

A G E N D A

Planning Committee

Date: **Friday, 16th July, 2004**

Time: **10:00 a.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

*Pete Martens, Members Services, Tel
01432 260248*

e-mail: pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Planning Committee

To: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice-Chairman)

Councillors B.F. Ashton, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis,
D.J. Fleet, J.G.S. Guthrie, J.W. Hope, B. Hunt, Mrs. J.A. Hyde,
Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews,
Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and
W.J. Walling

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 23rd April, 2004.	1 - 10
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Northern Area Planning Sub-Committee.	11 - 12
7. CENTRAL AREA PLANNING SUB-COMMITTEE To receive the attached report of the Central Area Planning Sub-Committee.	13 - 14
8. SOUTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Southern Area Planning Sub-Committee.	15 - 16

- | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 9. | <p>PLANNING APPLICATION DCNE2004/0703/F - RESIDENTIAL DEVELOPMENT OF 11 DWELLINGS, ACCESS, PARKING AND GARAGING AT 26 & 27 ALBERT ROAD, LEDBURY, HEREFORDSHIRE, HR8 1DW.</p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Northern Area Planning Sub-Committee is minded to refuse it, contrary to the Council's Planning Policies and officer recommendations.</p> <p>Ward: Ledbury</p> | 17 - 24 |
| 10. | <p>DCNE2003/3706/F - CHANGE OF USE TO RESIDENTIAL 3 NO. APARTMENTS, 3 NO. HOUSES, GARAGES AND PARKING SPACES AND ASSOCIATED DRAINAGE AT STRETTON GRANGE RETIREMENT HOME, STRETTON GRANDISON, LEDBURY, HEREFORDSHIRE, HR8 2TS</p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Northern Area Planning Sub-Committee is minded to approve it, contrary to the Council's Planning Policies and officer recommendations.</p> <p>Ward: Ledbury</p> | 25 - 32 |
| 11. | <p>SUPPLEMENTARY PLANNING GUIDANCE - LANDSCAPE CHARACTER ASSESSMENT</p> <p>To consider the representations and proposed amendments made in relation to the draft Landscape Character Assessment SPG and recommend the amended SPG as interim policy guidance pending the eventual adoption of the Unitary Development Plan</p> <p>Wards: County-wide</p> | 33 - 72 |
| 12. | <p>SUPPLEMENTARY PLANNING GUIDANCE - BIODIVERSITY</p> <p>To consider the representations made in relation to the draft Biodiversity SPG, proposed amendments and adopting it as interim policy guidance pending the eventual adoption of the Unitary Development Plan</p> <p>Wards: County-wide</p> | 73 - 98 |
| 13. | <p>HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: PUBLIC CONSULTATION ON REVISED DEPOSIT DRAFT</p> <p>To consider a verbal report from the Forward Planning Manager summarising the initial results of the Unitary Development Plan deposit period which ended on June 24.</p> <p>Wards: County-wide</p> | |
| 14. | <p>COMPULSORY PURCHASE: CONSULTATION ON DRAFT GUIDANCE & REGULATIONS ARISING FROM PART 8 OF THE PLANNING & COMPULSORY PURCHASE ACT 2004</p> <p>To be advised of a consultation from the Office of the Deputy Prime</p> | 99 - 102 |

	Minister (ODPM) regarding amendments to compulsory purchase arrangements.	
	Wards: County-wide	
15.	BELMONT RURAL PARISH PLAN	103 - 104
	To consider the Belmont Rural Parish Plan for adoption as interim supplementary planning guidance to the emerging Herefordshire Unitary Development Plan.	
	Ward: Belmont	
16.	REVISED SUPPLEMENTARY PLANNING GUIDANCE UPON THE PROVISION OF AFFORDABLE HOUSING	105 - 146
	To inform members of information within the revised guidance and to agree a process for consultation.	
	Wards: County-wide	
17.	SUPPLEMENTARY PLANNING GUIDANCE (SPG) - DESIGN AND DEVELOPMENT REQUIREMENTS	147 - 154
	To consider responses and changes to the draft publication and recommend to the Cabinet Member (Environment) that an amended document be adopted as interim guidance to the Herefordshire Unitary Development Plan.	
	Wards: County-wide	
18.	SUPPLEMENTARY PLANNING GUIDANCE - REUSE AND ADAPATION OF RURAL BUILDINGS	155 - 160
	To consider the amendments made to the draft document and recommend to the Cabinet Member (Environment) that the amended document be adopted as interim supplementary planning guidance to the emerging Herefordshire Unitary Development Plan.	
	Wards: County-wide	
19.	TANYARD LANE DEVELOPMENT BRIEF	161 - 162
	To consider the draft Tanyard Lane development brief and approve it for public consultation purposes with a view to it eventually forming supplementary planning guidance to the Unitary Development Plan.	
	Ward: Ross-on-Wye East	
20.	DEVELOPMENT BRIEF FOR FROME VALLEY HAULAGE DEPOT, BISHOPS FROME	163 - 164
	To consider the draft development brief for the Frome Valley Haulage Depot, Bishops Frome and approve it for public consultation purposes with a view to it forming interim supplementary planning guidance to the Unitary Development Plan.	
	Ward: Frome	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on 23 April 2004 at 10.00 am

Present: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice-Chairman)

Councillors BF Ashton, H Bramer, MR Cunningham, Mrs CJ Davis, GW Davis, DJ Fleet, JW Hope, B Hunt, Brig P Jones CBE, Mrs RF Lincoln, Mrs M Lloyd-Hayes, RM Manning, R Mills, Mrs JE Pemberton, R Preece, Mrs SJ Robertson, WJ Walling

In attendance: PJ Edwards, PE Harling, Mrs G Powell, M Wilson

69. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Dauncey, JGS Guthrie, Mrs JA Hyde, RI Matthews and DC Taylor.

70. NAMED SUBSTITUTES

Substitute	Member
Councillor H Bramer	Councillor Mrs JA Hyde
Councillor GW Davis	Councillor DC Taylor
Councillor Mrs MD Lloyd-Hayes	Councillor D Fleet
Councillor R Mills	Councillor JGS Guthrie

71. DECLARATIONS OF INTEREST

There were no declarations of interest.

72. MINUTES

RESOLVED: That the Minutes of the meeting held on 31st March 2004 be approved as a correct record and signed by the Chairman.

73. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

Ledbury Design Award

The Ledbury Design Award started in 2000 aimed at giving recognition to projects, which were adjudged to have enhanced the environmental quality of the parish through a building, structure or shop front. The Planning Services Department have been given a 'Highly Commended' award for its help in the design of the New Mills scheme and the Committee congratulated the Department for this achievement.

Herefordshire Unitary Development Plan – Revised Deposit Draft

The revised Deposit Draft would be published on 13th May 2004 and a six-week period would be available for comments to be made to the proposed changes only. Public notices, press releases, exhibitions and leaflets would inform of the publication and highlight the main changes being proposed and the revised Plan would be sent to all parish councils and would also be submitted to the next round of the Local Area Forums. An individual response and notification was being sent to individuals and organisations who had made previous comments on the Plan. The Plan could be viewed at the Councils Info in Herefordshire shops, help points at libraries, Council Offices and on the Councils website. Arrangements had been made for new and outstanding objections to be considered by an Independent Planning Inspector at a Public Local Inquiry, which would open on Tuesday 1st February 2005.

Chief Planning Services Officer

The Chairman was delighted to report that the Chief Planning Services Officer would be returning to work on 17th May on a gradual and phased basis.

Public Speaking

During the period 1st April 2003 – 31st March 2004 public speaking had continued to be popular with some 784 speakers at the Committee and Sub-Committee meetings speaking for nearly 40 hours.

Area Planning Sub-Committees

In the new Council year the format of Sub-Committee agendas would be changed so that reports are set out as individual agenda items. This should make the agendas easier to read and also enable more comprehensive use of the modern.gov information retrieval system by making searches on words, phrases and names easier.

74. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the Northern Area Planning Sub-Committee held on 24th March 2004 be received and noted.

75. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the Central Area Planning Sub-Committee held on 10th March and 7th April 2004 be received and noted.

76. SOUTHERN AREA PLANNING SUB COMMITTEE

RESOLVED: That the report of the Southern Area Planning Sub-Committee held on 17th March and 14th April 2004 be received and noted.

77. PLANNING APPLICATION DCW2004/0209/F – PROPOSED DWELLING AT PLOT 2, LOWER ORCHARDS, BURGHILL

The receipt of a letter from the agent acting on behalf of the applicant and a letter from Mr Dutton, an objector was reported.

Councillor Mrs SJ Robertson the local Ward Member said that at the site inspection it could be seen that the village contained a mixture of bungalows, dormer-bungalows and houses and that the proposed dwelling would not have any significant impact upon the Conservation Area. She pointed out that if the application was approved there were a number of conditions to ensure that the dwelling would harmonise with the surrounding development. Councillor BF Ashton had concerns that there were no other two storey dwellings on the site and that it was in a very visible location. Councillor MR Cunningham echoed this concern and felt that because the site was fairly open and gently undulating it would be dominated by a dwelling instead of a bungalow. Councillor Mrs MD Lloyd-Hayes was not in favour of a two storey dwelling on the site and felt that a bungalow would be more in keeping with the conservation area and adjoining properties. She said that it should be acknowledged that the existing residents had bought their bungalows on the basis that a bungalow would be developed on the plot. She also had concerns about the siting of the proposed garage at the front of the dwelling which she felt that would have an even greater detrimental effect on the location.

The Committee considered the details about the application including the likely impact on the Conservation Area, adjoining dwellings and the height of the proposed dwelling. Councillor Mrs Robertson said that the parish council had pointed out that their views had been misconstrued about the application because they had no objections. They took the view that the location was preferable to elsewhere in the village and although they had certain reservations about its height felt that this was a matter between the architect and the officers. Councillor JB Williams expressed his support for a two storey dwelling which he felt would provide good family accommodation and add to the variation and character of the village. The proposed height of the dwelling would not be much greater than the adjoining bungalows.

The Chief Development Control Officer advised the Committee that the site of the proposed dwelling was on the edge of the conservation area and would have no impact upon it. He pointed out that design and layout of the dwelling was acceptable on planning grounds and that the ridge height of the roof would only be one metre above the existing bungalows. He felt that there would be no significant impact upon the bungalows and the objections raised could not be sustained on planning grounds.

Having carefully considered the application, the Committee decided that planning permission should be granted.

RESOLVED: That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission)).

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

2. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

3. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

4. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

5. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

6. E16 (Removal of permitted development rights).

Reason: To prevent the overdevelopment of the site and to ensure any future development is controlled.

7. E19 (Obscure glazing to windows).

Reason: In order to protect the residential amenity of adjacent properties.

8. E09 (No conversion of garage to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

9. E01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality.

10. H10 (Parking - single house).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

11. Notwithstanding the details indicated on submitted drawing no. 793.1, details of a revised garage roof design shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development on site. Development shall only be carried out strictly in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

Informatives:

1. HN1 - Mud on highway.
2. HN4 - Private apparatus within highway.
3. HN5 - Works within the highway.
4. HN10 - No drainage to discharge to highway .

5. N15 - Reason(s) for the Grant of Planning Permission.**78. PLANNING APPLICATION DCCE2004/0026/F – PROPOSED DEVELOPMENT TO PROVIDE 19 RESIDENTIAL UNITS AT MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD**

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of a planning application for a mix of 19 flats, terraced houses and detached houses at Mill Court Village, Ledbury Road, Hereford. He outlined details of the proposed development and said that conditions were proposed which would safeguard the amenity of the residents of joining properties and the local environment. Improvements would be carried out to the existing access which would help to enhance highway safety. He was satisfied that the application was acceptable on planning grounds.

The Committee discussed details of the application and the likely impact of the proposed dwellings, car parking and access arrangements and concurred with the view of the Chief Development Control Officer.

RESOLVED: That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission)).

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

2 A07 (Development in accordance with approved plans). (Drawing nos. 12/04/03-1H, 04/12/03-02, 04/12/03-03, 12/04/03-4DY, 04/12/03-5).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

4 D01 (Site investigation - archaeology).

Reason: To ensure the archaeological interest of the site is recorded.

5 E18 (No new windows in specified elevation).

Reason: In order to protect the residential amenity of adjacent properties.

6 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

- 7 The levels of the development hereby approved shall be in accordance with the levels shown on drawing No. 12/04/03-1H.

Reason: To accord with the terms of the application and safeguard the amenities of surrounding properties.

- 8 G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 9 G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 10 G03 (Landscaping scheme (housing development) - implementation).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 11 No development shall commence on the site or machinery or materials be brought on to the site for the purpose of development until adequate measures have been taken to prevent damage to Eign Brook and to those trees which are to be retained. Protective measures must include:

- a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5 metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.
- b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.

Reason: In order to preserve the character and amenity of the area.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no buildings or other structures (including gates, walls or fences), shall be erected and/or no changes to ground levels shall be carried out within 5 metres of the top of any bank of water courses and / or within 5 metres of any site of an existing culverted watercourse inside or alongside the site unless otherwise agreed in writing by the local planning authority.

Reason: To maintain access to the water course for maintenance or improvements and allow for overland flood flows.

- 13 H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

- 14 H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

15 H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

16 H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

17 H29 (Secure cycle parking provision).

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.

Informatives:

1 HN01 - Mud on highway.

2 HN04 - Private apparatus within highway.

3 HN05 - Works within the highway.

4 HN08 - Section 38 Agreement details.

5 HN09 - Drainage details for Section 38.

6 HN10 - No drainage to discharge to highway.

7 HN19 - Disabled needs.

8 N03 - Adjoining property rights.

9 N04 - Rights of way.

10 N15 - Reason(s) for the Grant of Planning Permission.

11 The applicant's attention is drawn to the attached letter from the Environment Agency.

79. WELLINGTON PARISH PLAN

A report considered suggesting the adoption of the Wellington Parish Plan as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.

The Committee supported the adoption of the Wellington Parish Plan and expressed its appreciation for the hard work undertaken by the local community in helping to prepare the document.

RESOLVED: That it be recommended to the Cabinet Member (Environment) that the planning elements of the Wellington Parish Plan be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation.

80. CONSULTATION PAPER ON PLANNING POLICY STATEMENT 1 (PPS1): CREATING SUSTAINABLE COMMUNITIES

The Principle Planning Officer presented the report of the Chief Forward Planning Officer in respect of a proposed response to the consultation paper published by the Office of the Deputy Prime Minister (ODPM) he advised that the ODPM had invited comments on PPS1 which would replace PPG1 and would assist the Government in achieving its aim of reforming the planning system. PPS1 was an integral part of clause 38 of the Planning and Compulsory Purchase Bill which included provision for the preparation of Regional and Local Plans which encompass the aims of sustainable development, the purpose of the planning system, the spatial planning approach; and community involvement in planning. He said that the Government believed that planning policies should be used to shape the places where people want to work and live in a sustainable manner and which would meet the needs of current and future generations. He also said that the key policy messages from the Government were :

- the need for planning authorities to take an approach based on integrating the aims of sustainable development;
- the need for positive planning to achieve sustainable development objectives and proactive management of development, rather than simply regulation and control;
- the need for plans to set clear visions for communities and help to integrate the wide range of activities relating to development and regeneration; and
- the need for the planning system to be transparent, accessible and accountable, and to actively promote participation and involvement.

The Principal Local Planning Officer provided the Committee with an outline of the main aims of the proposals contained in the draft PPS1. He explained how the Councils Local Development plans and the merging Local Unitary Development Plan already interrelated with other major policies such as the Local Transport Plan the policies of other public authorities and the steps that had been taken to increasingly involve local communities in the preparation of such policies.

The Committee discussed the proposals set out in the consultation paper and the proposed responses to it. Councillor Brig. P. Jones was concerned that although the

draft set out a number of aims it did not indicate how these could be achieved. Councillor M.R. Cunningham shared this view and was particularly concerned that although the draft included the promotion of urban and rural regeneration no proposals were included to protect the shops and hotels of local communities from declining. Councillor Mrs. M. Lloyd-Hayes suggested that the Council should attempt to influence developers through Home Zones in respect of bringing forward sufficient land of a suitable quality in the right locations to meet the needs of development. Councillor B.F. Ashton took the view that the paragraph about promoting the more efficient use of land through high intensity and mixed use should also include the words 'where appropriate' to reflect the particular character and nature of rural and urban Herefordshire. He welcomed greater public participation in the preparation of policies but was concerned that it was then ignored in subsequent changes to Government policy. He was also concerned about Government moves to take away control of Local Authorities on certain issues and felt that this should be resisted where possible. Councillor R.M. Manning welcomed the move to greater transparency but in the planning process but wondered whether there was provision within the Council's Constitution to accommodate it. The Head of Planning Services said that the Council was under pressure to delegate up to 90% of planning applications and was difficult for the Constitution to be too prescriptive.

The Cabinet Member (Environment) expressed his appreciation to the Committee for its input regarding the draft.

RESOLVED

THAT the Cabinet Member (Environment) be recommended that the points summarised in this report forms the response of Herefordshire Council to be submitted to the Office of the Deputy Prime Minister.

The meeting ended at 11.30 am

CHAIRMAN

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings Held on 21st April, 12th May and 19th May and 16th June, 2004

Membership:

Councillors: Councillor J.W. Hope (Chairman)
Councillor J. Stone (Vice-Chairman)
Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke,
P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling,
B. Hunt, T.W. Hunt T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills,
R.J. Phillips, D.W. Rule M.B.E., R. V. Stockton, J.P. Thomas and J.B. Williams
(Ex Officio).

PLANNING APPLICATIONS

1. The Sub-Committee has met on 3 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved = 44;
 - (b) applications refused = 1;
 - (c) deferred applications = 8;
 - (d) site inspections = 5; and
 - (e) public speakers = 41
2. 4 applications were approved/refused contrary to officer recommendations, 2 of which have been referred to the Planning Committee.

PLANNING APPEALS

3. The Sub-Committee received information reports about 1 Appeal received and 4 that have been determined. Of the latter, 1 has been allowed and 3 have been dismissed.

**J.W. HOPE
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 21st April, 12th May, 19th May and 16th June 2004**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings Held on 5th May, 2nd June and 30th June, 2004

Membership:

Councillors: Councillor D.J. Fleet (Chairman)
 Councillor R. Preece (Vice-Chairman)
 Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

PLANNING APPLICATIONS

1. The Sub-Committee has met on 3 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 13;
 - (b) applications refused 1;
 - (c) applications minded to refuse contrary to officer recommendation 1;
 - (d) deferred applications 3;
 - (e) site inspections 3;
 - (f) withdrawn 1; and
 - (g) number of public speakers 9, (supporters 6, objectors 4, parish 0)

PLANNING APPEALS

2. The Sub-Committee received information reports about 9 appeals that had been received and 2 that had been determined. Of the latter, 1 had been withdrawn and 1 had been dismissed.

**D.J. FLEET
 CHAIRMAN
 CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings held on 5th May, 2nd June and 30th June, 2004**

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meeting Held on 12th May, 9th June and 7th July, 2004

Membership:

**Councillors: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)
Councillors H. Bramer M.R. Cunningham, N.J.J. Davies, Mrs C.J. Davis, G.W. Davis, J.W. Edwards , Mrs. A.E. Gray, T.W. Hunt (Ex-Officio) Mrs. J.A. Hyde, G. Lucas, D.C. Taylor, J.B. Williams**

PLANNING APPLICATIONS

2. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved 28;
 - (b) applications refused contrary to recommendation 2
 - (c) deferred applications 1
 - (d) site inspections 1
 - (e) number of public speakers 18, (supporters 9, objectors 8, parish 1)

PLANNING APPEALS

3. The Sub-Committee received information reports about 11 appeals that have been received and 8 which have been determined. Of the latter, 7 were dismissed, and 1 allowed.

**MRS R.F. LINCOLN
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meeting held on 17th March & 14th April, 2004,**

**DCNE2004/0703/F - RESIDENTIAL DEVELOPMENT OF
11 DWELLINGS, ACCESS, PARKING AND GARAGING
AT 26 & 28 ALBERT ROAD, LEDBURY,
HEREFORDSHIRE, HR8 1DW**

**For: Rural Homes, 43 Hagley Road, Stourbridge, West
Midlands, DY8 1QR**

Date Received:
26th February 2004

Ward:
Ledbury

Grid Ref:
70240, 37317

Expiry Date:
22nd April 2004

Local Member: Councillor Ashton, Councillor Rule & Councillor Harling

Introduction

1. This application was reported to the Northern Area Planning Sub-Committee on 21 April. That Committee was minded to refuse the application, contrary to recommendation, for the following reasons:
 1. The proposed development is of a scale and density which would have an unacceptable impact on the character of the immediate area.
 2. The development of this site would generate levels of traffic which would result in an unacceptable impact on highway safety in the area.
2. The Head of Planning Services considered that the case for refusal advanced did not form a sustainable basis on which to defend an appeal.

The original report follows.

1. Site Description and Proposal

- 1.1 This 0.32 hectare site is located on the south western side of Albert Road, Ledbury and presently contains two bungalows, numbers 26 and 28.
- 1.2 The proposal is to demolish the two bungalows and replace with eleven dwellings. The site has a road frontage of 52m and a depth of 62m. Seven dwellings will front onto Albert Road and contain two pairs of semi-detached dwellings either side of a terrace of three. Five of the dwellings will be 2-bed and two will be 3-bed. A central access will provide access to the rear of the frontage dwellings for parking and also access to three 4-bed dwellings and one 5-bed dwelling.
- 1.3 In total 22 car-parking spaces are proposed and 4 garages.
- 1.4 The access junction will be built out into Albert Road and a footpath created across the frontage of the site.

- 1.5 Members will recall that a planning application last year was refused and an appeal dismissed for 12 dwellings on this site. (Appended to the report).

2. Policies

PPG3 – Housing

Hereford and Worcester County Structure Plan

H13 – Location of Growth
H18 – Housing in Rural Areas
T12 – Car Parking
CTC9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 1 – Land for New Development
Housing Policy 2 – Development in Main Towns
Housing Policy 17 – Residential Standards
Housing Policy 18 – Tandem Development
Transport Policy 8 – Car Parking & Service Requirement
Transport Policy 10 – para.8.13 Traffic Impact
Transport Policy 11 – Traffic Impact

Ledbury Policies

Environmental Policy 1
Housing Policy 2

Unitary Development Plan – Deposit Draft

H1 – Settlement Boundaries and Primarily Residential Areas
H9 – Affordable Housing
H13 – Sustainable Residential Design
H14 – Re-using Previously Developed Land and Buildings
H16 – Car Parking
H19 – Open Space Requirements
RST3 – Standards for Outdoor Playing and Public Open Spaces

3. Planning History

NE02/3901/F - Residential redevelopment comprising of 12 dwellings, access, parking and garaging - Refused 6 May 2003. Appeal dismissed 17 November 2003.

NE03/1891/F - Residential development comprising of 10 dwellings, access, parking and garaging - Withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent observations are awaited.
- 4.2 Welsh Water raise no objections.

Internal Consultations

- 4.3 Head of Engineering recommends conditions.
- 4.4 Chief Conservation Officer raises no objection on archaeological or landscape grounds.

5. Representations

- 5.1 CPRE comment: "The current proposals are so similar to earlier proposals in respect of the density, design and layout of the houses that we can only reiterate earlier comments.

We are concerned about the traffic problem. Albert Road is narrow and has no pavements. There is much street parking. We think all additional houses would seriously exacerbate the situation and create further problems for emergency vehicles since in all likelihood there would be additional street parking.

The proposed housing development would be quite alien to the style of buildings in Albert Road. It would in our view be unattractive and obtrusive. General guidance on housing density should not, we suggest, be applied indiscriminately in an old market town with a character worth preserving.

We therefore ask the Council to refuse this application."

- 5.2 Ledbury Town Council - comments awaited
- 5.3 Ledbury & District Society Trust Ltd comment: We are writing to object to this application. We believe that the plans represent an over-development of the site, bearing in mind the restricted access to and from a narrow and busy side-road with little or no off-street parking.
- 5.4 Ledbury Area Cycle Forum – " I am writing to object to this application on grounds of access and the detrimental effect it would have on the safety of pedestrians and cyclists in the area.

The situation is unchanged since Herefordshire Council refused a previous application, number NE02/3901, for 12 dwellings on the site. As you know, this went to appeal, which found in favour of the Council's decision. Bella Johnson wrote to you on behalf of Ledbury Area Cycle Forum (LACF) to object to the former application on 13th February 2003, while I was out of the country. I wrote on 5th August 2003 to object to another application for that site, number NE03/1891F, which was subsequently withdrawn. All points made in those letters remain applicable. The Planning Inspectorate, in its decision dated 17th November 2003 to refuse the appeal on NE02/3901, stated (para. 5.) that the 'internal appearance of the site would be dominated by parking...' This appears to have been addressed by breaking up the parking areas with shrubs. However, in doing so, all parking (22 spaces and 4 garages - three less overall than previously) is effectively allocated to dwellings. In particular, parking for the rear row of four- and five-bedroom dwellings is shown within the curtilages. Therefore, if residents of a particular dwelling owned their full allocation of cars, there would be **no visitor parking** for that dwelling. This situation is most likely to arise in respect of the 7 dwellings in the front row (2 spaces each). No proposed dwelling is listed as 'affordable' in the application form: therefore it is highly likely these would each be occupied by two people, both needing to go out to work, probably in different locations, thus necessitating two cars. The Inspectorate's report relating to the NE02/3901 appeal stated (para. 6.) that it did not consider any existing parking problem in Albert Road would be a reason to refuse planning permission **'provided the development itself did not lead to additional on street parking in Albert Road'**. This revised parking arrangement would increase the likelihood of visitors' cars being parked in Albert Road, while the allocation of 2 or 3 spaces per dwelling would encourage car ownership on the site. This would result in a considerable number of extra cars using these narrow roads on a regular basis, with an increased parking problem in Albert Road itself.

Albert Road is very narrow (6.1m from the wall of number 26 to that of number 39, opposite). This is an absolute maximum width: the carriageway is somewhat less than this. The road has no pavement and is narrowed even further by parked cars, many of whose owners have nowhere else to park. This situation compromises the safety of pedestrians and cyclists, particularly children and the elderly. The Inspector's report (para. 7.) states that 'as a result of the parking along the road traffic speeds are very low'. Unfortunately, this is not always the case. I have once been forced into a gateway by a speeding car whilst on my bicycle and have witnessed such behaviour on several occasions. Others have reported similar experiences.

Both exits from Albert Road (onto Victoria Road and Little Marcle Road) have poor visibility. Victoria Road is similarly narrow and without a pavement, and is the route many residents take when going to Ledbury town centre. The alternatives are: either via the northern end of Victoria Road and Bridge Street or via the southern end of Victoria Road, Oatleys Road and Woodleigh Road to New Street. The latter is the shortest route to the closer of the town's supermarkets. Oatleys Road is narrow, has a tight double bend and is mostly without a pavement. There is a particularly narrow exit onto New Street from Woodleigh Road, where there is also no pavement. Bridge Street is too narrow for the amount of traffic it often has to take. Cyclists and pedestrians could use the Town Trail instead, but they would need to go via either Victoria Road or Little Marcle Road to reach it.

The plan view showing a pavement along the frontage of the site, with build-outs either side of the access road, is no different from previous applications. The build-outs would narrow Albert Road even more at this point. The scale of this drawing is shown as 1:200, but measurements across Albert Road taken from the drawing as drawn, compared with its actual width (6.1m absolute maximum), indicate that the drawing (as lodged in St. Katherine's) is actually no more than 1:165.

It therefore gives the impression that Albert Road is wider than it really is. Assuming the drawing is dimensionally correct *pro rata*, the build-outs would reduce the main line of Albert Road to 4.5m at most. Pinch-points such as this increase danger to cyclists.

At a time when central government is encouraging walking and cycling, and Herefordshire Council is promoting a Safer Routes to School scheme in Ledbury, this over-development and consequent increase in motor traffic would be detrimental to the whole neighbourhood. We therefore ask you to reject this application.

At a time when central government is encouraging walking and cycling, and Herefordshire Council is promoting a Safer Routes to School scheme in Ledbury, this over-development and consequent increase in motor traffic would be detrimental to the whole neighbourhood. We therefore ask you to reject this application.

