

Bodenham Parish Council

Lambe Corner
Venns Green
Sutton-St-Nicholas
Hereford
HR1 3DD

Email: bodenhampcclerk@gmail.com

For the attention of Mr Ed Thomas
Planning Services
Herefordshire Council,
PO Box 230,
Hereford
HR1 2ZB

Copy to:

Bill Wiggin MP
8, Corn Square
Leominster
Herefordshire
HR6 8LR

18 March 2015

Dear Mr Thomas,

Planning Application 150437 – Proposed Residential Development (49 Houses) – Land to South of Chapel Lane, The Moor, Bodenham

Bodenham Parish Council strongly objects to the above planning application by Bovis Homes for the construction of 49 dwellings on land south of Chapel Lane (a site also known as Shuker's Field). The reasons for this objection come under a number of headings which are listed below and are discussed in detail thereafter:

- Housing Land Supply in Herefordshire (Section 2)
- Location of Future Housing Development in Bodenham Moor (Section 3)
- Bodenham Neighbourhood Plan (Section 4)
- Sustainability (Section 5)
- Proposed Housing Mix (Section 6)
- Proposed Housing Design (Section 7)
- Landscape (Section 8)
- Historic Environment and Heritage Assets (Section 9)
- Access and Highway Safety (Section 10)
- Transport (Section 11)
- Flood Risk (Section 12)
- Sewerage Infrastructure (Section 13)
- Proximity to Intensive Livestock Unit (Section 14)
- Ecology (Section 15)
- Minerals Safeguarding (Section 16)

1. Background

1.1 The emerging Core Strategy requires Bodenham Moor to accommodate a 15% increase in housing between now and 2031 and calculates that this equates to 40 new houses in that period.⁽¹⁾ The Parish Council fully accepts that Bodenham Moor should accept its proportionate share of new houses over the next 16 years and, indeed, that this will be good for a village where the Council is keen to meet local housing needs and support the development of local services. An increase of up to 40 new dwellings would be sustainable in terms of current infrastructure service provision (educational, health, etc.), always assuming certain key measures are taken, such as enhancement of local sewerage capacity.

1.2 As long ago as March 2013 the Parish Council therefore set up a Steering Group to develop a Neighbourhood Plan and this has now reached the point where a final version of the Plan is being drafted for circulation for consultation under Regulation 14.⁽²⁾ It is anticipated that this will take place in July/ August and it is hoped that the Plan will be adopted by the end of the year.

1.3 At all stages of this process the Neighbourhood Plan Steering Group has kept local residents fully informed of progress through the local *Newsletter*, the Parish Website, public meetings and open days. Most recently it has also conducted a survey of local opinion by means of a questionnaire distributed to every resident in the Parish.

PRINCIPLE OF DEVELOPMENT

2. Housing Land Supply in Herefordshire

2.1 Page 10 of the 'Planning Statement' supporting Bovis Homes' application states that "of relevance to the determination of this application is the fact the Council cannot demonstrate a five-year land supply of housing land". It continues "*the 'saved' housing policies of the UDP are therefore out-of-date in the context of paragraph 49 of the NPPF which confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.*"

2.2 However, we would draw attention to a recent appeal hearing affecting a housing proposal at Home Farm, Belmont when, notwithstanding the appellant's reference to the housing land supply issue, their appeal against refusal of consent was dismissed⁽³⁾. Irrespective of the shortfall of housing land the Inspector's decision to dismiss the application was wholly based on the balance of harm to benefit:

1. The Herefordshire Council figure of 40 houses is derived from the Core Strategy "Rural Housing Background Paper" of March 2013 which lists the "Approximate number of residential dwellings within the main village envelope" as Bodenham Moor – 270. A physical count by the Bodenham Neighbourhood Plan Steering Group using a generous interpretation of the term "main village envelope" has established that the true figure is 242, which gives a requirement of 36 (15% x 242), which the Steering Group would argue should actually be reduced further to 31 houses by a 'windfall' allowance of 5. (It should be noted that, including extant permissions for houses not yet built, there have been 14 'windfalls' in the Parish over the past five years).

2. The Plan has not yet been updated to take account of the survey mentioned above. However, a copy of the latest draft can be found at [http://www.alphadocs.co.uk/bpc/pcd/Neighbourhood%20Plan%20\(19%20Mar%202014\).pdf](http://www.alphadocs.co.uk/bpc/pcd/Neighbourhood%20Plan%20(19%20Mar%202014).pdf)

3. Planning Inspectorate ref. APP/W/1850/A/13/2192461 dated 10 Jan. 2014.

"As a consequence, the proposal would be at odds with the environmental role/dimension to sustainable development. Moreover, notwithstanding the shortfall in HLS, these adverse environmental impacts and the harm to the setting of heritage assets that I have also identified would significantly and demonstrably outweigh the economic and social dimensions/benefits of the scheme." (Paragraph 65 of the appeal decision).

2.3 Bodenham Parish Council maintains that similar arguments apply in the present case. Furthermore, the Parish Council believes that, whilst there is not yet a published five-year supply of land for housing in Herefordshire, it is unreasonable to expect any shortfall to be met by excessive developments in villages such as Bodenham Moor when the demand is primarily for housing in Hereford City and the Market Towns. It should also be noted that the majority of employment opportunities are in Hereford and Leominster, as are the bulk of retail services and secondary education provision.

3. Location of Future Housing Development in Bodenham Moor

3.1 In considering Bovis Homes' application a key issue is the question of where new housing should be located in Bodenham Moor. Indeed, long before it was aware of Bovis Homes' intentions the Neighbourhood Plan Steering Group had begun work on this subject. It took as its starting point the most recent Strategic Housing Land Availability Assessment (SHLAA) of the Bodenham Moor area carried out by Herefordshire Council. This indicated that, of all the potential sites available, all, except two, were ruled out by access, flood risk and other limitations. The two sites considered to impose only low to minor constraints on development were a field on the East side of the C1125 opposite England's Gate Inn and the area of land south of Chapel Lane, *i.e.* Shuker's Field.

3.2 The Neighbourhood Plan Steering Group considered both these options in detail and came to the conclusion that, of the two, the field opposite England's Gate Inn was to be preferred. For the reasoning behind this see Appendix 1 to this letter.

