or additional, equipment
- Additional diagnostic infrastructure

2.7.4. A contribution is required towards increasing the necessary diagnostic infrastructure capacity caused by demand from the occupants of Proposed Development.

## 3. Conclusion

3.1 The Proposed Development will cause harm to the public health infrastructure by way of an increase in the demand individually and cumulatively during the lifetime of the Proposed Development. The anticipated patient yield is cautiously measured and takes into consideration the existing population in the Trust catchment area. The new population coming into the area from outside Herefordshire will have healthcare needs which may, in some cases, be potentially more complex and in need of more infrastructure care than projected and costed. This Proposed Development will, therefore, have a direct detrimental effect on the Trust's health service infrastructure. The mitigation of such harm has been carefully considered and is fairly and reasonably related to the impact created. The contribution received will be pooled with other S106 existing and future contributions as this Proposed Development on its own cannot fully cover the costs of the infrastructure necessary to mitigate the harmful impact.

- 3.2 If the said impact is mitigated as requested, the Proposed Development will assist with ensuring faster delivery of health service infrastructure in accordance with paragraph 101 of the 2024 NPPF.
- 3.3 Without the mitigation, the Trust is unable to meet the health needs of the population and the Proposed Development will compromise the ability of the Trust to meet the health needs of both future occupants of this Proposed Development and the future population of the local community for the reasons set out in the updated evidence and in this statement. The proposed development would therefore be unsustainable and contrary to the Council's and Government planning policies.
- 3.4 Options of how the S106 contribution would support expansion of care infrastructure associated with increased demand described above can be found in Appendix 5.

## **APPENDIX 1 – Additional healthcare need created by the Proposed Development**

### **1. Impact on Costs | Expanding existing hospital infrastructure capacity**

These are the amounts that the Trust will require by way of a developer contribution towards the delivery cost of increasing the infrastructure capacity of healthcare within existing facilities:

£416,748.48

The Proposed Development will create an additional 2942 new patient events and a total contribution of £416,748.48 is needed from developers to create infrastructure capacity to care for them. A calculation of the total amount required is shown at the end of this appendix.

The contribution will be spent on the additional costs of care associated with increasing the infrastructure capacity of the Trust to cater for the care needs of the population of the Proposed Development.

### **2. Impact of inflation on contributions**

The contribution is calculated at 2023/24 values. A degree of inflation-proofing will be necessary if the Proposed Development is not built and occupied within two years of the date of this document.

Ref:	P242558/O
Area:	Herefordshire
Estimated population	193,600
Estimate population per dwelling	2.31
Development Dwellings:	540
Powys Activity (%)	11
	Development Population: 1247.4

Activity Type	Activity 2024/25	% Activity rate per annum per head population	Activity rate per annum per head of population (Indicative based on Hfds)	Avg. tariff	12 months activity for dwellings	Delivery cost for dwellings	Assuming 44% population new to area
A&E	78,721	41	0.41	£181.00	507	£91,805	£40,394.24
Non Elective Admissions	32,477	17	0.17	£2,229.00	209	£466,430	£205,229.08
Elective Admissions	2,899	1	0.01	£3,376.00	19	£63,054	£27,743.63
Daycase	32,590	17	0.17	£643.00	210	£135,019	£59,408.51
Outpatients	259,841	134	1.34	£103.00	1674	£172,443	£75,874.82
Diagnostic Imaging	50,114	18	0.26	£57.00	323	£18,405	£8,098.19
<b>Total</b>					<b>2942</b>	<b>£947,156</b>	<b>£416,748.48</b>

#### Calculating the Trust's claim

The data table above calculates the adverse impact of the development on the Trust and mitigates this by creating a financial claim to increase capacity and meet additional costs of doing so.

#### Assumptions and explanation

The Trust's calculation ascertains the additional impact the new development will impose on the Trust's capacity. The Trust has been advised by specialist planners in devising the following method to establish the incoming population which is new to its operational area:

1. The total number of proposed dwellings is used as the basis for the calculation
2. The split of future residents likely to move to the new development from within and beyond the operational boundaries of the Trust is estimated.
3. The calculation uses the council's average published household size.

The estimates produced by the model are used to populate the Trust's impact calculation above. For the development proposed, a household size of 2.31 people per dwelling is predicted.

It is important to estimate only the impact of those people who are new to the Trust's operational area. The calculation avoids counting the impact from residents who are moving from an address within the Trust's operational area and whose demands are therefore already anticipated in the Trust's infrastructure plans.

#### The impact calculation's steps

Column 1 shows the different types of activity undertaken by the Trust.

Column 2 provides the Trust's total activity in a 12 month period and column 3 is the percentage of the county's population who have accessed these services.

Column 4 shows the activity rate per head of population. Column 5 shows the average national tariff the Trust is paid for these services. This data is derived from the Trust's records of patients seen over the 12 month period used for the calculation.

Column 6 calculates the amount of activity generated by the development population. The cost of this additional activity anticipated as a result of the new population (column 7) is derived from a multiplication of the development's new population by the cost of that activity.

The additional financial impact that will result from the new population is then adjusted to take account of the population already expected to be Herefordshire based.

## Explanatory note: Data used to calculate contribution

### Record of clinical activity

All activity undertaken by the Trust is traceable to a patient through the patient's address, NHS number and registered GP. These are recorded each time a patient is treated. This data is anonymised, validated and submitted by every acute trust monthly to a national NHS data warehouse so that it is available nationally and publicly. Note this activity count does not represent discrete patients, but the amount of activity undertaken. It is this activity which is used as a basis for the calculation above.