If, however, Herefordshire Council sees fit to permit this development, LACF would like to know what measures the Council will take to ensure the safety of pedestrians and cyclists in the area is not compromised, including during the construction phase. Such measures could include access restrictions (ie. residents' and visitors' motor vehicles only) to affect **all** the network of roads in the area; namely Albert Road, Victoria Road, Oatleys Road and Crescent, and Woodleigh Road, and/or designate the whole area a 'Home Zone'. This would reduce the amount of through traffic that uses these roads to get to, for example, the waste reclamation site in Little Marcle Road. We suggest 'planning gain' is used to finance such measures if this application is permitted.

No form of one-way system should be considered since it would cause considerable inconvenience to all existing residents, particularly cyclists. It would also increase traffic on other roads in the network. Traffic speeds have **increased** in many cases where such schemes have been introduced elsewhere".

We request that the Council's Transportation and Highways Departments looks at all the road safety issues I have raised in this letter".

5.5 A petition signed by 88 people together with 19 letters of objection has been received, the main points raised are:

- 1) This is an overdevelopment of the site.
- 2) It will have a negative environmental impact on the existing trees and wildlife.
- 3) Will exacerbate an already difficult parking and traffic situation in Albert Road which also causes problems for refuse vehicles and ambulances and does not comply with the safety routes to school policy.
- 4) The previous application was dismissed by the Appeals Inspector and this position should be maintained.
- 5) It will not meet the needs of younger families in Ledbury who will not be able to afford these houses.
- 6) The exits from Albert Road onto Little Marcle Road and Victoria Road are dangerous and the additional units will only increase the problem.
- 7) Access to numbers 39 and 41 Albert Road opposite the site would be impacted upon and possibly not able to get cars in off the road and therefore mean that two extra cars would need to park on the road.

- 8) The proposal is contrary to Housing Policy 17 in that it will not create an interesting and attractive visual environment.
- 9) Impact of amenity/privacy with proposed dwellings subject to existing houses in Albert Road and Churchill Meadow to the rear.
- 10) They would be great stress on residents during demolition and building.

5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The site lies within the Settlement Boundary for Ledbury as identified in the Malvern Hills District Local Plan and the replacement of 2 bungalows with 11 dwellings which equates to 34.37 dwellings per hectare is at the lower end of the 30 – 50 houses per hectare target laid down by PPG3.

6.2 The development also provides a mix of dwelling types from 2, 3, 4 & 5 bed terraced, semi-detached and detached dwellings.

6.3 In dismissing the previous appeal on this site the Inspector considered that there were two main criteria for the application to be considered under (i) impact and character and (ii) traffic impact.

- (i) The Inspector considered that the intensification of development was acceptable and in particular supported the manner in which the frontage development was proposed. This has been retained with this proposal. However, she was critical of the terraced units to the rear, which provided a hard urban form. This proposal has reduced the number of dwellings from five to four and they are all detached with 'fingers' of landscaping protruding in front of them. They are also slightly angled into the site but still all have rear boundaries of at least 10 metres. The parking access is still retained but in a more imaginative layout rather than the regimented form previously.

The Inspector concerns regarding the impact on Well Cottage has been noted by the applicants who have moved the parking spaces so that at its nearest point it is over two metres away compared to 0.2m. This area will now be used to form a landscape buffer.

- (ii) The Inspector acknowledged that Albert Road was narrow with no pavement but considered that the existing problems were not a reason in itself to prevent intensification of development on the appeal site provided off-street parking was provided for the new development. This proposal still maintains off-street parking for the new development. Furthermore, the Inspector considered that the existing traffic problems inhibit traffic speeds and the additional traffic would therefore not diminish highway safety. The Inspector also considered that the parking and access concerns of residents who live opposite might be improved as the new access to the development site would discourage parking and that if necessary other measures could be taken to prevent street parking.

- 6.4 It is therefore considered that the application fully addresses the concerns of the Inspector in that the hard urban form to the rear has been amended and additional land has been provided to enhance landscaping on the site. The concerns of the local residents, CPRE, LDST and Cycle Forum are noted however the proposal is considered to comply with the Development Plan and importantly the comments of the Inspector on the dismissed appeal.
- 6.5 Finally, the Inspector noted that traffic emerging from the site and travelling down hill to Little Marcle would be less likely to encounter difficulties. Members may wish to instruct the Council's Head of Engineering to consider the imposition of a one-way system for Albert Road.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

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

2 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - E16 (Removal of permitted development rights)

Reason: In order to clarify the terms of this permission.

4 - E17 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties.

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

8 - H03 (Visibility splays)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 - H11 (Parking - estate development (more than one house))

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

11 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12 - H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

13 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

14 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

15 - The development hereby approved shall not be occupied until the footpath/pavement at the front of the site has been completed in full to the satisfaction of the local planning authority.

Reason: To ensure the satisfactory completion of the footpath/pavement.

Informatives

- 1 - HN07 - Section 278 Agreement
- 2 - HN10 - No drainage to discharge to highway
- 3 - HN17 - Design of street lighting for Section 278
- 4 - HN19 - Disabled needs
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

**DCNE2003/3706/F - CHANGE OF USE TO
RESIDENTIAL 3 NO. APARTMENTS, 3 NO. HOUSES,
GARAGES AND PARKING SPACES AND ASSOCIATED
DRAINAGE AT STRETTON GRANGE RETIREMENT
HOME, STRETTON GRANDISON, LEDBURY,
HEREFORDSHIRE, HR8 2TS**

**For: KMH Property Developments Ltd. Development
Design Partnership Sandford House 6 & 7 Lower High
Street Stourbridge West Midlands DY8 1TE**

**Date Received:
10th December 2003**

**Ward:
Frome**

**Grid Ref:
63113, 44069**

**Expiry Date:
4th February 2004**

Local Member: Councillor R Manning

Introduction

1. This application was reported to the Northern Area Planning Committee on 19 May 2004. Members were minded to approve the application contrary to officer recommendation.
2. The Head of Planning Services considered that there were fundamental planning policy issues at stake which necessitated referral of the application to this committee.

The original report follows.

1. Site Description and Proposal

- 1.1 The application site comprises Stretton Grange and its grounds, but excludes the Grade II Listed Barn to the rear of Stretton Grange itself.
- 1.2 The site is located on the outside of a bend on the A417 and is situated within the Stretton Grandison Conservation Area.
- 1.3 The proposal is for the conversion of Stretton Grange to 3 two-bedroomed apartments and the erection of 3 detached dwellings on the eastern side of the site. Plot 5 lying to the rear of the site is for a large exposed timber framed dwelling with four-bedrooms and a detached double garage. Plot 6 is also for a four-bedroom dwelling of cottage like appearance whilst Plot 7 proposes a five-bedroomed house which projects forward of Stretton Grange of a much more formal style not dissimilar to Stretton Grange. A detached double garage is also included, this property includes two-bedrooms within the attic space within the 2 1/2 storey design. The ridge height of this particular property is approximately 9.3 metres. Access to Plot 7 is via the existing hard surface

area in front of Stretton Grange. Access to Plots 5 and 6 is via a new driveway which runs along the western and northern boundaries of the site involving excavation and a timber crib retaining structure, between the barn on the eastern side of this new drive and the existing property known as The Cedar to the west.

- 1.4 The eastern boundary of the site consists of a number of mature trees subject of a Tree Preservation Order. An Arboricultural Report has been provided with the application which suggests that only five trees will need to be removed with remedial workes required to a further eight.

2. Policies

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside
Housing Policy 17 – Residential Standards
Conservation Policy 1 – Preserving or Enhancing Conservation Areas
Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 3 – Setting of Conservation Areas
Conservation Policy 11 – The Setting of Listed Buildings
Conservation Policy 14 – Re-Use of Large Country Houses
Landscape Policy 10 – Tree Preservation Orders

Hereford and Worcester County Structure Plan

Policy H20 – Residential Development in Open Countryside
Policy CTC11 – Trees and Woodlands
Policy CTC13 – Conversion of Buildings
Policy CTC15 – Conservation Areas

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7 – Housing in the Countryside Outside Settlements
Policy LA5 – Protection of Trees, Woodlands and Hedgerows
Policy HBA4 – Setting of Listed Buildings
Policy HBA6 – New Development within Conservation Areas

3. Planning History

MH1317/86 - Proposed dwelling and garage at Stretton Grange Residential Home. Refused planning permission 4 August 1986.

MH2925/87 - Change of use of existing outbuilding and extension to existing house for residential home. Planning permission and listed building consent refused 14 March 1988.

MH1260/85 - Conversion and renovation of outbuildings to form two self-contained dwellings. Refused 29 July 1985.

MH91/1007 - Extension to existing rest home. Approved 2 September 1991.

MH96/0240 - Renewal of MH91/1007. Approved 29 April 1996.

MH97/0825 & 0826 - Planning permission and listed building consent. Approved 9 March 1998 for conversion of redundant agricultural buildings to form two dwellings.

NE01/2941/F - Change of use of residential care home to hostel accommodation. Approved 16 January 2002.

NE03/2574/F - Conversion of Stretton Grange to three apartments and erection of five dwellings. Application withdrawn 15 October 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency comment: 'The Agency are on the understanding that a connection to the mains foul sewer is considered to be impracticable. The Agency have therefore considered the non-mains drainage scheme as proposed, in line with Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage). The additional information shows that a Klargestor Biodisc treatment plant is proposed, discharging through an existing outfall to a watercourse on the eastern boundary of the site.

On the understanding of the above, the Agency wishes to withdraw its previous holding objection and has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

Condition: The foul drainage from the proposed development shall be discharged to a package sewerage treatment plant which meets the requirements of British Standard BS 6297:1983.

Reason: To prevent pollution of the water environment.'

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections subject to conditions.
- 4.3 Public Rights of Way Manager advises that public footpath ESG22 crosses the north-east corner of the site and advises that the garage on this plot should be located not less than 16 metres from the corner to avoid the public right of way.
- 4.4 Chief Conservation Officer recommends imposition of standard archaeological condition. Comment is also made upon the aboricultural report advises that 5 significant trees have either been omitted or wrongly plotted on the layout giving the impression there will be less impact on the trees than is actually the case. A slight amendment to the layout would minimise the damage to the trees.

In terms of the impact of the proposal upon the Setting of the Listed Building and upon the character of the Conservation Area the following appraisal has been submitted:

'Character assessment of building: Stretton Grandison is a small hamlet with the conservation area centering on Stretton Court. It is situated in a rural context with an attractive backdrop of open countryside and the high landscape quality of Homend Park, and is dissected by the A417. It is characterised by the informal, loose grouping of vernacular buildings with important open spaces and mature trees between these

groups, which adds considerably to the rural character and high environmental quality. A significant number of the buildings within the Conservation Area are listed which reflects the high quality and interest of the historic built environment.

Comments: I would strongly contest that the previous decision relating to this site (MH96/0246) sets a precedent for the current application. The previous submission was for an extension to a nursing home and was therefore assessed under criteria in relation to this use, and most importantly as an extension to an existing building. Stretton Grandison has no settlement definition or boundary and any new build is not therefore acceptable in principle as it deemed to be development within the open countryside. The principle of residential development of this site has not, therefore, been established, and is contrary to policy. The fact that the previous application has been implemented should not be a material consideration in assessing the appropriateness of current proposals.

There are strong objections to the current application both in principle and in terms of the significant and highly detrimental impact proposals will have on the character and appearance of the conservation area. Secondary to this are concerns regarding the impact on the setting of listed buildings both within and adjacent to the site. The open spaces between groups of buildings are important to the character of the area and this site currently provides a clear distinction both visually and physically between Stretton Court and its associated outbuildings as a group, and the Grange with its listed barn to the rear. Notwithstanding in principle objections the infill proposed is of a scale and density that is inappropriate within this context, would severely compromise the distinction between groups of buildings, and which subsequently fails to respect the pattern of historical development which is so important to this conservation area. The impact on the street scene will be significant with the proximity and large scale of the new dwellings appearing incongruous, especially in the extent to which the proposed new dwelling to the frontage will complete with Stretton Grange. This dwelling is of comparable scale with the Grange, is sited closer to the road, and has a garage and curtilage wall that add to the impression that it is the principle building on the site. This curtilage wall overlaps the Grange, which further exacerbates the uncomfortable relationship between the two buildings. While the retention of the majority of mature trees on the site is welcomed, this does not alleviate the above concerns.

The proposed access road would have an adverse impact on the appearance of the conservation area in its own right. This road would be visually prominent built element both within the site and on the immediate approach from the east, given the height of the bank into which it is to be cut and the urban/industrial nature of the retaining wall. I remain to be convinced that its appearance could be softened through planting adequately enough to overcome these concerns due to the scale of the reformation of the land. The undulating topography contributes to the high landscape quality of the area and the proposed access would be a visually harsh and incongruous element in this context. There were also some minor concerns regarding the proximity of the access to the listed barn both in terms of setting and in possible supporting works that may be required to the barn as a result.

The retention of the courtyard between the Grange and barn is welcome although their context will be adversely affected. The setting of the barn will be compromised by the cumulative impact of proposed development due to its density and proximity. An integral part of the setting of both this building and Stretton Court and its curtilage outbuildings is their group relationship, which it has been demonstrated will be severely compromised.

There are also some minor concerns regarding the proposed extensions to Stretton Grange which sit uncomfortably against the host building and fail to preserve or enhance its historic character and appearance. A conservatory may have been more appropriately located in the position of the garage and an independent garage constructed. However, an independent garage could feasibly only have been located to the front of the house (detracting further from its setting and the conservation area), because of the lack of opportunity for alternative sites, due in part to the density of development proposed.

Conclusion: The principle of a residential use is unacceptable given that the site is within the open countryside. Proposals would have a detrimental impact on the character and appearance of the conservation area, fail to respect historic development patterns, and subsequently adversely affect the group value and setting of adjacent listed buildings.'

5. Representations

5.1 Stretton Grandison Parish Council approves the revised application making the following comments:

'Every effort should be made to retain as many trees as possible.

- a) Maintenance of retaining walls should be insured.
- b) Drainage from both effluent and storm water is crucial and careful consideration should be given to the best methods for dealing with these.
- c) The Parish Council is concerned that the Planning Department is likely to turn down the application and that this will pave the way for the original approved application to build large extension to the main house to be carried out by the developers. I would reiterate that Stretton Grandison Parish Council and local residents are unanimous in their support of the above revised planning application and would ask the Planning Department to bear this in mind when reaching any decision.

5.2 Letters of support have been received from Stretton Court Farm House, The Cedar, The Threshing Barn, Stretton Court The Old Hop Barn. The letters are summarised as follows.

- a) The proposal is less intrusive than previous planning permission and the least harmful proposal to date.
- b) It will permanently remove any extant permissions.
- c) The proposal is in keeping with the village and is better than the plans for a hostel.
- d) It will save many of the trees subject to Tree Preservation Order that are a major part of the local skyline and a habitat for many birds. In addition further representations have been received from these addresses advising concern of the delay in the determination of the application and that planning permission may not be granted and that either the previous extensions to the care home or the ladies hostel may result.
- e) One of the above letters is subject to the proviso that trees are protected on the eastern boundary especially the large horse chestnut, there is no erosion of the bank and no storm water drainage or sewage overflow onto the adjoining site. A

further letter of representation from Stretton Cottage has been received expressing concern about sewage problems in the area and highway safety issues.

5.3 A letter of concern about drainage issues and highway safety has been received from Stretton Cottages.

5.4 In support of the application the applicants agent advises:

'...the revised scheme now being resubmitted is as far as my client can go and still make the scheme viable and unless we are successful with this application my Client would have no alternative but to construct the approved extension to the care home, which he does not want to do. We know the residents of Stretton Grandison do not want the extension built.

Surely our amended scheme shows significant improvement over the existing extension of the nursing home and that the Council has the opportunity to get rid of an inherited approval that no one wants, we believe the points our scheme scores over the approved extension are:

- All the TPO trees will be retained.
- The impact on the listed barn would be much improved.
- The character and appearance of the Conservation Area would be kept intact.
- Retention of privacy and amenity of neighbours.
- Local residents support our proposals.
- The proposed scheme would sit well into the surroundings.
- All of the above would be lost if the extension was constructed.

We have made some minor revisions to the layout to take into account your comments contained in your letter of 31st October 2003, namely we have reduced in size the footprint of house type on Plot 6 but we must achieve a 4 bedroom house on this plot to make it viable.

Plot 7 this house type has been pushed back by 2 metres.

Access road 6 metres radii at junction turning head increased to 16 metres, the access road would remain private and would not be offered for adoption.

Private drive serving plots 5 and 6. Turning area of plot 5 shown. 2 no. passing places shown.

We are awaiting Tree Report this will be sent direct when available.

We believe that the revised scheme has so much going for it and that it shows such a significant improvement over the approved extension to the care home, and also the support given by the local residents that the Council will find it very hard to refuse the application, but if they are to refuse our application I hope someone will explain the reasons for refusal to the local residents, so that they will know the reasons why my client is building the approved extension.'

5.5 The Agent has also submitted a note to him from his legal adviser commenting upon the advice offered by Senior Planning Officer, about the extant permissions upon planning policies and the fall back position and case law. It also suggests that there is a fatal flaw in the recommendation for refusal that no consideration has been taken of

the material considerations presented in the note nor to the fact that case law rehearses a fall back position supporting the case here.

- 5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Since no settlement boundary has been defined for residential development in Stretton Grandison the proposal falls to be considered primarily against Housing Policy 4 of the Malvern Hills District Local Plan and Policy H20 of the County Structure Plan. The proposal does not represent any of the exceptional circumstances in which residential development can take place in such locations. Consequently the proposal is contrary to those policies.
- 6.2 The application is presented as an alternative to existing development previously permitted on the site for extension to the former residential care home. This was most recently approved under code MH96/0246 on 29th April 1996. By virtue of compliance with necessary conditions and commencement of excavation that permission remains extant. That permission was for a large 2-storey extension linked to the main house above a single storey and two-storey element. For ease of comparison copies of the plans will be available through the PowerPoint presentation. It would appear from comparison of the layouts that the care home extension being located approximately 2 – 3 metres closer to the eastern boundary would have a greater impact on the trees within the area defined by the Tree Preservation Order.
- 6.3 The existence of the extant permission is clearly a material consideration and has not been ignored as the applicant's legal adviser suggests, although the note was submitted prior to preparation of the report. It is a matter of individual interpretation as to what weight can be afforded that previous permission, together with the permission for the conversion of Stretton Grange to a ladies hostel.
- 6.4 In considering the weight to be given to the previous permission for the extension it is necessary to consider the impact of both the proposal and that early permission upon the setting of a listed barn behind Stretton Grange and upon the impact on the character and setting of the Conservation Area. In this regard Members are referred to the advice from the Chief Conservation Officer. In terms of comparison with the main street scene the proposed 2½-storey dwelling competes with Stretton Grange whilst the extension to the nursing home being much plainer is clearly subservient to it and it is assumed that it was on that basis that the previous permission was granted.
- 6.5 In terms of highway safety issues and amenity to adjoining neighbours the proposal is considered acceptable. When treated on its merits the current application is clearly contrary to Policy and considered detrimental to the character and setting of both the listed building and Stretton Grandison Conservation Area. Even setting against this the material consideration of the permission for the extension it is considered that the proposal remains unacceptable. The issue of the conversion of Stretton Grange to the ladies hostel adds little weight to this argument.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 It is considered that the proposal is contrary to Housing Policy 4 of the Adopted Malvern Hills District Local Plan and Policy H20 of the Hereford and Worcester County Structure Plan in that it proposes residential development in the open countryside. It does not appear to the local planning authority there is sufficient justification for the development to override these policies.**

- 2 It is considered that the proposal will have a detrimental impact upon the character and appearance of the Stretton Grandison Conservation Area and the Setting of the adjacent Listed Buildings contrary to Conservation Policy 2 and Conservation Policy 11 of the Adopted Malvern Hills District Local Plan.**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

SUPPLEMENTARY PLANNING GUIDANCE – LANDSCAPE CHARACTER ASSESSMENT

Report By: Head of Planning Services

Wards Affected

1. All

Purpose

2.
 - a) To consider the representations made in relation to the draft Landscape Character Assessment SPG
 - b) To agree amendments to the draft SPG
 - c) To adopt the amended SPG as interim policy guidance pending the eventual adoption of the Unitary Development Plan

Financial Implications

3.
 - a) Future printing costs of the revised adopted document.
 - b) Costs of providing training in the use of the LCA, particularly to Development Control Officers

It is anticipated that these can be met from existing budget provisions.

Background

4. In September 2002, the Council published draft Supplementary Planning Guidance (SPG) on Landscape Character Assessment (LCA) as one of a series of SPG documents associated with the Unitary Development Plan. The Landscape SPG in particular is intended to provide the framework within which development and land management proposals can be designed and assessed in relation to their impact on landscape character.
5. The introduction of SPG documents is being phased, but the Landscape Character Assessment SPG was one of a number of drafts issued for consultation at the same time as the Deposit Draft UDP. The responses received have therefore been taken into account in the proposed changes to both the UDP Landscape policies and the SPG itself. A report on the proposed SPG changes has had to await completion of all the proposed changes to the UDP, which were approved by the Council on 5th March 2004. It is important that the SPG is adopted under the existing development plan system before the commencement of the relevant provisions under the new Planning and Compulsory Purchase Act. Otherwise, it will come under new provisions relating to Supplementary Planning Documents (SPD) and considerable delay may be incurred in securing adoption.
6. Once the proposed changes to the SPG have been approved, it is planned that the document will be published as 'interim' policy guidance. This interim status is firstly

because the UDP landscape policies could be subject to further changes following the consultation on the Revised Deposit UDP and the subsequent Public Inquiry procedure, and secondly because the commencement of the new Planning Act will change the framework within which development planning and supplementary planning guidance operate. Some uncertainties may therefore remain about the final form and content of the SPG/SPD during this period of transition.

Contents of the Landscape SPG

7. The SPG is both an analytical tool and a guide to managing sustainable change in the landscape. As an analytical tool, it records how the landscape character of the County has developed, identifies landscape types and areas and helps to determine what comprises local distinctiveness. The County's LCA was undertaken with advice from a specialist consultant supported by the Countryside Agency. Latest advice from the Countryside Agency in its shortly to be published "Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity" quotes Herefordshire Council's Landscape Character Assessment as an example of "best practice" within this subject area. Extensive research over several years during the preparation of the LCA has provided a large database to support the SPG, affording a highly detailed picture of the landscape character down to a very local level. A technical handbook is also being produced, setting out detailed methodology, further descriptions and extensive raw data. As a guide to managing landscape change, the SPG addresses the resilience and sensitivity of different landscape types or characteristics to the pressures of modern land use and management.
8. The SPG seeks to explain the current concepts of landscape and landscape character and to offer guidance in the application of the Landscape Character Assessment to professionals and lay persons alike. It is intended to promote the use of landscape assessment as part of the development control process, to increase awareness of the countryside's character and to ensure that future development is compatible with that character. It is also intended to be accessible to anyone who requires information about the Council's policy and practice for the conservation, enhancement and restoration of the rural landscape.

Relationship to the UDP

9. The consultation paralleled that undertaken for the Deposit Draft UDP, running from September to December 2002 and then extended to 31st January 2003 to allow all comments to be made. Representations on the SPG were received from 29 organisations or individuals, and a total of 172 individual comments were made. These have been summarised in tabular form, together with an officer response and a recommendation for change or no change to the document. [A copy of the full, tabulated schedule accompanies this report as Appendix A. Where amendments are proposed, reference is made to the relevant item number(s) in Appendix B.]
10. The most serious overall concern regarded the perception that, contrary to statements made in clauses 2.1.5, 2.3.5, 3.4.8 of the SPG, a new local landscape designation was, in effect, being set up through the identification of Areas of Least Resilience and that this would effectively prevent development. This concern was also expressed in objections to UDP Policy LA2. In response to this objection in principle, additional explanatory wording has been inserted into Chapter 9 para 9.4.10 of the UDP, which now states :

“Plan policy LA2, set out below, seeks to retain and enhance landscape character and to minimise the impact of landscape change, particularly that arising from new development. The Assessment employs the concept of ‘areas least resilient to change’ to signify those parts of the County where landscape character is especially vulnerable to new development. These landscapes are identified on the proposals map. This precautionary approach is used partially as a strategic tool to direct major new development away from such areas where possible. However, there will not be a general ‘presumption against development’ in these areas. The intention is not to prevent necessary development in these areas per se, but to ensure that development respects landscape character. This will be achieved either by resisting inappropriate new development that would cause unacceptable adverse change to landscape character, or by accommodating it only if it can be demonstrated that landscape character can be protected adequately or that the proposed development can satisfactorily mitigate the impacts or compensate for them. It must be stressed that areas least resilient to change are not intended as a new blanket local countryside designation to restrict development uniformly across an area, but as a sensitive tool for assessing landscape impacts of proposed development before decisions are made. Nor is the intention that the whole landscape will necessarily be sacrosanct in areas least resilient to change. New development may be appropriate as long as it is not damaging the key characteristics within the landscape.”

Overall Response to the Consultation

11. Overall, comments received regarding the Landscape SPG can be broadly divided into those concerned with:
 - **the methodology and application** of the assessment, including the user-friendliness of the ‘front end’ of the SPG and Appendix A;
 - **the outputs of the assessment** - in terms of the areas identified, their characteristics and features, and their resilience to change;
 - the inclusion of particular localities in, or their exclusion from, the **areas least resilient to change**;
 - the implications of the SPG for future **development and land management**, particularly for potential restraints on what will or will not be permitted;
 - **minor omissions**, errors of fact or typographical errors.
12. The following sections summarise the comments under these categories and set out the officers’ responses, including whether or not changes to the SPG are proposed as a consequence.

Comments: Methodology and Application

- 13 85 comments have been received relating to the methodology and application of the assessment, including the user-friendliness of the ‘front end’ of the SPG and Appendix A. Wherever possible, and where there would be no resultant change in meaning, these have been incorporated into the SPG revisions, but those that object in principle to all or part of the methodology have not been accepted because their acceptance would undermine the integrity of the study methodology that has been agreed with the Countryside Agency and is being used by other local authorities. Of the 85 comments, 47 have resulted in changes to the text.

Comments: Outputs of the Assessment

14. 46 comments relating to the outputs of the assessment in terms of the areas identified, their characteristics and features, and their resilience to change have been received. Where accommodating representations does not result in a change of meaning or is not contrary to the methodology, they have been included in the revised SPG. 10 comments have resulted in changes to the SPG.

Comments: Areas Least Resilient to Change

15. Only 2 comments were received regarding the inclusion of particular localities in, or their exclusion from, the areas least resilient to change. These have not been accepted as to do so would compromise the analytical methods of the LCA.

Comments: Implications for Development and Land Management

16. 11 comments have been received in relation to the implications of the SPG for future development and land management, particularly for potential restraints on what will or will not be permitted. Most of these comments relate to matters outside the remit of the SPG. Only 2 comments were considered pertinent and have resulted in changes to the text.

Comments: Minor omissions

17. 14 comments were received regarding minor omissions or additions, rewordings, typographical and factual errors. These have all been accepted and resulted in change.

Comments: In Support

18. 14 expressions of support have been received.

Additional Proposed Changes to the SPG

19. Add further explanation in Section 2.3 regarding Government Draft Planning Policy Statement (PPS)7, which has been published since the draft SPG was prepared.
20. Add further explanation in Section 2.3 regarding Government Regional Planning Guidance for the West Midlands, which has been published since the draft SPG was prepared.
21. Renumber paragraphs and references as required by revisions.
22. Update the Foreword.

RECOMMENDATIONS

THAT IT BE RECOMMENDED TO THE CABINET MEMBER (ENVIRONMENT) THAT:

- (a) **the volume and content of the comments received on the Landscape Character Assessment SPG consultation and set out in Appendix A to this report be noted;**

- (b) the revisions proposed by officers and set out in Appendix B to this report be approved;
- (c) authority be given to undertake minor changes such as correcting typographical errors and paragraph re-numbering and updating text to take into account new Government guidance as appropriate;
- (d) the revised Landscape Character Assessment SPG be adopted and published as interim guidance, pending adoption of the Unitary Development Plan.

BACKGROUND PAPERS

Herefordshire Unitary Development Plan - Deposit Draft, September 2002; Revised Deposit Draft, May 2004. Herefordshire Council,

Supplementary Planning Guidance – Landscape Character Assessment (Draft). Herefordshire Council, September 2002.

