

MEETING:	PLANNING COMMITTEE
DATE:	15 MARCH 2017
TITLE OF REPORT:	<p>150930 - PROPOSED DEVELOPMENT OF APPROXIMATELY 212 DWELLINGS INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE AND ASSOCIATED WORKS AT LAND AT HILDERSLEY FARM, HILDERSLEY, ROSS ON WYE</p> <p>For: The Owner and/or Occupier per Mrs Kate Gapper, Park House, Greyfriars Road, Cardiff, CF10 3AF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=150930&search=150930
Reason Application submitted to Committee – Strategic Application	

Date Received: 30 March 2015

Ward: Ross East

Grid Ref: 361247,223828

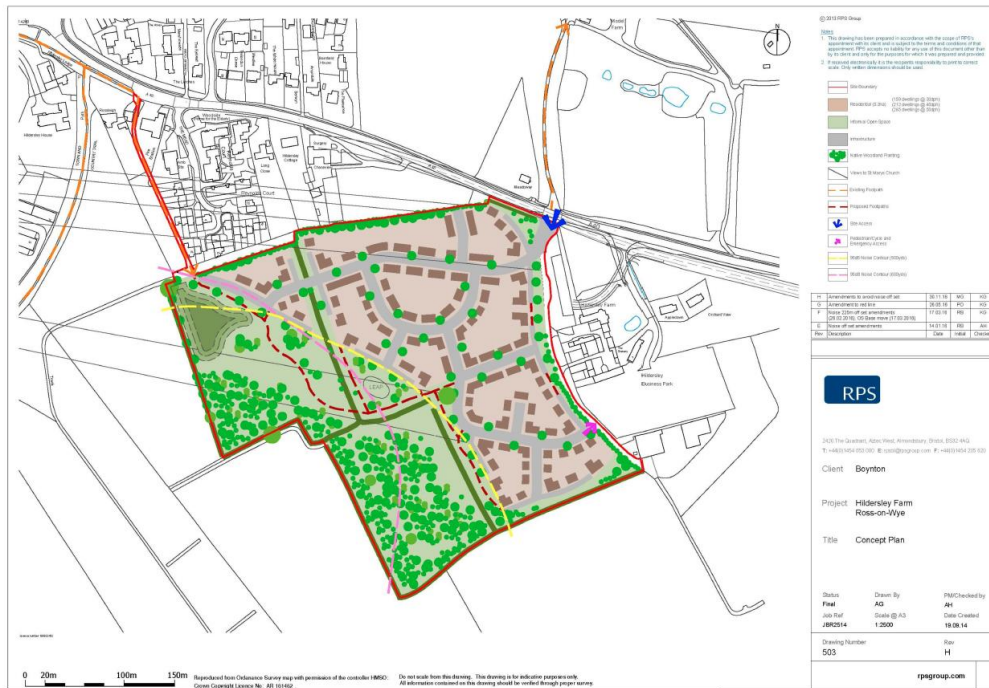
Expiry Date: 24 February 2017

Local Member: Cllr PGH Cutter

1. Site Description and Proposal

- 1.1 The application site is located on the south-eastern edge of Ross-on-Wye. The A40 forms part of the northern boundary of the site. The site lies to the west of a complex of buildings that comprise Hildersley Farm. A number of the buildings have been converted to commercial use and are accessed via an existing vehicular access that bounds the site to its north eastern corner. Residential properties lies to the north west and the western boundary is shared with the Ministry of Defence firing range.
- 1.2 The land is a combination of open agricultural land, former playing field and an area of planted woodland and amounts to 10.9 hectares in total. It is generally flat with the land beyond its southern boundary rising to an area of woodland that is part of an Unregistered Parkland that is Penyard Park. The woodland is also a replanted Ancient Woodland. The Wye Valley Area of Outstanding Natural Beauty (AONB) lies approximately 200 metres to the west and Hill Court Registered Park and Garden lies 3.5km to the south-west.
- 1.3 The application is made in outline with all matters reserved for future consideration apart from access. It has been amended a number of times since its original submission and is now described as being residential development of approximately 212 dwellings including affordable housing, public open space and associated works. The number of dwellings proposed has been reduced from an original submission of up to 250. This has been in response to objections made by the MoD in respect of the site's proximity to their firing range. As a consequence the area of open space proposed has been increased in size in order to maximise separation between it and the dwellings.

1.4 The proposed means of access is located in the same position as the access referred to above. The plans show the provision of a priority junction and this is supported by a detailed Transport Assessment and a Stage 1 Road Safety Audit that was completed on request following initial comments from the Council's Transportation Manager. The application site also includes a track which connects the site at its north western corner to the A40. The intention is that this will be used as a pedestrian and cycle link to connect the site to the rest of the town. The illustrative masterplan (below) shows these aspects of the scheme.



1.5 The application is supported by a range of technical studies, many of which have been reviewed/amended during the course of the application in response to responses received during the consultation stage. These studies include:-

- Planning Statement
- Design & Access Statement
- Statement of Community Involvement
- Transport Assessment
- Framework Travel Plan
- Stage 1 Road Safety Assessment
- Flood Risk Assessment and Drainage Strategy
- Extended Phase 1 Habitat Survey
- Bat Activity Report
- Dormouse Survey Report
- Noise Survey Report
- Heads of Terms Agreement (a copy of which is appended to this report)

2. Policies

2.1 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:-

Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and local distinctiveness
SS7	-	Addressing Climate Change
RW1	-	Development in Ross-on-Wye
RW2	-	Land at Hildersley
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
E2	-	Redevelopment of Existing Employment Land and Buildings
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
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 10	-	Meeting the challenge of climate change, flooding and coastal change
Section 11	-	Conserving and enhancing the natural environment
Section 12	-	Conserving and enhancing the historic environment

2.3 National Planning Policy Guidance (NPPG)

National Planning Practice Guidance was launched in March 2014, consolidating and updating previous guidance in a single online location. The guidance links to national policy in the NPPF and refers to matters relevant to this application, including the assessment of flood risk and noise. With regard to the latter it states:

Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given

situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Policy RW2 – Land at Hildersley

2.4 The policy underpinning the Hildersley Core Strategy allocation is quoted in full below:

The strategic residential development on land to the south east of Ross-on-Wye at Hildersley will be required to include the following to deliver a comprehensively planned sustainable urban extension of the town:

- *a minimum of 200 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 40% of the total number of dwellings shall be affordable housing;*
- *the provision of and contributions towards any identified need for new/improved community facilities/infrastructure improvements. This shall include contributions towards the provision of: additional pre-school places; additional classrooms at John Kyrle High School for secondary, post 16 and youth/community infrastructure and further special educational needs provision;*
- *the provision of a sport/recreation space either on or off site as an alternative to the existing on site John Kyrle High School playing field;*
- *the creation of new green infrastructure within the development area to benefit residents, local bat populations and other flora and fauna;*
- *new pedestrian and cycle links from the area towards the town and nearby employment sites, to ease road congestion and limit CO2 emissions;*
- *appropriate mitigation measures to be implemented, which ensure that acoustic and safety issues relating to the proximity of the adjacent firing range are satisfactorily addressed;*
- *adverse impacts on the Water Source Protection Zone should be avoided or mitigated, including through the incorporation of sustainable urban drainage solutions such as rain gardens and swales; and the production by the developer of a Surface Water Management Plan;*
- *avoid and mitigate adverse impacts from noise and air pollution and vibration (during both construction and occupation of new homes) on the River Wye SAC, Wye Valley Woodlands SAC and the Wye Valley and Forest of Dean Bat Sites SAC; and*
- *development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and that contributes to the distinctiveness of this part of Ross-on-Wye and enhances the setting of the adjacent Wye Valley Area of Outstanding Natural Beauty.*

2.5 Neighbourhood Planning

Ross Town Council have identified their Neighbourhood Area and are currently in the process of drafting a Neighbourhood Plan. It has yet to reach Regulation 14 stage and consequently can be afforded no material weight in the determination of this application.

2.6 The 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/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 There is no planning history specifically relevant to the application site but the following relates to an adjacent site and is pertinent to these proposals:

161659/F – Erection of five dwellings on land off Gloucester Road, Ross-on-Wye – Approved under delegated powers on 1st August 2016

- 3.2 The application was dealt with by one of the Council's other case officers. The application is notable for the fact that it proposes development within the same proximity as this scheme to the firing range and did not attract an objection from the MoD.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection subject to the imposition of conditions

Internal Council Consultations

- 4.2 Transportation Manager

Comments in respect of the originally submitted application as follows:

The applicant is required to complete a Stage 1 Road Safety Audit prior to the determination of the application.