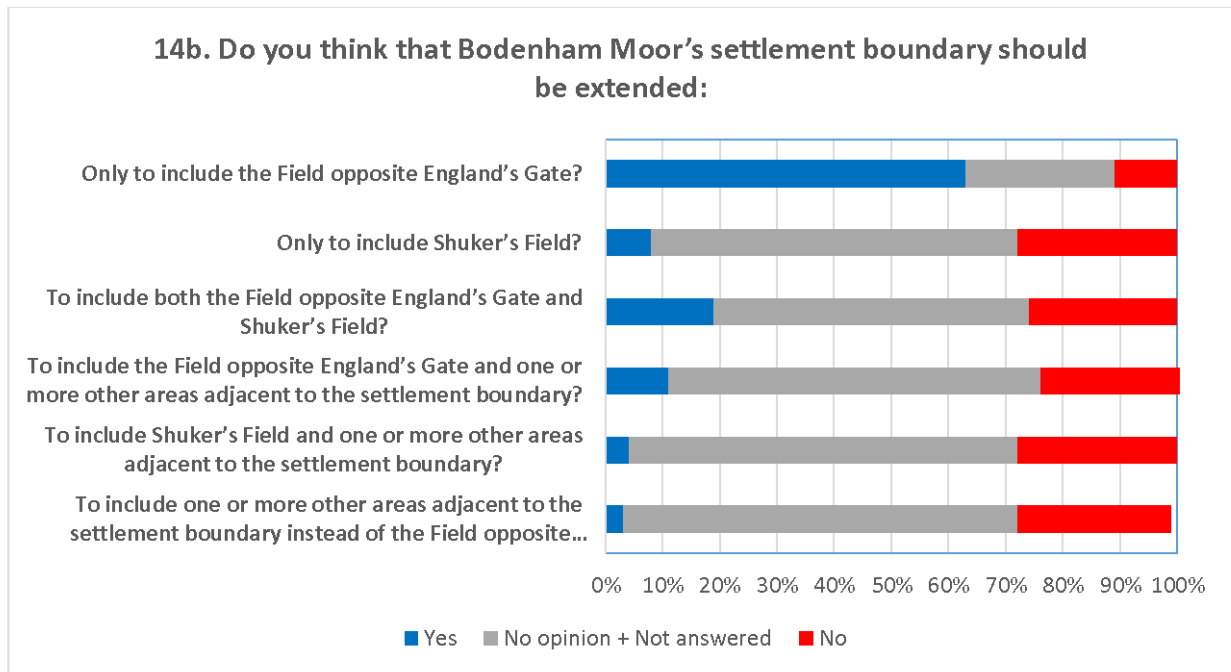
3.3 In a letter of 8 November 2013 Bovis Homes notified the Parish Council of their intention to submit proposals for the development of Shuker's Field. This attracted considerable local attention and on 20 January 2014 the Neighbourhood Plan Steering Group held a public meeting at which they invited Bovis Homes, represented by Ms Fiona Brereton (now Milden) to outline Bovis Homes' plans. Over 100 local residents attended the meeting and its general tenor was that these plans, albeit very sketchy at that stage, were not welcomed.

3.4 Subsequently, on 12 June 2014 Hughes Architects, acting on behalf of the landowner, submitted an outline planning application (P141712/O) with all matters reserved for 40 houses on the field opposite England's Gate Inn. This generated considerable local support, to the extent that some 237 letters in favour of it were submitted by local residents, compared with only some 25 objections. In light of this and, following discussions with the applicant and the developer, Bell Homes, the Parish Council offered no objection to the application and this was approved with conditions on 9 October 2014. It is understood that, since then, Bell Homes have been in discussion with the Planning Office, that most, if not all, outstanding issues have been resolved, that the full planning application will be submitted shortly, and that the intention is that, subject to consent being granted, building will start later this year.

3.5 Quite independently of either Bovis Homes' proposals or Hughes Architects' planning application, the Neighbourhood Plan Steering Group had been advised by its independent planning consultant that they should carry out a survey of local opinion to provide evidence on a wide range of issues to support the emerging Bodenham Neighbourhood Plan. This survey was conducted over the

period 17 September ⁽⁴⁾ – 12 October 2014 and the responses to it were then independently analysed by Data Orchard CIC ⁽⁵⁾. Their Report was inevitably a highly detailed and lengthy document and the Neighbourhood Plan Steering Group have therefore attempted to summarise it and to draw conclusions from it. This ‘Summary and Conclusions’ document was presented to a public meeting on 10 March where it was accepted as both fair and complete. Its conclusions will be incorporated in the next draft of the Neighbourhood Plan. ⁽⁶⁾

3.6 In particular, the survey confirmed, first, that the Bodenham community have accepted the need for the kind of ‘proportional’ housing growth envisaged in the Core Strategy and, second, the community’s overwhelming support for the Neighbourhood Plan’s preference for development in Bodenham Moor to be focussed on the field opposite England’s Gate Inn.



Responses to Survey Question regarding possible Settlement Boundary Extensions

3.7 Furthermore, the fact that there was an unprecedented number of letters of support (237) for the outline planning application related to the England’s Gate site not only confirms the survey’s findings, but is a clear indication that Bodenham residents look to the future and take their social, economic and environmental responsibilities seriously.

4. By chance, and after the survey questionnaires had been printed, the Herefordshire Council Planning Committee’s hearing of the application for the development of the field opposite England’s Gate Inn was set for the same day that distribution of the questionnaires started. In order to mitigate any risk that the outcome of the hearing might influence answers to questions relating to the location of future development an explanation of the above-mentioned facts was posted on the Parish Website and printed copies distributed with every copy of the questionnaire.

5. The Data Orchard CIC Report is available at: <http://www.alphadocs.co.uk/bpc/noticeboard/Data%20Orchard%20Basic%20Analysis.pdf> and the analysis of the responses relating to the location of housing development in Bodenham Moor can be found on pages 11 and 12.

6. The latest draft can be found at [http://www.alphadocs.co.uk/bpc/noticeboard/Neighbourhood%20Plan%20-%20Basic%20Analysis%20-%20Summary%20and%20Conclusions%20\(Rv\).pdf](http://www.alphadocs.co.uk/bpc/noticeboard/Neighbourhood%20Plan%20-%20Basic%20Analysis%20-%20Summary%20and%20Conclusions%20(Rv).pdf) .

4. **Bodenham Neighbourhood Plan**

4.1 The House of Commons Communities and Local Government Committee recently enquired into the operation of the new National Planning Policy Framework (NPPF) and reported ⁽⁷⁾ in the Summary “*The evidence to this enquiry has highlighted a number of emerging concerns that the NPPF is not preventing unsustainable development in some places; that inappropriate housing is being imposed upon some communities as a result of speculative planning applications ...*” It continued that “*We must address the complex issue of land supply. Provisions in the NPPF relating the viability of housing land are leading to inappropriate development, these loopholes must be closed*” and stressed the importance of giving “*communities increased protection against the threat of undesirable development*”.

4.2 The cross-party Committee called on the Government to make changes ‘*to ensure that the NPPF becomes a document in which everyone can have greater confidence*’.

4.3 In a noteworthy decision in terms of the amount of weight given to emerging neighbourhood development plans, and sending a clear message that neighbourhood planning really does have teeth, Secretary-of-State Eric Pickles MP has overturned a Planning Inspector’s recommendation where a housing scheme conflicted with the Neighbourhood Plan. The Inspector gave ‘significant weight’ to the scheme’s contribution to housing supply and only “moderate weight” to the ‘conflict between the proposal and the emerging neighbourhood plan.’ The Minister found this conflict, on balance, to ‘significantly and demonstrably outweigh the benefits in terms of increasing ‘housing supply’.

4.4 As already mentioned, the vast majority of Bodenham residents expressed a preference for any substantial housing growth to be located on the field opposite England’s Gate Inn rather than the site proposed by Bovis Homes (Shuker’s Field). This fact is recognised in the emerging Bodenham Neighbourhood Plan, for example in its proposed re-instatement of Bodenham Moor’s settlement boundary. This boundary existed until 2010 and the emerging Neighbourhood Plan calls for it to be redrawn exactly as before, with one exception. This is to allow room for the increase in housing stock required by the emerging Core Strategy. Since the clear local preference is for such development to be located on the field opposite England’s Gate Inn, the Plan allows for an extension to the future boundary to take in that field, while Bovis Homes’ chosen site at Shuker’s Field would remain outside the settlement boundary as before.