APPENDIX A

LANDSCAPE CHARACTER ASSESSMENT SPG – SCHEDULE OF COMMENTS

Organisation	Ref:	Summary of Comments	Response and Recommendation
Burghill Parish Council		Congratulations on LCA SPG	The support is noted. Recommendation: no change
	Policy LA6	Query whether HC has a policy to force owners to reinstate deliberately despoiled land	This is a general query, recommend a letter explaining Local Authority powers under the planning system
Country Land & Business Association	2.35 & Fig 2	The analysis & evaluation have exceeded the intentions in PPG7 and resulted in a new landscape designation of “least resilience”. CLA object to landscape designations that are preventative in nature	Abandonment of the analysis and evaluation, as inferred by this consultation response would significantly reduce the usefulness of the LCA as a tool for understanding the landscape and guiding land use change. The LCA is intended as a tool for more sensitive analysis of landscape character for planning policy and development proposals than has previously been possible. “Areas least Resilient to change” are not intended as designations where development will be generally resisted but rather as areas where development impact on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. Recommendation: Items 10, 78, 79, 80, 81
	Fig 3	Object to wording that states that woodland is inappropriate or there is a presumption against woodland. Farmers are having to look at diversification and this wording is prescriptive	Disagree. The LCA describes the woodland pattern and woodland that does not conform to the inherent pattern will be contrary to the character. Forestry Commission are supportive of the LCA approach. Recommendation: no change
	Fig 2	Concern over the cost to landowners of restoration and conservation conditions	These would be conditioned to planning permissions in the same way that they are now. The wording of Fig2 seeks to point the direction of those conditions not their extent. Recommendation: no change

Countryside Agency	Supportive of the use of LCA and Policy LA2 and supporting text	The support is noted. Recommendation: no change
	The SPG should more clearly set out the contribution that LCA can make to the development of new landscapes and character	Accepted. Recommendation: item 21
	Explain the methodology in greater depth	We think this would be too confusing in SPG. The technical handbook has this information. Recommendation: no change
	The relationship between the HC methodology and the Agency's approach needs to be made clear	Accepted. Recommendation: item 15
	Increase the prominence of stakeholder involvement	Too late to do this. Recommendation: no change
	Increase the explanation of sensitivity	We think this would be too confusing in SPG. The technical handbook has this information. Recommendation: no change
	Training programme for officers and members is needed	Accepted
	Review glossary for completeness	Accepted
	Try to position figures next to relevant text	Accepted but this is not always possible
	Include a summary box at the beginning or end of each chapter	Accepted. Recommendation: item 89
	Divide the guidance into two parts	Disagree. We think this would fragment it too much. Recommendation: no change
	Insert advice on how to use the SPG at the beginning	Accepted. Recommendation: item 4
	SPG uses "inherent" while Policy LA2 uses "intrinsic"	Accepted. Recommendation: Change Policy LA2 to "inherent"
	3.1.3 Rephrase as this is misleading relating to analysis and evaluation	Accepted. Recommendation: item 15
	3.4.8, 6.2.3 Fig2 & 3 Emphasise that LCA can only partly assess the landscapes ability to accept development without due harm – more about other sustainability tools is needed	Accepted. Recommendation: items 22, 38
6.2.1 Add a flow diagram	Accepted. Recommendation: item 32	

	6.2.1	Add an additional step to include site specific considerations	Accepted. Recommendation: add 6th bullet point – “Ensure that detailed proposals fully take into account all site features and that mitigation and enhancement measures conform to and strengthen the key characteristics of the landscape.” Accepted. Recommendation: item 36
	6.2.1	4 th bullet point needs further guidance to reference settlement pattern	Accepted. Recommendation: item 36
cpm on behalf of The Church Commissioners		The approach in the SPG does not take into account the type and nature of change that has formed the basis for the assessment of resilience for each Landscape Type.	The type and nature of change cannot be taken into account because it will be very variable, based on individual site proposals. This is clearly stated in several places in the SPG e.g. 3.4.8., 6.2.3 The assessment of resilience is based on the sum of the capacity of each landscape character attribute to accept change without undue harm. Recommendation: no change
		The resulting policy or landscape strategies do not identify the criteria for assessing what constitutes a significant change	Accepted, but this would vary with individual site circumstances and would be partially assessed by visual assessment of the proposals. Recommendation: no change
		The SPG does not explicitly recognise that the capacity of the landscape to accommodate change depends on the type and nature of change proposed. The resulting classification for resilience therefore does not take into account the type and nature of development considered acceptable/unacceptable	Strongly disagree that the capacity of the landscape to accommodate change always depends on the type and nature of the change proposed. Some Landscape Types e.g. Unsettled landscape could not accommodate any built development without significant detriment to landscape character. Other settled landscapes will vary in their capacity to accept change. The type and nature of change cannot be taken into account because it will be very variable, based on individual site proposals. Recommendation: no change
		Whilst policy LA21 acknowledges the potential for limited development in areas of Least Resilience, this is based on an assumption that the defined areas are correct and consistent.	We believe that the defined areas are correct and consistent. Recommendation: no change
		Being derived from the SPG the policy appears to relate to the rural landscape and therefore does not take account of the specific needs and	Agreed that a landscape assessment of the urban fringe would be a useful exercise for the future. However, due to the limited extent of the urban fringe in

		pressures that exist on the urban fringe.	Herefordshire it is felt that this can be addressed in detail on a site specific basis as and when required. Recommendation: no change
		No assessment is made in the SPG regarding the visual capacity to change	It is clearly stated that this has not been attempted because it would be site specific and reliant on the nature of the proposals see clause 6.2.3. Recommendation: no change
		By the admission of the draft SPG, the Landscape Character Assessment is only part of the process in assessing resilience. Other work is considered to be vital in strategic land use planning and development control	The SPG does not say that the Landscape Character Assessment is only part of the process in assessing resilience. The resilience assessment is <u>totally</u> dependant on the LCA. Clause 3.4.8 clearly states that the impact on the <u>landscape</u> is only one aspect among others that are considered at strategic planning and development control stages. Recommendation: no change
		The landscape can rarely be compartmentalised along boundaries and there should be a more detailed assessment to define the actual boundary on the ground. Boundaries should not be definitive.	Disagree. The boundary between Landscape Types is more often than not clearly defined. The SPG explains the use of GIS and the consultee should have realised that the scale of the maps shown in the SPG does not reflect the scale of mapping on the ground or on GIS. Boundaries therefore <u>are</u> definitive. Recommendation: no change
		Definitions should be consistent with Countryside Agency definitions.	This LCA was carried out before the Agency guidelines were published. Their guidelines are not prescriptive and it is acknowledged by the guidelines and subsequent Topic Papers that individual LCAs will vary. See re-wording of clause 3.1.3. above. Recommendation: no change
	6.2.1	This advice is wrongly to be applied in a prescriptive manner at a site specific level, contrary to statement elsewhere that the SPG is carried out at Landscape Type scale	The SPG also states in clause 6.1.1 that the Landscape Character Assessment is a powerful tool when considering the landscape at a site specific level. Recommendation: no change
CPRE		Stage 1 and stage 2 need clearer separation Object to the Resilience concept as a crude local designation	Accepted. Recommendation: items 25, 29 The LCA is intended as a tool for more sensitive analysis of landscape character in planning policy and development proposals than has previously been possible. "Areas least Resilient to change" are not

			intended as designations where development will be generally resisted but rather as areas where development impact on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. Recommendation: item 10
		Has stakeholder involvement in stage 2 taken place? Particularly regarding Resilience.	Partial stakeholder involvement. This consultation is part of that. Too complicated to involve wide ranging stakeholder involvement at Stage 2 discussions. The original funding partners were invited to participate in Stage Two but only the CPRE accepted. Accepted Recommendation: items 11, 14.
		The relationship between the LCA, HLC and UDP needs to be clarified	
		Technical background paper is required on the "countryside" to support the UDP's Natural and Historic Heritage chapter	This role is fulfilled by the various SPGs
		Welcomes the characterisation approach	
English Heritage		No explanation of the background and role of the HLC or how the two studies will complement each other. Cross references should be made	The support is noted. Recommendation: no change Accepted Recommendation: items 11, 14
English Nature		The attributes need to be refined to introduce categories that encompass the inherent quality of a feature rather than a purely visual assessment.	Disagree. This is not purely a visual assessment – see clause 3.3.3(b). The attributes have been arrived at through an exhaustive process involving other Local Authorities, the Countryside Agency and external consultants. English Nature were also involved at the beginning of this process. This is a landscape assessment, not an ecological assessment and it is important that the difference is maintained. Introducing ecological detail will confuse and devalue the assessment. The consideration of features is too detailed and should be left to site specific evaluation. . Recommendation: no change
	7.1, 7.2, 7.5	Amend the text under "Enclosure pattern" to acknowledge the need for peripheral fencing and internal temporary stock enclosures etc	Accepted. Recommendation: items 43, 44, 51
		HC to extend fruit tree kits and grant scheme	Outside the remit of the SPG

		Unclear how vulnerability is assessed	This is apparent if the Technical Handbook is consulted
		Contest the 15 year short term replaceability of hedges. Trailing roses, hedgerow trees and butterflies will not appear within 15 years.	Do not state that the ecological value of a hedge can be replaced within 15 years. The SPG clearly sets out that it is a landscape character assessment and does not pretend to include an ecological assessment. Hedgerow trees are not considered as short term replaceable (see Appendix A A4.2) Recommendation: no change
		Contest the medium term replaceability of trees because they will not have the cultural, architectural/visual or nature conservation context	Disagree. See above. Recommendation: no change
		Not possible to replace ancient woodland	In the long term, it is possible although it may take several hundred years. The HCL identifies many ancient woods that show clear signs of medieval or earlier enclosure and therefore agriculture which implies clear felling. Recommendation: no change
		There should be more than 2 categories of Resilience	There are. These are shown in the Technical Handbook but felt to be too complicated for inclusion in the SPG. Recommendation: no change
		Sensitivity offers the possibility of including some of the quality measures lacking at Landscape Type scale	Accepted but this is outside the remit of the SPG. Recommendation: no change
		Concerned that analysis of Land Cover Parcels will replace Environmental Impact Assessment	No intention that it will replace EIA. Sensitivity could contribute to EIA but will only address some of the aspects covered by EIA. See clause 2.2.1(i)
		Concerned that the SPG appears to favour the preservation of the existing landscape character rather than the relict nature and functions of the landscape and that this will limit the scope for landscape change in the future.	The whole point about LCA is that it provides a vehicle for understanding the elements that contribute to landscape character. Decisions about whether or not to change the character have to be made on a site specific basis. Recommendation: no change
	Appx A	Appendix A is too complicated. Do not feel it meets the tests of being open, transparent, consistent and robust	The changes suggested would make this Appendix more complicated. Much of the criticism would be addressed by reading the full explanation of methodology contained in the Technical Handbook. The methodology is complicated and that is why it was not all incorporated into the SPG. Recommendation: no change
		Attach maps along right hand edge.	This would increase the printing costs.

				Recommendation: no change
	Fig 8	Cross reference Landscape Type page numbers on Fig 8	Accepted	
		Colours do not show up well on small scale maps in Part 2	This is probably the best that can be done	
			The support is noted.	
Forestry Commission		Generally welcome LCA	The support is noted. Recommendation: no change	
	2.2.1. (ii)	Agree with this wording	Changing "is to "may be" will weaken the LCA process. Recommendation: item 82	
	Fig 3	Some of the wording is too dogmatic. Change "is" to "may be" and "No. Presumption against woodland" to "Amend proposals or presumption against woodland"	Some opportunity for change in emphasis. Recommendation: items 60, 64, 77	
	7.10, 7.14, 7.15, 7.22	Wording about woodland is too dogmatic	We acknowledge that the evaluation methodology is complicated but this is an inevitable consequence of LCA. The evaluation methods described by the Countryside Agency in Topic Paper 6 are no simpler. It is not really necessary to understand the intricacies of the evaluation methods in order to use the SPG fully.	
	Appx A	Virtually incomprehensible. SPG is in danger of being devalued through misunderstanding, misrepresentation and problems in utilisation unless this methodology can be simplified	Wind turbines would be addressed through the usual planning controls. Recommendation: no change	
Environment Information Services on behalf of "The Friends of the Golden Valley" and "The Friends of the Black Hill"		Where landscape character exhibits tranquility, naturalness, etc. suggest there is a policy predisposition against wind turbines	This chart is clearly labelled as a working tool. The issues of need and alternative sites are taken into consideration separately by the Planning Officers. If Resilience was calibrated it would become too	
	Fig 2	Flow chart should be used in conjunction with questions about need and alternative sites and the concept of resilience should be calibrated.		

			complicated to be used efficiently. Recommendation: no change
Chap 4	Provision must be made for the inclusion of landscapes outside the county boundary, especially in the case of highly visible proposals like wind turbines	Sub-regional Character Area of Ewyas is too bland.	Visual impact assessment would address this. Para 2.2.1(i) states that LCA would be included as part of VIA and EIA not replace them. Recommendation: no change
Chap 4			The character area descriptions are held in the Technical Handbook. Descriptions of Landscape Description Units will give much greater detail and pick up local distinctiveness. Recommendation: no change
Chap 5			Support is noted.
			There is inevitably a degree of subjectivity when assessing the consistency and visual prominence of Significance. Recommendation: no change
7.2	Think that grazing is a factor in maintaining the character		Accepted. Recommendation: item 44
7.2	Do not agree that this Landscape Type is under less threat than any other because of the threat from wind turbines		This is still less threat than most other Landscape Types
7.3	A better title would be Enclosed Former Moors and Commons		Agree but it is too late to change now because these Landscape Types are being used regionally. Recommendation: no change
	Remainder of notes and comments relate entirely to the potential effect of wind turbines and therefore are not comments on the SPG		
Gloucestershire County Council	Fig 9	Forest of Dean Sub-regional Character Area would be better named "Forest of Dean and Lower Wye"	Agree but it is too late to change now because these Sub-regional Character Area are being used regionally. Recommendation: no change
		Gloucestershire's LCA for the Forest of Dean has just reached final draft and does not mesh seamlessly with Herefordshire Lca. Would like Herefordshire to change	Disagree, it might have been helpful if Gloucestershire's consultants had contacted Herefordshire. Recommendation: no change
Herefordshire & Worcestershire Earth Heritage		Wonderful document!	Support noted.

Trust					Yes
		Little reference to geology. Is this in the Technical Handbook?			
	Page 7	Geodiversity is mentioned but not defined in Glossary.			Accepted. Recommendation: item 93
	4.2.4	Alter outdated wording			Accepted. Recommendation: items 26, 27
	4.2.4, 4.2.11 & Fig 6	Alter outdated wording			Accepted. Recommendation: items 28, 85
Hereford & Worcester Gardens Trust		Support the aims and objectives of the SPG			The support is noted. Recommendation: no change
Herefordshire Nature Trust		Wet woodland is not represented and would warrant a separate Landscape Type			Whether woodland is wet or not is immaterial to the landscape character at Landscape Type scale. Landscape Types are defined on the full range of indicators, not just woodland. Recommendation: item 64
		What is the definition and size of woodland			Depends on the Landscape Type and is stated in the descriptions
		Coppicing should be encouraged			Outside the remit of this SPG
		Ponds should be encouraged			Agreed, but this is individual site management and outside the remit of the SPG
		Should focus on the landscapes as they were prior to agricultural intensification			Impractical. Recommendation: no change
		Alter wording regarding hedgerows in Landscape Type			We consider that the proposed alternative wording does not alter the sense of the existing and would introduce an element of confusion. Recommendation: no change
		No mention of quarries			Too detailed. Recommendation: no change
		Encourage hay production			Agreed, but this is individual site management and outside the remit of the SPG
	7.1	Disagree with suggested compromise of reducing grazing on lower slopes			This is a suggestion & should be kept. Recommendation: no change
	7.2	Temporary fencing may be necessary			Accepted. Recommendation: item 46
		Stronger emphasis on discouraging ploughing or improving grassland			Accepted . Appropriate wording will be strengthened throughout
	7.3	Comments re: Hedges & ponds and encourage road			Accepted. Recommendation: item 49

	verge and hay meadow management	
7.4	Comments re. Hedges & ponds. Why no woods, change text to encourage woods	Woodlands are not a feature and therefore not appropriate. These are very small areas. Recommendation: no change
7.5	Include hedgerow statement	This is unenclosed landscape and therefore hedges are not a feature. Recommendation: no change
7.6	Comments re. Hedges & ponds	Ponds are not a feature. These are steeply sloping areas. Recommendation: no change
7.7	Extend the wording to encourage more woodland planting	Wording already says this. Recommendation: no change
7.8	Woodland pattern should include scope to increase age diversification through coppicing, widening rides and encouraging ponds	This is individual site management and outside the scope of the SPG
7.9	Include hay meadows and verge management	Hay meadows are not a feature, verge management is outside the remit of the SPG Recommendation: no change
7.10	Plant black poplar and hazel as well as oak	Black poplar is not suitable except as very occasional specimen trees and hazel is a shrub. Oak are the dominant tree in these LTs Recommendation: no change
7.11	Comments re. Hedges & ponds	We consider that the proposed alternative wording does not alter the sense of the existing and would introduce an element of confusion. Recommendation: no change
7.12	Extend woodland to previous size and composition	What size and composition? Most of the woodland was once open farmland. Extending the size of the woods will alter the character. Recommendation: no change
7.13	Encourage ponds and hay meadow management	This is detailed site specific management. Recommendation: no change
7.14	Comments re. Hedges & ponds	We consider that the proposed alternative wording does not alter the sense of the existing and would introduce an element of confusion. Recommendation: no change
7.15	Add wet woodland	Accepted. Recommendation: item 64
	Add fencing banks to improve habitat	This is not LCA
	Add fencing banks to improve habitat	This is not LCA

7.16	Change wording for veteran trees	Disagree because this is sometimes ornamental veteran trees. Recommendation: no change
	Change to tree belts of <i>local</i> species	Disagree because plantations are part of the character. Recommendation: no change
7.17	Change wording to promote large scale woodlands	Disagree because the character is of small estate woodlands. Recommendation: no change
	Encourage pond creation	Agreed but this is not landscape character at this scale. Recommendation: no change
7.18	Enforce all TPOs	Outside the remit of this SPG
	Encourage Black poplar planting	Black poplar is not suitable except as very occasional specimen trees. Recommendation: no change
7.19	Enforce all TPOs	Outside the remit of this SPG
7.20	Reinstate ponds	They are detailed features outside the remit of this SPG and not commonly found in this sandy soil. Recommendation: no change
7.21	Increase orchards	Agree. Recommendation: add item 75
	Restore former woodland	Woodland is not a feature of this character type. Recommendation: no change
	Contest the 15 year short term replaceability of hedges. The ecological value of an ancient hedge cannot be replicated in this time	Do not state that the ecological value of a hedge can be replaced within 15 years. The SPG clearly sets out that it is a landscape character assessment and does not pretend to include an ecological assessment. Recommendation: item 90
	Contest the medium term replaceability of trees because they will not have the cultural or visual context	Disagree. The LCA does not address the cultural value of individual features and in visual terms a tree will make a strong statement in the landscape in 50 years (sweet chestnut cropping regimes are under 60 years). Recommendation: no change
	Not possible to replace ancient woodland	In the long term it is possible although it may take several hundred years. The HCL identifies many ancient woods that show clear signs of medieval or earlier enclosure and therefore agriculture which implies previous clear felling.

				Recommendation: no change Accepted and added to Glossary
	Glossary	No definition of Veteran trees or woodland		
Highways Agency		Welcomes the LCA SPG		The support is noted. Recommendation: no change
Kington Town Council	Page 83	Unacceptable to have the statement that the analysis will replace AGLV only in the Appendix and not in the main body of the SPG or in the UDP Do not object to the method of identifying the LTs.		Accepted. Recommendation: item 10
		Object to the evaluation of significance, vulnerability, tolerance & resilience. Consider the mathematical system used to be spurious.		The support is noted. Recommendation: no change The evaluation methodology is generally recognised by practitioners as being one of several alternative and equally valid methods of evaluating Landscape Character Assessment. Dealing with such a wide range of factors requires some sort of codification of the judgements that are made at each stage as well as a way of combining layers of judgements together to arrive at a final solution. The scoring approach is one such method which is generally accepted as valid. Recommendation: no change
		Ask for the SPG to be withdrawn and the analysis and evaluation section to be removed.		This would render the LCA unusable for planning purposes. Recommendation: no change
Ledbury Town Council		Document is too complicated. Would like to see a more user friendly guide		Consider this is user friendly. Recommendation: no change
Llangarron Parish Council		Fully support the proposals		Support is noted. Recommendation: no change
Malvern Hills Conservators	Page 32,33	The SPG has been produced without recourse to the Worcestershire LCA, the AONB management plan and the Malvern Hills Conservators management plan		The Herefordshire and Worcestershire LCAs were carried out together and therefore dovetail. The Malvern Hills AONB management plan is being rewritten to take full

			account of the two counties LCAs. Minor changes to text can be made so that there is no perceived conflict with the Conservators management plan. Recommendation: no change
		Not accurate to say that the Malvern Hills are principally wooded hills	The LCA actually says they are High Hills and Slopes. Recommendation: no change
	Page 32	Difficult to see the Malvern Hills on thumbnail plan	Accepted but it may not be possible to do better
	Page 33	Rewrite "forces for change" in the light of the management plans	This section complies with the management plans. Recommendation: no change
	Page 34	Temporary fencing may be needed to facilitate grazing	Accepted. Recommendation: item 43
		Alter "grazing is not a major factor" etc.	Accepted. Recommendation: item 44
Malvern Hills AONB	Page 35	Alter text regarding fencing	Accepted. Recommendation: item 46
Mason Richards Planning		No recognition of an urban edge character in the LCA. There is a sharp line between urban and rural with development density reflecting the rural character but at the urban edge it should reflect the urban form	Accepted but an urban edge character assessment has not been carried out. Normal site analysis would pick up the most appropriate density for urban extension. Recommendation: no change
NFU	6.2.1	Areas of least resilience are too restrictive. This is a designation & contrary to par 4.16 of PPG7 as it will unnecessarily restrict rural development	The LCA is intended as a tool for more sensitive analysis of landscape character in planning policy and development proposals than has previously been possible. "Areas least Resilient to change" are not intended as designations where development will be generally resisted but rather as areas where development impact on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. Recommendation: item 10
		Allow development which undertakes specific mitigation measures which are not prohibitive on the grounds of cost.	An applicant can always appeal if he thinks that mitigation requirements are unreasonable. Recommendation: no change

Penny Farquhar-Oliver		What happened to the Character area descriptions	These are in the technical handbook
		Like the layout and format of the LT's section	Support is noted. Recommendation: no change
		Think that the descriptive section should have been made available separately some time ago so that it could be a stand alone document	This could not then be a SPG
		Object to the evaluation, particularly the resulting resilience	The evaluation methodology is generally recognised by practitioners as being one of several alternative and equally valid methods of evaluating Landscape Character Assessment. Dealing with such a wide range of factors requires some sort of codification of the judgements that are made at each stage as well as a way of combining layers of judgements together to arrive at a final solution. "Areas least Resilient to change" are not intended as designations where development will be generally resisted but rather as areas where development impact on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. Recommendation: no change
RPS Chapman Warren on behalf of BT plc	2.1 – 3.3	Generally endorse	Support is noted.
	3.4.4	Consider the wording of this clause will prevent further development of existing sites.	Don't agree, clause 3.4.8 makes it clear that landscape character is only one aspect of planning consideration. . Recommendation: no change
		Further consideration needed re. sites that are included in the landscapes least Resilient to change which do not accord with the Landscape Type description. Madley SES does not fit into Wet Pasture Meadow description and should be excluded from the area of least Resilience	6.3.1 Clause 6.2.2 addresses this anomaly. Recommendation: item 37
		Provision should be made for introducing mitigation	Disagree that development should not be

	measures to minimise the impact of development. Development should not be presumed against unless assessed against a criteria approach	presumed against unless assessed against a criteria approach as there are some Landscape Types where no built development would be appropriate and in all other cases the criteria would have to be tailored to the individual site and the proposed development. The point about mitigation measures is acknowledged. Recommendation: items 40, 41
	In respect of already developed sites within areas of least Resilience, account should be taken of the need for further development that may outweigh any adverse impact on landscape character.	Clause 3.4.8 makes it clear that landscape character is only one aspect of planning consideration. Recommendation: item 23
	Confusion over the use of “water meadow” and “riverside meadow”, alter to clarify	Accepted. Recommendation: item 63
	Include “water meadow, meadow and pasture” in glossary	Accepted. Recommendation: item 94
RMC Aggregates	The terminology used in association with landscapes of least Resilience is overly restrictive & will restrict future operation of the Lugg Bridge quarry.	No intention to restrict operations that already have permission. Future operations unlikely to be significantly restricted through LCA. Para 3.4.8 makes it clear that landscape character is only one aspect of planning consideration. Recommendation: no change
	The term “Presumption against development” is inconsistent with the policies of the UDP	Not inconsistent with the intention of the UDP. Recommendation: item 78
	“Directing away” does not accord with the wording of UDP policy LA2	Accepted Recommendation: item 16
	SPG is proposing to extend a local landscape designation through the use of areas least Resilient to change. Contrary to PPG7 as there are other policies that provide the necessary level of protection – S7, LA5, LA6	Do not agree that policies S7, LA5, LA6 give the necessary protection as they do not address the principal of development against the character of the landscape. The LCA is intended as a tool for more sensitive analysis of landscape character in planning policy and development proposals than has previously been possible. “Areas least Resilient to change” are not intended as designations where development will be generally resisted but rather as areas where development impact

			on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. Recommendation: item 10
	Section 5, Appendix A	Methodology is complex and difficult to follow and requires the information held in the Technical handbook to understand it fully.	Agree but feel that to simplify will make it more obscure. Recommendation: no change
		Propose that the SPG is reworded in a way that acknowledges that minerals can only be worked where they occur and that the impact of these developments is best considered at LCP level	Accepted. Recommendation: item 21
		Support the SPG	Support is noted. Recommendation: no change
Welsh Newton & Llanrothal GPC			
Worcestershire County Council	1.1 (& Figure 3)	Reading the last sentence here, it is confusing and unclear as to the purpose of the SPG. PPG 12 paras 3.15 and 3.17 clearly state that an SPG must be clearly referenced to the relevant plan policy it supplements. Moreover SPG should not be used to introduce decision making criteria that has not been introduced within the development plan. The confusion arises therefore from the inclusion of 'somewhat broader advice' that is beyond the influence of the planning system.	This sentence is meant to indicate that the SPG could be useful in a broader remit to inform non development control matters eg parish plans. Recommendation: item 5
	2.1.3.	Designations are referred to as a ' rather blunt planning tool' yet the resilience work is (later) presented as an 'in or out of' boundary designation, all areas within the boundary being treated differently than those outside, which seems no different to the concepts of the current AGLV designation, save it covers different areas.	It is difficult to justify AGLV but areas of least Resilience can be justified through the methodology process. The LCA is intended as a tool for more sensitive analysis of landscape character in planning policy and development proposals than has previously been possible. "Areas least Resilient to change" are not intended as designations where development will be generally resisted but rather as areas where development impact on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. Recommendation:

	Page 8.	<p>Policy LA3 What is meant by 'open areas into development' and 'surrounding valued countryside'. What is valued about these areas of countryside and how are they defined.</p>	<p>item 10 This is a comment on UDP policy</p>
3.2b.		<p>Where are the Herefordshire Landscape Character areas described and what is their purpose?</p>	<p>LCA descriptions are in the technical handbook (see para 4.1.2, 4.2.12)</p>
3.4.4.		<p>As long as new development does not damage the least resilient attributes of a landscape, will change be allowed? Without it, the socio-economic well-being of communities in these areas is severely stifled. The tone of the document, and the resilience map in particular, seems to suggest the whole landscape is sacrosanct in areas of landscape of least resilience. As the methodology was developed in partnership with Worcestershire, and the same terminology will be used in the Worcestershire SPG, will there be a perception that landscapes of least resilient will be approached this way in Worcestershire? Implications could arise, particularly in joint projects i.e. Malvern Hills Management Plan, where resilient/least resilient landscapes are referred to, with greatly differing implications. The need for some sort of compatibility in approach and perception of these terms and their usage is to be preferred.</p>	<p>Agreed that compatibility is needed. No intention that the whole landscape will be sacrosanct in areas of least resilience. Recommendation: item 16</p>
3.4.5		<p>Need to emphasize that we are talking about the 'inherent' character of the landscape in these instances, not its current appearance – which might be construed from 'areas where woodland is already a characteristic feature'. The example given is misleading, there is no reason why 'blocks of commercial forestry' cannot be introduced into areas of ancient woodland as long as certain characteristics - i.e. irregular boundary, mixed broadleaf composition. The whole purpose of landscape character should be positive, trying to encourage viable land use but to try to make it complementary to landscape character rather than be negative from the start. Condition and basic landscape character should be the primary considerations, for example in directing woodland</p>	<p>The inherent character is emphasised elsewhere – 3.4.1, 3.4.3, 6.2.2, However it could also be clarified in 3.4.5 Recommendation: item 17</p>