Access to the site, crossing points on the A40 north are linked to the Model farm (MF) application, the MF scheme takes priority as this approved footpath improvements required to Hildersley and the Town and Country Trail. The desire line should be towards the link onto the proposed cycle footway and not from the access.

S106

The site is on the outskirts of Ross-on-Wye, the occupants will require access to facilities in Ross which has issues around traffic and congestion. Through the TA, improvements required should be identified; these should include the sustainable transport requirements to provide alternatives to using the car. Pedestrian, cycle and public transport infrastructure will improve the situation.

The schools are located north of Brampton Street, Ledbury Road and off Walford Road. The doctors and hospital is off Alton Street, leisure and employment are located centre and north of the town centre.

Improvements to Pedestrian and cycle routes should be promoted to improve connections to school, employment (both in the Town Centre and to the Over Ross development), hospitals, doctors and leisure activities.

The desire line should be through the site to connect up to the proposed shared cycle footway, if this cannot be met then improvements to the existing network should be sort.

S016 Schemes -

- Full shared use access to be included via Fire Station (The Mead) path with existing A40/B4260) footpaths upgraded to shared use through to Town & Country trail (shown as Billy's Cycle path on figure 3) and Alton Road (as part of proposed site development)
- Contribution to upgrade A40 southern footpath to shared use between Fire Station and eastern access point (marked by the blue arrow) by Hildersley Farm to tie in with Model Farm active travel accesses. (0.5km = £100k)
- Upgrade shared use through Town and County Trail and Alton Road with the potential to formally surface and light the route. Approx. £500,000
- Uphill cycle lane on Ledbury Road missing from plan as part of safer route to John Kyrle High School network Approx. £62000
- Upgrading the bus stops for Hildersley/Model Farm including real time information to full specification bus stops. £7000 to £8000 per stop. (A scheme is to install real time information at the bus stops however it would be the basic spec of a solar power panel). The proposed improvements to bus stops should also include secure cycle parking (4x£1k).
- Upgrading of the existing bus stops shelter adjacent to the fire station. £7000 to £8000 per stop. The proposed improvements to bus stops should also include secure cycle parking (4x£1k).
- Contribution to formal crossing at A40 end of Town and Country trail to allow access to Hildersley – will also link in with a northbound shared use path along the A40 toward the emerging Tanners Lane development. This will also enhance the Safer Route to School network mentioned in 1 from this development. (Toucan = £80k)
- TRO for waiting restrictions around Ashfield Park primary school. - £5000 for TRO to be undertaken not including public notices advertisement, signs and road makings. Approx. £7000

4.3 The applicants highway consultants subsequently completed a Stage 1 Road Safety Audit and the Transportation Manager has made the following additional comments:

The main factor which has come out of the Road Safety Audit is the requirement of the previously shown footway and cycle way connection via the area to the west of the site adjacent to the Town and Country route. If this connection is not going to be provided then other routes for pedestrians and cyclist should be provided with a connection through the site should be provided.

The applicants/agents need to decide on which one is most suitable design (either a simple T junction or a ghost island) based on the points raised in the stage one Road Safety Audit. As the Highway Authority we would prefer the simple T junction. The submitted plans based on the Road Safety Audit needs to give a clearer view of the proposals. The following points are also noted:

- A Traffic Regulation Order will be required to be undertaken
- Bus shelter can either be relocated outside of the visibility splay with the bus stop staying in the same position or the shelter can be re-designed to provide a cantilever shelter.
- Agreed, however clarification is required on the location of farm access and commercial access needs to be provided as the submitted plans have conflicting information.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- The applicants/agents need to decide on which type of junction is most suitable based on the Stage one Road safety audit.
- Clarification is required on the location of farm access and commercial access as the locations of the farm access shown on previously submitted plans is now the location of footways and drop crossings on the plans submitted with the RSA.
- Clarification is required on the situation with the area to the west of the site adjacent to the Town and Country route as a proposed footway/cycleway. If this connection is not going to be provided then a better footway/cycleway connection should be designed/built to the uncontrolled crossing point and bus stop crossing facility e.g. drop crossings and footways. Plan JNY8251-07-C - There is no provision for pedestrians to gain access to the bus stops. Eastern footway and drop crossing points (east and west) should be provided
- As long as the link to the Town and Country trail is provided as a footway and cycleway link then the provision of the cycle way infrastructure can be delivered by model farm e.g. off slips, corduroy tactiles and a Toucan crossing., However the controlled crossing facility should still be provided.

Environmental Health & Trading Standards Manager

4.4 Noise

I have had opportunity to consider the applicants submission in support of the revised layout, and also the concerns expressed in objection to this proposal. I would take this opportunity to make the following observations :-

- It cannot be disputed that shooting at the range is a noisy activity and that sound generated by such could be problematic to nearby residents.
- There appears to be little accepted guidance on what level of noise from the range would be acceptable. The objectors (MoD) have made reference to the Chartered Institute of Environmental Health's Guidance on the control of noise from Clay Target Shooting 2003. If this guidance was to be taken then the noise levels from shooting are likely to be too high. It is my view however that this guidance is clearly inappropriate in this situation because peoples perceptions of the acceptability of an activity vary , in particular if there is some perceived benefit they are more tolerant . This is an accepted principle for other situations where a pecuniary interest reduces the level of protection required e.g. wind farms. I would suggest that for most people there is a perceived benefit which will make them more amenable to the activities of the military rather than for noise caused by shooting for personal pleasure.
- The Local Authority has received little evidence in the form of neighbour complaints that noise from the shooting range is problematic. There are three (3) recorded that were specific about shooting at the range plus one 1 that mentioned along with other matters gun noise in the Hildersley area. The latest of the complaints refers to the night time activity that took place on the 30th August 2016, this being the only report of night time activity , the other two (2) identified activity in the late evening. This may be because the use of the range is already constrained by requirements not to cause nuisance to existing nearby residences. This would be in accordance with the Mod Corporate Environmental Protection Manual, Leaflet 4.2 -Environmental Noise. I can advise that the powers available to the LA to address noise nuisance exclude noise caused by military activity and any such complaints should properly be addressed to the MoD who may have further information on the level of complaint.

- World Health Organisation provides advice which is reflected by BS 8233:2014 - Guidance on Sound Insulation and noise Reduction for Buildings on noise levels both inside and outside of dwellings including the advice that levels for individual sound events should not exceed 45dB $L_{A_{MAX}}$ at night. The BS8233 does not provide specific advice on sound levels but recognises that regular individual noise events can cause sleep disturbance and that sporadic events could require separate values. (part 7.7.2 note 4) The technical note from KJ Gayler dated 2nd December 2016 advised that internal levels of less than 45dB maximum individual noise events caused by the discharge of weapons on the shooting range can be achieved in bedrooms. This view is supported in their response on the 7th February 2017 to the DIO/MoD comments made in their letter dated 24th January 2017.
- I would suggest that the proposed dwellings will provide better protection inside than the existing and it is possible that noise levels inside the new would be better than the existing.
- The World Health Organisation and BS8322:2014 both provide advice on acceptable noise levels to outside 'amenity areas' i.e. gardens etc. These levels are set using an $L_{A_{eq}}$ descriptor over often likened to an average over a the daytime period, 16 hours, 7am -11pm . The levels reported by the noise assessments undertaken on behalf of the Mod /DIO indicate that these levels may be exceeded during training activities on the shooting range. It is my understanding and view that this advice refers to ongoing, continual noise levels rather than for short restricted periods as would be expected with a shooting range. BS8322:2014 also allows for exceedance of these levels where there is a recognised need for housing development.

In conclusion it is clear that there is some concern as regards as the effect of noise from the shooting range on future residents of this proposed housing development. In my opinion noise at night is of most concern in that even if this is an infrequent occurrence it has the greatest potential to have an unacceptably adverse effect on residents. The application asserts that there are design mitigation measures available to ensure that World Health Organisation night noise levels can be met in bedrooms, and therefore subject to a Planning Condition requiring that this is done; I do not wish to raise an objection to this proposal.