5. **Sustainability**

5.1 Having accepted the need for new housing – indeed, largely welcomed it - and having, therefore, supported the Bell Homes application, both as being on the preferred site on the field opposite England’s Gate Inn and effectively meeting the Core Strategy ‘target’ of 40 new houses in Bodenham Moor, the local community now finds itself faced with the Bovis Homes’ application for an additional 49 houses.

5.2 Given that, having been granted outline planning consent, there is unlikely to be any obstacle to Bell Homes’ development in due course proceeding to completion, Bodenham Moor is set to increase in size by some 15% based on Herefordshire Council’s figures or by over 16% by the Parish Council’s calculation. (See the table below).

7. Fourth Report of Session 2014 - Published 16 Dec 2014-HC 190.

	Herefordshire Council Figures (Houses)	Neighbourhood Plan Steering Group Figures (Houses)
Houses in Bodenham Moor	270	242
“Proportionate 15%” increase	40	36 ⁽⁸⁾
With Proposed England’s Gate Field Development (40 houses) [% increase]	310 [14.8%]	282 [16.5%]
With Proposed Bovis Homes Development (49 houses) as well [% increase]	359 [32.9%]	331 [36.8%]

5.3 The Bovis Homes application, if approved, would therefore represent a further 18% or 20% increase depending on which housing figures are used in the calculation. In other words the village of Bodenham Moor faces the prospect of expanding by 33% - 37% - from a community of about 242/ 270 houses to one of 331/ 359. Furthermore this will not be a gradual growth spread over nearly two decades, but an immediate expansion of one-third or more in a matter of a year or so.

5.4 Sustainability is the often-quoted “golden thread” at the heart of all current and emerging planning policy, as typified in the Introduction to the NPPF and UDP Policy S1 and Core Strategy Policy SS1. We would contend that, not only would immediate growth of 33% or more far exceed any identified local need, it would place an intolerable and unsustainable burden on Bodenham Moor and on local residents and, as such, would be at variance with the core planning principles outlined in Paragraph 17 of the NPPF. The first of these core principles states “*Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting a positive vision for the future of the area*”.

DETAILED COMMENTS

6. Proposed Housing Mix

6.1 Bovis Homes propose a housing mix, of which 50% of the total are 4 and 5-bedroom units. Only six 2-bedroom ‘affordable’ and no 2-bedroom ‘open market’ units are shown. This compares with nine ‘open market’ 5-bedroom dwellings. It is contended that such a housing mix does not fit with the ‘Rural Housing Strategy’ outlined at page 117 of the Core Strategy which reads:

‘4.8.25 Therefore, in the villages identified in Figure 4.21 [including Bodenham], proportional levels of housing will be focused on providing smaller market homes which meet the needs of people with local connections, who would not otherwise be able to afford a house to live in their local area. Proposed developments must be based on appropriate, compelling evidence of how the proposal meets the identified local housing need, all of which must be clearly demonstrated to the satisfaction of Herefordshire Council.

4.8.26 Smaller houses, predominantly two and three bedroom properties, continue to be required across all rural areas.’

6.2 It should be noted that there was a recent application for the residential development of a parcel of land belonging to “Stoneleigh” (P140426/O) which is only some 30m from the southern boundary of Bovis Homes’ proposed site in Shuker’s Field. Bovis Homes themselves chose to object to this

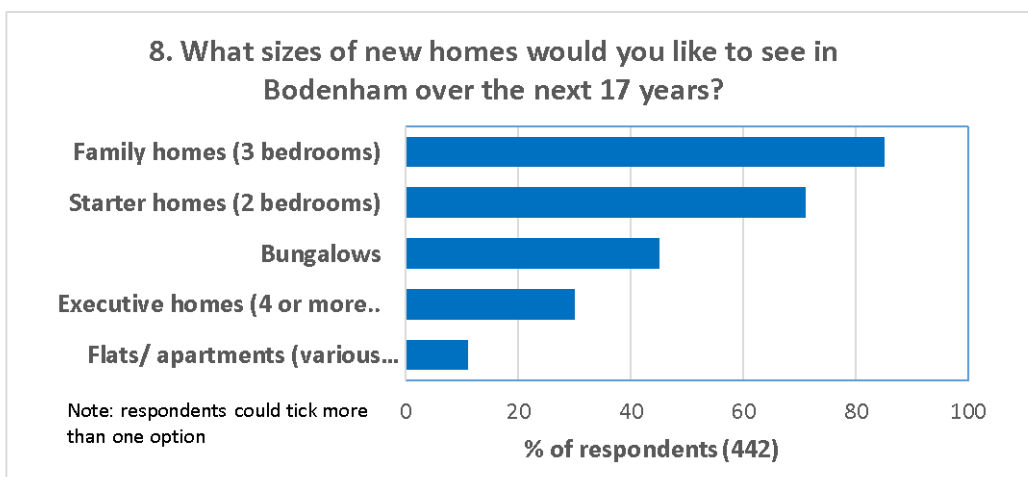
8. This figure excludes any allowance for ‘windfall’ developments which the Parish Council believe would reduce it further to 31 new houses.

application and, in their letter dated 15 April 2014, laid particular stress on the importance which the Council attaches to the need for affordable homes by citing from the emerging Core Strategy:

...Affordability is an issue in rural Herefordshire due to the relationship between house prices and incomes. This situation is exacerbated by an existing housing mix that is heavily skewed towards higher value properties... As a result there is a need for market housing priced at a level that can be afforded by local people. Therefore in villages identified in Figure 4.22 [including Bodenham Moor], proportional levels of housing will be focussed on providing smaller market homes which meet the needs of people with local connections, whom would not otherwise be able to live in their local area....(page 103).

6.3 In the light of this objection it may be thought that the housing mix now being proposed by Bovis Homes, *i.e.* 50% of all dwellings to be of a 4/5 bedroom design and with no ‘market’ 2-bedroom houses, is somewhat perverse – not to say hypocritical - and contrary to emerging policy.

6.4 Furthermore, it should be noted that respondents to the question (Q8) in the recent Neighbourhood Plan survey dealing with house type preferences demonstrated that 71% of Bodenham residents favour 2-bedroom and 85% 3-bedroom dwellings in any future development. (See the chart below taken from the Data Orchard CIC Report).



7. Proposed Housing Design

7.1 The Parish Council finds the housing designs proposed by Bovis Homes not only disappointing, but out of keeping with the diverse character of the remainder of Bodenham Moor and particularly inappropriate in the immediate context in which they would be set. In the Council’s view the apparent intention to inflict rows of virtually identical red brick ‘boxes’ – there appear to be only four basic external designs among 49 dwellings - on an area bounded by a rich variety of house designs, not to mention no less than four Grade II listed buildings, betrays a lack of imagination and empathy which all the application’s stress on ‘detailing’, ‘active frontage’, considered building line’ and varied ‘streetscape’ does nothing to mitigate. Far from improving the Village, such a development would actually makes it worse by imposing a veritable ‘blot on the local landscape’. Indeed, Bovis Homes themselves seem to recognise this by their apparent wish to hide their development away from view behind hedging (See our comments under ‘landscape’ below).

8. Landscape

8.1 It is considered that the proposed site is an important open green space which makes a major contribution to the distinctive spatial character, form and pattern of the Bodenham Moor settlement. It is important to the rural character of Bodenham Moor and provides relief within an otherwise built up frontage, while also acting as a buffer between incompatible uses, as set out in Section 14 below.