### Calculating the Trust's claim

The data table above calculates the adverse impact of the development on the Trust and mitigates this by creating a financial claim to increase capacity and meet additional costs of doing so.

### **Assumptions and explanation**

The Trust's calculation ascertains the additional impact the new development will impose on the Trust's capacity. The Trust has been advised by specialist planners in devising the following method to establish the incoming population which is new to its operational area:

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3. The calculation uses the council's average published household size.

The estimates produced by the model are used to populate the Trust's impact calculation above. For the development proposed, a household size of 2.31 people per dwelling is predicted.

It is important to estimate only the impact of those people who are new to the Trust's operational area. The calculation avoids counting the impact from residents who are moving from an address within the Trust's operational area and whose demands are therefore already anticipated in the Trust's infrastructure plans.

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The additional financial impact that will result from the new population is then adjusted to take account of the population already expected to be Herefordshire based.

## Appendix 2 – Background and Context

This appendix has been compiled to provide background and context to the detrimental impact that the new residents of the Proposed Development will have on the Trust's services.

### 1. Wye Valley NHS Trust's licenced undertakings

- 1.1.** Under the terms of its licence, the Trust provides acute and community health care services to a catchment population, which includes the Proposed Development. The Trust has a **statutory** responsibility under the NHS Constitution, and the terms of its licence, to provide services to everyone who presents for treatment.

### 2. General Healthcare Capacity Planning Context

#### 2.1. National and local healthcare planning

As with many parts of the country, Herefordshire's population is growing, aging and is living longer with more complex health conditions. Sustainable healthcare capacity is, therefore, critically important to maintain.

The Trust's base capacity is frequently overfilled, so infrastructure expansion is often needed, some examples of which are as follows:

- Additional ward and bed capacity
- Additional emergency assessment and treatment capacity
- Additional radiology capacity (e.g. MRI, CT scanners, X ray)
- Additional diagnostic capacity (e.g. pathology, endoscopy)
- Additional operating theatre capacity
- Additional outpatient facilities capacity
- Additional maternity capacity

- 2.2.** Safe hospital care is provided when the hospital is operating at or below 92% of full bed capacity. This is the standard set by NHS England for English acute hospitals. Our capacity is set at this level.

However, the Trust's hospitals are frequently operating at greater than 92% capacity and it is frequently above 100% during surge periods. This happens when the requirement for A&E admissions exceeds the number of patient discharges it is safe to make. At these times, the Trust's infrastructure and equipment is over-used and additional infrastructure and related staff are brought in, adding premium costs.

**2.3.** The residents of the Proposed Development will cause detrimental further pressure to hospital infrastructure, as shown in the impact calculation in Appendix 1. This is the reason a developer contribution is required.

### **3. Allocative formula for NHS resource distribution to commissioners**

**3.1.** The NHS funding allocation formula works in accordance with a "Weighted Population Index" that measures age and deprivation within a geographically defined target population. Successive governments since the seventies have supported its purpose which is to allocate "fair shares" of the annual NHS funding settlement to NHS commissioners (Integrated Care Boards (ICBs)), who are charged to purchase healthcare for their local population.

**3.2.** The "growth" referred to in NHS allocations is the change in local population size from the previous baseline year to the new baseline year for which the ICB is receiving its allocation. This population change can be negative or positive, reflecting whether the population has shrunk overall, or grown. There is no forecast of future population change associated with new housing development within the allocation model.

### **4. NHS Trusts' funding model**

**4.1.** There is no forecast of *future* population change within the NHS contract (as in migration as a consequence of new housing development is not included in ONS figures). This is why ICBs do not forecast population growth due to in-migration in their contracts with Trusts, nor pay NHS Trusts for the cost of caring for new population.

**4.2.** NHS England capital planning guidance (February 2025), which is in accordance with the NPPF and relevant legislation states that NHS provider '*Capital allocations do not cover additional facilities required due to housing developments. NHS organisations should work*

*with local authorities to secure developer contributions for extra capacity. These contributions are additional funding recorded as a "credit" to capital departmental expenditure limit (CDEL), increasing spending power without reducing regular NHS allocations.'* Therefore, NHS England expects impacts arising from new residential development upon the services provided by hospitals to be mitigated through S016 contributions.

Therefore, the Trust is requesting a payment to create infrastructure capacity to treat the demand from patients generated by the additional population new to the area created by the Proposed Development<sup>3</sup>.

### **Appendix 3 - The Current Development Plan and the Updated NPPF Policies in support of the request to mitigate the detrimental impact created by this Proposed Development**

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise<sup>4</sup>. The creation of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework<sup>5</sup> (the "NPPF") and as set out below. The NPPF is material consideration.

Development plans must be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. It follows that, local planning policies along with development management decisions must also be formulated with a view to securing sustainable healthy communities.

66. Section 70(2) of the TCPA 1990 provides that in determining an application for planning permission, the LPA; "shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration".

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<sup>3 3</sup> The Trust is not seeking 'gap funding' as defined in the case of (R & Another on the Application of University Hospitals of Leicester NHS Trust and Harborough District Council CO/2298/2022). In this case the Court (in paragraph 138-139) Judge Holgate confirmed that "If for example, a development would itself cause direct harm to the public facility, so that the three tests in Reg.122(2) of the CIL Regulations 2010 are satisfied, the local planning authority would be entitled to require the developer to mitigate the harm under a Section 106 obligation, irrespective of whether the authority responsible for that specifically is able to raise taxes or has borrowing powers." (our emphasis).