I would suggest that a condition based on the following is attached to any permission

Prior to the commencement of any development written approval must be gained from the Local Planning Authority for a scheme of noise insulation and reduction measures for the proposed housing development. Any such scheme must ensure that sound levels in bedrooms of less than 30dB $L_{A_{eq}}$ and 45dB $L_{A_{max}}$. can be achieved . The approved scheme must be implemented.

4.5 Contaminated Land

I refer to the above application and would make the following comments in relation to contaminated land issues only.

There appear to be a couple of areas of 'unknown filled ground' within the site, together with its former orchard use which, in some circumstances, may be considered potentially contaminative. Given the residential nature of the proposal I would recommend conditions be appended to any approval to demonstrate that the site is safe and suitable for use as required by the NPPF.

4.6 Strategic Planning Manager

The Herefordshire Local Plan Core Strategy 2011-2031 (adopted in October 2015) identifies a strategic housing location to the south east of Ross at Hildersley, on land subject of this planning application. This land is required to accommodate a minimum of 200 new homes. Therefore the proposals accords with this strategic policy objective set out in policy RW1

(development in Ross-on-Wye). Previous consultation comments to the original superseded planning application made in October 2015 are attached for reference and so as not to unduly repeat the detail on the principle of development again here.

In order for a planning application for new homes to be acceptable in terms of noise issues from the MOD firing range upon the occupiers, policy RW2 (land at Hildersley) states that proposals should include appropriate acoustic mitigation measures to satisfactorily address these matters. The amendments (subject of this consultation) to the original scheme involve a significant alteration to the positioning of the houses across the site, away from the western sectors and the addition of dense tree planting in these areas. The orientation of new homes and their design (particularly in terms of fenestration) would also mitigate the effects of noise from the firing range. If these are considered to be appropriate measures to ensure that acoustic issues are satisfactorily addressed, then this would be in accordance with the pertinent requirements set out in Core Strategy policy RW2.

There are no objections to the principle of a residential urban expansion on the application site, since this is established through the Core Strategy.

Conservation Manager

4.7 Historic Buildings

The development site lies adjacent to the Hildersey Farm, a stone built farmhouse of 18th century date with associated 19th century farm buildings now converted for office use. The immediately surrounding landscape is open fieldwork and there are long distant views west towards Ross-on-Wye. I understand the principle of development here has been established so it is protection of the setting of the farm house which is of particular importance to me. Though unlisted, it does have historic interest and value as a heritage asset. In the indicative housing layout it is those dwellings closest to Hildersey Farm on the east boundary of the development site which will impact most upon its setting and my suggestion is that it would therefore be better protected if those units were omitted and the land here retained as open space and / or if the eastern boundary was screened by trees.

4.8 Archaeology

In general this is actually a good location for such a development as regards the historic environment. There are, as far as I can establish, no recorded heritage assets of substance either within the site or near to it, and the designated heritage assets in the broader landscape (eg Chase Hill, Ross historic town, Roman settlement of Ariconium) are a significant distance away. Also given the comparatively recent agricultural history of the site, I am of the view that older deposit sequences here are likely to have been severely truncated. There is no evidence that the application area has any real archaeological potential.

Accordingly, the large scale of the proposals notwithstanding in this case, I have no objections, no requirements to advise, and no further comments to make.

4.9 Landscape

It is noted that the proposed site for 250 dwellings is part of the Strategic Urban Extension for the market town of Ross on Wye, the site having been identified in SHLAA report as having low to minor constraints.

It is understood that previous consultation with the former landscape officer Ms Neill has taken place in respect to the layout of the design proposal. These recommendations are noted within paragraph 3.1 of the submitted LVIA (November 2014) and the design proposals outlined within the remainder of chapter 3 support this.

Given that this is an outline proposal and therefore an indicative layout only I will take the opportunity to reiterate Ms Neill's comments to ensure they are adhered to at the reserved matters stage, when detailed landscaping proposals are submitted. A further consideration at the detailed design stage will be the addition of green infrastructure within the housing zones identified in the current concept plan.

A final observation with respect to the potential visual impact of the proposal, whilst it is accepted that the proposals will be viewed as an extension to the east of the existing settlement, it is noted that the Urban Fringe Sensitivity Analysis (HC 2010) indicates the southern edge of the proposal is of high/medium sensitivity in the main as a result of the change in contours and the relationship of the land with the unregistered park and garden Penyard Park it is therefore recommended that this southern edge be kept free from built form and existing new tree coverage be retained to ensure a robust landscape buffer.

Detailed landscaping proposals indicating tree and hedgerow for retention as well as a supporting management plan should be submitted as part of a condition.

4.10 Ecology

Thank you for forwarding the requisite information in response to my ecological comments on this site. I am greatly relieved to see a substantial improvement in the area and connectivity for protected species on this site, notably bats and dormice. Although the walkover was conducted in December, I would accept that no changes appear to have taken place in the habitat character of the site since 2014. I also agree that the status of bats and dormice on the site is likely to remain as before. There has been an effort on the part of the developer to comply with the biodiversity needs of the site and propose mitigation with reduction in the area of the development.

If the application is to be given approval I would not object subject to the imposition of conditions.

4.11 Parks & Countryside

The amended plan includes reduced housing numbers circa 212 and a revised open space layout to take account of both noise barriers and ecology issues. This has increased the amount and location of on-site open space.

The quantum of open space provision as set out in my previous comments and in accordance with Core Strategy Policies OS1: Requirement for open space, sport and recreation facilities and OS2: Meeting open space and recreation needs, and applicable evidence bases has been revised accordingly to take account the reduction of houses from 250 to 212 as set out below. As previously agreed on site provision should take account of POS and children's play while the outdoor sports should be made as an off-site contribution in accordance with evidence bases.

For 212 houses at an occupancy of 2.3 (total population 487.6) the following is required:

- The developer provides a minimum of 0.58ha (5,800sq m) of on-site green infrastructure comprising;
- 0.19ha (1,900sq m) of Public Open Space (@ 0.4ha per 1000 population)
- 0.39ha (3,900sq m) of Children's Play of which 0.12 ha (1200sq m) should be formal play (@ 0.8 ha per 1000 population to include 0.25ha per 1000 population of formal play (Fields in Trust standards)

The layout now proposes one large integrated area of open space which includes a formal play area, semi natural open space which can provide both informal play and recreation

opportunities as well as wildlife benefits. It also shows what looks to be a connected SuDS area. Some thought has been given to access and connectivity. Overall the concept is supported.

Play: Although one larger formal neighbourhood play area is the preferred option, the design of the formal play element will need to consider its location on the edge of the development as it is no longer surrounded by housing on all sides which naturally provide surveillance, offering a safe place to play which is particularly important for younger children. Natural play opportunities such as play trails may now also be appropriate on this site given the semi natural open space provision and a combination of both would be encouraged. Provision will need to cater for all age groups, infants, juniors and teenagers with some kick-about space.

SuDS: As this will potentially be publically accessible (which is supported as they can be created to provide informal recreation, enhance biodiversity and create habitats via ponds and areas of wetlands for amphibians and reptiles) it will require careful design to take account of health and safety issues of standing water. It will need to be designed in accordance with national SUDS guidance and will require a detailed ecological/site management plan and annual work plan.

With potentially such large areas of on-site open space, the applicant will need to be clear as to how it will be maintained. With Herefordshire Council having taken the formal decision to no longer adopt or take on the maintenance of new public open space, play or sports facilities that form part of new developments local alternative and sustainable management options are required. Any on site provision of POS will therefore require suitable management and maintenance arrangements in line with the Council's policy. This should be either via the Town Council or through 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.

Where the Authority is requested by the developer to adopt the SuDS on a development a 60 year commuted sum will be required, this will be calculated based on final 'built' layout plan identified in the supplied SUDs Maintenance Plan. This commuted sum will include the hard infrastructure and any associated 'soft' or 'green' landscaping included in the adopted SuDS area. Any soft or green landscaping not included in the adopted SuDS area will be classed as Public Open Space and alternative management arrangements as identified above should be put in place.

Outdoor Sport: Off Site contribution: In respect of outdoor sports provision, this is not required on site. There is evidence and justification for an off-site contribution in meeting community deficiencies in existing outdoor sports facilities which cannot be met on site.