8.2 Contrary to the impression given by the Landscape and Visual Impact Statement supporting the application, this open area allows important views out of the settlement and is an amenity of high value for all residents, but more particularly the residents of Chapel Lane and the road along The Moor (C1125). It is contended that, notwithstanding measures being proposed to mitigate the impact of the proposed development, it will adversely affect the public and visual amenity of existing residents and consent should be withheld in accordance with UDP Policy DR2 (saved under Core Strategy Policy SD1) and Core Strategy Policies LD1 – Landscape and Townscape and LD3 – Green Infrastructure.

8.3 The photographs in the Landscape and Visual Impact Statement are particularly unhelpful. Quite apart from the mis-labelling of some of them ⁽⁹⁾, a number of the distant views give no indication of the location of the site and those that do give no impression of the likely scale or impact of the proposed development on the landscape. Similarly, the closer views, having been taken before autumn leaf fall, give a false impression both of the views across the proposed site throughout the whole autumn and winter period and of the impact that 49 two storey buildings built on rising ground will have in blocking these views, dominating their surroundings and thereby irretrievably damaging the amenity of existing residents in the neighbourhood.



**View of the proposed site and the landscape beyond
looking East from the Grade II Listed Moor Court Farm**

8.4 In particular, the Design and Access Statement suggests that, rather than maintaining views into and out of the site, the applicant intends to extend existing hedgerows and block gaps in them, thus not only diminishing existing views but serving to isolate the development from nearby houses and from the surrounding countryside to the East. The proposed views all seem to be internal to the development. Indeed, the whole effect seems to be to prevent integration with the rest of the Village – the creation of a kind of hedged-in enclave on its outskirts and one that, as already mentioned, is not in keeping with the open character of the remainder of Bodenham Moor.

9. For example, Viewpoint Photographs 2 and 3 were taken from the C1125, and not from Mill Croft Road as stated.

9. Historic Environment and Heritage Assets

9.1 There are four Grade II Listed buildings adjacent to the proposed site - Brook House, a Seventeenth Century timber-framed cottage; Broom Cottage, a *circa* 1675 timber-framed former blacksmith's; the adjoining The Haven of similar age and construction and formerly a forge; and Moor Farmhouse, an early Seventeenth Century former farmhouse, These historic buildings afford a much valued and very pleasing aspect to this part of The Moor and thus enhance the character of the immediate area.

9.2 UDP Policy HBA4 on the "Setting of Listed Buildings" (saved under Core Strategy Policy LD5 – Historic and heritage assets) states "*Development proposals which would adversely affect the setting of a listed building will not be permitted. The impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations*". We would take issue with the applicant's assessment of these buildings, which is very narrowly based on the constraints of their present inter-visibility with the proposed site (compounded by the applicant's declared intention to worsen that with additional hedging), rather than on a proper consideration of their wider rural or collective historic importance and context. In short, it is considered that the development of a housing estate of the scale envisaged in such close proximity will, despite the mitigation measures proposed, have an adverse impact on the setting of these listed buildings and warrants refusal.

9.3 Turning to the archaeology of the proposed site, there is evidence of a crop mark ring-ditch on the site which has been recorded in the Herefordshire Historic Environmental Record (HER) (HAAS 06-CN-2202). The Archaeological Report submitted with the application contains details of the investigative archaeological trial trench undertaken by an archaeological consultant who established the probable presence of a Bronze Age ring-ditch and a medieval boundary hedge. However, it was also established that most items of possible interest will have been almost entirely removed by the impacts of modern agriculture.

9.4 It is noted that in responding to the Case Officer's internal consultation the Council's archaeological advisor has stated "*I would regard it as entirely appropriate that the second (i.e. the archaeological excavation of the feature and its near environs) is pursued*". He adds that any consent should be "*subject to the imposition of standard archaeological programme of work condition EO1 C47*" Although it is unlikely that the proposed development could be considered to conflict with UDP and Core Strategy policies relating to archaeology ⁽¹⁰⁾, any consent should be subject to the recommended conditions.

10. Access and Highway Safety

10.1 The Transport Statement prepared by the Peter Evans Partnership in support of Bovis Homes' application seeks to present the question of access to the proposed Shuker's Field site as unproblematic. The reality is quite different. The proposed access is from and onto a dangerous stretch of road.

10.2 Part of the applicant's argument rests on the lack of many recorded accidents on the C1125 west of the proposed site. However, absence of evidence is not evidence of absence. People will not usually lodge formal complaints when they have experienced a 'near miss' or, for example, the loss

10. Core Strategy Policy LD4 – Historic environment and heritage assets (Page 165, Paragraph 5.3.26).

of a wing mirror, or even the accidental killing of a domestic pet; where there has been no human injury or significant damage to property there is a natural reluctance to report minor accidents/incidents because of the risk of falling out with a neighbour or because of the ‘hassle’ in terms of paperwork, possible police involvement, or potential litigation.

10.3 Road safety has long been seen by local residents as, together with mitigation of flood risk, one of their highest priorities. This is evidenced both by the responses to a survey carried out in October 2010 in support of the Parish Plan and by the recent survey supporting the Neighbourhood Plan. Since November 2010 the Parish Council has therefore operated a speed indicator device (SID) in an attempt to ‘educate’ drivers to obey the speed limits on the main roads (C1125 and C1121) through Bodenham Moor and the Bodenham Conservation Area.

10.4 One of the locations to which the SID is regularly deployed is about 200m south of the proposed access to the Bovis Homes’ site. The device ⁽¹¹⁾ operates in that location for a total of 12 weeks spread throughout each year and over the past four years has amassed a wealth of data about traffic movements and speeds along the relevant section of the C1125. ⁽¹²⁾

10.5 Although only classified as a ‘C’ road, the C1125 West of Shuker’s Field is a main thoroughfare between the A417 and the East of Hereford *via* Sutton St. Nicholas and carries a great deal of traffic. Furthermore, although governed by a 30mph speed limit, despite the presence of pedestrians walking in the road because there is no pavement, and despite the existence of a narrow bridge about 100m west of the access point proposed by Bovis Homes, vehicle speeds along this stretch of road are consistently high. This is borne out by the applicant’s Transport Statement ⁽¹³⁾ which notes (without drawing the obvious road safety conclusions) that *“The [ATC] survey results showed that the 7-day average 85th Percentile speeds were recorded as 37.9mph northbound and 38.1mph southbound”*. SID data show the situation rather more starkly. Speeds in excess of 50mph are common; indeed, as can be seen from the table below, nearly 60% of drivers approaching from the South exceed the speed limit and 15% (85th percentile) do so at 38mph or more. Speeds recorded for vehicles travelling South are even higher; in fact, the highest recorded speed at this location is 84mph.

	Traffic Moving South	Traffic Moving North
Highest speed	71.3mph	66.4 mph
Exceeded the speed limit	70.3%	58.3%
Exceeded 35mph	36.1%	25.6%
50% of vehicles were travelling at or above	32.9mph	31.4 mph
25% of vehicles were travelling at or above	37.0 mph	35.5 mph
15% of vehicles were travelling at or above	39.6 mph	38.0 mph

Averaged SID Data for The Moor North and South ⁽¹⁴⁾

11. This is the “vehicle activated speed warning sign” to which the Transport Report refers at Paragraph 2.2.5. It is not, as the Report implies, permanently sited 220m north of the Chapel Lane junction, but rather is temporarily deployed there for six two week periods each year.