<sup>4</sup> Section 70 (2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004

**67. Paragraph 2 of the NPPF states:**

The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (emphasis added).

The health of communities has been a key element of Government policy for many years. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include 'b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:'(Please see NPPF Section 2 paragraph 8, Section 8 paragraphs 92 -93 and 96).

Further, the Trust is delivering NHS health care services at the point of demand under the statutory requirement. Paragraph 2 contains an imperative upon the decision makers to reflect statutory obligations.

In addition, the Council must, in exercising any its functions, have regard to the health needs and, health and wellbeing strategy prepared as part of the Integrated Care Partnership.

68. Notwithstanding above the Local Plan Policy ensures that the developer adequately mitigates the impact it creates.

**69. Herefordshire's Local Plan Core Strategy was adopted by Council on 16 October 2015**

“Policy SC1 – Social and community facilities

Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.

New development that creates a need for additional social and community facilities that cannot be met through existing social facilities -will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF”.

**Conclusion CIL 122 test**

70. In the circumstances, it is evident from the above that the Trust’s request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

**Appendix 1:**

**Glossary of terms**

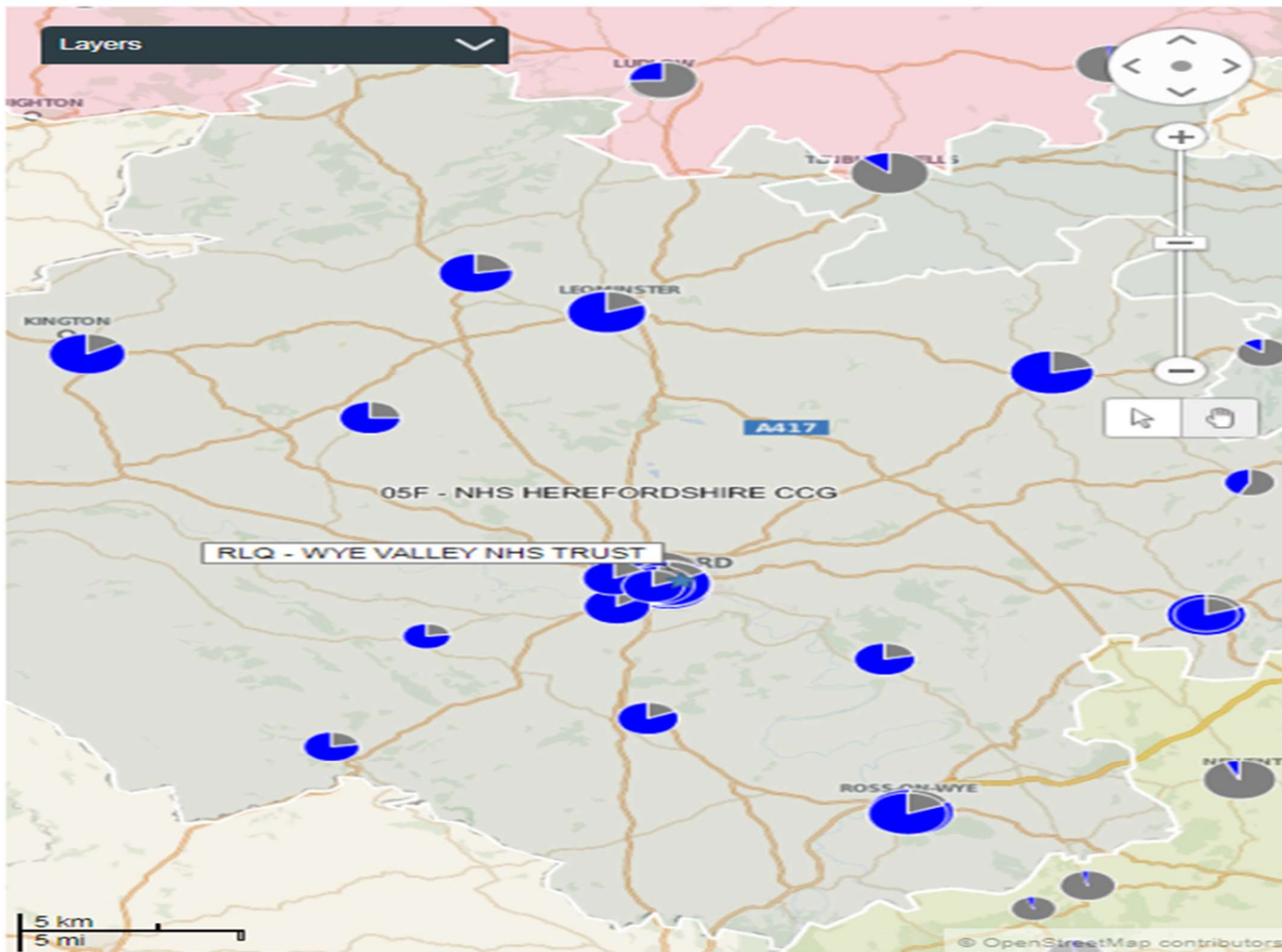
- **Accident and emergency care:** *Accident and Emergency Departments may be i) major units, providing a 24 hour service seven days a week to which the great majority of emergency ambulance cases are taken, or ii) smaller units commonly called minor injury units, in which services are often only available for limited hours and which may not deal with emergency ambulance cases.*
- **Acute care:** *This is a branch of hospital healthcare where a patient receives short-term treatment for a severe injury or episode of illness, an urgent medical condition, or during recovery from surgery. In medical terms, care for acute health conditions is the opposite from chronic care or longer-term care.*
- **Block Contract:** *a payment made by the commissioner to a provider to deliver a specific and defined range of services, regardless of the volume of services delivered. The value is independent of the actual number of patients treated or activity completed. Block contracts generally operate on an annual basis.*
- **Clinical Commissioning Group (CCG):** *CCGs were clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area. They were replaced in July 2022 by Integrated Commissioning Boards (ICBs)*