In accordance with the Playing Pitch Assessment for Ross and the Draft Investment Plan, the focus is on investing in sustainable sporting hubs which can be managed and developed over time and which meet identified future proofed deficiencies. Projects which meet this need have been identified in consultation with the Governing Bodies for Sport and Sport England.

As per my previous comments which details the projects that contributions are sought for but now calculated on 212 houses and not 250 as amended below:

Contributions are calculated as follows for market housing only:

- **£974,200:** Total Outdoor Sports Investment project costs
- **900 new houses** (Core Strategy Ross housing requirements)
- **£1,082:** Cost per market house: (Total investment costs divided by total number of houses)

- For this development @60% market houses (127 houses) this equates to **£137,414**

4.12 Land Drainage Engineer

We have reviewed the revised outline application for this site. Although the layout has changed, our response with regards to flood risk and drainage remains the same. The only aspect that differs to our previous response is where we referred to a climate change allowance of 30% for rainfall intensity. The new climate change guidelines published since the submission of the previous application require consideration of the central and upper end allowances, which are now 20% and 40% respectively for rainfall intensity. This is not a significant change.

We therefore have no objection on flood risk and drainage grounds but recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include:

- Provision of a detailed drainage drawing, including supporting calculations, showing the proposed surface and foul drainage networks including the location and size of all soakaways;
- Soil infiltration rates (soil infiltration tests should be undertaken in accordance with BRE365 guidance) and groundwater levels;
- If infiltration is not feasible on the site, evidence that the Applicant is providing sufficient on-site attenuation storage to ensure no flood risk to the development and no increased flood risk to third parties outside the development between the 1 in 1 year event and up to and including the 1 in 100 year rainfall event, with appropriate increase in rainfall intensity to allow for the effects of future climate change. The Applicant should refer to the latest Environment Agency guidelines for climate change allowances at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>;
- Evidence that the Applicant has considered the management of surface water runoff in extreme rainfall events;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Evidence that the Applicant has sought and agreed all necessary permissions to discharge foul water from the site with the relevant authorities;
- Confirmation of the proposals for adoption and maintenance of the surface and foul water drainage strategies.

4.13 Waste Operations Team Leader

The area proposed for development is currently served by a 26tonne Refuse Collection Vehicle therefore any new developments in this area would also be covered by this size vehicle. Please consider this with regards to access and vehicle movement for collections of refuse and recycling. The vehicle will need to access once per week to all properties. Please refer to our online Guidance for Developers for specific details of our requirements.

4.14 Housing Officer

Proposed Total Dwellings 212 - Affordable housing @ 40%, 85 units allocated site. Information based on Local Housing Market Assessment

Unit Type	Local Housing Market Assessment
1 bed	135
2 bed	117
3 bed	94
4 bed & 5 Bed	14
Total	360

Relevant Strategy Documents:

- Local Housing Market Assessment 2012
- Herefordshire Local Plan, Core Strategy 2011 – 2031
- Supplementary Planning Document – Planning Obligation April 2008
- Study of the Housing and Support Needs of Older People 2012
- Local Investment Plan

Proposed Tenures for the Affordable Housing Units: 53% Social Rent, 47% Intermediate

Social/ Target Rent	1 bed 2 person	Min 50 m ²	houses/ apartments/ bungalows	12
	2 bed 4 person	Min 67 m ²	Houses/ bungalows	16
	3 bed 5 person	Min 83 m ²	houses	16
	4 bed 6 person	Min 100 m ²	houses	1
Total				45
Intermediate to Include Intermediate Rent, S/O & LCM (Max 80% of Local Housing Allowance)	2 bed 4 person	Min 67 m ²	Houses	20
	3 bed 5 person	Min 82 m ²	houses	20
Total				40

5. Representations

5.1 Ross on Wye Town Council - In response to the originally submitted application the Town Council commented as follows:

Members have no objection to the application but recommend that a roundabout be included at the access with the A40. Members also request that they are consulted over the Head of Terms Section 106 agreement.

Following the submission of the most recent amendments the Town Council state:

Members reiterate again their concerns about access to and from the A40 and are of the opinion that a roundabout would be the safest means of access and would ensure that traffic approaching Ross slows down. Having made this request twice before, the council would like to know whether this has been considered or if and why it has been rejected.

5.2 NHS England - requests a capital contribution of £54,256 to be allocated under Section 106 of the Town and Country Planning Act as part of this application

5.3 Ross & District Civic Society - as Hildersley has long been identified as a 'strategic site' within the Core Strategy we have no alternative than to accept the principle of major housing development at this location. However, we do share many of the concerns expressed in the community interest questionnaire about the potential impact on local surgeries, schools, roads etc etc and seriously doubt if all of these can be effectively addressed. To take but one example: Can the town's only two surgeries really be physically expanded to cope with increased demand?

Such concerns are exacerbated by the increase in the number of houses from 200 - as in various drafts of the Core Strategy - to 'approximately 250 dwellings'. If 200 was regarded as appropriate only a few months ago, how can an increase of some 25% now be regarded as acceptable? This must also be placed in the context of the almost certain future development of Three Crosses/Overross as a major housing site, as well as anticipated growth at nearby Weston, Bridstow and elsewhere - if nothing else, such expansion will add substantially to the town's traffic, notwithstanding the expressed intention of encouraging walking & cycling as an alternative to the car.

As regards the Hildersley site itself, 250 dwellings would inevitably & regrettably be more squeezed together than 200. The 'informal open space' - a principle now regarded as very desirable in urbanised areas-seems small & tucked away in a corner of the site. To build, say, 200-205 houses would satisfy the post-inspection Core Strategy criterion of a 'minimum' of 200 and go some way not only to improve the quality of life for its future residents, but to mitigate, to a degree, any adverse impact on the town's services & infrastructure.

5.4 Defence Infrastructure Organisation (on behalf of the Secretary of State for Defence) – A full copy of the most recent representation received in relation to the submission of amended plans and information is attached as an appendix to this report.

5.5 Letters of objection have been received from twenty five local residents. In summary the points raised are as follows:

- Ross on Wye cannot accommodate further development without considerable increases in the infrastructure in the town
- There is a potential conflict in the use of the track to the north of the site between vehicular traffic using the firing range and pedestrians and cyclists generated by the proposed development
- Cumulative effect of this development and others within the local area on local infrastructure and services including schools, doctors surgery and emergency services
- Loss of wildlife and habitats
- The site is beyond the town's building line
- The development will generate huge volumes of traffic that will impact upon the town.
- There is gridlock and a lack of parking within the town centre
- The local road network is at capacity and cannot accommodate the traffic likely to be generated by this proposal
- Development will increase the risk of flooding and exacerbate pre-existing problems in the area

- The development will irrevocably damage the rural attractiveness of the area and the character of Ross on Wye
- There are concerns about safety aspects relating to the firing range as the site is immediately adjacent to it
- The proximity of the range will also create unacceptable levels of noise for future residents
- There is also a possible national security issue through the introduction of housing in such close proximity to the firing range
- The proposals include 2.5 storey dwellings. These are considered to be inappropriate and out of character with the area
- The ground is part of the aquifer for Ross on Wye. Development should not threaten the town's water supply
- There are insufficient job opportunities for new residents. This will lead to increased levels of commuting and an increase in pollution
- The development will lead to disturbance to local residents during the construction phase
- The application is contrary to government policy on climate protection as additional vehicles will increase Co2 emissions
- Only a small percentage of the development is affordable housing
- Development will have negative impacts on tourism in the area
- There is sufficient on-going development in Ross on Wye to satisfy demand
- The proposal represents an over-development of Hildersley and Ross on Wye
- The scheme will result in more people trying to cross the A40 without any existing crossing points
- The proposed access seems inadequate to cope with the increases in traffic likely to be generated by the development
- The development borders the Wye Valley AONB and will diminish this valuable asset

5.6 One letter of support has also been received. It considers that there is a need for new housing that is in close proximity to highway infrastructure. The application is supported on the premise that health and education facilities are improved.

5.7 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=150930&search=150930

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 The application is made in outline with all matters reserved except for access and involves the erection of up to 212 dwellings, with associated infrastructure, on land to the west of Hildersley Farm (CS Policy RW2).