12. The applicant will no doubt wish to argue that the data collected by the SID should be discounted because the SID is not regularly calibrated to Highway Authority standards. However, simple tests against car speedometers show that the SID operates to a good degree of accuracy and the vehicle speeds it typically records along the C1125 are so extreme that they cannot be dismissed as attributable to inaccuracy in the SID.

13. Transport Statement by Peter Evans Partnership, Paragraph 2.7.3 and repeated at Paragraph 5.3.3.

14. The figures in the table are those for vehicles entering the SID’s beam averaged over 11 deployments in each direction, each deployment being for a fortnight at a time.

10.6 The Transport Statement also overlooks the fact that the proposed access to the Bovis Homes site lies almost exactly midway between two of the three stretches of road in Bodenham Moor most prone to flooding. Even in a moderately mild winter surface water flooding occurs to the North of the access point, with water from Chapel Lane spilling across the C1125 into Orchard Close; to its South surface water floods northwards along the C1125 from the higher ground South of Bodenham Moor and floods the roadway in the area of Eastfields Farm. While suitable vehicles may be able to negotiate such hazards safely in most circumstances, pedestrians may find themselves having to wade through flood water to reach the proposed access point, or to reach the proposed pathway to Chapel Lane.

11. Transport

11.1 As already stated, road safety is a major concern for the Parish Council and local residents and, although the Transport Statement seeks to minimise the likely impact that well over 100 additional cars will have on local roads, these can only increase that concern.

11.2 As also already pointed out, the access to Bovis Homes' proposed site lies between two chokepoints on the C1125. About 100m to the South there is a narrow bridge with poor sightlines across which two vehicles cannot cross in opposite directions at the same time except at very low speed; in practice the C1125 is a single track road at this point. To the North the road narrows outside the Post Office, the sightlines are very poor, pedestrians have to walk on the carriageway because it is too narrow to accept a pavement, and the situation is made worse throughout most working days by cars parked on both sides of the road; here, too, the C1125 is, in effect, a single track road.



Narrow bridge on C1125 looking South from direction of proposed site



Chokepoint on C1125 at the Post Office looking North from direction of proposed site

11.3 The Transport Statement completely ignores these two chokepoints and yet it is through them that it seems to envisage the additional traffic generated by the proposed Bovis Homes development will pass without adding to the existing difficulties which drivers experience at peak hours. Furthermore, while calculating that some 68% of potential residents on the proposed development would turn North towards Chapel Lane entrance and the Post Office chokepoint, the Transport Statement largely ignores the probability that at that point they will meet head on with a significant proportion of the future residents of the housing development on the field opposite England's Gate Inn for which outline planning consent has already been given and which therefore must be assumed to be in existence.

11.4 Having ignored the problems likely to be created on the C1125, the Transport goes on to overlook those likely to develop in Chapel Lane (C1114), which it envisages as a significant route to and from the A417 for traffic leaving or returning to the proposed Bovis Homes site. Chapel Lane is a narrow, winding, single track road with occasional passing places. It already carries a lot of local domestic and agricultural traffic, but more importantly its use by very large HGVs has long been the subject of complaints to the Parish Council. Of necessity some of these have to access the grain store at Pool Head, but the real problem is the number of HGVs (some no doubt misguided by satellite navigation) which use the Lane as a short cut between the A417 and C1125. The real concern, therefore, is not only, as the Transport Statement says, queuing at the Chapel Lane junctions, but delays likely to be caused at peak times by vehicles meeting along the road. In addition, it should be pointed out that the Transport Statement makes no reference to the dangers presented by Chapel Lane's junction with the A417. The hazards of emerging onto the A417 at this junction, where the visibility both to the left (North-West) and to the right (South-East) is very limited, is one of the road safety issues most often raised by local residents.

12. Flood Risk

12.1 The latest Environment Agency map showing areas of Bodenham at risk of flooding from surface water clearly identifies the area around the Chapel Lane C1114 / C1125 (Bodenham to Sutton road) junction as being at medium to high risk. That such flooding occurs even in relatively mild weather conditions is confirmed by much photographic evidence. (For example, see below). It is believed that, despite any mitigation measures suggested by the developer, the proposed Bovis Homes development could exacerbate the surface run-off problem, partly by shifting it from Chapel Lane to the area south of the proposed site. The proposal would thus be in conflict with UDP Policy DR7 on Flood Risk (saved under Core Strategy Policy SS6) and DR3 on Movement (saved under Core Strategy Policy SD1).



Flooding in Chapel Lane (left) and across the C1125 to Orchard Close (right) during relatively minor rainfall on 11 February 2014

12.2 Section 1

Although approximately 62% of the site naturally drains to the north, the FRA proposes that surface water from the developed site would drain entirely to the south into Moor Brook. It is argued that this will reduce surface water flooding of Chapel Lane.

12.3 **Section 1.1.** We note that in the final sentence of Section 1.1 it is claimed that the Flood Risk Assessment (FRA) Report provides sufficient information to confirm the satisfactory drainage and flood risk mitigation of the development as proposed, and that no planning conditions regarding the details of drainage or flooding for approval by the lead local flood authority (LPA), *i.e.* Herefordshire Council, should be required. However, we believe that securing acceptable design by Conditions is crucially important in order that the development is safe from flood risk for its lifetime, does not increase flood risk elsewhere, and where possible reduces flood risk. Should the Council be minded to give consent to the application, we would argue that any such consent must be accompanied by pre-commencement conditions requiring details of the proposed scheme to be submitted in writing for the approval by the Council, as LPA, in consultation with the River Lugg Internal Drainage Board (IDB).

12.4 **Section 1.3.** The FRA Report refers to the Technical Guidance to the NPPF as current policy relevant to this application. In fact the Technical Guidance was replaced by the Planning Practice Guidance in March 2014. It therefore carries no weight. It is therefore of concern that the flood risk assessment has been undertaken without cognisance of extant national planning policy.

12.5 **Sections 4.5 and 4.6.** Both these sections refer to the foul water pumping station located to the south of the site having insufficient capacity. Section 4.6 suggests that Welsh Water (WW) “*might need to address capacity issues associated with its local foul pumping station*”. Appendix 11 of the FRA presents an excerpt from a Utilities Assessment undertaken by Peter Brett Associates. Paragraph 6.1.7 states that a formal response from Welsh Water regarding network capacity had not been obtained at the time the Report was issued, although the Report acknowledges an existing constraint at the foul water pumping station to the south-west of the site. The Report goes on to say that remedial works (also known as infrastructure reinforcement) to the pumping station and rising main (*i.e.* the pumped foul sewer that exits the pumping station and travels up the road to the west of the site) could be undertaken to provide the capacity to receive flows from the development “although this is to be confirmed by WW”. Attempting to obtain full planning consent while this level of uncertainty remains is, in our view, totally unacceptable.

12.6. **Section 5.1.**

12.6.1 Whilst the peak rate may be limited to greenfield runoff, the development would result in an increase in runoff volume, *i.e.* runoff would continue to discharge off the site for a longer period than would otherwise be the case. This would impact on the receiving watercourses and the associated land drainage assets operated and maintained by the IDB, increasing the risk of failure and hence the risk of off-site flooding.