		<p>planting, areas in existing landscape types where woodland is a characteristic, but is currently poorly represented, (i.e. in poor condition) should be the priority areas. Resilience doesn't really play a part at this primary level. The aspect of 'condition' could, and perhaps should, include the aspect of capacity - for example, a wooded landscape may already be sufficiently wooded, and the introduction of more woodland could push it's woodland characteristic to that of a different landscape type. (i.e. what should be discrete blocks of woodland could become interlocking belts)</p>	
	3.4.6.	<p>This approach to resilience, taking the landscape as a whole, is far too clumsy and misses the finesse the methodology allows. Resilience can be explored and used as a tool at a much finer level of analysis, attribute by attribute, rather than a black or white, resilient or least resilient. Where is any allowance made for condition in this distinction. Is development still deflected away from an LDU of landscape of least resilience if it is in very poor condition, with all the attributes that define its low resilience irreparably damaged? The assessment should look at the impact the proposed change is likely to make to the landscape, and the degree to which it will damage the least resilient attributes. An example is given of future housing land allocation potentially affecting the dispersed settlement pattern of certain least resilient landscapes. Dispersed settlement is similarly a characteristic of several resilient landscape types, and the guidance in the respective landscape type descriptions suggests avoiding new development that would dilute this characteristic. How does this equate to the resilient/least resilient designation?</p>	<p>Accept some of this argument and some extra wording to explain that resilience (and other levels of analysis) can be assessed attribute by attribute might be helpful. The assumption was that this is obvious and that the wording was trying to simplify what appears to be a complex methodology. Recommendation: item 18</p>
	3.4.7	<p>Again a poorly worded example, the primary purpose of landscape character should be to indicate firstly the type of tree cover, if any, that would be appropriate in such an instance. The wording implies 'blocks' are acceptable whereas individual trees or linear belts may represent the inherent character.</p>	<p>Blocks are used as an example only. Recommendation: item 20</p>
	4.1.2.,	<p>Where are the descriptions for these, and the mapped</p>	<p>In the technical handbook (4.2.12)</p>

	4.1.1	<p>boundaries?.</p> <p>4.1.1. indicates that the descriptive classifications, forming the first of the two stages of the process, are 'described in this section of the SPG'</p> <p>This is not how it was undertaken. The desk based analysis defined the field study units, which in turn were modified to become the LCP's. The LDU's were derived from the LCP's at a later date.</p>	<p>4.1.1 says that the first phase is set out in the SPG, it does not say that all the descriptions are in the SPG. Recommendation: item 24</p>
	4.2.2		<p>Herefordshire's LCA process was a mixture of the two. It started out with field study units leading to LCPs and then LDUs but later on the consultant altered the methodology and many of the final LCPs were derived from amended LDUs. To explain all this would result in total confusion for the reader therefore we have kept to that aspect of the process which conforms to the consultants latest methodology which has been advocated by the Countryside Agency</p>
	Fig 2	<p>The question 'Is development appropriate' seems to relate purely to settlement. Does there need to be a division between development and settlement (i.e. a wind farm), may be appropriate in areas where settlement isn't. If we are talking about general development, the overall resilience of the landscape may well be appropriate. When talking about settlement only, the resilience of the settlement pattern is probably the primary concern. The questions could then be: i. is it a landscape where settlement is characteristic yes/no. if yes ii. Does the proposal respect the inherent settlement pattern of the landscape. New development might well be appropriate in least resilient areas as long as it is not damaging the least resilient attributes. It would be advisable to refer to the 'inherent' settlement pattern as opposed to the 'historic' settlement pattern - there could be several 'overlays' of the latter.</p>	<p>This Fig. Relates to general development. It does not state that all development will be refused in unsettled landscapes, but there will be a presumption against it. In exceptional circumstances development may be acceptable but there needs to be a stronger statement at the beginning of the chart than later on. Recommendation: items 78, 79, 80, 81</p>
	Fig 3.	<p>In addition to the comments raised above, this causes confusion over the interpretation of tree cover character. The first question asks if the landscape is wooded or unwooded. Tree cover character is divided into more than simply wooded or unwooded categories, there are landscape types that have no woods but plenty of tree cover and those where hedgerow tree cover is dominant but still have woodlands. What does the</p>	<p>Yes, but the point of the exercise is that it is new woodland that is being considered (see title of Fig 3) not hedgerow trees. Accepted that the option to modify proposals that do not respect the tree cover character could be added . Recommendation: items 82, 83</p>

		<p>wooded/unwooded differentiation at the start of Fig 3 refer to - landscapes without any tree cover (trees or woods) or landscapes without woodlands as a dominant attribute? 'Unwooded' is an attribute of Tree Cover Character, along with 'ancient', 'planned' and 'trees'. The second question then asks if the proposal reflects the tree cover character - presumably sieving the remaining three attributes. If the answer is no, there is a presumption against the woodland, with no option for redress. This is wrong. There is no reason why a proposal for a plantation type woodland in an area of ancient woodland type, could not be modified to reflect the ancient character. If the proposal doesn't respect the tree cover character, there should be the option to modify it. There is no suggestion of considering capacity. What do you end up with, with the scenario in the bottom right of the flow chart - a landscape in poor condition, the character further wrecked by the introduction of inappropriate woodland planting. Thought should be given to the attributes that render the landscape to be in poor condition in the first place and proceed cautiously from there.</p>	
5.5.2		<p>Replacing the AGLV with what amounts to a similar designation seems to go against the advice of PPG 7. As mentioned before, resilience used in this way is clumsy - condition needs to be taken into account, particularly as an indicator to influence large scale forestry creation, or to indicate areas of least damage (to landscape character) for new or expanded transport routes etc.</p>	<p>"Areas least Resilient to change" are not intended as designations where development will be generally resisted but rather as areas where development impact on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. Recommendation: item 30</p>
6.1.2.		<p>The LCP data base does contain highly detailed information. It is misleading to suggest that Landscape Character Assessment can be made of individual sites - this is site evaluation. (Landscape is defined as larger than the individual site and smaller than global scale) Landscape Character is concerned with defining patterns or recurring features, individual site assessment is not focused on this. Local Distinctiveness is something different again, concerned with memories, special features/the unique etc</p>	<p>Some confusion over the terms distinctiveness and character. Recommendation: item 31</p>

	6.2.1	As said before, this effectively blights development over much of Herefordshire. Will the same presumptions be made for least resilient landscapes in Worcestershire once it is widely known that the same methodology was used by both counties. When relating to settlement, need to assess first of all if the settlement proposed is in accordance with the inherent settlement pattern for the landscape type.	Recommendation: item 34
	6.2.2.	Confuses condition and 'features'. Poor condition relates to the representation of the inherent attributes. The presence of features such as commons or areas of parkland needs clear clarification as their treatment will relate to their own specific inherent character, which is far different to that of condition of the landscape type they happen to be in. This is a very confusing paragraph. What is the analysis of the character of the immediate area, how does this differ from the assessment of the landscape type of the LDU?	6.3.2 Accepted. Recommendation: items 37, 39
	6.3.3	Is 'significant' referring to attributes of primary significance - after all, all attributes have been assessed in terms of their significance. Is 'enhancing' putting more of an attribute into the landscape than would be suggested by its inherent character? (Otherwise it would be the same as restoration) How is this justified? By attaching a 'banner' of restoration, conservation or enhancement to a landscape type, it implies that all attributes are in need of this approach throughout the area of the Type - is this justifiable - the assessment enables a far more detailed approach to be made at LDU level which is to be preferred. In defining priorities for conservation, restoration etc, far greater use could be made of the resilience analysis to identify priorities.	Significant does mean attributes of primary significance. Some clarification is needed. Recommendation: items 40, 41
H.C. GIS (internal consultation)	Fig. 8,9,11,1 2	All A3 maps require Ordnance Survey copyright statement	Accepted. Recommendation: item 88
H.C. D.C. Planning (internal)	Section 7	The Landscape Type descriptions of settlement pattern do not necessarily conform to UDP policy which could lead to confusion	Accepted. Recommendation: items 48, 50, 53, 54, 58, 59, 61, 62, 66, 68, 70, 72, 74, 76

consultation)				

HEREFORDSHIRE
LANDSCAPE CHARACTER ASSESSMENT
SUPPLEMENTARY PLANNING GUIDANCE

Appendix B

Schedule of Revisions

June 2004



ITEM	CLAUSE NO	REVISION
1.	Foreword	Revise to Councillor Phil Edwards
2.	Acknowledgements	Revise date
3.	Contents	Revise to reflect changes
4.	Chapter 1	<p>Re-number Chapter 1 and add Section 1.2</p> <p><u>“ADVICE ON HOW TO USE THIS DOCUMENT</u></p> <p>1.2.2 In order to gain a full understanding of the Landscape Character Assessment process the reader is encouraged to read the whole of Part One in the order it is written. However, for a quick resume, the summary box at the beginning of each chapter paraphrases the salient points. In addition, the various figures have been designed to set out the fundamental precepts of Landscape Character Assessment in a graphical format. A quick step by step guide for potential developers is included in section 6.2 This section could also be viewed as an indicative process for evaluating the suitability of other non-built development.</p> <p>1.2.3 Part Two sets out the Landscape Types; each having a double page spread for ease of reference. The primary and secondary characteristics have been derived from the detailed evaluation of “significance” which is explained in Appendix A, clause A2.4. A thumbnail plan of Herefordshire indicates the disposition of the Landscape Type and the colours relate to those used in Fig. 8 – Map of Distribution of Landscape Types. A second, hand drawn plan, has been included to illustrate the typical patterns of settlement, enclosure and woodland or tree cover. For readers particularly interested in land management, the management guidelines demonstrate the broadbrush potential for conservation, restoration or enhancement of the natural landscape. Appropriate environmental gain linked to development control through the use of planning conditions should also be targeted through these guidelines.”</p>
5.	1.1	<p>Revise final sentence of 1.1 to read</p> <p>“Although termed Supplementary Planning Guidance, the advice offered is somewhat broader in that it can be used for land management purposes and to enable local communities to identify the landscape elements that contribute to local distinctiveness. This will be particularly helpful when undertaking non-development control work such as preparing Parish Plans.”</p>
6.	2.3.2	<p>Delete third and fourth sentences. Add “The West Midlands RPG, which includes the Herefordshire area, was published in June 2004 and stresses the need to use landscape character assessment when preparing guidance. Policy QE1 Of the Quality of the Environment chapter states ‘Local authorities and other agencies in their plans, policies and proposals should:.....d) protect and enhance the distinctive character of different parts of the Region as recognised by the natural and character areas and associated local landscape character assessments”</p>
7.	2.3.3	<p>Add “A programme to revise PPGs and replace them in the form of Planning Policy Statements (PPS) is underway by Government. The timescale for this is as yet, unknown but</p>

		several draft PPSs have been prepared for public consultation.”
8.	2.3.4	Add to first sentence “and of PPS7 entitled ‘Sustainable Development in Rural Areas’, published in 2003.” Revise second sentence to read “PPG7 and PPS7 set out” Third sentence change “It” to “They”.
9.	2.3.5	Revise to read “Under the heading of <i>Local Countryside Designations</i>, PPS7 states that ‘The Government does not believe that local countryside designations are necessaryIn reviewing their development plans, planning authorities should remove any existing designations and adopt criteria-based policies.....’. PPG7 also requires Local Authorities, when preparing their development plans to ‘rigorously consider the function and justification of existing countryside designations. They should ensure that they are based on a formal assessment of the qualities of the countryside....’ Furthermore, PPS7 draws attention to one of the key principles of National Planning Policy which states that ‘All development in rural areas should be well designed, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.’ In the same vein, PPG7 states that ‘the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection...’ Both PPG7 and PPS7 promote the national.....”
10.	2.3.5	Add after penultimate sentence “The analysis resulting from Landscape Character Assessment is intended to supplant the previous designation of Areas of Great Landscape Value (AGLV). There is no intention to view the results of this analysis as a local designation where development will be generally resisted but rather as areas where development impact on landscape character is likely to be greatest and where particular care needs to be taken in assessing development proposals.”
11.	2.4.1	Alter first sentence of second paragraph of 2.4.1 to read “This SPG primarily supports, complements and provides further detail for the landscape policies set out in the Natural and Historic Heritage chapter of the UDP, particularly policy LA2.”
12.	2.4.1	Reword Guiding Principles and Strategic Policies to reflect changes in UDP
13.	2.4.3	Reword policies to reflect changes in UDP
14.	2.5	Add further section “2.5 HISTORIC LANDSCAPE CHARACTERISATION 2.5.1 Herefordshire Council has completed a Historic Landscape Characterisation of the whole county that provides a basis for the definition of historic landscape understanding and protection. The Historic Landscape Characterisation is complementary to the Landscape Character Assessment. The two studies have different perspectives, the former being concerned with the underlying historical process while the latter is primarily concerned with the combination of physical and cultural factors that are expressed visually in the landscape. 2.5.2 The Historic Landscape Characterisation was carried out after the main bulk of the Landscape Character Assessment had been completed. It was originally thought that the two studies could share the same Land Cover Parcel boundaries (see section 4.2) but it was soon proved

		to be impractical. The historic study relies heavily on the patterns of field enclosure while the landscape study encompasses a broader range of character defining factors. This fundamental difference has led to the two studies being unique in their boundary definitions. The Historic Landscape Characterisation has given us a much greater understanding of the derivation and evolution of the landscape that we see today. This in turn has influenced the thinking behind the cultural aspects of the Landscape Character Assessment. Similarly, certain aspects of the landscape study have influenced or confirmed the findings of the historic study. The Historic Landscape Characterisation has informed the Landscape Character Assessment as much by the process of elimination and revision as by addition. This may not be apparent to those who have not been involved in the day to day work of the two studies.”
15.	3.1.3	Revise 3.1.3 to read as follows: “Guidance published in April 2002 by The Countryside Agency and Scottish Natural Heritage provides the latest updated advice on Landscape Character Assessment. This is not a prescriptive document as it acknowledges that there are various approaches to the subject, all of equal merit. During the preparation of this SPG, further topic papers were produced by The Countryside Agency and Scottish Natural Heritage to support their landscape character assessment guidance. Topic Paper 6: “Techniques and Criteria for Judging Capacity and Sensitivity” was published in final draft form in January 2004 with contributions from Herefordshire Council. The Herefordshire Landscape Character Assessment is quoted in the Topic Paper as one of a number of examples of practitioner best practice.”
16.	3.4.4	In clause 3.4.4 delete the last sentence and add “In landscapes that are least resilient to change the elements of landscape character are particularly sensitive and the impact of land use change, particularly new development, should be subjected to rigorous examination and resisted where that impact is seen to be unacceptable.”
17.	3.4.5	Revise third and fourth sentences to read “For example, at a very basic level, new woodland planting should be directed to those areas where woodland is an inherent characteristic feature of the landscape and therefore appropriate. More specifically, if locations are being sought for the creation of large blocks of limited species commercial forestry, the most appropriate landscapes towards which such proposals should be directed would be those with a planned character, where the tree cover pattern is defined by discrete, or interlocking blocks of woodland and where the appropriate woodland cover is poorly represented”
18.	3.4.6	Add after the third sentence of 3.4.6 “An assessment has been made of the overall resilience of each Landscape Type through analysing the resilience of each attribute that contributes to landscape character.”
19.	3.4.6	Add after the fourth sentence of 3.4.6 “This is especially true if the least resilient attributes of landscape character are those that are affected by the change”
20.	3.4.7	In the second sentence remove the words “blocks of”
21.	3.4.8	Re-number clause 3.4.8 to 3.4.9. Add 3.4.8 “There are certain

		<p>types of development which, because of their scale and nature, will fundamentally alter the inherent character of the rural landscape. In Herefordshire, developments of this kind are most noticeably represented by mineral extraction. Major housing and industrial sites, while they can also overwhelm inherent character, are more often than not sited in proximity to existing urban development and thus viewed as an extension of the town or city. Mineral extraction can only take place where economically viable deposits occur. Modern quarries are inevitably sited in rural areas where hard rock is to be found on elevated hilly land and sand and gravel deposits along the river valleys. In this situation, the opportunity occurs to create new landscapes that may be radically different from the original. Decisions on the long term restoration of these sites should be taken with landscape character in mind as well as taking into account future opportunities to provide new facilities such as lakes which could benefit tourism, public recreation and wildlife. The character of the surrounding landscape should be assessed and the long term restoration proposals should seek to integrate the site into the existing surrounding landscape. The decision may be to restore the site to agriculture, in which case the land should be enclosed with a pattern of hedgerows that link to the existing hedges and create fields of an appropriate scale and pattern. Where the long term proposals seek to create an entirely new landscape it should fit comfortably within the existing with hedges and streams linked up and no perceived conflict between introduced and existing features and habitats.”</p>
22	3.4.8	Add to third sentence of original clause 3.4.8 (revised to 3.4.9) “Additional sustainability tools such as Environmental Impact Assessment may also play an important part in this process” .
23	3.4.8	Revise last sentence of 3.4.8 (revised to 3.4.9) to read “There are always situations where other interests, such as the economic need for new industrial development or the extension of existing sites in areas of least Resilience are considered to be of greater importance and the findings of the Landscape Character Assessment are then utilised to develop appropriate mitigation measures.”
24	4.1.2	Add to first bullet point of 4.1.2 “Their individual descriptions are held in the Technical Handbook”
25	4.2	Revise title of 4.2 to “FIRST STAGE OF LANDSCAPE CHARACTER ASSESSMENT – METHODOLOGY”
26	4.2.4	Change “physiographic” to “earth science”
27	4.2.4	Add “through man’s influence” to end of second sentence.
28	4.2.11	Change “physiographic” to “earth science”
29	5.1	Revise title of 5.1 to “SECOND STAGE OF LANDSCAPE CHARACTER ASSESSMENT – METHODOLOGY”
30	5.5.2	Delete last sentence. Add the following “Areas least Resilient to change are not intended as designations where development will be generally resisted but rather as areas where development impact on landscape character is likely to be the greatest and where particular care needs to be taken in assessing development proposals. 5.5.3 This map based analysis can also be carried out for individual indicators so that, for example, the potential for large scale forestry creation can be assessed on a

		landscape character basis. In this case the resilience of the attributes for tree cover character and tree cover pattern would be assessed and then the condition of the Land Cover Parcel would be taken into account. This would enable the capacity of the landscape to accept new woodland without compromising its character to be assessed. So, for example, the ancient wooded character and the discrete woodland pattern of a Land Cover Parcel of Landscape Type Wooded Hills and Farmlands would be seen as resilient and therefore, in theory, new woodland planting would be acceptable. However, if the Land Cover parcel were in good woodland condition, already containing large discrete blocks of woodland, it may not have the capacity to accept more woodland without detriment to its character. Similarly, if the Land Cover Parcel were in poor condition through lack of woodland then woodland may be welcome, although with large scale elements the whole Landscape Description Unit would need to be assessed in order to maintain the optimum proportion of woodland to mixed farming.”
31	6.1.2	Revise first two sentences to “ At the level of Landscape Description Units or Land Cover Parcels the supporting database contains useful detailed information. Landscape evaluation of individual sites or small tracts of land may however require more detailed survey information, particularly of unique features that may not be picked up in the database. ”
32	6.2.1	Add flow diagram to illustrate clause 6.2.1
33	6.2.1	IN first sentence replace “application” with “ treatment ”
34	6.2.1	Revise last sentence of third bullet point to read “ If the site falls within an area of least Resilience development would only be considered in exceptional circumstances where it can be shown not to adversely affect the landscape character, although depending on the site conditions, the design of the proposals and the mitigation measures, there may be an opportunity for limited development ”
35	6.2.1	Add to 4 th bullet point “ Built development, particularly housing, should respect the inherent settlement pattern and avoid imposing an inappropriate pattern on the landscape ”
36	6.2.1	Add 6 th bullet point to read “ Ensure that detailed proposals fully take into account all site features and that mitigation and enhancement measures conform to and strengthen the key characteristics of the landscape. ”
37	6.2.2, 6.2.3	Replace clauses number 6.2.2 and 6.2.3 with new clauses 6.3 UNTYPICAL SITES 6.3.1 Throughout all the Landscape Types there are examples of sites that are not typical of the Landscape Type in which they are found. Often this is due to a site specific feature such as an ornamental parkland. Sometimes the area is too small to be singled out as a different Landscape Type. This is particularly true of the many tiny commons throughout the county. In these situations a detailed analysis of the unique character of the area should serve to guide appropriate development. There should be no attempt to return the area to the character of the Landscape Type in which it sits as to do so would be to destroy its own distinctiveness. Decisions on siting, scale, detailing and the use of construction materials relating to built development should be made

		<p>with this detailed analysis of the unique local character in mind. The settlement pattern, on the other hand, will be informed by the characteristic attribute of the relevant Landscape Type.</p> <p>6.3.2 Sometimes the site may appear to be different because its poor condition has robbed it of many of the characteristics that would have originally identified it as belonging to the Landscape Type in which it is found. In this situation the development should seek to strengthen the inherent landscape character through appropriate mitigation. Developers should be aware that if the site in question does not appear to conform to the inherent character of its Landscape Type through loss of features or addition of inappropriate features (i.e. it is in poor condition), proposals that would exacerbate this poor condition will not be considered favourably.</p> <p>6.3.3 It must be emphasised that this SPG gives guidance at a broad scale. It does not replace the need for detailed site analysis and evaluation, neither does it address the visual impact of any particular development as this can only be undertaken individually for each site as and when the nature of the development is known.”</p>
38	6.2.3	Add to revised clause number 6.3.3 “Visual Impact Assessment or Environmental Impact Assessment of the proposals may also be required and are just two of a range of environmental sustainability tools that could aid the decision making process.”
39	6.3	Re-number original section 6.3 as 6.4
40	6.3.3	Revise original clause 6.3.3 to read “Where an attribute provides a significant contribution to landscape character (i.e. is a primary or secondary key characteristic) and is well represented the aim should be to conserve. An example of this might be the ancient woodland in Landscape Type Principal Wooded Hills. Where the significant attribute is in poor condition, such as a gappy hedgerow, the management should be based on conserving what remains and restoring the attribute to an acceptable condition. In some cases the conservation of existing features and their restoration is inappropriate or insufficient to noticeably strengthen the landscape character. In these cases the opportunity to enhance the landscape character should be pursued. This may be achieved by removing inappropriate features or introducing or strengthening lost or weak key characteristics in order to optimise the inherent landscape character, or a combination of both. An example might be in Landscape Type Unenclosed Commons where ornamental tree planting is removed, previously ploughed arable land is returned to rough grazing and a small pond is created for the benefit of grazing animals and wildlife.”
41	6.3.4	Revise second sentence of original clause 6.3.4 to read “However, they are even more relevant when considering the management of individual sites where the local landscape character may be dependant on unique features or may be untypical of the landscape Type. The detailed description of the Landscape Description Unit could be a useful tool in this situation, as are the standard processes

		of landscape survey, analysis and evaluation.”
42	7.1	In second paragraph remove the words "if not totally"
43	7.1	Add to "ENCLOSURE PATTERN" "although temporary fencing may occasionally be necessary to control grazing."
44	7.2	Re-word last sentence in first paragraph of "CHARACTER DESCRIPTION" to "Although grazing is an important factor in maintaining the character of the landscape, the thin peaty soils and extreme exposure discourage tree and scrub growth."
45	7.2	Revise second sentence of "FORCES FOR CHANGE" to read "These remote, exposed areas are under little pressure from built development, except for occasional wind turbines, and are generally unsuitable for arable cropping."
46	7.2	Add to "ENCLOSURE PATTERN" "although temporary stock fencing may be required from time to time to control grazing."
47	7.2	Add sixth bullet point to "CONSERVATION" to read "Discourage land management changes such as arable cropping and agricultural improvements to grassland"
48	7.3	Revise second sentence of "SETTLEMENT PATTERN" to read "The landscape could accept an occasional additional agricultural dwelling if in accordance with Plan policy but the density must remain very low."
49	7.3	Add third bullet point to "CONSERVATION" to read "Encourage traditional hay meadow and roadside verge management"
50	7.4	Revise second sentence of "SETTLEMENT PATTERN" to read "In principle, these landscapes can accept additional wayside dwellings if the proposals are in accordance with Plan policy, but the density should remain low"
51	7.5	Add to "ENCLOSURE PATTERN" "although peripheral temporary stock fencing may sometimes be necessary."
52	7.6	Revise the first sentence of "CHARACTER DESCRIPTION" to read "These are upstanding, densely wooded hilly landscapes with a sloping topography. The inherent character ..."
53	7.6	Revise last sentence of "SETTLEMENT PATTERN" to read "An occasional additional dwelling could be assimilated if it is in accordance with Plan policy but the density of dwellings should remain extremely low."
54	7.7	Revise last sentence of "SETTLEMENT PATTERN" to read "Opportunities for additional housing should be in accordance with Plan policy and should respect the settlement pattern and be"
55	7.9	In second sentence of "CHARACTER DESCRIPTION" replace "overgrown" with "prominent dense"
56	7.9	In "KEY CHARACTERISTICS" revise first bullet point to read "field boundary hedges are prominent, dense and well structured." Revise fourth bullet point to read "densely settled pattern of smallholdings and wayside cottages separated by small orchards and pasture."
57	7.9	On the annotated photograph replace "often overgrown" with "prominent"
58	7.9	Add the following to second sentence of "SETTLEMENT PATTERN" "and where it is in accordance with Plan policy."
59	7.10	Add "In accordance with Plan policy" to second sentence of "SETTLEMENT PATTERN"

60	7.10	Revise penultimate sentence of "WOODLAND OR TREE COVER PATTERN" to read " However, large scale planting or linking up existing fragmented woodland to form large blocks would not be appropriate. "
61	7.11	Revise third sentence of "SETTLEMENT PATTERN" to read " New housing, in accordance with Plan policy could therefore be accommodated "
62	7.12	Revise fourth sentence of "SETTLEMENT PATTERN" to read " In accordance with Plan policy, the occasional "
63	7.14	Change all references to "water meadows" to " riverside meadows "
64	7.14	Re-word the second sentence of "WOODLAND OR TREE COVER PATTERN" to " The grazing meadow land use has forged the landscape character and woodland is generally therefore not a feature of Riverside Meadows, although there may be some limited opportunity for wet woodland creation. "
65	7.15	Revise last sentence of "WOODLAND OR TREE COVER PATTERN" to read " Woodland is not appropriate in Wet Pasture Meadows "
66	7.16	Add " if in accordance with Plan policy " to second sentence of "SETTLEMENT PATTERN"
67	7.17	Revise second sentence of "CHARACTER DESCRIPTION" to read " In Herefordshire it is concentrated on the Bromyard Plateau where a cluster of small estates such as Pudleston Court, Hennor House, Hamnish Clifford and Hatfield Court have influenced the character of the landscape. "
68	7.17	Revise first sentence of "SETTLEMENT PATTERN" to read " The clustered settlement pattern would accept new development that is in accordance with Plan policy, but care should ... "
69	7.18	Omit first bullet point of "KEY CHARACTERISTICS" and add new bullet point to read " large, discrete blocks of woodland ". Omit third bullet point of Secondary.
70	7.18	Revise third sentence of "SETTLEMENT PATTERN" to read " New development would be appropriate if it is in accordance with Plan policy but it must be carefully... "
71	7.19	Re-title as " Sandstone Estatelands ".
72	7.20	Add to "SETTLEMENT PATTERN" " Any development must be in accordance with Plan policy, "
73	7.20	Add " woodland pattern " to last sentence of "WOODLAND OR TREE COVER PATTERN"
74	7.21	Add " if it is accordance with Plan policy " to first sentence of "SETTLEMENT PATTERN"
75	7.21	Add a second bullet point to "ENHANCEMENT" to read " Seek opportunities to maintain and increase traditional orchards "
76	7.22	Re-word second sentence of "SETTLEMENT PATTERN" to " However, limited new development could be accommodated, either as small clusters or individual dwellings but only in accordance with Plan Policy. "
77	7.22	Re-word final sentence of "WOODLAND OR TREE COVER PATTERN" to " Woodland is not a feature of this landscape. "
78	Fig. 2	Alter the wording of sixth box in Fig 2 which says "No. Presumption against development" to " No. Development would only be considered in exceptional circumstances where it can be shown not to adversely affect the landscape character ".