- **Community care:** *long-term care for people who are elderly or disabled which is provided within the community rather than in hospitals, especially as implemented in the UK under the National Health Service and Community Care Act of 1990*
- **Elective Care** - care which is planned or booked following a referral to a hospital by a GP or an outpatient clinic and which is provided by a specialist. This may result in further planned diagnostic tests, treatment and surgery and more specialised knowledge, skill, or equipment than can be provided by the referrer
- **Emergency care:** *Care that is unplanned and/or urgent.*
- **Integrated Care Board:** The local successor organisations to CCGs, the ICB is a statutory organisation which brings the NHS together locally to improve population health and establish shared strategic priorities within the NHS
- **NHS Improvement (NHSI):** *NHSI was a health services organisation that was responsible for supporting NHS trusts to provide consistently safe, high quality care within a local health system that is financially sustainable. On 1<sup>st</sup> April 2019, NHSI and NHS England came together as one organisation to better support the NHS to deliver improved care for patients.*
- **Office of National Statistics:** *Known as ONS*
- **Planned care:** - care which is planned or booked following a referral to a hospital by a GP or an outpatient clinic and which is provided by a specialist. This may result in further planned diagnostic tests, treatment and surgery and more specialised knowledge, skill, or equipment than can be provided by the referrer

- **Premium Costs:** *Premium costs incurred by an NHS trust include the supply of agency staff, Locum Medical Staff and payments to deliver services to meet operational pressures which exceed the costs incurred when delivering with substantive staff. It also covers sub-contracting the provision of certain services to third parties to meet demand.*

## **Appendix 2:**

### **First OP appointment market share for Wye Valley NHS Trust 2017/19**



- Organisation (provider)
- Shape by:
  - MyPeer Group
  - ★ 1. My Trust
- Map View
- Marking:
  - Marking (Map)
- Marker by:
  - GP Practice (of registration)
- Color by:
  - Peer Group
  - All Other Trusts
  - WYE VALLEY NHS TRU
- Size by:
  - Number of attended appoi...

**Appendix 4 CIL compliance**

**Planning Obligations – Land to the south of Lower Bullingham west of the Rotherwas Industrial Estate north of the Rotherwas Hereford HR2 6JW**

**Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:**

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The table below shows details of the contributions requested by Wye Valley NHS Trust.

<b>Planning Obligation</b>	<b>Test 1 Necessity</b>	<b>Test 2 Directly related to the proposed development</b>	<b>Test 3 Fair and reasonable in terms of scale and kind</b>
<p><b>Emergency attendances at A&amp;E</b></p> <p>507 per new household for increased A&amp;E capacity at Hereford County Hospital or such other facility as can be demonstrated will serve the development</p>	<p>As the NHS Trust commissioned to provide local Urgent and Emergency acute health services, Wye Valley NHS Trust has a duty to provide comprehensive and efficient Urgent and Emergency care services for everyone who presents for treatment. The request is necessary to meet the resultant additional demand from this development.</p>	<p>The requested contributions are based on a formulaic approach to mitigate against the impact of the development upon the Urgent and Emergency care provision within the vicinity of the development and to increase capacity to accommodate such demand.</p> <p>The calculation is based on the number of expected inhabitants of development based on the average number of people per household published by the council</p> <p>The contribution will mitigate the detrimental impact of this development on A&amp;E services at the Hereford County Hospital or other such facility that will serve the development.</p>	<p>The Urgent &amp; Emergency care request for contributions is based on the number of expected inhabitants of the development, the average demand from residents local to the development's post code and the average cost per Urgent and Emergency care attendance</p> <p>It is therefore in line with the scale of the development and the certain impact additional residents will have on local healthcare services.</p>

<b>Planning Obligation</b>	<b>Test 1 Necessity</b>	<b>Test 2 Directly related to the proposed development</b>	<b>Test 3 Fair and reasonable in terms of scale and kind</b>
<p><b>Emergency admissions</b></p> <p>209 per new household for increasing Urgent and Emergency admissions capacity at Hereford County Hospital or such other facility as can be demonstrated will serve the development</p>	<p>As the NHS Trust commissioned to provide local health care services, Wye Valley NHS Trust has a duty to provide comprehensive and efficient Emergency admissions service for everyone who presents for treatment. The request is necessary to meet the resultant additional demand from this development.</p>	<p>The requested contributions are based on a formulaic approach to mitigate against the impact of the development upon the Urgent and Emergency care admissions provision within the vicinity of the development.</p> <p>The calculation is based on the number of expected inhabitants of development based the average number of people per household published by the council.</p> <p>The contribution will mitigate the detrimental impact of this development on emergency admissions services.</p>	<p>The emergency admissions request for contributions is based on the number of expected inhabitants of the development, the average demand from residents local to the development's post code and the average cost per Urgent and Emergency care admission</p> <p>It is therefore in line with the scale of the development and the certain impact additional residents will have on local healthcare services.</p>