12.6.2 The proposed peak surface water discharge rate from the developed site to Moor Brook is stated to be 2 l/s. However, paragraph 17 of the Environment Agency Report “Preliminary Rainfall Runoff Management for Developments” (Report ref: SC030219) states that: “*A practicable minimum limit on the discharge rate from a flow attenuation device is often a compromise between attenuating to a satisfactorily low flow rate while keeping the risk of blockage to an acceptable level. This limit is set at 5 litres per second, using an appropriate vortex or other flow control device*”. As such, the proposed outfall conflicts with current design guidelines and there would be a significant risk of the drainage pipe from the retention pond becoming blocked, causing localised flooding of the site and/or adjacent land. Whilst this problem could be overcome by only restricting peak outflows to 5 l/s as per the Environment Agency guidance, this would represent a significant increase in peak runoff from the site, and would increase the risk of off-site flooding. Once again, this non-compliance with Environment Agency drainage guidelines demonstrates a flaw in the drainage strategy presented in the FRA Report.

12.7 **Section 5.3.** This Section states that foul water from the development would be conveyed by a new gravity foul sewer to the existing foul sewer near the local sewage pumping station. No mention is made of the fact that the pumping station and associated rising main has insufficient capacity - just that “*Welsh Water has a legal responsibility ... to provide any necessary improvements to the sewerage network to enable developments*”. For Bovis Homes to seek simply to wash their hands of the inconvenience, health risks and disruption they would be creating for existing residents of the village is completely unacceptable.

12.8 **Section 8 (2, 3 and 4).** All three of these recommendations demonstrate the importance of the Council, as LPA, securing drainage by Condition, if indeed the Council is minded to grant planning permission.

12.9 **Section 10.** The FRA Report incorrectly states that “*neither flood risk nor drainage constrains the grant of planning consent for this development as proposed*”. On the contrary there are a number of crucial constraints:

12.9.1. The surface water drainage scheme proposes that all surface runoff from the site will drain to the south and directly into Moor Brook. This approach does not mimic the existing natural drainage regime for the site, and whilst it may help reduce flooding of Chapel Lane, it would be expected to increase off-site flooding elsewhere, especially to the Grade II listed Brook House and to the area of Eastfields Farm, both of which are already very prone to flooding. As such, the drainage scheme is not considered to be satisfactory. At the same time the FRA Report claims that surface water would be prevented from draining into Chapel Lane towards the North by the construction of an East-West bund. However, as can be seen from the maps at Appendix 9 of the Report, this bund is a long way from the site’s northern boundary. In fact, it roughly delineates the southern edge of a substantial northern portion of the site which has always drained into Chapel Lane and under Bovis Homes’ proposed scheme would simply continue to do so. In short, the Bovis Homes scheme appears likely to do little to mitigate the flood risk to Chapel Lane and, from there, to Orchard Close and thus there is likely to be little, if any, betterment.

12.9.2. As the FRA Report acknowledges, the existing Welsh Water sewerage infrastructure has insufficient capacity to convey foul water from the proposed development. Indeed the pumping station to the south-west of the site has already flooded due to insufficient capacity. The FRA Report fails to demonstrate that foul water from the development can be suitably drained and as such, the foul water drainage strategy presented in the Report must be regarded as fundamentally flawed. Policy SD (4) states that development may be phased or delayed until further capacity is available. This alone is considered to be sufficient grounds for permission not to be granted.

12.9.3. Increasing the flow of foul water to the already overloaded Welsh Water foul pumping station located to the south-west of the proposed development is not sustainable.

12.9.4. If the Council, as LPA, is minded to grant planning permission, then the design of the drainage system, for both surface water and foul water, must be accompanied by appropriate pre-commencement planning conditions, requiring full details of the drainage systems to be submitted in writing for the approval of the Council in consultation with the IDB.

12.9.5. The proposed development does not reduce flood risk or provide similar betterment to enhance the local flood risk regime, as required by Policy SD3 (3). Although it may be possible that the development may reduce flood risk to Chapel Lane, this cannot be regarded as

betterment because there will be a corresponding increase in flood risk elsewhere due to the nature of the proposed drainage.

12.9.6. The FRA Report does not provide any information on how the surface water drainage system serving the development would be maintained for its lifetime. Given the surface water flooding issues in the proximity of the site, this is an important omission. The appropriate arrangements would need to be secured at minimum by Condition (and presumably by a Section 106 agreement).

13. Sewerage Infrastructure

13.1. A further constraint on development is the evidence that the sewerage infrastructure along The Moor (C1125) is already of inadequate capacity, necessitating the Waste Water authority having to frequently remove raw untreated sewage by tanker away from the plant adjacent to the Moor Brook for disposal. Until such time as this deficient infrastructure is improved development of the site for additional housing would merely exacerbate the situation which already causes inconvenience to existing residents in the immediate vicinity.

13.2 UDP Policy S2 – Development Requirements states that a proposal should take “*proper account of the ability of existing and proposed infrastructure including foul drainage ... and the highway network to serve the development proposed without undue environmental impact*”. It is contended that the development would, in fact, have an adverse impact and should be refused consent.

14. Proximity to Intensive Livestock Unit

14.1 The entire proposed Bovis Homes site lies within 400 metres of the cattle lines and open topped slurry tank associated with the Intensive Livestock Unit at Eastfields Farm. The farm owner has already recently stated his clear intention to substantially increase the size of the dairy herd.

14.2 Conversion from pasture-based to intensive livestock husbandry has taken place in the last 10 years and has resulted in a well-documented history of odour and fly nuisance. It is noted in this context that a Planning Inspector, in rejecting an appeal against the refusal of planning consent for a new dwelling next to the nearby “Fairview”⁽¹⁵⁾ gave as his reasons for his decision:

“The evidence is that the slurry lagoon ... gives rise to serious problems of infestation by flies, especially during the warmest months, and to a certain extent causes offensive smells. This is clearly supported by the Herefordshire Council’s Environmental Health Officer, who has said no more can reasonably be done to abate the nuisance at source. I conclude that there is an unacceptable risk that the living conditions of future residents of the proposed dwelling would be harmed by unreasonable levels of nuisance in these respects.”

14.3 The Council’s County Land Agent also touched on “problems normally encountered in these situations” when responding to consultation in connection with an application for an agricultural workers dwelling for Eastfields Farm that lies across the road from the site. Importantly he also drew attention to the applicant’s intention “to almost double the size of the stock numbers” and the fact “that the road through the village floods giving access problems on occasions”. (Email: George Thompson/Matt Tomkins dated 27/11/13).

15. Planning Inspectorate Ref.App/W1850/A/03/1110001.

14.4 Once again, the absence of evidence is very far from being evidence of absence. As Entram Ltd, the authors of the Report on the issue of odour, would have found out if they had troubled to speak to the occupants of neighbouring houses, there is, in fact plenty of evidence that nuisance in this area is a real, ongoing concern and is likely to be exacerbated if the intensive livestock unit expands. Furthermore, the argument put forward by Entram Ltd that their desk-based study of meteorological records from a weather station in Hereford City can demonstrate detailed wind flows through the topography surrounding Bodenham Moor – seven miles away and dominated by Ashgrove and Dinmore Hills - is extremely unconvincing. In short, close consideration must be given to the detrimental effect on the amenity of persons who would reside in any new dwellings that might be erected so close to the intensive livestock unit.