79	Fig. 2	Alter "historic settlement pattern" to " inherent settlement pattern "
80	Fig. 2	Alter the wording of the boxes on the right hand side saying "No. Presumption against development" to " No. Development will generally be resisted "
81	Fig. 2	Alter the wording of the last box on the right hand side which says "No. Presumption against development" to " No. Development would only be considered in exceptional circumstances "
82	Fig. 3	Revise wording in box on right hand side that says "No. Presumption against woodland." to " No. Presumption against woodland as proposed. "
83	Fig. 3	Change "Unwooded landscape" to " Landscape Type without woodland ", change "Wooded landscape" to " Landscape Type with woodland ", revise box saying "No. Presumption against woodland" to " No. Presumption against woodland as proposed "
84	Fig 4	Change "Estate Sandlands" to " Sandstone Estatelands "
85	Fig. 6	Change "physiographic" to " earth science "
86	Fig. 8	Add section and page nos. to key
87	Fig. 10	Change "Estate Sandlands" to " Sandstone Estatelands "
88	Figs. 8,9,11,12	Add Council's copyright statement
89	Chapters 2,3,4,5,6	Summary box added at the beginning of chapters 2,3,4,5 and 6
90	A4.2	Revise first sentence of last paragraph to read " Thus, hedgerows could be considered to be replaceable in the short term since they could be re-established as a landscape feature within 15 years, even though they may not have re-established their associated biodiversity interest. "
91	Fig 17	Add Trend to Tolerance in co-operation with Worcestershire County Council
92	Glossary	Include definition of " Veteran Tree " in Glossary
93	Glossary	Include definition of " Geodiversity " in Glossary
94	Glossary	Include definition of " Water meadow, Meadow and Pasture " in Glossary
95	Glossary	Include definition of " Woodland " in Glossary
96	Appendix C	Add Draft Planning Policy Statement 7
97	Appendix C	Add " Regional Planning Guidance for the West Midlands "

<p>SUPPLEMENTARY PLANNING GUIDANCE – BIODIVERSITY Report By: Head of Planning Services</p>

Wards Affected
County-wide

Purpose

1. a) To consider the representations made in relation to the draft Biodiversity SPG
- b) To agree amendments to the draft SPG
- c) To adopt the amended SPG as interim policy guidance pending the eventual adoption of the Unitary Development Plan

Financial Implications

2. a) Future printing costs of the revised adopted document.
 - b) Costs of providing training in the use of the LCA, particularly to Development Control Officers
- It is anticipated that these can be met from existing budget provisions.

Background

3. In September 2002, the Council published draft Supplementary Planning Guidance (SPG) on Biodiversity as one of a series of SPG documents associated with the Unitary Development Plan. SPG is intended to provide complementary guidance to the development plan, elaborating UDP policies in more detail than is possible in the Plan itself and offering more specific guidance to planning applicants, prospective developers, land managers and others.
4. The Biodiversity SPG was one of a number of drafts issued for consultation at the same time as the Deposit Draft UDP. The responses received have therefore been taken into account in the proposed changes to both the UDP Biodiversity policies and the SPG itself. A report on the proposed SPG changes has had to await completion of the proposed changes to the UDP, which were approved by the Council on 5th March 2004. It is important that the SPG is adopted under the existing development plan system before the commencement of the relevant provisions under the new Planning and Compulsory Purchase Act. Otherwise, it will come under new provisions relating to Supplementary Planning Documents (SPD) and considerable delay may be incurred in securing adoption.
5. Once the proposed changes to the SPG have been approved, it is planned that the document will be published as 'interim' policy guidance. This interim status is firstly because the UDP landscape policies could be subject to further changes following the consultation on the Revised Deposit UDP and the subsequent Public Inquiry procedure, and secondly because the commencement of the new Planning Act will change the framework within which development planning and supplementary planning guidance operate.

Further information on the subject of this report is available from Robert Widdicombe, Ecologist on (01432) 260128, or Peter Russell, Senior Forward Planning Officer on (01432) 260166.

Some uncertainties may therefore remain about the final form and content of the SPG/SPD during this period of transition.

Contents of the Biodiversity SPG

6. The Biodiversity SPG is both a reference for assessing the impact of development and a guide to conserving the biodiversity and geodiversity within the landscape.
7. As a reference work, the SPG outlines the legally protected habitats/species and identifies the Biodiversity Action Plan (BAP) priorities within the County. It defines the broad status of the wildlife resource in relation to protective designations. Detail in biodiversity assessment is more exacting in both field survey and IT recording of data. The current implementation of the Herefordshire Biodiversity Partnership (2000) Biodiversity Action Plan represents a significant step in this direction and its review alongside the UDP and Biodiversity SPG will further the actions of both national and county Biodiversity Action Plans. The establishment of a Local Records Centre, which includes a depository for the County's biological records, will concentrate the efforts of ecologists and planners in developing compatible information systems for planning guidance and will provide a centralised database, for the effective audit and management of biodiversity information within the County.
8. Guidelines for conserving biodiversity and geodiversity are provided within the Biodiversity SPG in the context of the Natural and Historic Heritage section of the UDP review, statutory constraints and legislative developments as well as some practical suggestions for creating wildlife habitats and enhancing biodiversity within different developments.
9. The Biodiversity SPG seeks to stress the importance of local developments and partnerships in addressing the national (and international) need to conserve biodiversity whilst also promoting the distinctive character of the County's natural areas. The content of the SPG gives emphasis to the need to ensure development does not conflict with the Council's policies on sustainable development. The SPG Biodiversity will aid the promotion of the use of Ecological Impact Assessment as part of the development control process. Through its guidance it will increase awareness of the value of biodiversity as an indicator of 'quality of life' in line with the Government's Sustainable Development Policies and ensure that future development does not cause a net loss of the County's biodiversity resource. It is intended to be accessible to anyone who requires information about the Council's policy and practice in conserving biodiversity within the landscape.

Overall Response to the Consultation

10. The consultation paralleled that undertaken for the Deposit Draft UDP, running from September to December 2002. Comments on the Biodiversity SPG were received from 14 organisations or individuals, and a total of 78 individual comments were made. These have been summarised in tabular form, together with an officer response. See Appendix A: Schedule of Comments, Appendix B: Schedule of Revisions and Appendix C: Table of guidance to the necessity for ecological survey and appraisal.

Further information on the subject of this report is available from Robert Widdicombe, Ecologist on (01432) 260128, or Peter Russell, Senior Forward Planning Officer on (01432) 260166.

11. Comments received can be broadly divided into four areas:
- (a) 9 of the organisations were strongly supportive of the SPG Biodiversity
 - (b) 56 Comments were received with suggestions for minor additions, rewording, typographical errors
 - (c) Two comments received recommending major changes in format of sections the Biodiversity SPG but these were considered unnecessary; one other questioning the extent of the ecological appraisals necessary
 - (d) Five comments pertained to the UDP, RGP.

Summary of Proposed Changes to the SPG

12. Changes are proposed as a result of representations relating to minor additions, rewordings, typographical errors of the SPG Biodiversity Draft 2002 referred to in 8 (b) (and detailed in the tabled addendum) as a result of consultation should be implemented.
13. Major changes in format of the SPG Biodiversity Draft 2002 referred to in 8 © are not proposed because of the compromise which would result in the format and integrity of the guidance.
14. The post-consultation modifications for NC1 to NC9 of the Natural and Historic Heritage section of the UDP should be substituted in the SPG Biodiversity Draft 2002.
15. More cross-referencing should be added for technical handbooks concerning nature conservation enhancement in developments e.g. "The Habitat Creation Handbook for the Minerals Industry. (2003).
16. A specific reference 5.3.7 (page 21) should be added referring to the specific guidelines contained in SPG Re-use and Adaptation of Traditional Rural Buildings in relation to types of development in Table 5 of SPG Biodiversity.
17. An appendix (Appendix C attached) should be added displaying a Table of guidance to the necessity for ecological survey and appraisal should be added.

RECOMMENDATIONS

THAT:

- (a) **the volume and content of the comments received on the consultation be noted and welcomed**
- (b) **the changes proposed by officers to the SPG be approved,**
- (c) **the revised SPG Biodiversity be published as interim guidance, pending adoption of the Unitary Development Plan.**
- (d) **the revised Biodiversity SPG be adopted and published as interim guidance, pending adoption of the Unitary Development Plan.**

BACKGROUND PAPERS

Herefordshire Unitary Development Plan – Revised Deposit Draft. Herefordshire Council, May 2004.

Supplementary Planning Guidance – Biodiversity. Herefordshire Council, September 2002.

Further information on the subject of this report is available from Robert Widdicombe, Ecologist on (01432) 260128, or Peter Russell, Senior Forward Planning Officer on (01432) 260166.

APPENDIX A		
BIODIVERSITY SPG – SCHEDULE OF COMMENTS		
Organisation	Ref.	Summary of Comments
Environment Agency		The Agency considers this guidance clear and comprehensive
	Appx. E	Historic records exist for the depressed river mussel a UK BAP species in the River Wye. It is likely this species does still exist in the county.
	3.2.3	It would be worth listing the cSACs here.
	5.5.13	Add Environment Agency land drainage consent is required for the culverting of any watercourse and that consent is not usually given unless the culvert is required for access.
Herefordshire and Worcestershire Earth Heritage Trust	2.1	There should be a definition of geodiversity here. Local Geodiversity Plans are being drawn up in pilot schemes under the guidance of English Nature and this should be referenced. The Trust proposes to begin writing such a plan for the county in 2004.
	Appx F.	The Trust should be listed in the table here as a discretionary consultee against RIGs and Minerals applications. You may wish to add the Trust as a consultee for Waste applications and Engineering/earth moving operations due to interests and expertise in geology and waste disposal hydrology.
	6.1.3	Comment on UDP Policy NC8. Would benefit from a modification to read "...enhance existing wildlife habitats and geological exposures and provide new habitats for wildlife and new geological exposures as opportunities..."
	Table 6	Would like to see first bullet point in first three boxes read 'incorporate and manage existing
		Response and Recommendation The support is noted. Recommendation: no change Accept. Recommendation: Item 7 Accept. Recommendation: Item 17 Accept. Recommendation: Item 49 Accept. Recommendation: Item 7 Accept. Recommendation: Item This is a comment on a UDP policy so will be considered as such rather than a comment on the SPG. Accept.

		habitat, species and geological exposures...’ and under Road and rail schemes include ‘Conservation of geological exposures’.	Recommendation: Item 52
	Appx A	Should include references to geoconservation e.g. Oliver, P.G. (Ed) (1998) Proceedings of the First UK RIGS Conference. Herefordshire and Worcestershire RIGS Group.	Accept. Recommendation: Item 56
	Appx B	Should include Geodiversity, Earth Heritage and Local Geodiversity Action Plan (LGAP). Regionally Important Geological/Geomorphological Site should be followed By (RIGS) not (RIGs) and definition should state scientific not research.	Accept. Recommendation: Item 57
	Appx H	Add Trust’s details under Useful contacts, Useful websites and under Useful websites add the national RIGS leaflet.	Accept. Recommendation: Item 56
Barn Owl Trust	Appx G	Final paragraph incomplete.	Accept. Recommendation: Item 65
NFU East Midlands Region	6.2.5	Points 9 and 10 no problem with the use of these criteria provided the cost of mitigation measures must be reasonable if not farm and rural diversification proposals will be prevented.	Accept. Recommendation: Item 50
	6.2.6	Insert a sentence about the need for consideration of the costs of mitigation measures so that they are not too excessive.	Accept. Included within recommendation 50. Recommendation: Item 50
Herefordshire Nature Trust		Welcomes and strongly supports the production of this document as both guidance to planners and developers on issues concerning biodiversity and as a key mechanism for the delivery of UK and Herefordshire BAP targets.	The support is noted. Recommendation: no change
	2.1.2	Regional work e.g. The Environmental Economy of the West Midlands report identifies the important contribution the natural environment makes in terms inward investment and employment e.g. the environmental sector now employs more people than the car industry. Rework to emphasise this “Herefordshire’s biodiversity, and the natural environment which	Accept. Recommendation: Items 8 and 9

		supports it, makes a major contribution to the local economy, attracting inward investment, providing significant employment in the land based sector and high-tec industries, supporting the growing tourism sector and providing a healthy and attractive...”		
	2.1.3	Reduce length of first two sentences by separating into three sentences. Reorder third and fifth sentences “ The 1995 UK Steering Group Report identified priority habitats and species..” “These national action plans are translated in to local action through Herefordshire Biodiversity Action Plan”.		Accept. Recommendation: Item 10
	2.2.1	Refer to Brundland Report for most widely recognised and accepted definition of sustainable development.		Accept. Recommendation: Item 11
	2.2.3	Strongly support the use of the precautionary principle not only because of the unpredictability and complexity of impacts that can result from certain types of development but also because of the lack of current information about the status and distribution of certain priority habitats and species.		The support is noted. Recommendation: no change
	3.2.1	Replace word imposed with introduced to infer positive benefits that new legal obligations and provisions have brought for biodiversity.		Accept. Recommendation: Item 13
	3.2.2	Reword second and third sentence “This section deals with each of the statutory and non-statutory site designations in Herefordshire each of which is also summarised in Table 1 below”		Accept. Recommendation: Item 14
	3.2.2	Table 1 includes abbreviations of site designations in brackets.		Accept. Recommendation: Item 16
	3.3.1	Refer to fact that protected species are not restricted to designated sites alone and can be found in a rural and urban context.		Accept. Recommendation: Item 18
	3.3.7	Define what full protection means.		Accept. Recommendation: Item 19

3.4.1	Reorder first sentence as per 2.1.3.	Accept. Recommendation: Item 20
3.4.2	Reword first sentence by removing "Included within"	Accept. Recommendation: Item 21
3.4.5	Replace ">" sign with "greater than"	Accept. Recommendation: Item 22
3.5	Refer to stepping stones as well as wildlife corridors.	Accept. Recommendation: Item 23
4.1	Strongly support approach by RTPI for all applications likely to effect designated or priority habitats and species but strongly recommend this be a requirement rather than simply advocating it as best practice.	The support is noted. Recommendation: no change
5.1.3	Strongly supports the requirement for developers to provide ecological information and the Council to refuse applications if insufficient information is made available. Strongly support the view that proposals cannot be fully assessed and therefore potential meet legislative and policy tests without such information nor can survey, mitigation and/or compensation/obligations in every case be satisfactory.	The support is noted. Recommendation: no change.
5.1.4	Place second para in a box with a case study heading.	Accept. Recommendation: Item 32
5.1.11	Replace "understand" with "identify and assess" in first sentence to indicate the two stage process involved.	Accept. Recommendation: Item 34
5.1.13	Include the requirement to include construction footprints in certain instances as from experience these can often be much larger and more damaging than the layout plans for proposals initially suggest.	Accept. Recommendation: Item 35
5.1.16	This paragraph should highlight the importance of undertaking surveys at the correct time of year.	5.1.15 states this. Recommendation: no change
5.1.18	Should include a requirement for developers to assess impact according to English Nature's	The assessment of impact magnitude and an evaluation of the environmental resource being

		Planning Naturally guidelines with an assessment of impact magnitude and an evaluation of the environmental resource being impacted and include statements to indicate certainty of impacts occurring and also take account of any cumulative effects. Each element should be accompanied by clear information to justify the conclusions of each stage.	affected are stated here. The Developing Naturally handbook is cited as a useful reference in Appendix A but will also be referenced in the main body of the text. Recommendation: Item 36
	5.1.19 (becomes 5.1.20 as a result of Item 37)	Reword second sentence as follows "Where loss is unavoidable recommendations for mitigation, compensation and enhancement proposals must be included."	Accept. Recommendation: Item 37
	5.2.20	Strongly recommend that impacts on sites of local importance are assessed as per our recommendation under 5.1.18.	Agree but this is stated under 5.1.18. Recommendation: no change
	5.2.20	Reword point 3 "Proposals for the protection and enhancement of habitats and species and if loss is unavoidable mitigation and compensation measures";	Accept. Recommendation: Item 39
	5.3.6	Remove last sentence which seems somewhat out of place.	Accept. Recommendation: Item 42
	5.3.6	Amend point 7 to include land immediately adjacent to railways as well as railways themselves as these areas often act as breeding, hunting and shelter areas for slow worms.	Accept. Recommendation: Item 41
	5.6.4	Strongly support the inclusion of a no net biodiversity loss approach in the SPG. Habitats such as semi-natural grassland have undergone 97% loss in the last few decades for example so if damaging development is unavoidable it should seek to compensate fully for any further losses. It should be clear that some habitats cannot be easily replaced and in these instances it may be a requirement to recreate larger areas, than those lost through development, of lower quality habitat	The support is noted. Recommendation: no change

		in order to compensate.		
	6.2.4	Strongly support the targeting of Prime Biodiversity Areas for habitat creation, restoration and enhancement a part of planning proposals. However proposals in such areas should be required to make a positive contribution towards tackling habitat and species isolation and fragmentation.		The support is noted. Recommendation: no change
	6.4.9	Amend point 3 to include costed management options		Accept. Recommendation: Item 53
	Policy NC2	Registered an objection to this policy and should this policy be amended would like to see appropriate amendments to advice within SPG.		This is a comment on a UDP policy so will be considered as such rather than a comment on the SPG. Recommendation: no change
Herefordshire Ornithological Club		SPG is quite comprehensive and about which they have no objections.		The support is noted. Recommendation: no change
	Appx H	Herefordshire Ornithological Club could be usefully listed under Contacts and further Information.		Accept. Recommendation: Item 68
Ledbury Town Council	5.5.7	Trees and Tree Preservation Orders. Members would like to see point taken into consideration with immediate effect on all new planning applications received between now and the formal adoption of the UDP and SPG.		The support is noted. Recommendation: no change
	Table 6	Examples of enhancing biodiversity within different developments – “Residential development”. Members would like to see point taken into consideration with immediate effect on all new planning applications received between now and the formal adoption of the UDP and SPG.		The support is noted. Recommendation: no change
	6.5.3	Community participation and access to natural greenspace. Members would like to see point taken into consideration with immediate effect on all new planning applications received between now and the formal adoption of the UDP and SPG.		The support is noted. Recommendation: no change

Forestry Commission		Biodiversity is a key component of the England Forestry Strategy's (EFS) Environment and Conservation programme. FC takes the lead in the development and implementation of Woodland Habitat Action Plans and various Species Action Plans. We therefore welcome this SPG for Herefordshire as will help to inform and guide various elements of the FC's work, particularly at the current time in relation to the development of the Regional Forestry Framework.	The support is noted. Recommendation: no change
	3.5.7/8	The TPO system should not be set out in isolation from felling controls under the Forestry Act. Therefore there should be a concise reference here to the felling licensing system operated by the FC, which needs to operate in conjunction with TPOs to produce an effective and joined up system of overall control.	Accept. Recommendation: 25
	3.5.9 (will become 3.5.10 as a result of above item 51)	State the relative richness and importance of Herefordshire's ancient woodland resource, including those areas under 2ha in size. The conservation, restoration and enhancement of ancient woodlands is a priority of the England Forestry Strategy.	Accept. Recommendation: Item 26
	5.1.11 to 5.1.20	FC's Native Woodland Plans are a key mechanism for achieving appropriate and effective ecological appraisal of semi-natural woodland in Herefordshire. As such they should be referred to in this section.	Accept. Recommendation: Item 38
	5.5.13 – 5.5.14	Paragraph numbers are repeated under Ancient woodlands and Ponds and watercourses sections	Accept. Recommendation: Item 49
	5.5.13 – 5.5.15	Draft regional planning guidance reinforces the importance and priority given to ancient woodlands, plus the consultation with the FC.	Accept. At the time of publication of the SPG RGP policies were only indicative Recommendation: No change
	Appx A	Include reference to England Forestry Strategy (1998) and Forestry Act (1967)	Accept. Recommendation: Item 55
	Appx B	Add 'Felling licence to Glossary.	Accept.

				Recommendation: Item 58 Accept.
	Appx F	Replace FC address shown with West Midlands Conservancy office address in Worcester.		Recommendation: Item 63
	Appx H	Add FC website to 'useful websites'.		Accept. Recommendation: Item 67
Highways Agency		The Highways Agency supports the aims of the SPG and in general the guidance is consistent with the approach of the Agency to the issue of biodiversity. The Agency has produced its own Biodiversity Action Plan.		The support is noted. Recommendation: no change
Mason Richards Planning	5.0	There should be a clear distinction between the requirements of a planning application subject to EIA and a planning application that is not subject to EIA.		Agree. Recommendation: Item
	5.1.18	Strongly disagree with statement "all ecological appraisals must contain an assessment of the impact of the development, both construction and operational phase". Ecological appraisals are not designed to address these issues unless they relate to EIA development. Generally speaking, an Ecological Appraisal is undertaken prior to a masterplan being prepared so that Appraisal can inform and guide the masterplanning process. The overall remit of an Ecological Appraisal is to identify the value of habitats within a site, indicating which habitats would be retained and enhanced. Recommend rewording first sentence 2Where EIA is required, the ecological appraisal..."		Disagree. National guidance on ecological appraisal as published by the RTP1, within Developing Naturally and being developed by IEM concurs that in order to enable planning decisions to be well informed about the potential effects of development upon sites or features of nature conservation value or on protected species, ecological appraisals should be undertaken to the extent necessary to adequately inform the decision. Development may take many forms and involve many operations and activities that may cause a change to the environment, which may then lead to an impact on wildlife. A review of the likely activities associated with the development throughout phases of its life should be considered for the ways in which they may change or disturb wildlife on or surrounding the development site. This change should be characterised and quantified.
English Nature		Guidance is excellent, extremely well written, logical and comprehensive and so has our full support.		Recommendation: no change The support is noted.
	3.5.9 (will)	The Herefordshire Inventory of Ancient Woodlands report is out of date and due for		Recommendation: no change Accept.

	become 3.5.10 as a result of above (Item 25)	review and hence the list of sites may change. The Forestry Commission have undertaken a review of woodlands including those under 2ha as well as individual trees so reference to this might be appropriate.	Recommendation: Item 27
	5.1.6	For completeness list the Schedule 1 & 2 projects.	Disagree. The list of projects is considered to be too long to include here. Recommendation: no change
	5.5.11	Works to ancient trees although covered by EN report referred to it would be helpful to note where trees do require felling rather than surgery, consideration should be given to retaining trunk section standing as a 'monolith'/hulk.	Accept. Recommendation: Item 47
	6.4.9	Bullet point 6. Should read 'monitoring and review.'	Accept. Recommendation: Item 53
	Appx E	Add caveat to indicate the species listed are subject to review with the possibility of additions and deletions e.g. the hoverfly, <i>Myolepta potens</i> has been discovered at Moccas Park so should be added.	Accept. Recommendation: Item 61
	Appx D and E	<i>Austropotamobius pallipes</i> is referred to as 'Atlantic Stream Crayfish' in D and 'Freshwater white clawed crayfish' in E. English Nature usually refers to this species as 'white-clawed crayfish'.	Accept. Recommendation: 60
	Appx E	Typographic mistakes in the species list <i>Ranunculus tripartitus</i> , <i>Orobanchae rapum-genistae</i> , <i>Ranunculus penicillatus</i> , <i>Coeloglossum viride</i> , <i>Potamogeton trichoides</i> , <i>Viscum album</i> , <i>Eleocharis acicularis</i> , <i>Riccia heubeneriana</i> .	Accept. Recommendation: Item 62
	Appx B	Ramsar is a 'town'.	Accept. Recommendation: 59
Llangarron Parish Council		Full support to the proposals in the draft supplementary planning guidance.	The support is noted. Recommendation: no change.
Welsh Newton and Llanrothal		Amounts to Objectives and Opportunities, there is some legislation like TPOs etc, also innovations	The support is noted.

Group Parish Council		like incorporating bat bricks, bird boxes on bridges in road and rail schemes.	Recommendation: no change
Gloucestershire County Council		This is a comprehensive and useful document for developers and planners in Herefordshire and is welcomed.	The support is noted.
		There is some scope to simplify the main text by putting some of the species information into the appendices instead e.g. Appendices should be expanded to include Habitats Regulations (European) species and also nationally protected Schedule 8 plants that are protected under the W&C Act (e.g. delete Tables 2 & 3 and extend scope of appendices). Similarly the list of BAP priority habitats could be placed in front of priority species Appendix E.	Recommendation: no change Disagree. Tables 2 and 3 and the list of BAP priority habitats are considered sufficiently brief to be included in the main body of the text.
	3.5	The coverage of important landscape features for biodiversity under Habitat networks is excellent and good to see in the SPG.	The support is noted.
	4.1	The main objectives list is so important that we suggest it is highlighted by making it a boxed item. 5 and 6 will be particularly useful to developers and answers many FAQs.	Recommendation: no change Accept.
	5.3.11	Licensing arrangements for European Protected Species are currently the subject of a review consultation by DEFRA. A note to this effect should be included that arrangements are subject to change during the lifetime of the SPG. This part might be better placed in Appendix after lists of protected species.	Recommendation: Item 28 Recommendation: Item 43

ITEM	CLAUSE NO.	REVISION
1	Foreword	Revise to Councillor Phil Edwards
2	Acknowledgements	Revise date
3	Contents	Revise to reflect changes
4	1.1	Add text to last sentence to read “The SPG will be reviewed alongside reviews of the UDP, the County BAP and feedback from the Local Development For a”
5	1.3 Part 1 ~ Biodiversity In Context	Add text to final sentence to read: “...legally protected sites, species and features ”
6	1.7	Add a final sentence to read: “Guidance on the more variable aspects of wildlife protection together with contact details of relevant organisations are contained in Appendices C to I.”
7	2.1	<p>1) Add a sentence at the end of 2.1 “The preservation of rocks (including fossils and minerals) and natural processes (such as soil formation and retention) upon which biodiversity relies is also of prime importance. Herefordshire is particularly rich in such geodiversity.”</p> <p>2) A definition of geodiversity “Geodiversity The variety of rocks, fossils, minerals and natural processes” should be added to Appendix B ~ Glossary</p> <p>2) An additional section 3.4.8 should be added as follows: “3.4.8. Local Geodiversity Plans (LGAPS) are being drawn up in a pilot scheme under the guidance of English Nature. Herefordshire and Worcestershire Earth Heritage Trust propose to begin writing a County LGAP in 2004.”</p>
8	2.1.2	Amend 2.1.2. to read: “ Herefordshire’s biodiversity, and the natural

		environment which supports it, makes a major contribution to the local economy, attracting inward investment, providing significant employment in the land based sector and high-tec industries, supporting the growing tourism sector and providinga healthy and attractive environment for residents to live and work.”
9	2.12	Correct last sentence to read: “...attractive environment within which residents can live and work.”
10	2.1.3	Amend and correct first two sentences to read “.... conserve biodiversity nationally. This has the goal”. Amend sentence 3 to read: “ The 1995 ³ UK Steering Group Report identified priority habitats and species..” Amend sentence 5 to read “.... The national action plans are translated in to local action through Herefordshire Biodiversity Action Plan”.
11	2.2.1	Substitute the second sentence “We should try to leave” with “Sustainable development should meet the needs of the present without compromising the ability of future generations to meet their own needs.”
12	3.1.2	Change text ...”Countryside Commission.” to “...Countryside Agency...”
13	3.2.1	Delete the word “Draft” from the last sentence. Replace word “imposed” with “introduced”.
14	3.2.2	Reword second and third sentence “This section deals with each of the statutory and non-statutory site designations in Herefordshire each of which is also summarised in Table 1 below.”
15	3.2.2	Add text to end of sentence 2 to read “....County are monitored and their status reviewed by the designating body in association with the sites’ other consultees (where applicable).”
16	3.2.2	Add brackets around abbreviations of site designations. Remove row lines from column 1 Level of Importance to make

		cell Sites of National Importance a single cell and Sites of Regional/County/Local Importance a single cell.
17	3.2.3	Alter text to read “, but does have four candidate SACs; River Wye, Downton Gorge, Wye Valley Woodlands and the River Clun.”
18	3.3.1	Add penultimate sentence to 3.3.1 to read: “Protected species are not restricted in distribution to protected sites alone but are wide ranging and can be found in rural and urban situations.”
19	3.3.7	Add the following definition to Appendix D: “Full Protection = killing, injury, taking possession or control, damage/ destruction of, obstruction of the place of shelter/protection and disturbance while in a place of shelter and safe.”
20	3.4.1	Amend sentence one to read: “ As described in 2.1.3. the The 1995 ³ UK Steering Group identified priority habitats”
21	3.4.2	Reword first sentence by removing “Included within”
22	3.4.5	Replace “>” sign with “greater than”
23	3.5	Amend text of second sentence to read “ ...or provide a network of stepping stones or linkages”
24	3.5.7	Amend last sentence to read: “Local Authorities have a duty and a power to make..”
25	3.5.7/8	Add an additional section 3.5.9 to read: 3.5.9 Whether or not a TPO is in force you must first apply to the Forestry Commission for a felling licence if you want to cut down trees containing more than five cubic metres of wood as long as no more than 2 cubic metres of any exempt amount are sold in any calendar quarter. There are exception to this rule which are set out in the Forestry Act 1967 (as amended).”
26	3.5.9 (will become 3.5.10 as a result of above Item 25)	Add to 3.5.9: “.... They are also listed in the UDP. Herefordshire's ancient woods including those under 2 ha in size are a very important biodiversity resource.” and add a final sentence for this section at the end:

27	3.5.9 (will become 3.5.10 as a result of above Item 25)	<p>“The conservation, restoration and enhancement of ancient woodlands is a priority of the England Forestry Strategy³⁴.”</p> <p>Add to 3.5.9: “.....that are above 2 ha in size. This report is due for review.”</p>
28	4.1	<p>Enlarge text and box to fill rest of entire page.</p> <p>Add text to point 2 “Retain and Protect” to read; “.....design and during construction. An appropriately experienced Clerk of Works should supervise any works undertaken.”</p>
29	4.1.	<p>Add text to “1. Survey and Appraise” to read “the site’s biodiversity interest including buildings.”</p> <p>Add text to second sentence of “Retain and Protect ..” to read “ only where damage is unavoidable (As stated in NC5 of the UDP `Where an over-riding need for the development is demonstrated,..) should the following...”).</p>
30	5.1.2	<p>Amend the last sentence to read “...further guidance on this follows in the highlighted paragraphs.”</p>
31	5.1.3	<p>correct “secure” in sentence 1 to “...call for...”</p>
32	5.1.4	<p>Accept. Enclose in text box with heading: “Cornwall Case Study”</p>
33	5.1.6	<p>Add sentence to end to read:”Local Authority Planning Officers will consult with colleagues in the Nature Conservation section in the screening exercise.”</p>
34	5.1.11	<p>Replace “understand” with “identify and assess” in first sentence.</p>
35	5.1.13	<p>Accept. Add to 5.1.13 to read: “.....the proposed site layout and construction footprint e.g. any new building.....”</p>
36	5.1.18	<p>The final sentence of 5.1.18 should now be the second sentence of a new section 5.1.19 which should read: “Appraisals should indicate the certainty of impacts occurring and take into account cumulative effects. The</p>

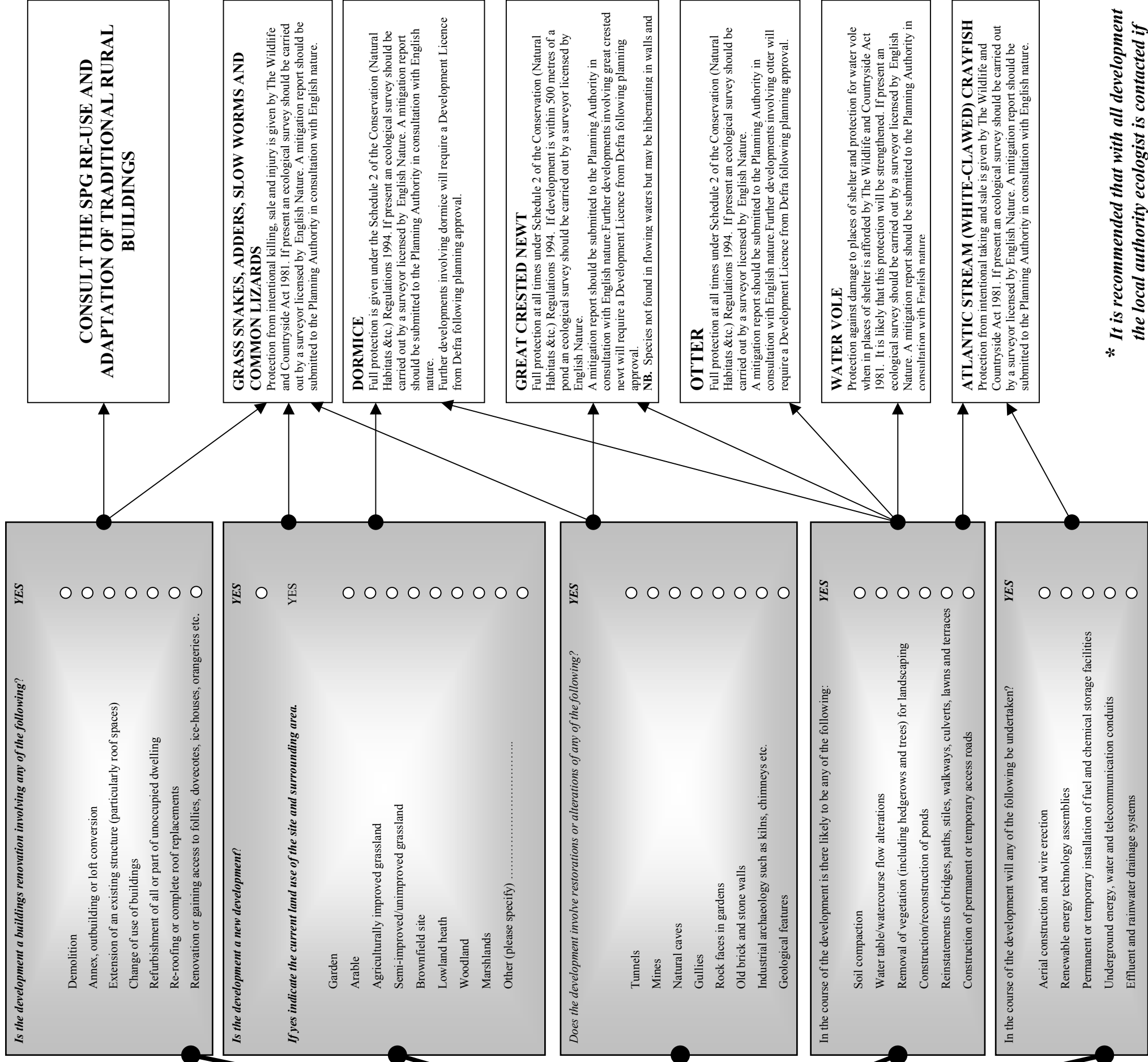
		<p>Department of the Environment, Transport and Regions has produced guidance on a New Approach to Appraisal, (1998)⁴⁶ which recommends the formulation of project specific magnitude criteria. Further details surrounding the determination of impact magnitude may also be found within Developing Naturally.”</p>
37	5.1.19 (becomes 5.1.20 as a result of Item 37)	<p>Reword second sentence as follows “Where loss is unavoidable recommendations for mitigation, compensation and enhancement proposals must be included.”</p>
38	5.1.11 to 5.1.20	<p>Add to 5.1.16: “...or Phase 1 survey will be required. The Forestry Commission’s Native Woodland Plans can provide a mechanism for ecological survey of semi-natural woodland.”</p>
39	5.2.20	<p>Correct text point 3 to read: “Proposals for protection of habitats and species, and where damage is unavoidable, mitigation, and compensation measures and enhancement;” Similarly alter also SPG 5.2.6, 5.2.16, 5.3.7 and 5.4.3</p>
40	Table 5	<p>Renumber (and realign sections) 1 to 10.</p>
41	5.3.6	<p>Amend point 7 to read: “Developments affecting derelict land, brown-field sites, railways and land aside them, grassland and allotments.” Also insert as sentence 4. “For more detailed guidance refer to the SPG Re-use and Adaptation of Traditional Rural Buildings.”</p>
42	5.3.6	<p>Remove last sentence.</p>
43	5.3.11	<p>Add following sentence directly after “If in doubt contact DEFRA for advice.” “Please note that licensing arrangements for European Protected Species are currently the subject of a review consultation by DEFRA and things may change during the lifetime of an SPG”</p>

		also change paragraph heading (in small case) to read: “5.3.9 Licensing Requirements
44	5.5.1	Replace 5.1.1. in brackets
45	5.5.2	Final sentence should read “...council will expect a hedgerow assessment to be commissioned and report submitted by the developer.”
46	5.5.5	Replace the second sentence with: “Where in the Local Authority’s opinion a hedgerow can be removed in order to facilitate development it will expect compensation proposals to be put forward.” Subsequently join this section to make one section with 5.5.4.
47	5.5.11	Add to end sentence of 5.5.11: “...to the tree such as pruning or leaving the trunk section standing”
48	5.5.13	This section should now be numbered 5.5.16 (see item 49). The text should now read : “.....appearance of a development and landscape scheme. Environment Agency Land drainage consent is required for the culverting of any watercourse and consent is not usually given unless the culvert is used for access.”
49	5.5.13 – 5.5.14	Renumber and adjust paragraph numbers
50	6.2.5	Add a point 11 to read “Mitigation and compensation will be secured through planning conditions which are necessary, relevant to planning, enforceable and fairly and reasonably related to the permitted development. This is in line with the DoE published guidance referred to in the SPG.”
51	Table 6	Add bats to the list!!
52	Table 6	Amend first bullet point in first three boxes to read “Incorporate and manage existing habitat, species and geological exposures.” and under Road and rail schemes include a bullet point “Conserve geological exposures” Also add to Conversion of Rural Buildings bullet point “(see SPG Re-use and adaptation of Rural and Traditional Buildings)”

53	6.4.9	Amend Point 4 to read: “ A five year work plan including costs ”
54	6.4.9	Correct text to read: “ Monitoring and review measures. ”
55	Appendix A	Add to Appendix A: “ 34. Forestry Commission (1998). England Forestry Strategy ”. and “ 35. Forestry Act (1967). (Part II. as amended by the Trees Act 1970 and the Forestry Acts 1979 and 1986) ”
56	Appendix A	Add To the alphabetical list “ Oliver, P.G. (Ed) (1998) Proceedings of the First UK RIGS Conference. Herefordshire and Worcestershire RIGS Group. ”
57	Appendix B	Add the following definitions to the alphabetical list (p40, p41, p42): “ Earth Heritage A broad term describing in the widest sense; rocks, fossils, minerals, museum collections and natural processes and making a clear link with wildlife ” “ Geodiversity The variety of rocks, fossils, minerals and natural processes. ” “ Local Geodiversity Action Plan (LGAP) A local delivery mechanism to integrate geological conservation measures together with objectives, targets and indicators defined in a local and national context. ” In the definition of Regionally Important Geological/Geomorphological Site (RIGs) correct the latter to “ (RIGS) ” correct “research” to “ scientific ”.
58	Appendix B	Add: “ Felling Licence A licence under the Forestry Act (1967) authorising the felling of a tree. ”
59	Appendix B	Correct Ramsar is a own to “ Ramsar is a town. ”
60	Appendix D and E	Correct ‘Atlantic Stream Crayfish’ to ‘white-clawed crayfish’.
61	Appendix E	Add text to end of Appendix E:

		"This list is subject to review with the possibility of additions and deletions".
62	Appendix E	Correct text Also correct " <i>Stellaria nemorum</i> (ssp <i>montata</i>) to <i>Stellaria nemorum</i> (ssp <i>montana</i> , <i>Ranunculus tripartitus</i> , <i>Orobancha rapum-genistae</i> , <i>Ranunculus penicillatus</i> , <i>Coeloglossum viride</i> , <i>Potamogeton trichoides</i> , <i>Viscum album</i> , <i>Eleocharis acicularis</i> , <i>Riccia heubeneriana</i> . Accept. Amend to: "Forestry Commission West Midlands Conservancy, Government Buildings, Block 8, Whittington Road, Worcester, WRS 2FR"
63	Appendix F	Accept. Add to the list of consultees: "HWEHT Herefordshire and Worcestershire Earth Heritage Trust, Geological Records Centre, University College Worcester, Henwick Grove, Worcester, WR2 6AJ."
64	Appendix F.	Add to the final paragraph to read "...unless the site is within an urban area or more than 300 m above sea level."
65	Appendix G	Add to the alphabetical list of contacts: "Herefordshire and Worcestershire Earth Heritage Trust, Geological Records Centre, University College Worcester, Henwick Grove, Worcester, WR2 6AJ 01905 855184" Add under 'Useful Leaflets' "Regionally Important Geological and Geomorphological Sites from UK RIGS, The National Stone Centre, Porter Lane, Middleton by Worksworth, Derbyshire, DE4 4LS 01629 824833"
66	Appendix H	Add to alphabetical list "Forestry Commission www.forestry.gov.uk"
67	Appendix H	Add to alphabetical list: "Herefordshire Ornithological Club, (The Secretary, Mr. T.M Weale), Foxholes, Bringsty Common, Worcester, WR6 5UN 01886 821368"
68	Appendix H	Add "Appendix I : Table of guidance to the necessity for
69	Appendix I	

		ecological survey and appraisal”.
--	--	------------------------------------------



*** It is recommended that with all development the local authority ecologist is contacted if doubt exists concerning the presence of protected species OR an ecological consultant is engaged to make a judgement.**

<p>BATS All species of bat in the UK have full protection at all times under Schedule 2 of the Conservation (Natural Habitats &c.) Regulations 1994. Full protection at all times means any disturbance from roosting, blockage of access to roost sites, photography etc. If present an ecological survey should be carried out by a surveyor licensed by English Nature. A mitigation report should be submitted to the Planning Authority in consultation with English nature. Further developments involving bats will require a Development Licence from Defra following planning approval.</p>	<p>BADGERS The protection of Badgers Act 1992 makes it <ul style="list-style-type: none"> illegal to wilfully kill, take, possess, ill-treat or attempt to do so intentionally or recklessly interfere with a badger sett Developments within 30 metres of a badger sett are likely to result in interference as the term includes disturbance whilst the sett is occupied. Works involving hedgerows, trees or woodland disturbance may affect badgers. In the event of badgers being present within 30 metres of a development no works excepting ecological survey should be carried out. Licenses for work within 30 metres may be granted by English Nature for operations outside the breeding season which takes place between December and June.</p>	<p>NESTING BIRDS The Wildlife and Countryside Act 1981 (and amendments) gives full protection to all wild nesting birds, their eggs and nests. Nesting birds are likely to be found within any building or surrounding area during March to September. Unoccupied houses, barns or other constructions with wall holes, accessible roof voids and eaves spaces will provide nesting opportunity for a variety of species. Surrounding vegetation including hedgerows, grassland and trees may also harbour nesting birds. Three bird species with full protection at all times (Kingfisher, Black redstart and Barn owls) are not likely to be found in or near occupied houses but may be encountered near road verges (barn owl), watercourses (kingfisher) and urban developments on brownfield sites (black redstart but rarely).</p>	<p>No works excepting ecological survey should be carried out between March and September. Licenses for mitigation may be granted by English Nature for works outside this period.</p>
<p>WILD PLANTS All plants under schedule 8 of The Wildlife and Countryside Act may be affected by development involving terrestrial and aquatic habitat. A mitigation report should be submitted to the Planning Authority in consultation with English nature.</p>	<p>Appendix I : Table of guidance to the necessity for ecological survey and appraisal *</p>		

*** It is recommended that with all development the local authority ecologist is contacted if doubt exists concerning the presence of protected species OR an ecological consultant is engaged to make a judgement.**

COMPULSORY PURCHASE: CONSULTATION ON DRAFT GUIDANCE & REGULATIONS ARISING FROM PART 8 OF THE PLANNING & COMPULSORY PURCHASE ACT 2004

Report By: Forward Planning Manager

Wards Affected

Countywide

Purpose

1. To inform the Committee of a consultation from the Office of the Deputy Prime Minister (ODPM) regarding amendments to compulsory purchase arrangements.

Financial Implications

2. None

Introduction

3. The Planning & Compulsory Purchase Act received Royal Assent on 13th May 2004, and includes changes to the powers available to local authorities to compulsorily purchase land. The new powers are intended as a tool for local authorities and other public bodies to assemble land in order to deliver social and economic change and are predominantly concerned with difficult to develop land in urban areas. Policy objectives include effective and efficient urban regeneration, revitalisation of communities and the promotion of business.
4. The ODPM has now issued consultation documentation as follows:
 - a draft compulsory purchase Circular to replace ODPM Circular 02/2003 "Compulsory Purchase Orders", reflecting the proposed changes to legislation set out in Part 8 of the Act and including a Memorandum explaining them;
 - draft regulations prescribing forms for use in the preparation of compulsory purchase orders and related notices, to replace those in the Compulsory Purchase of Land Regulations 1994 (SI 1994/2145);
 - draft regulations under the power in the Act to prescribe a written representations procedure for considering objections where remaining objectors agree to its use, an alternative to holding a public local inquiry;

Further information on the subject of this report is available from Dr D Nicholson on (01432) 261952

- draft initial Regulatory Impact Assessment for each set of draft regulations.
5. This report summarises the new powers becoming available. Government guidance on compulsory purchase is strongly procedural in focus and the drafts now available continue to follow this approach. The main area of interest is the guidance set out in the draft Circular as to how the new powers should be used.
6. **The Draft Circular**
The draft Circular will constitute the Government's guidance for non-ministerial acquiring authorities on how to prepare and submit compulsory purchase orders for confirmation under the revised system. The main changes it represents to ODPM Circular 02/2003 are:
- a revised Appendix A on the planning compulsory purchase powers at section 226 of the Town and Country Planning Act 1990;
 - a new appendix referring to Urban Development Corporation orders;
- and
- the inclusion of the Memorandum explaining the Part 8 changes.

Much of the guidance given in the Circular, which runs to 110 pages, is detailed and is carried over from the current Circular. However, the new material in Appendix A is worthy of comment.

7. **The New Powers**
The new powers are intended to be a positive tool to help authorities assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents. The powers are expressed in wide terms and can be used to assemble land for regeneration schemes where the range of activities proposed is wide and no other single power would be appropriate.
8. *Comment: The emphasis on the range of purposes for which the new powers under the Planning Acts may be used is very much to be welcomed, as is the role identified for the Community Strategy (Herefordshire Plan). In Herefordshire, the emphasis given to the Herefordshire Plan in drawing up the Unitary Development Plan (which will form a Local Development Document under the new system) should ensure that proposals to compulsorily purchase land under the new powers have a sound footing with the links between the documents being clearly identified.*
9. **Section 226(1)(a)**
The power in this section enables compulsory acquisition to facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired. Note that this form of words allows land to be acquired for a scheme which does not necessarily have to be taking place on the subject land – so long as its acquisition can be shown to be essential to the successful implementation of the scheme.

10. The power can only be used where the scheme will contribute to the promotion or improvement of the economic, social or environmental well-being of the area of the local authority. Again, the draft Circular emphasises the point that the benefit to be derived from any compulsory purchase is to be understood in terms of the whole (or any part) of the authority's area, not simply in terms of the area being acquired.
11. *Comment: Here the Government is seeking to relax the traditionally cautious approach of local authorities in using compulsory purchase powers. The draft Circular works with the new statutory requirements placed on local planning authorities in terms of achieving sustainable development and planning spatially. Spatial planning is about integrating policies and actions for the development and use of land (the usual focus of planning) with other policies and programmes which influence the nature of places and how they function. Spatial planning will embrace such aspects as promoting regeneration initiatives and improving the local environment, aspects which cannot always be furthered by the grant or refusal of planning permission. A more proactive approach including assembling sites may be needed, and again the encouragement which the draft Circular gives to such actions is very much to be welcomed.*
12. The draft Circular emphasises rightly the need for proposals to be set within a clear planning framework which is founded on sound evidence and has been subject to proper consultation with those whose properties are affected. Documents such as the Unitary Development Plan provide the appropriate vehicle for such consultations. Emerging Local Development Documents and non-statutory proposals such as master plans will be taken into account. It is also acknowledged that where the proposed acquisition is part of a long-term strategy, it may not always be possible to demonstrate the end-use of every piece of land included in a particular CPO.
13. *Comment: Here the draft Circular is seeking to ensure that Orders are properly based in the planning framework whilst acknowledging that the planning system is in a state of transition and that this should not hold up proposals designed to tackle low housing demand or to accommodate further growth in an area. Again, the emphasis is on encouraging the use of compulsory purchase powers to achieve social and economic change.*
14. **Section 226(1)(b)**
This power allows acquisition in other instances, where required in the interests of the proper planning of the area. The power is broad and is intended to be used to acquire land not required for development, improvement or re-development (here, section 226(1)(a) would be the appropriate power).

Conclusions

15. The new powers and the very clear message being given in the draft Circular that they are to be used to achieve sustainable development delivered through spatial planning are welcomed. For Herefordshire, the links already in place between the Herefordshire Plan and the UDP will help ensure a sound foundation for any compulsory purchase being contemplated to achieve Plan objectives, such as those at Edgar Street. The examples cited in the draft

Further information on the subject of this report is available from Dr D Nicholson on (01432) 261952

Circulars do tend to major on the issue of low housing demand and housing renewal, and it may be that in the final version a wider spread of examples might be used including for instance market town regeneration. However, overall the draft Circular succeeds in making the links between compulsory purchase as a planning tool and the wider planning reform agenda.

RECOMMENDATIONS

THAT the Cabinet Member (Environment) be recommended that the comments set out above form the basis of a response to the Office of the Deputy Prime Minister.

BELMONT RURAL PARISH PLAN

Report By: Forward Planning Manager

Wards Affected

Belmont

Purpose

To consider the Belmont Rural Parish Plan for adoption as interim supplementary planning guidance to the emerging Herefordshire Unitary Development Plan.

Background

The Government's White Paper 'Our Countryside, the future' (2000) proposed that all rural communities should develop 'Town, Village and Parish Plans' to identify key facilities and services, to set out the problems that need to be tackled and to demonstrate how distinctive character and features could be preserved. Parish Plans form one of the four initiatives of the Vital Village programme. They should address the needs of the entire community and everyone in the parish should have an opportunity to take part in its preparation. Local Planning Authorities are encouraged to adopt the planning components of Parish Plans as supplementary planning guidance.

Adoption by Herefordshire Council

Parish Plans will not have any statutory powers. They will however be a definitive statement about local character and issues. For a Parish Plan to be adopted as SPG, it must be consistent with planning policy and prepared in wide consultation with the community and interested parties. Only elements of Plans relevant to land use and development can be adopted as supplementary planning guidance.

Adoption will enable the Parish Council and local community to draw the attention of the Local Planning Authority and others to its context whenever it is pertinent to planning decisions within the village / parish. The Parish Plan will be used as a material consideration in the determination of planning applications and be of assistance at their earlier compilation and pre-application stages.

Given the publication of the Revised Deposit Draft UDP, it is now more appropriate to consider, wherever possible, Parish Plans as SPG against the emerging UDP rather than existing local plans, where they are broadly consistent with the UDP policies and to adopt them as such. The adoption of Parish Plans as Supplementary Planning Guidance, albeit in interim form, will confirm their status in the Council's overall planning policy framework and is in line with Government and Countryside Agency guidance and UDP policy.

This parish plan is the fifth to be presented to Members for consideration as SPG. A copy of the Plan is enclosed separately for Members and is located in the Members Lounge

Belmont Rural Parish Plan

The Belmont Rural Parish Plan began in July 2002 and was subject to a variety of parish consultation. This included 'Planning for Real®', feedback meetings, a questionnaire delivered to 20% of the homes in the parish and other public meetings. Overall around 40/50% of residents participated in the plan process. Drafts of this Plan have been forwarded to the Council's key contacts for comments to enable a final version which is now placed before Members.

The aim of the Plan is to identify the parish needs and provide a guide for future work and more detailed local information to aid planning decisions.

The planning elements of the Plan can be found primarily on pages 17 and 18. The main issues being due to the amount of development over the past 10 years, a resistance of further major development in the parish and the adoption of the former landfill site and other open space / land.

The Parish Plan conforms with the emerging Unitary Development Plan and contains sufficient detail to be used as a material consideration in planning decisions and issues.

RECOMMENDATION

THAT It be recommended to the Cabinet Member (Environment) that the planning elements of the Belmont Rural Parish Plan be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation.

Background paper

Belmont Rural Parish Plan

REVISED SUPPLEMENTARY PLANNING GUIDANCE UPON THE PROVISION OF AFFORDABLE HOUSING

**Joint Report By: the Forward Planning Manager and the Head
of Strategic Housing Services**

Wards Affected

Countywide

Purpose

To inform members of information within the revised guidance and to agree a process for consultation.

Background

Supplementary planning guidance (SPG) upon the provision of affordable housing was approved by this Council in 2001. The SPG related to the policies contained within the Council's development plans and used data from the Housing Need Study of 1999. This document has been used to assist in delivering affordable housing throughout the County. Over time this document has become out of date and requires revision. A further 2001 housing needs study has been undertaken and needs to be reflected within the document, as does a change in key data relating to the housing market and affordability. To assist in this process Officers from Research, Strategic Housing Services, Legal Services and Forward Planning have been involved in undertaking this review. The document will continue to provide additional information to supplement the policies of the existing development plans and will eventually be adopted as revised Supplementary Planning Guidance.

Aims

The aim of the SPG is to:

- Improve the delivery and maximise the opportunities available for the provision of affordable housing to meet the County's housing needs
- Reduce uncertainty and ensure a consistent approach and provide clear guidance for developers to follow
- Provide additional guidance on the interpretation of existing plan policies contained in the current Local Plans.

Content

The SPG includes:

- A definition of affordable housing
- The legislative background for the provision of affordable housing from the national to the local perspective
- Evidence of need for affordable housing and the calculation of private sector involvement in the supply of such housing
- The mechanisms available for the delivery of affordable housing
- Negotiating for affordable housing
- Securing affordable housing and controlling occupancy
- Financial contributions in lieu of on site/off site provision of affordable housing.

It should be noted that the appendices contain data which will need to be kept up to date to reflect accurately the current situation on affordability within the County. It is anticipated that this will need to be done annually.

Consultation

In line with the PPG 12, this report recommends that the SPG is subject to a rigorous consultation process. It is proposed that the following consultees are approached:

Registered Social Landlords with an active development programme in Herefordshire

Housing Corporation

Government Office for the West Midlands

Representatives of the House Building Industry

Age concern

Confederation of Passenger Transport

CPRE

Friends of the Earth

Herefordshire Health Authority

Herefordshire Joint Charter Group

Community Council

Herefordshire Association of local Councils(HALC)

Environment Agency

Herefordshire Market Towns Forum

Herefordshire Partnership Housing Ambition Group

Following the consultation process, to be undertaken this summer, the SPG will be further considered by the Committee, together with any amendments, prior to presentation to the Cabinet Member.

RECOMMENDATION

That it be recommended to the Cabinet Member (Environment) that the revised Supplementary Planning Guidance upon the Provision of Affordable Housing be approved for the purposes of public consultation.

Background paper

Provision of Affordable Housing SPG 2001

Draft Revised Supplementary Planning Guidance – Provision of Affordable Housing 2004.