<b>Planning Obligation</b>	<b>Test 1 Necessity</b>	<b>Test 2 Directly related to the proposed development</b>	<b>Test 3 Fair and reasonable in terms of scale and kind</b>
<p><b>Elective admissions</b></p> <p>19 per new household for increasing elective admissions capacity at Hereford County Hospital or such other facility as can be demonstrated will serve the development</p>	<p>As the NHS Trust commissioned to provide local health care services, Wye Valley NHS Trust has a duty to provide comprehensive and efficient elective admissions service for everyone who presents for treatment. The request is necessary to meet the resultant additional demand from this development.</p>	<p>The requested contributions are based on a formulaic approach to mitigate against the impact of the development upon the elective admissions provision within the vicinity of the development.</p> <p>The calculation is based on the number of expected inhabitants of development based the average number of people per household published by the council.</p> <p>The contribution will mitigate the detrimental impact of this development on elective care services.</p>	<p>The elective admissions request for contributions is based on the number of expected inhabitants of the development, the average demand from residents local to the development's post code and the average cost per elective care admission</p> <p>It is therefore in line with the scale of the development and the certain impact additional residents will have on local healthcare services.</p>

<b>Planning Obligation</b>	<b>Test 1 Necessity</b>	<b>Test 2 Directly related to the proposed development</b>	<b>Test 3 Fair and reasonable in terms of scale and kind</b>
<p><b>Elective day case admissions</b></p> <p>210 per new household for increasing elective day case admissions capacity at Hereford County Hospital or such other facility as can be demonstrated will serve the development</p>	<p>As the NHS Trust commissioned to provide local health care services, Wye Valley NHS Trust has a duty to provide comprehensive and efficient elective day case service for everyone who presents for treatment. The request is necessary to meet the resultant additional demand from this development.</p> <p>The</p>	<p>The requested contributions are based on a formulaic approach to mitigate against the impact of the development upon the elective day case provision within the vicinity of the development.</p> <p>The calculation is based on the number of expected inhabitants of development based the average number of people per household published by the council.</p> <p>The contribution will mitigate the detrimental impact of this development on elective day case services.</p>	<p>The elective day case request for contributions is based on the number of expected inhabitants of the development, the average demand from residents local to the development's post code and the average cost per elective day case admission</p> <p>It is therefore in line with the scale of the development and the certain impact additional residents will have on local healthcare services.</p>

<b>Planning Obligation</b>	<b>Test 1 Necessity</b>	<b>Test 2 Directly related to the proposed development</b>	<b>Test 3 Fair and reasonable in terms of scale and kind</b>
<p><b>New outpatient attendances</b></p> <p>1674 per new household for increasing new outpatient appointment capacity at Hereford County Hospital or such other facility as can be demonstrated will serve the development</p>	<p>As the NHS Trust commissioned to provide local acute health services, Wye Valley NHS Trust has a duty to provide comprehensive and efficient new outpatient care.</p> <p>The request is necessary to meet the resultant additional demand from this development.</p>	<p>The requested contributions are based on a formulaic approach to mitigate against the impact of the development upon new outpatient care.</p> <p>The calculation is based on the number of expected inhabitants of development based on the average number of people per household published by the council.</p> <p>The contribution will mitigate the detrimental impact of this development on outpatient services at Wye Valley NHS Trust.</p>	<p>The new outpatient attendances request for contributions is based on the number of expected inhabitants of the development, the average demand for new outpatient care from residents local to the development's post code and the average cost per new outpatient appointment at Wye Valley NHS Trust</p> <p>The request is therefore in line with the scale of the development and the certain impact additional residents will have on new outpatient services.</p>

<b>Planning Obligation</b>	<b>Test 1 Necessity</b>	<b>Test 2 Directly related to the proposed development</b>	<b>Test 3 Fair and reasonable in terms of scale and kind</b>
<p><b>Diagnostic attendances</b></p> <p>323 per new household for increasing diagnostic capacity at Hereford County Hospital or such other facility as can be demonstrated will serve the development</p>	<p>As the NHS Trust commissioned to provide local acute health services, Wye Valley NHS Trust has a duty to provide comprehensive and efficient diagnostics for those referred by local GPs.</p> <p>The request is necessary to meet the resultant additional demand from this development.</p>	<p>The requested contributions are based on a formulaic approach to mitigate the impact of the development upon diagnostic care.</p> <p>The calculation is based on the number of expected inhabitants of development based on the average number of people per household published by the council.</p> <p>The contribution will mitigate the detrimental impact of this development on services at Wye Valley NHS Trust.</p>	<p>The diagnostic attendances request for contributions is based on the number of expected inhabitants of the development, the average demand for diagnostic care from residents local to the development's post code and the average cost per diagnostic appointment at Wye Valley NHS Trust.</p> <p>The request is therefore in line with the scale of the development and the certain impact additional residents will have on diagnostic services.</p>

## Appendix 5 Infrastructure Options

The below are carefully considered options for how the detrimental impact on the Trust's capacity to deliver health service infrastructure can be mitigated to make sure that the Trust is able to continue to deliver at least the current level of services during the lifetime of the Proposed Development by increasing its infrastructure capacity. They consider how the harmful impact from the Proposed Development on the Trust's service infrastructure can be mitigated and the options below are the most effective ways to increase the infrastructure capacity.