6.2 S38 (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."

The development plan for Herefordshire is in main part the Herefordshire Local Plan - Core Strategy. The Core Strategy was adopted on 16 October 2015. This followed Examination hearings in February 2015 and the Inspector's subsequent conclusion that, with modifications

as proposed, the Core Strategy is sound and provides an appropriate basis for the planning of the District.

- 6.3 The application site is allocated for housing via Policy RW2 of the Core Strategy. This allocation followed extensive consultation over a number of years as alluded to at section 4.6 above. The site consists predominantly of land defined as being of 'low to medium' landscape sensitivity in the Urban Fringe Sensitivity Analysis 2010 – a key component of the evidence base underpinning housing allocations at Hereford and the market towns. The principle of residential development of the site is thus identified within the Core Strategy, is plan-led and a key component of housing delivery within the early part of the Core Strategy Plan Period and essential to maintaining the annualised trajectory for housing completions set out in Appendix 4 to the Core Strategy. This trajectory envisaged that the site would yield 30 dwellings during the period 2016/17. It can thus be seen that delays in delivery are such that this yield will not be delivered, which in turn perpetuates the housing land supply issue.

Housing Delivery

- 6.4 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the delivery of housing. Core Strategy policy SS2, Delivering new homes, 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 under two fifths are directed to Hereford, which is required to deliver a minimum of 6,500 homes. This reflects Hereford's role as the main centre in the County. A further 4,700 are to be delivered in Herefordshire's five market towns, 900 of which are to be delivered in Ross-on-Wye.
- 6.5 Policy SS3, Ensuring sufficient housing land delivery, sets out a range of measures to be undertaken should a material shortfall in the rate of housing delivery be identified through the annual monitoring process. The policy addresses the relationship between the delivery of strategic housing sites and key elements of infrastructure.

Housing Land Supply

- 6.6 The Examination Inspector concluded that there was a marginal but realistic five year housing land supply (HLS) on the basis of the Core Strategy provisions. The supply was assessed at 5.24 years.
- 6.7 The Council updated this assessment in January 2016, following completion of the annual monitoring round. This exercise had a base date of April 2015 and demonstrated a housing land supply of 5.01 years. Subsequent amendments reduced this to 5.00 years.
- 6.8 Housing land supply has been further examined in recent Inquiry discussions in the County in respect of appeals for proposed housing developments at Leintwardine and Ledbury. In both cases the respective Inspectors concluded that the Council was unable to demonstrate a robust five-year supply of deliverable housing sufficient to meet its identified needs. This view was reached on an assessment of the amount of housing reasonably likely to be delivered on the strategic sites allocated in the Core Strategy. This was the main area of dispute between the parties in respect of housing land supply.
- 6.9 This position was also adopted at the Public Inquiry concerning a 100 dwelling development at Bartestree (Ref: 143771), where a HLS of 3.63 years was agreed for the purpose of the appeal – a deficit of 1,564 dwellings. The Council conceded that delays in delivering housing on the strategic sites was a key contributor to the continued absence of housing land supply.
- 6.10 The most recently published Annual Monitoring Report for 2015/16 concludes that the position as of April 2016 is that the current HLS stands at 4.49 years. This is not a NPPF compliant position.

- 6.11 On this basis, NPPF paragraph 49 provides that relevant policies for the supply of housing should not be considered up-to-date. In this case, whilst it is accepted that policies relevant to the supply of housing *may* carry reduced weight, the fact that the site is allocated in the Development is of significant material weight and officers consider that assessment of the proposals in the light of Policy RW2, supplemented by other relevant policies and material considerations is appropriate. Moreover, as recent case law has confirmed, the fact that housing policies are out-of-date does not direct the decision-maker on the matter of the weight that may be attributed these policies.
- 6.12 Policy RW2 signifies the formal allocation of the land at Hildersley for residential development, and in your officer's view, given the plan-led system, is equivalent to acceptance that the development of the site is acceptable in principle. Given the application is made in outline with only access for determination now, compliance with some of the criteria within RW2 cannot be assessed to the fullest extent now but will be considered at the detailed or Reserved Matters stage. What is clear from the submitted documentation, however, is that the policy requirements have fully informed the work undertaken to date. Insofar as is practical, this appraisal now assesses the application against these individual criteria, before looking at any other matters raised in consultation responses that are considered to be material to the determination of the application.

Assessment against Policy RW2 – Land at Hildersley

Criteria 1: a minimum of 200 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;

- 6.13 The proposal exceeds the minimum requirement of 200 new homes. In its amended form it proposes 212 dwellings. As a consequence of other amendments made to address representations made by the MoD and the Council's Ecologist, the developable area of the site has been reduced from 10.9 hectares to approximately 6.5 hectares. In terms of the area to be developed, and based on 212 dwellings, this equates to a density of 33 dwellings per hectare.
- 6.14 As confirmed above, the Housing Officer supports the proposed affordable housing provision. The precise mix of open market housing will be agreed via Reserved Matters.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 2: a target of 40% of the total number of dwellings shall be affordable housing;

- 6.15 The Heads of Terms Agreement attached as an appendix to this report confirms the provision of 40% affordable housing in accordance with policy requirements.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 3: the provision of and contributions towards any identified need for new/improved community facilities/infrastructure improvements. This shall include contributions towards the provision of: additional pre-school places; additional classrooms at John Kyrle High School for secondary, post 16 and youth/community infrastructure and further special educational needs provision;

- 6.16 This criterion is a requirement that the development mitigate adverse impacts on existing infrastructure. The Council has negotiated a contribution using the Planning Obligations SPD

methodology. Members will note that the Heads of Terms Agreement includes a contribution of £54,256 for improvements to primary care medical facilities within the catchment area. It also includes contributions toward the improvement of primary school facilities at Ashfield Park Primary School, with final contributions dependent upon open market house types. It will be noted that no contributions are requested for secondary school improvements at John Kyrle. This is due to the fact that the Council has already pooled more than five contributions since 6th April 2010 through previous developments and a request here would consequently be contrary to the Community Infrastructure Levy Regulations 2010, Regulations 122 and 123(3) as amended.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 4: the provision of a sport/recreation space either on or off site as an alternative to the existing on site John Kyrle High School playing field;

- 6.17 The comments of the Council's Parks & Countryside Officer confirm the preference for off site rather than on site provision of sports facilities. The Playing Pitch Assessment outlines in detail the specific requirements for Ross-on-Wye over the plan period. These principally relate to the improvement of football and rugby facilities within the town. Off site contributions are detailed in the Heads of Terms Agreement and are based on the findings of the Playing Pitch Assessment. Your officers are content that this approach is both policy and CIL compliant.
- 6.18 The illustrative masterplan also makes a generous provision of on-site open space provision which comprises one large integrated area of open space including a formal play area, semi natural open space which can provide both informal play and recreation opportunities. This overall concept is supported.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 5: the creation of new green infrastructure within the development area to benefit residents, local bat populations and other flora and fauna;

- 6.19 The technical appraisals supporting the application refer specifically to local bat populations and the presence of Dormice on the site. The Dormouse survey is particularly concerned with the loss of habitat; particularly the tree plantation towards the centre of the site and existing hedgerows.
- 6.20 The revisions to the site layout, and reduction in developed area that has resulted, has facilitated the provision of a larger area to mitigate the impacts of the development on wildlife. The illustrative masterplan indicates a significant amount of woodland planting along the western boundary and the creation of green corridors generally running north/south across the site.
- 6.21 The Council's Ecologist has indicated his satisfaction with the revised submissions made by the applicants, particularly in terms of the improved connectivity for bats and dormice. It is concluded that the proposal provides for the biodiversity needs of the site in accordance with this particular criteria of policy RW2 and also Policy LD2 – Biodiversity and geodiversity. The precise layout of the development will be dealt with at the reserved matters stage but the imposition of a condition requiring the development to be carried out in accordance with the recommendations of the attendant survey reports will ensure that the appropriate mitigation measures are included.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 6: new pedestrian and cycle links from the area towards the town and nearby employment sites, to ease road congestion and limit CO2 emissions;