14.5 Any proposal to develop the Chapel Lane/ Shuker's field site for housing would therefore appear to be in conflict with Herefordshire Council's own UDP Policy E16 on Intensive Livestock Units (saved under emerging Core Strategy Policy RA6). This policy suggests a presumption against the erection of dwellings within 400m of such a Unit. The conversion to intensive husbandry has proceeded progressively there over recent years and this may account for the fact that this was not recognised as a severe development constraint when the last Herefordshire Council's SHLAA process was undertaken. Despite the contention in the largely desk-based Odour Analysis prepared by Entram Ltd that "*activities carried out would not result in a significant odour impact at the site or result in loss of amenity*" there is, as mentioned above, a long well documented history of odour and fly nuisance emanating from the site. Many local residents will testify to the ongoing foul odour nuisance, a bad situation potentially due to become much worse by the farmer's declared intention to significantly increase the size of his herd. The extract from a recent statement from a person living close to Eastfields Farm attached at Appendix 2 to this letter offers an insight into the ongoing and very real nuisance emanating from this source suffered by many residents.

14.6 As stated above it is considered, despite the conclusions stated in the Odour Analysis, that this nuisance is a compelling planning policy reason for refusal for new housing development at this location where new residents' amenity is also likely to be adversely affected.

15. Ecology

15.1 The River Lugg enjoys strong protection under European Law as part of the River Wye Special Area of Conservation (SAC). We note that the Nutrient Management Plan being developed by the Environment Agency in conjunction with Herefordshire Council is trying to address the ongoing issue of excessive phosphate levels. It is understood that there remain a number of major outstanding concerns. It is clear that any consent for the subject development by Bovis Homes involving the disposal of treated effluent from the site *via* the Welsh Water treatment plant in Ketch Lane, Bodenham (C1113) and thence into the River Lugg would merely serve to exacerbate this ongoing phosphate exceedance problem. We strongly urge that this aspect is fully explored when the application is considered.

15.2 The FRA Report proposes the creation of a large open storage pond to accommodate storm water awaiting discharge and the location and size of this pond is illustrated in the plans at Appendix 3 of the Report. The description of the proposed SUDS measures at Section 7.2 makes it clear that there will be permanent water in the pond and Paragraph 5.3.27 of the Ecology Assessment Report by Ecology Solutions recommends that the pond should be designed to hold water to potentially offer a new suitable breeding site for great crested newts and other amphibians within the site. Despite this, Bovis Homes give no indication of how the health and safety implications are to be mitigated. For example, it may be presumed that on a development of the size proposed, the residents will include a number of small children, yet there is no indication of how the applicant proposes to ensure their safety

(or, indeed, that of any great crested newts or other amphibians), or of how it intends to minimise the other potential health hazards of siting a large body of (probably stagnant) water so close to dwellings.

16. Minerals Safeguarding

16.1 The entire site lies within an area defined as a Minerals Safeguarding Area (MSA), as embodied in Core Strategy Policy M1 (formerly UDP Policy M5 –Safeguarding Minerals Resources). This states that “*within and adjacent to MSAs, development which would sterilise any known minerals resource will not be permitted, unless it can be demonstrated that the non-minerals related development is of sufficient weight and overall benefit to override the need to protect the minerals resources*”.

16.2 Despite the claim in the Peter Brett Associates “Mineral Resources Statement” that the ‘potential resource has been compromised by existing residential development to the north and west’ it is thought that the existence a single house (Olanstan) adjacent to the site would not constrain possible future exploitation. However, it is contended that the housing development proposed by Bovis Homes would conflict with planning policy M1 – Mineral Safeguarding Areas (page 180 of the Core Strategy).

16.3 While it may be accepted that the existence of “Olanstan” adjacent to the site could be regarded by any future mineral extraction body as an ‘inconvenience’, reference to the Core Strategy Policies Map clearly shows the fairly widespread existence of minerals in this area, a fact recently highlighted by the Principal Planning Officer – Minerals and Wastes in the context of planning application (141352 Gritt Farm) relating to a proposal for a new dwelling just to the north-east of the subject site.

17. Summary

17.1 Bodenham Parish Council believes that Bovis Homes’ application to build 49 houses on the land South of Chapel Lane is:

- Opportunistic and seeking to exploit a temporary, technical loophole in planning regulations for purely commercial gain with no thought for the adverse effect on the lives or amenity of existing – or, indeed, its own proposed future – residents.
- Contrary to the central tenets of both the NPPF and Herefordshire Council’s emerging Core Strategy in that it does not meet their essential criteria of sustainability.
- Contrary to specific policies set out in Herefordshire Council’s emerging Core Strategy.
- Unnecessary to meet the proportionate 15% increase in housing required by the emerging Core Strategy which, with the proposed development of the field opposite England’s Gate added to ‘windfall’ developments since 2011, Bodenham Moor will have exceeded.
- Contrary to the carefully considered and clearly expressed wishes of the local community as evidenced by the recent survey and set out in Bodenham’s emerging Neighbourhood Plan.
- Calculated to destroy an important and valued open space in the village and in the process to damage irreparably the whole rural character of Bodenham Moor.

- Unsupported by any requirement for the quantity, size or type of dwellings proposed.
- Given other housing development already planned, completely unsustainable within a village of the size and rural setting of Bodenham Moor.
- Inadmissible because it would require incompatible land use by the juxtaposition of residential dwellings with an intensive dairy unit, especially one which already creates a significant, continuing odour and fly nuisance and which is destined to increase still further in size.
- Likely to increase the already worryingly high risk of surface water flooding in the vicinity.
- Unacceptable because of inadequate access to and from the site and because of the adverse impact it would have on road safety, which is already a matter of serious local concern.
- Unacceptable because of its adverse impact on the local infrastructure, and specifically on the already overloaded sewerage and foul water drainage systems.

17.2 The Parish Council urges most strongly that consent for the application be refused.

K. A. MITCHESON
Chairman
Bodenham Parish Council

Proposed Extension of Bodenham Moor Settlement Boundary – Options Considered ⁽¹⁶⁾

Background

Bodenham Parish is identified in Herefordshire Council's Core Strategy as being suitable for proportionate housing growth of 40 new dwellings to 2031. This is equivalent to 3 to 4 *per annum*. It should also be borne in mind that there are likely to be a small number of "windfall" proposals coming forward for sites within the existing settlement boundary.

Possible Options

Two field parcels located off the principal highway along The Moor (C1125) were identified in *Herefordshire Council's "Herefordshire Strategic Housing Land Availability Assessment"* (SHLAA) 2009 as having "low/minor constraints". These two parcels have been considered by the Bodenham Neighbourhood Plan Steering Group for inclusion in the proposed extended Bodenham Moor Settlement Boundary. Initial consideration of the sites took into account the comments by Herefordshire Council in the SHLAA, *i.e.*:

1. Land south of Chapel Lane (part of Moor Court Farm) is 2.94ha in area and said to have the potential for 80 houses. *"This site appears viable. If considered in conjunction with P201, access could be provided via the C1125 or C1114 Chapel Lane. The southern edge of the site is Flood Zone 3. M5 (minerals) constraint"*.
2. Land opposite England's Gate Inn and adjacent to Hamwyn Joinery north of Bodenham Moor & south of A417 is 1.49ha in area and said to have the potential for 44 houses. *"This site appears viable. Access is obtainable and the site integrates well with the existing built form. Good landscaping exists along the northern boundary."*

Assessment of Suitability for Inclusion in Proposed Extended Settlement Boundary

Site 1 – Land South of Chapel Lane

Characterised by linear development opposite the site with a terrace of Listed Grade 2 cottages near the Chapel Lane/ C1125 junction and additional Grade 2 Listed buildings to the West (Moor Court Farm) and South (Brook House). There is a large crop circle of possible archaeological interest on this site. The site is set on rising ground creating landscape issues. It is uncontained and, with the land to the East being in the same ownership, there is the potential that development on the site would set an unwelcome precedent for further expansion.