### Option 1: Emergency Care at Hereford County Hospital

1. The population of the Proposed Developments new to Herefordshire would generate additional A&E attendances in 12 months, equating to additional attendances per day by the end of the period. The existing infrastructure is insufficient to handle this increase and would put additional strain on resources.
2. The A&E at the Hereford County Hospital currently operates at or above full capacity and is already facing significant capacity constraints. The Proposed Developments will add further to these constraints. This results in patients being cared for in corridors, contributing to: inefficient ways of working; ambulance offload delays; an overly full walk-in patient waiting room; significant waiting times and delays in patient care. This results in harm and less than optimum patient outcomes. Patient assessment space also overflows into the areas where minor injuries and GP patients are treated. This means that there is overcrowding and a lack of space in which to see patients which have a negative impact on productivity and efficiency. There is no further capacity in A&E to accommodate an increase in demand created by the residents of the Proposed Developments which will cause direct harm on Trust facilities.
3. One additional patient is sufficient to tip the balance in terms of the full capacity of Emergency Department and Urgent Care services. This is evidenced in the following data relating to the month of December 2025:
  - 5,987 patients were admitted to the A&E at the Hereford County Hospital

- 45% of ambulances were not off loaded within 30 minutes of arrival at the hospital as there was no room in A&E (i.e. of 1,615 ambulances). The national standard is 100%.
  - The Emergency Access Standard performance was 65.2% of patients admitted, treated and discharged or admitted within 4hrs. The national expectation for performance is 76%. 10.4% waited more than 12 hours (686 patients) due to the lack of infrastructure capacity to enable treatment.
  - 2010 emergency patients seen in A&E were admitted to a hospital bed and stayed at least one night (average of 65/day)
4. To address the current capacity constraints the Trust has been developing alternative services to increase infrastructure capacity in line with national requirements. An example of this are Same Day Emergency Care (SDEC) services which are a requirement set out in the national NHS Long Term Plan. SDEC services enable patients presenting at hospital with relevant conditions to be assessed, treated and discharged on the same day, avoiding A&E admission. Patients can be directly referred to SDEC in different ways, either from a GP, urgent community response teams, NHS 111, an ambulance, or via A&E. All hospitals with a Type 1 A&E (A&E at Hereford County Hospital is a Type 1 A&E) are required to provide SDEC services 7 days/week. Our SDEC provision includes Medical, Surgical, and Frailty Same Day Emergency Care service. Around 1,304 (47.5% of all admissions) patients are currently seen each month.
  5. The patients new to Herefordshire associated with the development will generate additional SDEC attendances per month by the end of the period. This equates to 3 additional admissions/day by the end of the period. The Trust's A&E and SDEC capacity is maximised and will not be able to absorb the increased demand for health care created by the new residents and undermines the sustainability of the existing service. The existing infrastructure is insufficient to handle this increase and would put additional strain on already stretched resources and jeopardise patient outcomes by causing harm to patients requiring SDEC services from the developments and within the wider population.
  6. The Trust is currently implementing a re-configuration of SDEC in line with recent government requirements. The scheme includes reconfiguring or extending the existing building. These infrastructure plans and costs are predicated on current

demand forecasts and do not include additional demand from population new to the developments. The additional demand which will be generated would mean that the Trust would need to revise existing designs, consider alternative spaces to accommodate increased floor space and associated infrastructure of the proposed facilities. Given the additional capacity which would need to be created to accommodate the needs of the population new to Herefordshire associated with the Proposed Developments, contributions would enable right-sizing and future proofing the capacity of SDEC, including building/refurbishment works, treatment spaces, trolleys, equipment (e.g. patient monitoring equipment) which in turn will ensure patient flow and provision of efficient care and prevention of harm.

7. Based on the additional SDEC patients/month that would be generated by the population new to Herefordshire from the Proposed Developments additional SDEC space would be required. The Department of Health Healthcare Premises Costs Guide (2010, updated 2021) and HBN 15-02 state that *a well-designed SDEC unit will help to manage patients effectively with minimal delays as they move through stages of care. Good patient flow is central to patient experience, clinical safety and reducing the pressure on staff. It is a key factor in providing effective healthcare. The core recommendations are: i) the SDEC facility should be close to a type 1 Emergency Department. ii) patients should have access to diagnostics within the same time frame as other emergency patients as acuity and availability allows iii) the SDEC facility should have a combination of consulting rooms, patient trolleys and chairs for patient assessment and treatment. It is therefore crucial that there is additional and appropriate infrastructure capacity for the additional population.* The provision of ten SDEC spaces would be require an additional 176m<sup>2</sup> at the cost of £2.9m (including construction costs and all infrastructure required for provision of care, associated bed head services (suction, oxygen etc) and monitoring equipment would need to be added). In addition, the Trust will incur further health planner and architect costs to change the current building plans. Actual SDEC demand cannot be calculated accurately at this stage until the full housing mix of each development is known. However, this gives an indicative cost.
8. The contribution requested will be pooled with other section 106 monies and NHS capital plan funding. It will be used to enable the Trust to extend the size and infrastructure of the current plans to meet the costs of expanding infrastructure to

meet additional demand. This includes building, equipment and other associated development costs.

9. The SDEC will increase capacity to manage the increased demand for A&E and ward beds more effectively, ensuring that patient care and outcomes are not compromised by increased demand. It will be through:
  - **Increased space to treat patients:** the increased capacity will enable an additional patients be treated, ensuring that more patients receive timely care. This is crucial for responding to increased demand, maintaining smooth patient flow, improved waiting times and reducing patient crowding.
  - **Better Space Utilisation:** the SDEC will enhance staff efficiency and patient management, ensuring that available space in both A&E, wards and SDEC is used optimally to support improved patient flow and capacity.
  - **Enhanced throughput** enabled by more effective ways of working which will improve staff efficiency, patient management and flow in both SDEC and A&E. This contributes directly to improved patient throughput.
  - **Improved time** it takes to see patients, enabling patients to be treated and discharged the same day.
  - **Improved turnaround time** for patients and reduced congestion in A&E.
  - **Improved ambulance handover times**, increasing the number of patients handed over within 15 minutes, improving their flow into care so that they can begin and complete their emergency treatment earlier.