HEREFORDSHIRE COUNCIL

**DRAFT REVISED SUPPLEMENTARY
PLANNING GUIDANCE**

JULY 2004

**PROVISION OF AFFORDABLE
HOUSING**

CONTENTS

	Page No.
1. Introduction	3
2. Definition of Affordable Housing	5
3. Legislative and Policy background for the Provision of Affordable Housing	7
4. Evidence of the need for Affordable Housing	10
5. Opportunities for the provision of Affordable Housing	13
6. Negotiating for Affordable Housing	16
7. Securing Affordable housing and Controlling Occupancy	19
8. Financial Contributions in Lieu of On Site/Off Site provision of Affordable Housing	21
9. Appendices	26
1. RSLs with an active development programme in the County of Herefordshire	
2. Glossary	
3. Development Plan Policies	
4. Procedure for the Provision of Affordable Housing	
5. Affordable Housing Brief	
6. Housing Corporation Total Cost Indicators 2004/5 & 2005/6 for Herefordshire	
7. Herefordshire Council Contacts	
8. List of completed Housing Need Studies	
9. References	

1. INTRODUCTION

1.1 INTRODUCTION

- In accordance with the requirements of Planning Policy Guidance Note 12, this Supplementary Planning Guidance (SPG) note has been produced by the Council to provide additional information to assist with the implementation of affordable housing policies contained within the five adopted development plans that apply in Herefordshire.
- The County of Herefordshire District Council was formed in 1998, as a Unitary Authority, following Local Government Reorganisation. This led to the amalgamation of five authorities including the Herefordshire part of the former County Council of Hereford and Worcester; the District Councils of Hereford City, South Herefordshire and Leominster, and the western part of the Malvern Hills District.
- Each of these outgoing authorities had their own development plan. These plans will continue to provide the statutory planning framework and the reference point for development control up until adoption of the emerging Unitary Development Plan, which is anticipated in 2005. These Development Plans were prepared in the context of the former PPG3 of 1992 and several were adopted pre Circular 6/98.
- In producing this guidance the Council has also had regard to Central Government's advice contained in PPG3 (March 2000), Circular 6/98, the Council's Housing Investment Strategy and the Housing Needs Studies 1999 and 2001.
- The Council is strongly committed to the delivery of affordable housing within Herefordshire and will make effective use of its planning powers to secure affordable housing to satisfy local housing requirements.
- A variety of bodies play a part in the provision of affordable housing. Within the Council the Planning Services and Strategic Housing Services have worked together to establish need and identify opportunities for provision. Within Herefordshire, a number of National and local Registered Social Landlords (RSLs) are involved in the provision of affordable housing, working in partnership with the Council, the Housing Corporation and the private sector, including developers and lending institutions.
- The original SPG was written in 2001. This 2004 version has been updated to include information from the 2001 Housing Needs Study and current data regarding affordability. This document will be reviewed regularly to ensure it remains relevant reflecting the housing situation in Herefordshire. The SPG will also be reviewed once the UDP has been formally adopted ensuring the SPG is consistent and relates to the policies of this replacement plan.

1.2 AIMS

The SPG aims to:

- Improve the delivery and maximise the opportunities available for the provision of affordable housing to meet the County's housing needs.
- Reduce uncertainty, ensure a consistent approach and provide clear guidance for developers to follow, on the provision of affordable housing.
- Provide additional guidance on the interpretation of policies on affordable housing contained in the current District Plans.

1.3 SCOPE AND STATUS OF THIS GUIDANCE

- There are a number of different ways in which affordable dwellings can be provided. This guidance is only concerned with the provision of affordable housing specifically through

the planning process. This includes dwellings provided through new development opportunities (i.e. on allocated, windfall, and exception sites).

- This revised draft SPG was approved for the purposes of consultation by the Planning Committee on 16th July 2004. This will then result in a consultation exercise.
- The contents of this guidance will be taken into account as a material planning consideration in determining planning applications.

1.4 CONSULTATION

- An internal officer working group including Officers from a number of Council Departments including Planning, Strategic Housing, Research and Legal have worked together to produce this revised draft SPG.
- In line with the advice in PPG12, this revised draft SPG will be subject to a wide spread consultation prior to adoption. Circular 6/98 advises that landowners, developers, RSLs and the Housing Corporation are involved in the process of agreeing this SPG. The following organisations will be invited to comment on the revised draft SPG:
 - Herefordshire Partnership Housing Ambition Group
 - Registered Social Landlords active in Herefordshire
 - Housing Corporation
 - Government Office
 - House Builders Federation
 - Age Concern
 - Confederation of Passenger Transport
 - CPRE
 - Friends of the Earth
 - Herefordshire Health Authority
 - Herefordshire Joint Charter Group
 - Community Council
 - Countryside Agency
 - County Association of Local Councils
 - Environment Agency
 - Herefordshire Market Towns Forum
 - Shelter
 - Private Landlords Forum

2. DEFINITION OF AFFORDABLE HOUSING

2.1 DEFINITION OF AFFORDABLE HOUSING

For the purposes of this SPG and in line with the West Midlands Local Government Association Housing and Environment Committee's definition published in 1999 and the Herefordshire's Housing Needs Study 1999:

Affordable housing is housing provided for rent or sale, at a price level which can be sustained by local people in housing need, where households are unable to access existing markets

Affordable housing can be categorised into two types:

- (a) Subsidised housing provided by an organisation allocating on the basis of need. While such dwellings will normally be made available for rent, they may also include subsidised home ownership, such as shared ownership, where an RSL or local authority retains a continuing interest;*
- and,*
- (b) Low-cost market housing, helping to meet the needs of first time buyers, single people, the elderly and other low income households, that cannot afford to rent or buy houses generally available on the open market.*

It is important to emphasise the distinctions between the roles of different categories of affordable housing mentioned above, and not to treat one as a substitute for another.

In Herefordshire, the Housing Investment Strategy 2003-2006, which was informed by the Herefordshire Housing Needs Study 1999 and 2001 states that:

- The priority need for Hereford and the Market Towns is for category (a) housing.
- In the rural areas there is a need for category (a) housing, but category (b) housing will also have a role to play in meeting local needs.

However, as a result of current market trends, an overall balance between tenures would be considered more appropriate to meet a variety of housing needs and to create more balanced communities and therefore have a flexible approach to deliver the affordable housing provision.

In addition, the key priorities for Herefordshire may change following the revision of the Housing Investment Strategy which is currently taking place.

In order to justify low cost market housing, the developer must prove to the Local Authority that such housing will meet the needs of those who cannot afford market housing prevailing in the locality. The units must be made available to local people in housing need in perpetuity in line with the occupancy criteria as used for rural exception sites. The Council will also need to be satisfied that a legal mechanism is in place to ensure an objective assessment has been undertaken justifying that the prospective purchaser is in local need.

2.2 LOCAL NEED CRITERIA

A local need for an affordable home exists where an individual is able to:

- a) demonstrate that they are unable to secure a house on the open market due to a lack of available income and
- b) meet one of the following need criteria as identified below:

-
- i) existing residents needing separate accommodation in the parish (e.g. newly emergent households, people leaving tied accommodation);
 - ii) people whose work provides important services to the parish and who need to live closer to the local community;
 - iii) people who are not necessarily resident locally but have long-standing links with the local community (e.g. elderly people who need to move back to a village for support);
 - iv) people with the offer of a job in the locality, who cannot take up the offer because of lack of affordable housing

Other indicators of local need may be provided using the criteria used for admitting people to the Council's housing register.

For the purpose of this SPG, local will be regarded as the parish within which a person or persons are resident or employed, or resident within any adjoining parishes.

2.3 ASSUMPTIONS ON LOCAL AFFORDABILITY

For the purposes of this SPG certain assumptions have been used so that clearer guidance can be given to developers on the levels of affordability for the County. To assess affordability, both house prices and incomes have been taken into account to ensure that local households have the ability to access the properties being delivered. The figures provided will be updated on a regular basis to ensure that the data remains up to date. Developers are therefore advised to contact Strategic Housing Services for the most up to date figures.

2.3.1 House Prices

What is considered to be an affordable house price for the County will be based on the average house prices which are reported in the Quarterly Economic Report published by the Herefordshire Partnership in conjunction with the Herefordshire Council. This data is based on statistics received from Land Registry.

Actual average prices in Herefordshire for the period July – September 2003 were £91,971 for a flat or maisonette, £120,001 for a terraced house and £134,416 for a semi-detached house. (Land Registry figures)

Whilst the report provides the overall average house prices relative to house type, to ensure that local people are able to access the housing market, it was also considered appropriate to make assumptions on incomes and the likely occupancy of the various sizes of property.

2.3.2 Incomes

According to the New Earnings Survey (2003) carried out annually by the Office for National Statistics, median gross annual earnings for a full time worker on adult rates in Herefordshire are £17,468. (That is, 50% of workers earn more than this figure, and 50% earn less). In assessing affordable house prices for the County the following assumptions have been made based on research with Mortgage Lenders.

- The purchaser will obtain a 95% mortgage
- Where there is one earner in the household, the amount borrowed will be 3.5 times his/her gross earnings
- Where there are two earners in the household, the amount borrowed will be 2.5 times their joint gross earnings. A further assumption is that where there are 2 earners, the second earner works part time, earning half the full time amount (*census figures for Herefordshire show that in families with dependant children where there are 2 earners, in nearly three quarters of cases the second earner works part time*)

-
- However, where the dual earners are seeking 3 bed accommodation an assumption has been made that through natural progression, there is a greater opportunity to secure a larger deposit. Therefore calculations for 3 bed have been based a 10% deposit.

Based on this information, the following occupancy assumptions will be made when considering the affordability of individual developments

- 1 bed Single-earner household
- 2 bed Dual earner household with 5% deposit.
- 3 bed Dual earner household with 10% deposit.

2.3.3 Using these assumptions:

- A single-earner household could afford to buy a dwelling of **£64,360** (based on median earnings)
- A dual-earner household could afford to buy a dwelling of **£68,950** (based on median earnings and the assumption of 5% deposit)
- A dual-earner household could afford to buy a dwelling of **£72,780** (based on median earnings and the assumption of a 10% deposit)

2.3.4 Low Cost Market Housing

Where it is considered appropriate to provide low cost market housing, the assumptions in 2.3.1 – 2.3.3 will apply. Therefore any discount should be sufficient to meet local housing needs. Where it is agreed between the developer and the council that the level of discount would not enable a viable scheme, alternative affordable housing options will need to be provided i.e. subsidised housing. It should be noted that no grant will be available to subsidise a scheme of this nature.

Where Low Cost Market Housing is provided, the house type should be developed to no less a standard than other market housing types being provided on the development.

2.3.5 Subsidised Housing

The county generally has relatively low incomes and many households will find it difficult to purchase on the open market. Therefore there will be a greater reliance to provide subsidised housing through working in partnership with registered social landlords.

Where RSL's are providing dwellings available for rent, affordable rents are seen to be rents that are within Housing Corporation Guidelines for the County. An indication of affordable rents can be obtained by contacting the preferred RSL partners or the Council.

To ensure that developments are sustainable and provide a range of housing to meet various needs, subsidised housing in the form of shared ownership will be encouraged where the housing costs do not exceed 30% of the gross earnings using the assumptions in 2.3.1 – 2.3.3 above. Should this figure of 30% be exceeded, the subsidised housing (for rent) will be requested.

The figure of 30% of gross earnings has been chosen for the following reasons:

- Looking at the Family Expenditure Survey 2000-2001 from the Office for National Statistics, a typical family with 2 children with income close to the median are shown as spending between 21% and 25% of their gross income on housing costs. Therefore, it would not be appropriate to use a figure above 30% which is already a relatively high percentage of gross income for this type of family.
- In taking a figure of 30% the SPG followed the practice used by other authorities: Borough of West Devon, Housing Strategy for 2003-2006, South Norfolk Council, Research paper into the Need for Key Worker Housing in the Greater Norwich Sub-Region, October 2003.

Where developers seek the “best price” from the preferred RSL partners the Council will be seeking confirmation of the rent levels and shared ownership costs that are to be charged, and will monitor these levels to ensure they remain affordable.

2.3.6 Affordable Market Housing for Rent

The council is keen to provide a range of affordable housing types and is currently undertaking research into the provision of market housing for rent that can be sustained by local people in housing need. The Strategic Housing Services section of the Council should be contacted to gain the latest information on this piece of work.

3 LEGISLATIVE AND POLICY BACKGROUND FOR THE PROVISION OF AFFORDABLE HOUSING

3.1 HOUSING ACT 1985

The local authority has a statutory duty under part II of the Housing Act 1985 to "consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation"

3.2 SECTION 54A TOWN AND COUNTRY PLANNING ACT 1990

The legislative background for the Council's affordable housing policies is based on Section 54A of the Town and Country Planning Act 1990. The Act makes affordable housing policies, contained in the County's development plans, a material planning consideration in all planning applications. The Act states:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination should be made in accordance with the plan unless material considerations indicate otherwise."

(Note: The Town and Country Planning Act 1990 will be superseded by the Commencement of the Planning and Compulsory Purchase Act 2004).

3.3 PPG1 – GENERAL POLICY AND PRINCIPLES (February 1997)

PPG1 was published in February 1997 and provides guidance on considering affordable housing as a material consideration. In particular paragraph 24 states that: "In preparing their development plans, local planning authorities should consider the land use requirements of various types of social provision". One of the key objectives a local planning authority should consider is the need "to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing"

3.4 PPG 3 – HOUSING (March 2000)

The policies for the provision of affordable housing in the County's current development plans were prepared to comply with the requirements of the previous Planning Policy Guidance 3 – Housing (PPG3) dated 1992. This guidance has been updated in a revised PPG3 which was published by the DETR in March 2000.

PPG 3 sets out the Government's policy for planning and housing and includes guidance on the provision of affordable housing through the planning system. More specifically, PPG3 states that if there is a demonstrable lack of affordable housing to meet local needs then authorities may seek to negotiate with developers for the inclusion of an element of affordable housing on larger schemes, on both allocated housing sites and on other sites. In doing so, local authorities should:

- Assess and plan to meet the level of local housing need in their area
- Indicate their intentions to meet this need in local plan policies
- Give clear guidance on their definition of affordable housing
- Outline the arrangements to ensure that such housing is reserved in perpetuity for those in housing need

A revised PPG3 is expected imminently which, among other things, is expected to reduce the thresholds contained in Circular 6/98.

3.5 CIRCULAR 6/98: PLANNING AND AFFORDABLE HOUSING (April 1998)

This Circular supplements PPG3 by amplifying the Government's approach to planning and affordable housing. Although this Circular was produced after the adoption of many of the policies and proposals in the current development plans, the plans accord with its contents. This SPG takes full account of the Circular in offering guidance on the implementation of the policies and thresholds. The Circular as well as the revision to PPG3 will assist in updating those development plans which were adopted pre 6/98.

3.6 CIRCULAR 1/97 – PLANNING OBLIGATIONS (January 1997)

This Circular sets out Government policy for the use of planning obligations. Amongst other things, this circular specifies that planning obligations might appropriately be used "to secure the inclusion of an element of affordable housing in a larger residential or mixed use development".

3.7 REGIONAL PLANNING GUIDANCE FOR THE WEST MIDLANDS (RPG 11, June 2004)

RPG 11 indicates that housing should be provided for those whose access to and choice of accommodation is restricted for reasons of affordability. Local authority housing and planning departments should plan for mixed and balanced communities in accordance with PPG3. It emphasises the importance of local authorities planning for affordable housing needs to be met where they arise.

3.8 DEVELOPMENT PLAN STATUS IN HEREFORDSHIRE

Since local government reorganisation in 1998, the development plans for each of the outgoing authorities will continue to provide land use guidance for their part of the County until such time as the Unitary Development Plan (UDP) is adopted.

The current development plans for the County are all adopted and include:

1. **Hereford City Local Plan (adopted 1996)**
2. **Leominster District Local Plan (adopted 1998)**
3. **Malvern Hills District Local Plan (adopted 1998)**
4. **South Herefordshire District Local Plan (adopted 1999)**

These development plans contain affordable housing policies relating to allocated sites, windfall sites and exception sites. These policies can be found at Appendix 3. They encourage the development of mixed and balanced communities in order to meet identified local housing needs and avoid areas of social exclusion. In addition, the Hereford and Worcester Structure Plan (approved 1993) has strategic policies relating to the delivery of affordable housing.

The UDP is currently at revised deposit stage and contains specific policies relating to the provision of affordable housing most notably Policies H2, H5, H6, H9, and H10. As the UDP progresses towards adoption increasing weight is being attached to its policies when considering planning applications.

The opportunities for the development of affordable housing are identified at section 5 of this SPG.

3.9 STRATEGIC HOUSING SERVICES POLICIES FOR THE PROVISION OF AFFORDABLE HOUSING

- **Housing Investment Strategy 2003 - 2006**

This document is revised annually and is available from Strategic Housing Services. In conjunction with the Housing Needs Studies it identifies priorities and directs scarce resources to the areas of greatest need.

- **Social Housing Agreement - September 1998**

This document is an agreement between the Herefordshire Council, the Housing Corporation and RSLs with stock in Herefordshire. It sets out the expectations of each partner, particularly with regards to the development of new affordable housing in the County. This document is currently being revised; a copy of the existing document is available from the Strategic Housing Services.

- **Herefordshire Housing Needs Studies 1999 and 2001**

In line with the Housing Act 1985, Circular 6/98 and PPG 3, the Council is committed to assessing local housing requirements within Herefordshire.

A comprehensive housing needs study for the whole of Herefordshire was produced in 1999 and updated in 2001. These studies identified significant need throughout Herefordshire for affordable housing.

Further studies continue to be undertaken to update and build on the findings of the 1999 and 2001 studies. A list of completed surveys can be found in appendix 8.

4. EVIDENCE OF THE NEED FOR AFFORDABLE HOUSING

4.1 HEREFORDSHIRE HOUSING NEEDS STUDIES

- In line with the requirements of PPG 3, policies for the provision of affordable housing must be based on evidence of need.
- In 1999, a comprehensive assessment of housing need was undertaken by the Council (Herefordshire Housing Needs Study 1999). This study provides evidence of the amount and distribution of affordable and market housing required in the County by local people up until 2004. A further housing needs study was published in 2001 which adds to and updates the 1999 study.
- The estimated net housing need generated by Herefordshire residents over the period 1999 – 2004 was 1,400 dwellings.
- 769 of this 1,400 were needed as affordable dwellings. Projecting these figures forward into the Unitary Development Plan period there is an identified emergent need for 2,300 dwellings within the County.
- A rolling programme of parish level and market town housing needs surveys is in progress to ensure housing needs data remains up to date reflecting the housing situation within the County.
- This SPG should be read in conjunction with the Housing Needs Study to gain a full understanding of housing needs in Herefordshire.

4.2 HOME POINT HEREFORDSHIRE

Home Point Herefordshire is a choice based lettings agency set up to advertise and seek expressions of interest from applicants for the majority of all vacancies for affordable housing in the county.

The Home Point register has continued to increase from 3,800 in June 2003 reaching 6,100 a year later. The “Register Review” which removes clients who, for one reason or another, are no longer actively looking for a property, is now due (June 2004). The experience has been that the register reduces following the Register Review, but then increases again, with many of the same clients re-registering. Looking at the period from the end of June 2003 to the end of March 2004, 600 clients were housed but 4 times as many new clients joined the register. The table below shows that by far the majority of clients who are housed are categorised as “Gold” (highest category of need which includes homeless), and very few are in the lowest need category (“Bronze”), although a third of new additions to the register are in the Bronze category.

June 2003 to March 2004 - % of clients in the different categories of need

	Gold	Silver	Bronze
Breakdown of clients added to the register	23%	44%	33%
Breakdown of clients housed	81%	16%	3%

Looking at the current addresses of those on the register in June 2004, and analysing the post codes, 685 (11%) have current addresses outside Herefordshire – thus migration into the county is putting further pressure on the affordable accommodation that is available.

4.3 JOSEPH ROWNTREE FOUNDATION

In May 2003, the Joseph Rowntree Foundation published a study looking at the affordability of housing across the country. This study used specially commissioned data designed to be representative of first time buyers as follows:

-
- House prices were collected for smaller dwellings only – that is dwellings with four or five rooms in total, including the kitchen but excluding toilets and bathrooms. (For example a house with living room, kitchen and 2 or 3 bedrooms.)
 - The household income for an area was based on that of younger working households only, with the household representative aged from 20 to 39 and at least one member of the household in work.

A ratio of house price to income was calculated for all local authorities. The ratio was based on the average price of a smaller dwelling and the average household income of younger working households as defined above. The ratio for Herefordshire was 3:81:1 which made it one of the least affordable authorities in the West Midlands region, with only Bridgnorth and South Shropshire coming out as less affordable. By comparison, the ratio for the authority that came out as the most affordable in the Region (Rugby), was 2:17:1.

5. OPPORTUNITIES FOR THE PROVISION OF AFFORDABLE HOUSING

5.1 OPPORTUNITIES

- The Housing Needs Studies have identified significant levels of housing need in the County. Current Development Plan policies will be used to secure affordable housing on sites proposed in the Development Plan, other appropriate sites which meet the thresholds identified in section 5.3 of this SPG, and where other opportunities arise, for example through the exceptions policy.
- Landowners and/or developers should be aware that, affordable housing schemes brought forward through the identified Plan policies will not be supported by Housing Grant funding. Paragraph 6.3 outlines these financial arrangements in more detail. Land that is likely to be the subject of such affordable housing planning obligations should be valued accordingly as the land upon which the affordable housing is to be sited, will effectively reduce the overall value.
- It is acknowledged that the planning system is not able to meet all identified local housing need through new build development. The Local Authority, via its housing enabling role, will therefore continue to work with RSLs to target scarce housing capital resources (Social Housing Grant and Affordable Housing Grant) to develop affordable dwellings on sites other than those negotiated with developers through the planning system and seek other/new mechanisms to do so.
- The information below provides guidance on which sites affordable housing will be required as part of an overall development scheme.

5.2 SITE SUITABILITY

- The current development plans identify settlements where the provision of affordable housing would be appropriate. In relation to sites, some may be more suitably located for affordable housing than others. Not all sites may be suitable for affordable housing. A site in an area with little or no affordable rented housing, with close proximity to services and public transport, may be eminently suitable for a good proportion of affordable housing. Some sites, particularly those involving the development of previously developed land, will probably have some constraints on development. Normally these will be taken into account in the land purchase price. However, where the developer can prove that a large number of development constraints exist, such as contamination, access problems and unusually high site preparation costs, and where the development of housing would lead to significant improvements in the local environment, the Herefordshire Council may agree to negotiate the proportion of affordable housing.
- The proportion of affordable housing will be based on the net developable site area and total number of units. The definition of net developable site area is taken from PPG3 and includes access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. The definition excludes major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips.

5.3 SITE THRESHOLDS (CIRC. 6/98)

- In order to meet the County's affordable housing need the Council will negotiate with developers to include affordable housing on suitable allocated sites and on windfall sites which meet the thresholds as identified in paragraph 10 of Circular 6/98 (or any successor document) and where identified within the current development plans.
- **Development Plan Thresholds**

The Leominster, South Herefordshire and Malvern Local Plans have the following thresholds identified:

Leominster District Local Plan – Policy A49

‘Housing sites for 25 or more dwellings or over 1 ha in size within Leominster and more than 15 dwellings or over 0.5 ha elsewhere will be evaluated to determine their suitability in terms of accommodating an element of the affordable housing need for the settlement concerned and its surrounding area. This policy will be applied to both identified housing sites and windfall proposals.’

South Herefordshire Local Plan – Justification to Policy SH 12

‘In line with Circular 6/98, Policy SH12 will be applied to housing developments in or adjacent to Hereford City and Ross on Wye of 25 or more dwellings or residential sites of 1 hectare or more, irrespective of the number of dwellings. In settlements with a population of 3,000 or fewer, in accordance with the Circular the Council has adopted a threshold whereby the policy will be applied to housing developments of 10 dwellings or more.’

Malvern Hills Local Plan – Housing Policy 12

Through Housing Policy 12 the Council seeks to reach agreement with developers of major housing schemes to include provision of a proportion of affordable housing. Major housing schemes refers to sites of 40 dwellings or 1.5 ha’s in Malvern, Bromyard and Ledbury, and 25 dwellings or 1 ha in Upton and the rest of the district.

It should be noted that the Malvern Hills Local Plan was adopted prior to the publication of Circular 6/98 and contains higher thresholds for the areas of Malvern, Bromyard and Ledbury than those provided in the Circular. This SPG considers that the details of Circular 6/98 and those of PPG3 supersedes and takes precedent over planning policies contained in the current development plan.

Hereford Local Plan

The Hereford Local Plan pre dates Circular 6/98 and does not contain any threshold details. The thresholds contained within Circular 6/98 will therefore apply. These state:

‘ In assessing the suitability of sites to be identified in the plan and any sites that may come forward not allocated in the plan, the following criteria should be taken into account:

It will be appropriate to seek any affordable housing on some sites. In practice the policy should only be applied to suitable sites namely;

Housing developments of 25 dwellings or residential sites of 1 hectare or more, irrespective of the number of dwellings’.

In addition, the Circular allows appropriate thresholds to be applied to rural areas with a population of 3,000 or fewer. However these thresholds have to be adopted through the development plan process.

UDP Thresholds

Revised thresholds will be progressed through the emerging UDP. The Revised Deposit Draft Plan includes Policy H9.

H9 Affordable housing

The provision of affordable housing will be sought through negotiations with developers of both allocated and windfall housing sites. Such housing should, wherever possible, be provided as a mix of affordable housing types, having regard to needs, and contribute to a mixed and balanced scheme overall in terms of dwelling size, type and affordability.

Indicative targets for affordable housing have been set for specific sites identified in policies H2 and H5. Affordable housing will also be required on suitable windfall sites above the following size thresholds:

- 1. in Hereford and the market towns (excluding Kington) and settlements above 3,000 population, sites for 15 or more dwellings or more than 0.5 hectare in extent; or**
- 2. elsewhere in the County in settlements identified in policy H4 (including Kington) of less than 3,000 population, proposals for housing development on sites of 6 or more dwellings or more than 0.2 hectares in extent.**

In considering the suitability of sites above these thresholds to provide affordable housing, regard will be given to:

- 1. the proximity of local services and facilities and access to public transport;**
- 2. whether there will be particular costs associated with development of the site; and**
- 3. whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site.**

In all cases where affordable housing is to be provided, arrangements must be made to ensure that the benefits of affordable housing will be enjoyed in perpetuity by initial occupiers and subsequent occupants.

5.4 TARGETS

- When an application for housing development is submitted on a site that meets policy, the Council will determine an appropriate level of affordable housing provision for each individual site in negotiation with developers. The Council will also refer to the results of its own needs studies, the scale of development planned for the site, site conditions, other development requirements and likely development costs. The developer may be required to submit an up to date survey to support their application if no survey is currently available from Strategic Housing Services
- The current development plans do not specify targets. The emerging UDP has included an overall target of 35% based on the results of the Housing Needs Studies. The Council has successfully negotiated schemes using this target.
- In line with Circular 6/98, this SPG does not preclude developers from providing affordable housing on sites that are below the thresholds set above and this SPG encourages developers to consider such provision where they think it feasible and appropriate.

5.5 EXCEPTION SITES

- In rural areas, where only limited housing development is permitted, development plan policies make provision for small affordable housing schemes to be developed on land either within or adjoining the village where housing would not normally be permitted as an exception to normal planning policy. More information on this can be found at Annex B of PPG3.
- The Council recognises that these small schemes help to maintain the viability of rural communities. Such development will, however, be subject to strict control as set out in the plan policies. Permission will only be granted where there is:
 - i) clear evidence of need, and
 - ii) a secure legal arrangement in place to ensure that the benefit of the affordable housing will be enjoyed by successive as well as initial occupiers of the properties.

-
- Schemes involving the development of general housing as well as affordable housing for local needs i.e. a mixed housing scheme will not be permitted on sites outside settlement/development boundaries.

6. NEGOTIATING FOR AFFORDABLE HOUSING

6.1 THE NEGOTIATION PROCESS

The process for negotiating the affordable housing element of a residential development should ensure that it causes the minimum delay in preparing and processing of the planning application and to ensure that the proposals are fully integrated in the overall development.

To ensure that everyone has a clear understanding of the negotiation process it is outlined in appendix 4 and is detailed as follows.

6.1.1 Pre application Stage (outline or full)

Applicants should be aware that the provision of affordable housing will have an impact on the value of the land, as well as implications for housing mix and layout. It is therefore essential that an approach should be made to the local authority to establish the affordable housing policies and requirements pertaining to the development.

Planning Officers welcome early discussions on proposed developments prior to planning application stage to discuss the layout, house types, sizes, rents and sales prices together with any additional financial contributions and delivery mechanisms. Planning Officers will then be in a position to advise on the general planning policies for the proposed development

Where policy requires it, Strategic Housing Services, based on the information provided by the developer, will provide an Affordable Housing Brief, outlining the housing need, requirements and other considerations relating to the proposed developed (see appendix 5). In terms of establishing need, the Council will refer to current housing need survey information and data from the Home Point Register. However, it may be necessary for the developer to undertake an up to date housing needs surveys to confirm the need for affordable housing and provide information on mix of dwelling types and sizes.

When planning applications forming part of an allocated site come forward, the applicant will be required to either

- Specify the proportion of affordable housing relative to their application ; or exceptionally
- Specify the financial contribution to enable a proportion of affordable housing to be built - (please refer to chapter 8)

Where applicants do not seek the advice of the relevant officers at this early stage, it is likely to result in the delay in progressing the application, whilst discussions are undertaken.

Should the affordable housing element require the involvement of an RSL, the applicant would seek to select a preferred housing partner outlined in appendix 1 at this stage.