There is a well-documented history of flooding particularly at the Chapel Lane/C1125 junction ⁽¹⁷⁾ which results in the highway being impassable for other than trucks and other high-ground clearance vehicles. Some alleviation works have been carried out in recent years by both Herefordshire Council

16. Document prepared by the Bodenham Neighbourhood Plan Steering Group (August 2013).

17. The Environment Agency map showing areas of Bodenham at risk of flooding from surface water clearly shows the area around the Chapel Lane (C1114) /C1125 junction as being at high risk.

and the Bodenham Flood Protection Group but the area remains vulnerable to inundation. It is felt that any built development on this site would add to the problem and could thus be deemed to be in conflict with **UDP Policies DR3–Movement** (saved in Core Strategy Policy SD1) and **DR7 – Flood Risk** (saved in Core Strategy Policy SS6).

A further real concern is the proximity of the site to the Eastfields Farm Intensive Livestock Unit. The entire field parcel lies within 400 metres of cattle lines and the slurry lagoon adjacent to the C1125. Conversion to livestock husbandry has taken place in the last 10 years and has resulted in a well-documented history of odour and fly nuisance. It is noted in this context that a Planning Inspector, in rejecting an appeal against the refusal of planning consent for a new dwelling next to Fairview, gave as his reasons for his decision:

“The evidence is that the slurry lagoon ... gives rise to serious problems of infestation by flies, especially during the warmest months, and to a certain extent causes offensive smells. This is clearly supported by the Herefordshire Council’s Environmental Health Officer, who has said no more can reasonably be done to abate the nuisance at source. I conclude that there is an unacceptable risk that the living conditions of future residents of the proposed dwelling would be harmed by unreasonable levels of nuisance in these respects.”

The Steering Group has also taken account of **UDP Policy E16** on *Intensive Livestock Units* (pages 100/101) which makes clear that there is a presumption against such Units being established within 400m of a “protected building”, which includes residential buildings, and adds *“Proposals for residential or other protected buildings within 400m of established intensive livestock units will be subject to special consideration. Such proposals, which would as a consequence be subject to significant adverse environmental impact, will not be permitted.”* This is to protect the amenity of neighbours. **UDP Policy DR7 – Air Quality (Core Strategy Policy SD1)** also touches on the problem of air pollution.

Whilst it is accepted that Eastfields Farm has existed in its present position for many generations the conversion to intensive husbandry and the continuing nuisance from this source is a severe environment constraint on possible development on the subject field parcel. The stated intention in a recent planning application (for an agricultural workers dwelling) lodged by the owner of Eastfields Farm to double the herd size can only further exacerbate the position and result in further detriment to neighbours’ residential amenity. The owner has also stated that a new building measuring 240 x 75 ft. will be required to house the 200 additional cows. Surface run-off from such a building will merely add to existing problems in the area.

The Herefordshire Council Land Agent commented on 27 Nov. 2013 in an email to the LPA that *“the draw back that I can see to the proposals is the siting of the business in the middle of the village, with all the problems that are encountered in these (intensive livestock unit) situations, bearing in mind the proposals are to almost double the size of the stock numbers.”*

The entire land parcel lies within a large area identified as a potential mineral resource (sand and gravel) associated with the Lugg Valley. Section 13 and the technical guidance to the NPPF, and the NPPF clarify that minerals safeguarding is a policy priority, which can override other issues. Minerals can only be obtained from where they exist in a viable and accessible form and location. National policy states that known mineral resource should not be sterilised by other development, for example by building over it or making it inaccessible for future generations. UDP policy M5 outlined the procedure to be observed. The emerging Core Strategy also reflects this.

Another probable constraint on development is the evidence that the sewerage infrastructure along The Moor (C1125) is inadequate necessitating the Waste Water authority having to frequently remove

raw untreated sewage by tanker away from the plant adjacent to the Moor Brook for disposal. Until such time as this deficient infrastructure is improved development of the subject field parcel for additional housing would merely exacerbate the situation which already causes inconvenience to existing residents in the immediate vicinity.

Site 2 - Field opposite England's Gate Inn

Listed Grade II England's Gate Inn lies opposite the site but is set well back from the highway. However it is felt that the existing boundary hedge together with any further landscaping judged to be necessary would ensure that the setting of this important historic asset would not be compromised. The site has a bus stop alongside with services operating to Leominster and Hereford. All village amenities, *i.e.* Parish Hall, G.P. Surgery, Post Office/shop, garage/shop, hairdressers, school, church & chapel, children's play-area, etc. are nearby.

The field is a contained site and development on it would integrate satisfactorily by extending the element of the village's existing built form represented by the Hamwyn Joinery development immediately to its south.

Connection to services should present no problems since there is ready access to the nearby sewerage pumping unit off Millcroft Road (C1121), which lies opposite, and thence to the main Welsh Water Main Treatment Plant in Ketch Lane.

There are no flooding issues affecting the site and no other known environmental constraints.

Conclusion

The Steering Group, after taking account of the matters outlined above and the contents of Herefordshire Council's "Guide to Settlement Boundaries, April 2013, concluded that **Site 2** was the preferred area for inclusion in any proposed extension of the Bodenham Moor Settlement and should go forward for consultation.

**Odour Assessment & Fly Nuisance –
Statement by a Local Resident on the Moor**

The documents submitted by the proposed developer use desk based calculations using information from the Hereford Met Office observing station, approximately 7.25 miles from Bodenham Moor. These make no allowance for variations caused by the local topography & the fact that the prevailing westerly winds are funnelled down the gap between Dinmore Hill & Ashgrove Hill over the open-topped slurry tank & the cattle sheds of Gravel/Eastfields farm directly towards the proposed development site. Therefore the Wind Rose & wind speed information quoted is unreliable, as are all the other assumptions based on these.

3 visits of one hour duration were made to the farm between August & December 2014. It is noted that no visits were made between April & August & no nearby residents were visited for their opinion on any odour nuisance or lack of it. As a nearby resident for 14 years I can state that at times there have been problems. As the god-daughter & niece of a dairy farmer I am familiar with & not averse to farmyard smells. However, during agitation of the slurry tank & pumping procedures when raw slurry is dispersed across the fields behind the farm I have been driven to:

- (1) Retreating indoors when gardening
- (2) Rescuing the washing from the line before it absorbs the odour.
- (3) Being awoken at night by the smell during the summer months & closing all the windows despite the temperature.
- (4) Evacuating the house for the day.

Over the last few years the farm has changed from pasture based to intensive livestock rearing & the numbers of cattle have steadily increased.

A recent planning application for a house across the road from me was turned down because of evidence that the slurry tank gave rise to serious problems of infestation by flies during the warmest months & to a certain amount of offensive smells. (Planning Inspectorate Reference APP/W1850/A/03/1110001). Herefordshire Council's Environmental Health Officer gave his support to the rejection stating that no more could reasonably be done to abate the nuisance at source & concluded that there was an unacceptable risk to living conditions of future residents of the proposed dwelling.

Complaints of fly nuisance have been made in the past by residents of the area & the Environmental Health Officer was given a large quantity of fly samples as evidence & for identification & analysis.