- 6.22 In accordance with the requirements of this criterion the applicants have included the track running from the north western corner of the site to the A40. This land falls within the ownership of Herefordshire Council and was previously used to access the former playing fields. It provides a direct link between the two and in turn emerges onto the A40, close to the Ross Town Trail.
- 6.23 The comments from the Council's Transportation Manager acknowledge the need to provide improvements between the site, town centre and employment areas, and this is reflected in the recommendations made and the projects identified in the Heads of Terms Agreement to improve connectivity and sustainable transport within the local area.
- 6.24 Some concerns have been raised that the use of the track will bring pedestrians and cyclists into conflict with vehicles that currently use it to access the firing range. However, on the basis of the information that has been made available to the Council, it would appear that the firing range is used 4-5 times a month by a limited number of vehicles. The track is not currently conducive to use by vehicles at high speeds and any risk of conflict between motorised vehicles, pedestrians and cyclists is marginal.
- 6.25 The use of the track offers a convenient and obvious direct connection to the town in accordance with this criteria of policy RW2 and also policy MT1 of the Core Strategy. Distance may be a prohibitive factor for some and personal choice will ultimately dictate whether people do walk or cycle rather than use private modes of motorised transport, but the scheme will put these opportunities in place.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 7: appropriate mitigation measures to be implemented, which ensure that acoustic and safety issues relating to the proximity of the adjacent firing range are satisfactorily addressed;

- 6.26 This criteria has proved the single-most difficult to try and resolve. Members will be mindful of the objections raised by the MoD and will have read their detailed correspondence that is appended to this report. In very simple terms the issue is whether development on the site will suffer unacceptable levels of noise disturbance as a result of the use of the firing range.
- 6.27 There are a number of points to note in this regard. First, the site has been allocated for housing in the Core Strategy. As Members will be fully aware, its adoption came after a lengthy period of public consultation and engagement with stakeholders and interested parties. This included the Ministry of Defence. The MoD were engaged throughout the process. Their comments did refer to the potential allocation of land around Ross-on-Wye; specifically that it was not their intention to dispose of their land assets and therefore the Council's proposals were not viable. At no time was mention made of concerns about noise emanating from the firing range and the effects that it might have on new dwellings. This would have represented a significant constraint in the Council's Strategic Housing Land Availability Assessment (SHLAA) and, in your officers opinion, had this been raised at an early stage may well have led to other sites being considered for the town's strategic provision.

- 6.28 Second, the range does not give rise to regular complaints to the Council's Environmental Health team. Their comments highlight the fact that only three complaints have been made to them. Members should however be aware that the firing range benefits from Crown Exemption and therefore any complaints would be dealt with directly by the MoD and not the Council. Notwithstanding this, it is reasonable to expect that members of the public would be more likely to contact the Council's Environmental Health department to lodge a complaint in the first instance. The limited number of complaints would logically lead to a conclusion that the use of the firing range does not cause a nuisance to local residents, some of whom live in very close proximity.
- 6.28 Third, the Council has been provided with information by the MoD which confirms that the range is used around 4 or 5 times a month and typically during the daytime. The objection received from the MoD suggests that the use of the firing range is not controlled by any planning conditions, and that it could be used far more frequently and at any time, day or night.
- 6.29 Your officers do not dispute either of these points. However, this should not necessary preclude this development. The likelihood of more frequent use occurring should be considered in context. There is no historical evidence to suggest that the range has been used more frequently than it is currently, nor that it is used during the night time. Furthermore, the MoD's own advice leaflet on environmental noise acknowledges that:
- "The MOD has a duty of care to protect members of the public as well as the natural environment from the effects of noise generated by its activities, while at the same time providing for realistic training."*
- "...however the noise nuisance that is generated from these activities must be managed appropriately to prevent it becoming a nuisance."*
- 6.30 With regard to the undertaking of training activities it also goes on to state that:
- Training objectives should be met in the day when ever practicable and should not extend into the night unless absolutely unavoidable. Such training that does extend into the night shall be conducted to minimise noise as activities at night are more likely to cause disturbance, as noise levels are subjectively louder when the background sound is low.*
- 6.31 It is quite clear from the above that avoiding nuisance where private property is within proximity to the MoD's training facilities is an important operating consideration for them. In your officers view this, combined with the evidence provided of historic use of the firing range, clearly indicates that the probability of it being used with a greater degree of frequency or during the night is unlikely.
- 6.32 Fourth, planning permission has been granted for dwellings within the same proximity to the firing range as the dwellings now proposed here. The application was supported by a noise assessment, completed by the same acoustic consultant now acting on behalf of the applicants here, and did not attract any objections with regard to noise. This application proposes the same noise mitigation measures that were deemed to be acceptable for the site at Rossleigh.
- 6.33 The plan below shows the noise contours in a worst case scenario. The use of the firing range is such that firing takes place from different positions on the range. The source of the noise is the smaller blue/purple area and the contours show the reduction in noise the further away from the source at 5 dB intervals.
- 6.34 The plan shows a previous version of the illustrative masterplan imposed on the noise contour plan, and it can be seen that some of the developed area falls within a higher noise contour level than existing dwellings, and the site at Rossleigh, which is indicated by the white star. Accordingly the masterplan was revised, the full plan provided in an earlier section of this report.

An extract of the same plan is also re-produced below. The dotted yellow line indicates the same 95 dB noise contour and demonstrates that all of the areas to be developed are within that contour; the same as existing dwellings and the site at Rossleigh.

6.35 National Planning Policy Guidance offers some assistance on the matter of noise and says that:

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

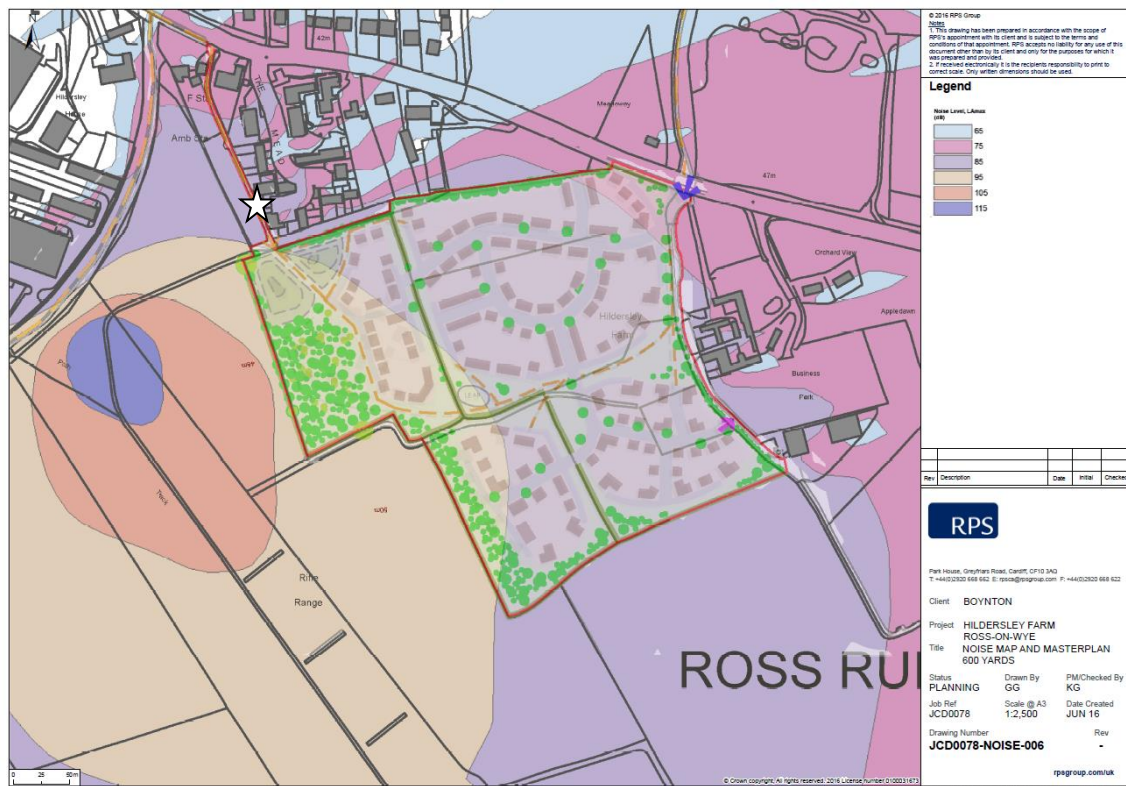
At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

6.36 In your officers view the applicants have demonstrated that they have had regard for noise and taken steps to mitigate its impact. The illustrative masterplan provides parameters for development and, should planning permission be granted, it is recommended that it is referred to by condition.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Plan showing noise contours with illustrative masterplan overlaid