## **Option 2: Non-elective inpatient care: beds at Hereford County Hospital**

10. Non-elective care is care that needs to be performed immediately for lifesaving or damage-preventing reasons and results in emergency inpatient admissions. The population of the Proposed Developments new to Herefordshire would generate additional emergency admissions per year to inpatient non-elective beds through A&E. The existing ward infrastructure is insufficient to absorb this increase and would put additional strain on resources particularly through lack of inpatient beds.

11. Hospitals cannot operate at 100% bed occupancy, as spare bed capacity is needed to accommodate variations in demand and ensure that patients can flow through the system. Demand for hospital beds peaks at different times of the day, week and year and there must always be sufficient beds available to accommodate these peaks. Wards at Hereford County Hospital currently operate at or above full capacity and are already facing significant capacity constraints resulting in a shortage of emergency and elective inpatient beds. The proposed developments will create further bed capacity shortages, resulting in:

- more inpatients being cared for in corridors (known as boarding patients);
- outlying patients (where a patient in one specialty is placed in a bed on a ward which is dedicated to a different specialty e.g. a Cardiology patient on an Orthopaedic ward);
- patients waiting for ward beds to become available being stranded in A&E.

The impact is patients not receiving specialist care; inefficient ways of working; overcrowding of ward and corridor space and in A&E; significant waiting times and delays in patient care. This results in harm and less than optimum patient outcomes. The overcrowding and lack of beds for patients will have a negative impact on productivity and efficiency.

12. A bed occupancy of 85% is the benchmark for patient safety. It enables safe and effective care, reduces the likelihood of harm and better outcomes as it enables patients to be placed in the right bed, under the right team who can provide the right clinical care for the duration of their hospital stay and ensures good flow of patients through the hospital. National guidance is that bed occupancy should not exceed 92% as it leads to delays in A&E, delayed treatment, sub-optimal care where patients are placed on clinically inappropriate wards, increase the length of time spent in hospital and greater likelihood of hospital acquired infections.

13. The Trust has made every effort to reconfigure its services to ensure that the most effective and efficient care is provided in line with national models. This led to reorganisation of some services in 2021 when an additional 36 beds were opened.

14. There is no further bed capacity to accommodate an increase in demand created by additional new population to Herefordshire from proposed developments. One additional patient is sufficient to tip the balance. This is evidenced in the following:
- Bed occupancy exceeds 92% and has frequently been above 100% (enabled through the use of surge beds e.g. opening areas that are not usually inpatient areas overnight and using them to bed-down patients).
  - Overflow areas being used for inpatient beds and an average 35 patients occupy surge capacity at any one time
  - In December 2025, 686 patients were 'stranded in ED' for over 12 hours from decision to admit due to unavailability of ward beds.
15. The additional patients that require an emergency admission will require additional inpatient beds. The current bed capacity is maximised and will not be able to absorb this increased demand created by the new residents and undermines the sustainability of the existing service. The infrastructure cannot handle this increase directly arising from the development and would put additional strain on already stretched facilities and jeopardise patient outcomes by causing harm to patients.
16. Options for increasing bed capacity infrastructure include reconfiguring/extending existing wards, converting non-ward space to wards, new build or use of modular ward units. The additional demand which will be generated would mean that we would need to revise existing designs, consider alternative spaces to accommodate increased bed space and associated infrastructure. Given the additional capacity which would need to be created to accommodate the needs of the population new to Herefordshire associated with the Proposed Developments and the physical constraints of the Herefordshire site, we could only create additional bed capacity to accommodate this additional demand through the provision of ward units accommodating up to 24 beds. The cost of doing so at today's prices is £20m. However, actual demand cannot be calculated accurately at this stage until the full housing mix of each development is known. The above figure gives an indicative cost.

## **Conclusion**

The options demonstrate that the Trust's infrastructure is at capacity in these areas of care delivery and that any increase in demand associated with population new to Herefordshire at the development would put significant stress on acute hospital services.

The demand for healthcare is elastic in that it is not possible to forecast exactly who will need what services when, which is why i) that average cost of an episode of care is used to calculate the S106 contribution and ii) the options are based on the most commonly used types of care. If the demand had to be absorbed within the current infrastructure due to lack of S106 contribution, the result would be patient harm to the new residents of the development and the wider population of the local area because of increased waiting times, delays in appointment availability and delayed delivery of care. Section 106 contributions are required to ensure sustainable and safe healthcare delivered in a timely way.



**From:** Carlisle, Heather  
**Sent:** 13 November 2025 16:55  
**To:**; Guy Wakefield < >  
**Cc:** Coleman, Yvonne <ycoleman@herefordshire.gov.uk>  
**Subject:** Education Contributions: 242558. Lower Bullingham, Phase 1: S106 - November 2025

Good afternoon both

I am pleased to share comments from the Education Team (below in blue) following the submission of additional information from your team and following our meeting back in September.

I will also be publishing this email to the application website for application 242558.

Education comments November 2025:  
 Following our meeting with EFM and Bloor we have revisited the figures and calculated based on the standard ask of cost-per-dwelling. Therefore the contribution sought would be:

	Pre-School	Primary	Secondary	Post-16	Youth	SEN & AP	Total
Contribution based on housing split in the EFM document:	£207,020	£1,546,506	£1,534,221	£48,438	£472,376	£262,057	£4,070,617

**Primary:**

**Primary Phase – Spring 2025 NOR**

Primary Schools	PAN	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
St Martin's Primary School	60	35	42	56	54	58	47	52
Our Lady's RC Primary School	30	29	25	31	18	28	29	30
Total spare spaces		26	23	3	18	4	14	8

Referencing the SPD, adopted in 2008, paragraph 3.5.8 states that a contribution will be requested if the number of spare places meets the trigger point for the size of development in at least one year group at each of the catchment schools. There are three bands of development size up to 99 dwellings, with developments of 100 or more dwellings subject to negotiation with the developer.