Plan showing extract of revised masterplan with 95dB contour (yellow dashed line)



Criterion 8: adverse impacts on the Water Source Protection Zone should be avoided or mitigated, including through the incorporation of sustainable urban drainage solutions such as rain gardens and swales; and the production by the developer of a Surface Water Management Plan;

- 6.37 The Council's Land Drainage Engineer has considered the technical submissions made with this outline application and raises no objection in principle to the application. It is noted that the large area of open space on the western boundary is also indicated to incorporate a surface water attenuation pond and it is evident that there is sufficient space within the site for it to be accommodated. Matters of detail will be provided in any reserved matters application if planning permission is forthcoming here, and this is reflected in the comments of the land Drainage Engineer who recommends the imposition of a condition to require the information to be submitted.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 9: avoid and mitigate adverse impacts from noise and air pollution and vibration (during both construction and occupation of new homes) on the River Wye SAC, Wye Valley Woodlands SAC and the Wye Valley and Forest of Dean Bat Sites SAC;

- 6.38 In terms of the construction phase, impacts from noise, air pollution and vibration can be dealt with through the imposition of a condition requiring the submission of a construction management plan, and this is reflected in the recommendation at the end of this report. With regard to impacts upon occupation, the measures to be put in place to encourage the use of cycle and pedestrian routes; and thus provide alternatives to the private motor car, will mitigate impacts from air pollution. The matter of noise has also been dealt with in depth in earlier sections of this report. Precise design details of dwellings may also provide further mitigation, but this will be considered at the reserved matters stage.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Criterion 10: development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and that contributes to the distinctiveness of this part of Ross-on-Wye and enhances the setting of the adjacent Wye Valley Area of Outstanding Natural Beauty.

- 6.39 Policy SD1 of the Core Strategy deals with sustainable design and energy efficiency and thus underpins this criterion of Policy RW2. SD1 opens with a requirement that development proposals should create safe, sustainable and well-integrated environments for all members of the community and incorporate a range of requirements, including the efficient use of land, maintenance of local distinctiveness whilst making a positive contribution to the architectural diversity and character of the area and the safeguarding of residential amenity for existing and proposed residents.
- 6.40 The outline application makes no specific undertaking to meet the needs of older persons but this could be a matter to be dealt with through reserved matters if a specific need for a particular type of accommodation were to be identified.

Conclusion

It is your officers' opinion that the scheme complies with this criterion.

Other Matters

Highway Impacts

- 6.41 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.42 The provision of cycle and pedestrian links has already been discussed in some detail so this section of the report will focus on the proposed means of vehicular access to the site. The illustrative masterplan shows the access to be located at the north eastern corner, in the location of an existing access used by vehicles entering and leaving the Hildersley Business Park. The intention is to upgrade this but for it to remain as a priority junction.
- 6.43 The Stage 1 Road Safety Audit (RSA) has been submitted at the request of the Transportation Manager. Various options were explored prior to the completion of the RSA and these included the provision of a protected right turn (ghost island) and a roundabout. The former is included in the assessment made by the RSA.
- 6.44 The RSA confirms that a protected right turn is an acceptable solution for the quantum of development proposed, subject to improvements which include the extension of the 30mph speed limit and the re-location of bus stops. These are reflected in the recommendation before committee which include Section 106 contributions for improvement to pedestrian links and bus stops within the locality. On this basis the proposal is considered to be compliant with the requirements of Policy MT1 of the Core Strategy and the NPPF.

Landscape Impacts

- 6.45 It is accepted that any built development will have an impact on the landscape. The introduction of built development into an area that is currently used for agricultural purposes will inevitably change its character. In terms of identifying appropriate areas for new development it has to be the case for largely rural areas like Herefordshire that this will invariably take place around the fringes of its market towns.
- 6.46 The Urban Fringe Sensitivity Analysis for Ross-on-Wye concludes that the site at Hildersley is of low to medium sensitivity, due to the fact that the landscape character is mixed. It highlights elements that include the business park, modern estate developments on the fringes of the town and the firing range as influencing this conclusion. As a result the landscape is visually incoherent and it does not provide a distinctive gateway to the town in landscape terms.
- 6.47 The analysis is a key component used to identify suitable housing sites and it is clear that this site is much less sensitive than others around the town. It is close to the Wye Valley AONB boundary but, when considered in context, it will be seen this incorporates the built environs of Ross-on-Wye which includes residential and industrial estates within 500 metres of the application site. The area is not typical of the character of the AONB and it is not considered that the development of this site will have a significant impact upon it such that permission should be withheld.

7. Conclusion

- 7.1 The proposal is for development of the only strategic housing allocation for Ross-on-Wye. It is integral to the delivery of new homes in the market towns as outlined by policy SS2 over the lifetime of the Core Strategy. The principle of development is supported via the Council's adopted policies.
- 7.2 The application is made in outline with all matters bar access reserved, yet sufficient information is provided to enable consideration against the policy requirements set out in RW2 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.
- 7.3 The contribution the scheme makes to the supply and delivery of housing in the county is a significant material consideration telling 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, linking the development to the rest of the town and offering genuine travel alternatives. These opportunities will be secured through financial contributions towards bus services and upgrades to walking and cycling infrastructure that will be delivered by the developer.
- 7.4 Impacts associated with the development are inevitable. The proposal will inevitably change the character of the area simply through the introduction of built development where none currently exists. The loss of agriculturally productive land and the impacts on biodiversity amenity are all adverse impacts. Some of these can be mitigated through sensitive design and the setting aside of areas of open space within the development and as a consequence they do not in isolation or cumulatively amount to sustainable grounds to resist the development in the light of the substantial benefits.
- 7.5 The Council's Environmental Health and Trading Standards Manager has confirmed that the noise levels associated with the adjacent MoD firing range can be mitigated. The applicants have shown that noise levels for new development will be no worse than those experienced by existing dwellings and, through the imposition of a condition to require the details of mitigation

measures to be employed in each dwelling, the likelihood is that the noise levels experienced by new residents will be lower than those presently residing in properties close to the range.

- 7.6 The recommendation is subject to the completion of a Section 106 Agreement to secure the affordable housing, provision and maintenance 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.
- 7.7 Planning conditions that are further necessary to regulate development in accordance with the tests prescribed at paragraph 204 of the NPPF are set out below. Conditions will include a requirement that the Reserved Matters layout is informed by the revised indicative masterplan.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **C02 - A02 Time limit for submission of reserved matters (outline permission)**
2. **C03 - A03 Time limit for commencement (outline permission)**
3. **C04 - A04 Approval of reserved matters**
4. **The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the revised Illustrative Masterplan – Drawing Number 503 Revision H.**

Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies RW1, LD1, LD2, LD3 and MT1.

5. **None of the dwellings shall be occupied until the roadworks necessary to provide vehicular access from the A40 have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure an adequate and acceptable means of access is available before the first dwelling is occupied and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **Development shall not begin in relation to the provision of road and highway drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.**

Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
 - b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
 - c. A noise management plan including a scheme for the monitoring of construction noise.
 - d. Details of working hours and hours for deliveries
 - e. A scheme for the control of dust arising from building and site works
 - f. A scheme for the management of all waste arising from the site
 - g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect 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 the 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. 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 Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Prior to the commencement of any development full details of surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which should address the following:
- Provision of a detailed drainage drawing, including supporting calculations, showing the proposed surface and foul drainage networks including the location and size of all soakaways;
 - Soil infiltration rates (soil infiltration tests should be undertaken in accordance with BRE365 guidance) and groundwater levels;
 - If infiltration is not feasible on the site, evidence that the Applicant is providing sufficient on-site attenuation storage to ensure no flood risk to the development and no increased flood risk to third parties outside the development between the 1 in 1 year event and up to and including the 1 in 100 year rainfall event, with appropriate increase in rainfall intensity to

allow for the effects of future climate change. The Applicant should refer to the latest Environment Agency guidelines for climate change allowances at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>;

- Evidence that the Applicant has considered the management of surface water runoff in extreme rainfall events;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Evidence that the Applicant has sought and agreed all necessary permissions to discharge foul water from the site with the relevant authorities;
- Confirmation of the proposals for adoption and maintenance of the surface and foul water drainage strategies.

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 Policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy.

10. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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 Policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy.

11. Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking in perpetuity.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. No development shall take place 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. 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 ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

13. 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 ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

14. The Remediation Scheme, as approved pursuant to condition 12 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 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 ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

15. The recommendations for species mitigation and enhancements set out in the RPS ecology reports for dormice (2014), badger (2014), reptile (2015) and bat activity (2014) together with additional information and updates of these reports from the Ecology Technical Note dated December 2016 should be followed unless otherwise agreed in writing by the local planning authority. Working method statements for mitigation of the protected species present should be submitted as a single document to the local planning authority in writing. The work shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

16. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

17. An additional 5 year Ecology Management Plan for the existing and newly created habitat should also be required by condition as follows:

Prior to commencement of development, a five year Ecology Management Plan shall be submitted for approval in writing by the local planning authority. This shall include details of habitat establishment, management and monitoring of species based upon the recommendations of the protected species reports with proposed ecological enhancements. The Plan shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

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. 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. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. I 09 Private apparatus within the highway
4. I 11 Mud on the highway
5. I 35 Highways Design Guide
6. I 41 Travel Plans

7. **I 45 Works within the highway**
8. **All investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission to discharge condition 12**
9. **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.**
10. **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 on 0800 085 3968 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.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – P150930/O

Site address:

Land at Hildersley Farm, Hildersley, Ross-on-Wye

Planning application for:

Proposed development of approximately 212 dwellings including affordable housing, public open space and associated works

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£1,201.00 (index linked) for a 2 bedroom apartment open market unit

£2,143.00 (index linked) for a 2/3 bedroom open market unit

£3,471.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Ashfield Park Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1,966.00 (index linked) for a 2 bedroom open market unit

£2,949.00 (index linked) for a 3 bedroom open market unit

£3,932.00 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council, in consultation with the Parish Council, at its option for any or all of the following purposes:

- a) Contribution to upgrade A40 southern footpath to shared use between Fire Station and eastern access point by Hildersley Farm to tie in with Model Farm active travel accesses.
- b) Upgrading the bus stops for Hildersley including real time information to full specification bus stops. The bus stops should also include secure cycle parking.
- c) Upgrading of the existing bus stops/shelter adjacent to the Fire Station. The bus stop should also include secure cycle parking.
- d) Contribution to formal crossing at A40 end of Town and Country trail to allow access to Hildersley – will also link in with northbound shared use path along the A40 toward the

Further information on the subject of this report is available from Mr A Banks on 01432 383085

Tanyard Lane development. This would also enhance the safer route to school network.

- e) Traffic Regulation Order for waiting restrictions around Ashfield Park primary school.

NOTE: A Section 278 agreement will be required to deliver;

- Upgrade to shared use through Town and Country Trail and Alton Road with the potential to formally surface and light the route;
 - Uphill cycle lane on ledbury Road as part of safer route to John Kyrle High School network
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00** (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each property. The sum shall be paid on or before the commencement of the development.
 4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£54,256.00** (index linked). The contribution will be used by NHS England to provide primary medical care facilities in the catchment. The sum shall be paid on or before the commencement of the development
 5. The developer covenants with Herefordshire Council to provide a minimum of 0.23 ha of on-site Public Open Space and 0.46h for children's play.
 6. 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.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period

7. The developer covenants with Herefordshire Council to pay **£1,082.00** (index linked) per open market dwelling for outdoor sports facilities. The money shall be used by Herefordshire Council in accordance with the priorities identified in the Playing Pitch Assessment for Hereford Area 2012, updated 2014 and the Outdoor Sports Investment Plan for projects in Ross on Wye. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 40% (53% social rent and 47% intermediate) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

NOTE: the mix of tenure and unit size of the affordable units shall be agreed with Herefordshire Council:

NOTE: For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

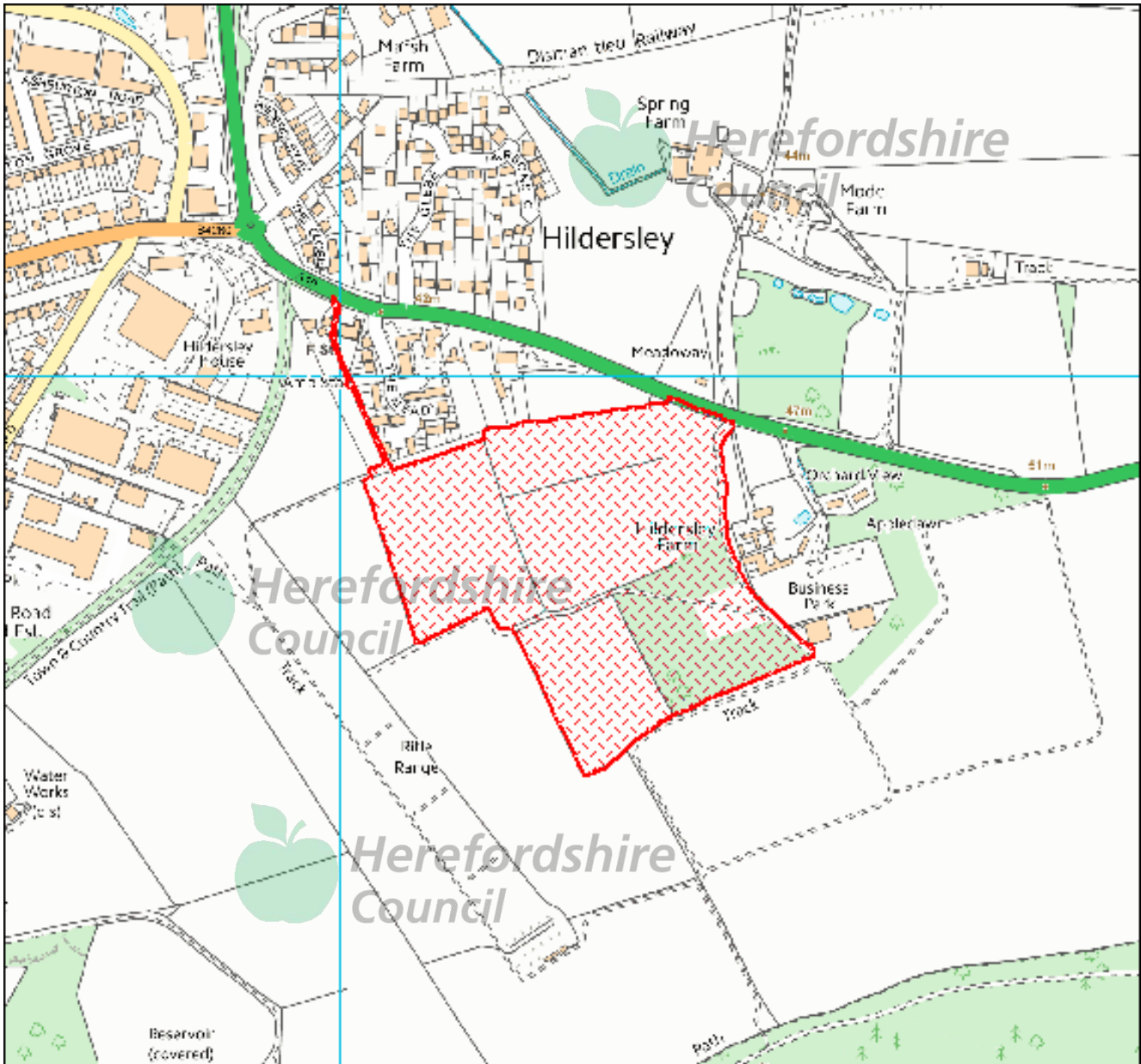
9. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used

for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

10.2 satisfy the requirements of paragraphs 11 & 12 of this schedule

11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 11.1 a local connection with the parish of Ross-on-Wye
 - 11.2 in the event of there being no person with a local connection to Ross-on-Wye then any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 20 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.1 above.
12. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 12.1 is or in the past was normally resident there; or
 - 12.2 is employed there; or
 - 12.3 has a family association there; or
 - 12.4 a proven need to give support to or receive support from family members; or
 - 12.5 because of special circumstances;
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 7 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
14. The sums referred to in paragraphs 1, 2, 3, 4 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
15. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



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APPLICATION NO: 150930

SITE ADDRESS : LAND AT HILDERSLEY FARM, HILDERSLEY, ROSS ON WYE

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