Using the DfE yield figures for all tenures and housing types (2021/22 figure) it is 0.3212 primary pupils per dwelling. Applied to 540 houses gives 173 pupils, which averages at 25 per year group, so all of the year groups except reception meet the trigger criteria as they have less than 25 spare spaces.

The calculations used in the EFM document are based on the yield figures from the 2001 national census (referenced in the SPD document). We typically use the DfE yield figures for our calculations as it is the most up to date.

**Secondary:**

**Secondary Phase – Spring 2025 NOR**

Secondary Schools	PAN	Year 7	Year 8	Year 9	Year 10	Year 11
The Hereford Academy	150	135	146	119	129	89
St Mary's RC High School	150	150	150	149	150	150
Total spare spaces		15	4	32	21	61

The DfE yield figures for all tenures and housing types (2021/22 figure) is 0.1562 secondary pupils per dwelling. Applied to 540 houses gives 84 pupils, which averages at 17 per year group. The spare places at The Hereford Academy mean that in years 9 upwards there is sufficient capacity and it is only year 8 and year 7 that meet the trigger requirement.

However, we recognise that Hereford Academy could accommodate a higher PAN based off the most recent Net Capacity Assessment and are happy to not request a secondary contribution at this stage for this development.

Without the secondary contribution the total requested reduces to **£2,536,396**.

I trust this assists and assists in progressing matters.

Kind regards

Heather

**Herefordshire.gov.uk**

***Delivering the best for Herefordshire in everything we do***

**\*Please note I do not work alternate Mondays\***

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Ms Heather Carlisle  
Case Officer  
Planning Services  
Herefordshire Council  
PO Box 4  
Hereford  
HR4 0XH

Planning Ref: 242558

25 November 2024

Dear Sir / Madam

**Land to the south of Lower Bullingham, west of the Rotherwas Industrial Estate, north of the Rotherwas, Hereford, HR2 6JW**

**Planning Application 242558**

**1.0 Introduction**

- 1.1 Thank you for consulting NHS Herefordshire and Worcestershire on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicant's submission, and concurrent with a refresh of the ICS Estates Strategy and a more strategic view of developments, the following comments are with regard to the primary healthcare provision on behalf of Herefordshire & Worcestershire Integrated Care Board (ICB).

**2.0 Existing Healthcare Position Proximate to the Planning Application Site**

- 2.1 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire ICB would therefore expect these impacts to be fully assessed and mitigated.

**3.0 Review of Planning Application**

- 3.1 A Healthcare Impact Assessment (HIA) has been prepared by Herefordshire and Worcestershire ICB to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

**4.0 Assessment of Development Impact on Existing Healthcare Provision**

- 4.1 The development could generate approximately 1296 residents and subsequently increase demand upon existing services.
- 4.2 The development would have an impact on primary healthcare provision in the area and the proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

## 5.0 **Healthcare Needs Arising From the Proposed Development**

- 5.1 The intention of Herefordshire and Worcestershire ICB is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View and the Fuller Stocktake Report: Next Steps for Integrating Primary Care.
- 5.2 The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.
- 5.3 This housing development falls within the boundary of a practice which is a member of the South & West Herefordshire Primary Care Network (PCN), the Hereford City WBC PCN and the Hereford Medical Group PCN, as such, a number of services for these patients may be provided elsewhere within the PCN. The ICB would therefore wish to secure the funding for the South & West Herefordshire PCN, the Hereford City WBC PCN and the Hereford Medical Group PCN for the patients within this vicinity.
- 5.4 The table below provides the Capital Cost Calculation of additional primary healthcare services relating to the development proposal.

<b>Primary Care Network</b>	<b>Additional Population Growth (540 dwellings)<sup>1</sup></b>	<b>Floorspace required to meet growth (m<sup>2</sup>)<sup>2</sup></b>	<b>Capital required to create additional floor space (£)<sup>3</sup></b>
South & West Herefordshire PCN Hereford City WBC PCN Hereford Medical Group PCN	1296	88.8	355,200

### Notes:

1. Calculated using an average household size of 2.4 taken from the 2021 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
  2. Based on 120m<sup>2</sup> per 1750 patients (this is an average list size for a single GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  3. Based on a locally agreed m<sup>2</sup> cost multiplier for primary healthcare construction prices, adjusted for professional fees, fit out and contingencies (£4,000/m<sup>2</sup>).
- 5.5 A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be **£355,200**. Payment should be made before the development commences.

5.6 Herefordshire and Worcestershire ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

## **6.0 Conclusions**

6.1 In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

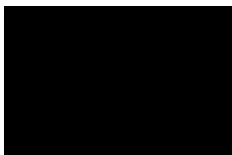
6.3 Assuming the above is considered in conjunction with the current application process, Herefordshire and Worcestershire ICB would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

6.4 The terms set out above are those that Herefordshire and Worcestershire ICB deem appropriate having regard to the formulated needs arising from the development.

6.5 Herefordshire and Worcestershire ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the National Planning Policy Framework (NPPF).

6.6 Herefordshire and Worcestershire ICB looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

Yours faithfully



Karen Payton  
Head of Primary Care