The initial site layout should be considered between the applicant and the RSL to ensure that the affordable housing element is integrated within the overall proposed development. With outline planning consents, it is appreciated that full details on units etc. may not be known. The local authority will, in these instances, seek to secure the percentage of affordable housing as outlined in the appropriate policy, with detailed negotiations to be contained in the S106 agreement.

If the developer chooses to provide the affordable homes without the involvement of a Registered Social Landlord, the council will require evidence that the dwellings will be available to those in local housing need, at an affordable cost and in perpetuity.

6.1.2 Submitting a scheme as part of a Planning Application

Once the developer has agreed a level of provision with the Planning Services and Strategic Housing Services, a proposal will need to be prepared which specifies:

1. the number of affordable housing units and the arrangements for their provision
2. the way in which the developer will ensure that the housing units are available in perpetuity
3. the distribution of the affordable houses to ensure a well integrated and designed scheme is provided with a good mix of house type, size and tenure.
4. the RSL that has been selected

The scheme should include details of house type, tenure and proposed costs to the occupier.

When the planning application is eventually submitted, the consultation process with Strategic Housing Services should be to confirm details already discussed in Stages one and two and should therefore take a relatively short time to complete.

6.1.3. Approval of the Planning Application

Planning permission for development will be granted subject to a S106 agreement, limiting the occupation of the dwellings to persons who have satisfied the council's local housing need criteria identified at 2.2 of this SPG.

Alternatively, the council may ask the applicant to execute planning obligations (see Circular 06/98, para 34). Where such an obligation or condition is attached, the landlord should contact Strategic Housing Services to agree a lettings policy and nomination procedures. In most circumstances advertising the properties through Home Point will be encouraged ensuring that local housing needs are met.

6.2 DESIGN STANDARDS

- Where the Registered Social Landlord is involved in the development of the affordable element, the council will expect the current Scheme Development Standards (or successive documents) produced by the Housing Corporation as a minimum standard of development for the affordable housing units. In addition, it is expected that the units be developed to Lifetime Homes Standards unless there are constraints on the overall proposed development. In these instances, the applicant will need to negotiate the standards on a case by case basis. Detailed guidance on housing layout, external space standards, general design principles, parking and highway standards, security and landscaping will be provided by the Planning Services Division. Please refer to the draft Design and Development Requirements SPG (June 2004).
- Developers will be encouraged to provide low cost market housing to Scheme Development Standards. Where low cost market housing is provided, as a minimum, these should be of no lesser standard than other market housing of the same house type across the proposed development.
- The objective is to provide a balanced and mixed scheme with no noticeable difference in the quality of the residential environment between the private market housing and the affordable element. The production of a local Village Design Statement or Parish Plans may assist in identifying issues around local distinctiveness.
- In order to help ensure that the affordable housing provided remains affordable the Council may withdraw permitted development rights.

-
- Whilst “pepper potting” is encouraged a minimum cluster would consist of between 6 and 8 units, which would be negotiated between the RSL, developer and Local Authority and based upon the overall scale of the development.

6.3 FINANCIAL ARRANGEMENTS

This section deals with the way in which affordable housing is funded through the planning process. There are a number of ways in which affordable housing can be funded and in most cases more than one source of funding may be involved.

6.3.1 Public Subsidy

The provision of affordable housing should always be calculated on the basis that NO grant funding will be available through the Approved Development Programme (ADP) or the local authority’s own capital resources.

- The developers contribution towards affordable housing will normally be expected to reflect the total cost of the required affordable housing minus the capital element that can be serviced through the rents. This approach is in line with Housing Corporation policy as detailed within Circular F2 42/98 which states:

‘The basic objective of developer contributions whether or not the scheme also receives Social Housing Grant funding, is to provide additional affordable housing, either directly or by reducing SHG requirement. In some cases where a developer provides affordable housing directly on site for sale to an RSL, the price will be set at a level where no SHG is required’.

- In order to maximise the amount of affordable housing delivered in the County the available public resources will be used to fund the development of sites which fall below the stated thresholds in section 5.3 of this SPG. The ADP however, is increasingly being targeted at regional priorities and whilst the major focus is the regeneration of urban areas, there is currently an allocation for rural schemes.
- The provision of Local Authority Social Housing Grant (LASHG) was abolished from 1st April 2003. However, due to the recent transfer of social housing stock from the local authority to a newly formed housing company in 2002, the local authority is in receipt of a capital contribution for the provision of affordable housing. With the anticipated shortfall in housing provision, the capital receipt will be allocated to provide additional affordable units to meet a range of housing needs across the county to supplement those secured through the planning system.

Justification for Public Subsidy

Consideration for Public subsidy will only be considered where the developer can demonstrate that there are significant constraints and the economics of provisions make it otherwise impossible to provide the affordable housing element.

The developer would be expected to justify through detailed financial evidence that the proposed development would not be viable without the contribution of public subsidy.

However, it must be recognised that the application for funding from the Housing Corporation through the ADP will depend on the availability of resources and may result in a time delay whilst the application is processed.

Failure to provide the information necessary for such an assessment, or alternatively a failure to provide the required amount and type of affordable housing at an affordable cost, could justify the refusal of planning permission, in accordance with Circular 6/98 paragraph 24 which states

“Where a local planning authority considers, having regard to the policy in this Circular, that certain sites are suitable for an inclusion of an element of affordable housing and an applicant does not make such provision as part of the proposed development, such a failure could justify the refusal of planning permission”

6.3.2 The RSL Contribution

Rented Properties

The amount that the RSL can contribute, from their own resources for the purchase of affordable rented properties, will be based on the sum they are able to borrow based on the rents permitted to repay the loan debt after allowing for their expenses. The amount that an RSL can pay on this basis will not usually be sufficient to cover the cost of construction.

It must also be noted that the rents RSLs are able to charge are unique to each scheme dependant on the property size, capital value based on 1999 values; and target rents set by the Housing Corporation which are currently calculated using the “rent calculator”.

Shared Ownership Properties

Shared ownership is the arrangement by which a purchaser acquires an equity share in the property, with an RSL acquiring or retaining the balance by borrowing and charging a suitable amount of rent. The purchaser will usually purchase a 50% share initially, but this may be as much as 75% or as little as 25%. At a subsequent date, the purchaser can acquire a further share of the equity, up to full ownership. However, where the provision has been subject to a S106 agreement or rural exception site, measures will be enforced to ensure the property remains affordable in perpetuity and is available on resale to those in need of such housing.

The amount the RSL will be able to contribute will be dependant on ensuring that the total housing cost to the prospective purchaser does not exceed 30% of gross median earnings.

6.3.3 The Landowner/Developer Contribution

The landowner/developer would be required to bear the cost of providing the affordable housing less any contribution from the RSL or purchaser designated as being in local housing need. This would be equivalent to the grant element usually secured from the housing corporation via the grant rate calculator.

The contribution by the landowner/developer would be secured through the planning process by use of a section 106 Agreement, otherwise planning permission will not be granted.

There may be specific site circumstances which determine that the site cannot be developed at all having given due consideration to the economics of provision in relation to the site circumstances (such as exceptionally high costs or development) or the need to achieve other planning obligations such as contributions towards improvements to infrastructure. In these circumstances, following negotiation with the council, a judgement will be made as to what alternatives would be acceptable e.g. a financial contribution for off site provision, a reduction in the amount of affordable housing, or an alternative tenure/housing mix.

6.3.4 Land Subsidy

Landowners/Developers should be aware that a planning obligation to provide affordable housing effectively reduces the value of the land upon which the affordable housing is sited and land should be valued accordingly. Costs of providing affordable housing should therefore be taken into account.

It should be noted that reviews relating to contributions from the various parties will be ongoing and up to date information can be obtained from Strategic Housing Services.

7. SECURING AFFORDABLE HOUSING AND CONTROLLING OCCUPANCY

- 7.1 Affordable housing provided in accordance with this guidance note will normally be secured by means of a condition or planning obligation in accordance with Section 106 of the Town and Country Planning Act 1990. When using obligations the Council will ensure that they are consistent with the general guidance in Circular 1/97. This ensures that the affordable housing will meet the identified local need and will remain available as affordable housing for local people in the future.
- 7.2 The wording and timing of these arrangements need care. Inappropriate conditions and planning obligations create uncertainty and may halt the progress of a scheme or could be the subject of attempted modification or discharge. To ensure that the planning obligation is effective, the Council will ensure that it is executed before granting planning permission.
- 7.3 However, in line with paragraph 16 of Circular 6/98, the Council will not normally impose additional occupancy controls where an RSL is to be responsible for the management of the affordable housing. However, on rural exception sites and on low cost market schemes the Council will ensure that adequate occupancy controls to reserve the housing in question for local needs in perpetuity exists and this may involve the use of conditions or planning obligations.
- 7.4 Where the affordable housing is to be provided within a larger development, which includes general market housing, the Council will require the affordable housing element to be built and made available for occupation well before all the general market housing is occupied. The legal agreement or condition will therefore include a restriction on the occupation of a proportion of the general market housing until the affordable housing is available for occupation. There will be flexibility on the proportion required dependent on the circumstances of individual sites and this will be considered on individual planning applications. In determining the proportion the Council will take into account factors such as the proposed layout, abnormally high development costs and the total number of dwellings to be provided, in its negotiations with developers.
- 7.5 The Council considers that the best way of ensuring that the affordable housing will be enjoyed by successive as well as initial occupiers of the property is by the involvement of a Registered Social Landlord. The landlord's continuing interest in the property will ensure control over subsequent changes of occupation. For this reason the involvement of an RSL will be sought by the Council in the provision of any element of affordable housing except for where the housing is low cost market or discounted low cost for sale.
- 7.6 Whilst arrangements should be legally binding and ensure that the housing is occupied as intended, the Council will also take account of the needs of the developers and Registered Social Landlords who must ensure that schemes are financially viable and who may need to operate within certain time limits. The overall aim is to ensure that arrangements will deliver the objectives of the policies set out in the development plans.
- 7.7 Where occupancy criteria are included as part of conditions or planning obligations, a cascade approach may be preferable. This will ensure that occupants will always be found for any accommodation, thus safeguarding an adequate stream of revenue for those managing the development whilst ensuring that people in local housing need take priority. Under this approach the eligibility criteria would initially be restricted to local residents, people employed locally or people with local connections as identified in section 2 of this SPG. If the housing remained unallocated for some time, the criteria would be widened to ensure that a suitable occupant was found. The Council will need to monitor conformity with occupancy criteria and take appropriate enforcement action where necessary.
- 7.8 To ensure that local housing needs are met, wherever possible, affordable housing units will be allocated through the councils allocations policy i.e. currently choice based lettings.

In exceptional circumstances, as identified in section 8 of this SPG, where the Council and the developer agree to a financial or other contribution to be made towards the provision of affordable housing on another site the Council will draft planning obligations so they:

-
- allow the developer to make the contribution towards the costs of providing affordable housing on a different site, only on the signing of contracts to provide the affordable housing element; or
 - include a covenant to the effect that a sum or sums paid by the developer to the Council for the purpose of meeting or contributing towards the costs of affordable housing on a different site, shall be repaid to the developer on or by a specified date if such sums have not been used for that purpose.

8. FINANCIAL CONTRIBUTIONS IN LIEU OF ON-SITE PROVISION OR OFF-SITE PROVISION OF AFFORDABLE HOUSING

- 8.1 Circular 06/98 'Planning and Affordable Housing' introduced the concept of a 'financial or other contribution' towards the provision of affordable housing on another site in the local planning authority's area. However, where this is the case, Para 21 states that " it should be provided as part of the proposed development"
- 8.2 Circular 06/98 states that **both** the local planning authority and the developer should be in agreement as to whether or not a financial contribution may be made in lieu of on-site provision.
- 8.3 In Herefordshire, the shortage of suitable alternative sites is likely to restrict alternative provision elsewhere. In light of this the Council will only, in exceptional cases, consider financial contributions and in reaching this decision will assess the likelihood of alternative arrangements actually resulting in the provision of affordable housing. The developer will need to demonstrate robust reasons, if on site provision is not possible. Where both sides agree to off-site provision of affordable housing, the developer's contribution may take the form of either a financial contribution per unit or the provision of the units on an alternative identified site. In both cases, the financial contribution will be calculated so that the units can be provided with no requirement for additional public subsidy.
- 8.4 Where the affordable housing units are to be provided by the developer on an alternative identified site, the local planning authority will require details of the scheme as part of the application for the original site in the same way as if it were provided on site. The alternative site should generally be within the vicinity of the development site.
- 8.5 The arrangements for off-site provision of affordable housing, either by way of financial contribution or actual provision of dwellings, would form the basis of a planning obligation agreement to be drawn up between the developer and the Herefordshire Council in respect of the planning permission on the original application site (see Circular 06/98 Para 23).
- 8.6 Calculating the number of Affordable Housing Units to be Provided off site, on an agreed alternative site.
- The number of units to be provided off site should equate to the number to be provided had the site been "suitable" on the original application. It should not be provided on an alternative site that would also require the provision of affordable housing under planning policy.
- 8.7 Calculating the financial calculation for providing additional affordable units

The method of calculating the contribution is based on a formula recommended by the London Planning Advisory Committee (LPAC) whereby the developer's contribution equates to the amount of Social Housing Grant (SHG) which would normally be paid on each dwelling unit.

The formula takes into account the Housing Corporation's estimated total housing cost figures for houses of different types in a local authority area known as the Total Cost Indicator (TCI). (see appendix 6). It also takes into account the proportion of this cost, which is financed by Social Housing Grant – the Social Housing Grant rate.

Whilst the grant rate will vary depending on the house types to be provided, the current rate for general needs provision is approximately 60%. However, as the percentage varies it is advised that an approach is made to Strategic Housing Services for the most up to date figure.

In order to calculate the actual financial contribution for a particular proposal, the following information will be required from the Developer, by Strategic Housing Services

- Details of the original development proposals to calculate what the on site provision would have been
- The house types, sizes and tenures of the affordable housing to be provided to meet a local housing need in the area of the proposed development

Any financial contribution will be:

-
- provided through a Section 106 Agreement in accordance with para 23 of circular 6/98.
 - Held by the local authority for use by an RSL in lieu of or in addition to other public subsidy for the provision of additional affordable units
 - Separately identifiable within the council's accounts
 - Used within the period specified within the S106 agreement
 - Returned to the developer (within 3 months of the expiry date) should the local authority fail to utilise the contribution within the time period for the provision of additional affordable units, subject to the landowner/developer or successive owner in title submitting a claim in writing to the local authority Strategic Housing Services for the repayment of the contribution. In the event that no claim is received the local authority will retain the contribution to provide affordable housing within the administrating area.

9. APPENDICES

Appendix One:

Registered Social Landlords with an active development programme in Herefordshire

Organisation	Name	Contact Details
South Shropshire Housing Association	George Stoyan Development Manager	Tel: 01584 877888 Mobile: 0781 3611230 Fax: 01584 877567 E Mail: george.stoyan@sshropsha.co.uk
Bromford Housing Group	Christian Knibbs Development Manager	Tel: 01242 544418 Fax: 01242 233090 E mail: Christian.knibbs@bromford.co.uk
West Mercia Housing Group	Claire Thomas Head of New Business	Tel: 01527 556409 Fax: 01527 556401 E Mail: Claire.Thomas@wmhousing.co.uk
Festival Housing Group	Gwenda Cope Head of Development	Tel: 01684 579391 Mobile: 07879 483382 Fax: 01684 579440 E Mail: gcope@festivalhousing.org
Herefordshire Housing Limited	Gordon Shirley Director of Operations	Tel: 01432 384005 Mobile: 07870271856 Fax: E Mail: gshirley@herefordshirehousing.org.uk
Marches Housing Association	Richard Finney Business Development Manager	Tel: 01568 619618 Fax: 01568 615611 E mail: Richard.finney@marchesha.co.uk
Gloucestershire Housing Association	Darren Isbell Regional Development Manager	Tel: 01452 529255 Fax: 01452 310520 E mail: isbelld@gloscha.co.uk
Wyedean Housing Association	Neil Pascoe Director	Tel: 01594 838000 E mail: neil@wyedean.fed.net.org.uk

(Please note that in view of the continuous changes with the Housing Corporation Pilot Partnering, you are advised to contact Strategic Housing Services for up to date information.)

Appendix Two: Glossary

ADP	Approved Development Programme – is the funding made available to the housing corporation to provide affordable housing to targeted areas of need.
LGA	Local Government Association
RPG 11	Regional Planning Guidance for the West Midlands
PPG	Planning Policy Guidance issued by the Government
RSL	Registered Social Landlord – usually a Housing Association but not exclusively. Registered with the Housing Corporation as a provider of social housing and able to bid for public funds
SHG	Social Housing Grant – refers to monies allocated by the Housing Corporation to enable social landlords to develop new housing schemes
LASHG	Local Authority Social Housing Grant – abolished 1 st April 2003 and refers to monies funded by government but co-ordinated by Councils to enable social landlords to develop new housing schemes

Affordable Housing Grant refers to the councils own capital resources available to provide affordable housing

Discounted Low Cost refers to the provision of accommodation subject to a resale covenant. The principle is that the accommodation is available at a fixed discount below the open market value to households in need. The level of discount will depend on the individual circumstances of each case and will need to be negotiated with the Council prior to any determination of a planning application. However, the level of discount will normally be up to 30% of the market price and will be subject to an absolute minimum of 20%. The discount will apply on initial and all subsequent re-sales thus ensuring that the accommodation is retained affordable.

Shared Ownership - is a government-backed scheme to help people who are unable to secure a full mortgage to purchase a home of their own. The scheme allows someone to purchase a share in their prospective home, usually 50% and then pay rent on the remaining share (in ownership of a RSL).

UDP:	Unitary Development Plan – a strategic land use development plan for Herefordshire which will guide and inform future planning development during the period 1996-2011
Exception Schemes:	Affordable housing for local needs in perpetuity built on small sites within or adjoining existing villages on land that would not normally gain planning permission for housing
Commitments:	Housing sites with planning permission or allocated in a Development Plan
Completions:	Dwellings which have obtained planning permission and have been built, i.e. completed
Windfall Site:	Land which is suitable for development within the terms of planning policies and detailed settlement criteria, but are not specifically identified and the development of which is unpredictable

Section 106 Agreement: An agreement by a local authority with a landowner / developer restricting or regulating the development or use of land either permanently or temporarily in accordance with the Town and Country Planning Act 1990.

Existing household	A group of people who constitute a household at the time a need is recognised who may or may not lose or be joined by one or more members over the study period. The residual and additional members of the household continue to constitute the existing household eg a new baby.
Emergent household Need	A new household formed, needing a separate dwelling from an existing household.

Appendix Three: Development Plan Policies

1. Hereford City Local Plan 1991 – 2001 (adopted 1996)

Affordable housing:

Policy H8

"The city council will encourage a reasonable mix and balance of house types and sizes within new residential developments. Proposals for the development of affordable dwellings suitable for people not easily able to compete in the housing market will be particularly encouraged. The city council will seek the provision of affordable housing by:

- (a) continuing to engage in collaborative schemes with housing associations, private developers and other agencies involved in housing provision;
- (b) seeking to negotiate with private developers for the inclusion of an element of affordable housing provision in suitable schemes. Arrangements should be made to ensure that affordable provision will be enjoyed by successive as well as initial occupiers of the properties concerned.

Where the provision of affordable housing leads to relatively high densities being proposed, special attention should be given to design to ensure that proposals respect their wider setting and that residential amenity is not adversely affected."

2. Leominster District Plan 1991 – 2001 (adopted 1998)

Policy A.48: Affordable housing for local needs in rural areas

"Exceptionally, within or adjoining rural settlements planning permission may be granted for low cost affordable housing on land that would not normally be released for development where a local need has been justified. Primarily, households occupying such accommodation will be restricted to those which are residents within the ward; have strong local family connections; or are employed within the relevant ward.

Where such proposals are advanced the local planning authority will need to be satisfied that:

- (1) the criteria set out in policy a.1 can be met;
- (2) the local need is shown to be genuine and quantifiable, to the local planning authority's reasonable satisfaction, and there is a reasonable expectation that this need will be long term;
- (3) it is evident that local housing market conditions could not satisfy the housing need;
- (4) arrangements are made to ensure that the benefits of low cost housing will be enjoyed in perpetuity by subsequent occupants as well as by the initial occupiers, for example, by making the housing available through a registered social landlord;
- (5) the site's location should afford reasonable access to facilities and, where possible, public transport;
- (6) proposals do not involve mixed developments consisting of open market housing to offset the lower return on low cost housing on the same site.

Should a vacancy occur which cannot be filled by a household in the relevant ward meeting the local need, the council may permit the property to be occupied by residents of an immediately adjoining ward (or such other definition as can be agreed between the parties) who would otherwise meet the terms of the local need."

Policy A49: Affordable Housing on larger sites

The local planning authority will negotiate for the inclusion of an element of affordable housing on suitable sites where a lack of affordable housing can be demonstrated.

Arrangements should be made to ensure that the benefits of low cost housing will be enjoyed in perpetuity by subsequent occupants as well as by the initial occupiers

Housing sites for 25 or more dwellings or over 1 ha in size within Leominster and more than 15 dwellings or over 0.5 ha elsewhere will be evaluated to determine their suitability in terms of accommodating an element of the affordable housing need for the settlement concerned and its surrounding area. This policy will be applied to both identified housing sites and windfall proposals.

3. Malvern Local Plan 1991- 2001 (adopted 1998)

Housing Policy 11

Affordable housing for local people in rural areas

"The district council may, in exceptional circumstances, and in addition to Hereford and Worcester Structure Plan housing land requirements, permit small scale residential developments on land in or adjoining identified settlement boundaries which would not otherwise be released for development. To be given favourable consideration the district council will require to be satisfied that:

- a) there is a genuine need in the area for low cost housing of the type and tenure proposed by the applicant which cannot be met in any other way, and
- b) satisfactory arrangements will be made for ensuring, in perpetuity, that:
 - i) occupancy of the dwellings will be restricted to those persons who are in housing need and who have a previous family connection with the locality or are employed locally,
 - ii) the dwellings will be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes, in conjunction with a housing association or other suitable agency, and
 - iii) the dwellings will continue to be available to subsequent occupiers on the same terms as are mentioned in (ii) in perpetuity; proposals which may potentially only benefit the initial occupier will not be acceptable, and
- c) cross-subsidy by providing some houses on the same site for sale on the open market is not involved, and
- d) it is of a scale, character and density appropriate to the character of the area,
- e) adequate site conditions and services exist or can be readily and economically provided,
- f) satisfactory vehicular and pedestrian access can be provided, and
- g) it would not have a significantly adverse affect on neighbouring properties or result in overlooking or loss of residential amenity.
- h) In defining local need the district council will take into account:
 - 1) existing residents needing separate accommodation in the area;
 - 2) people whose work provides important services and who need to live closer to the local community;
 - 3) people who are not necessarily resident locally but have long-standing links with the local community.
 - 4) people with the offer of a job in the locality, who cannot take up the offer because of the lack of affordable housing."

Major housing developments and affordable housing

Housing policy 12

Major housing development

"The district council will, where site and market conditions are appropriate, seek to reach agreement with developers of major housing schemes to include the provision of a proportion of housing for sale or rent at affordable prices in perpetuity. Some properties may be made available at a low cost market value to meet a specified local need. Major housing schemes refers to those over 40 dwellings or 1.5 hectares in Malvern, Bromyard and Ledbury or over 25 dwellings or 1 hectare in Upton-upon-Severn and the remainder of the district. Criterion b) of housing policy 11 will apply where a housing association is not involved or there has been some special planning concession."

South Herefordshire Local Plan 1991- 2001 (adopted 1999)

Policy SH.12

Cross-subsidisation schemes

"In future housing schemes within settlements, Ross-on-Wye, and on housing land around Hereford City, the council will negotiate with developers for a reasonable amount of affordable housing to meet local needs in order to meet an identified need."

Policy SH.13

Affordable housing in/adjacent to settlements

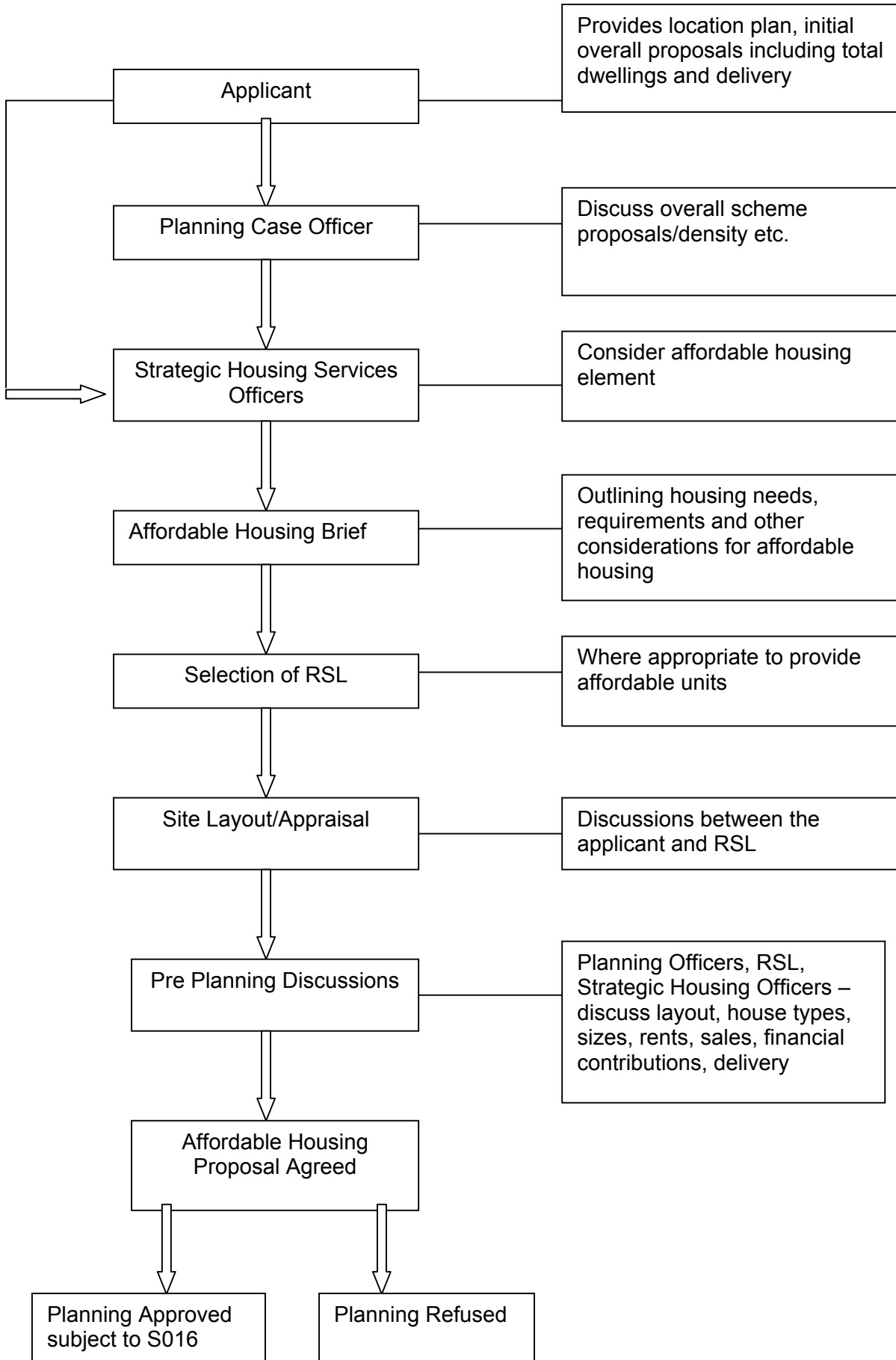
"As an exception to policy, affordable housing schemes may be permitted on suitable sites within, or adjacent to larger villages and smaller settlements, which would not normally be released for development, provided that:-

- (i) the developments satisfy a clearly demonstrated and genuine local need for affordable housing which cannot be reasonably accommodated elsewhere;
- (ii) the developments are small-scale, well designed, environmentally acceptable, capable of being served by a safe vehicular access, satisfying the criteria of policies GD.1 and C.3 where appropriate;
- (iii) adequate arrangements are made to ensure that the affordable element of the developments will be enjoyed by successive as well as by initial occupiers of the properties."

NB: Policy GD1 - General Development Criteria

Policy C3 - Criteria for exceptional development outside settlement boundaries

APPENDIX FOUR: Negotiating affordable housing



APPENDIX FIVE: Affordable housing brief – (Example)

ADDRESS OF PROPOSED DEVELOPMENT

PROPOSALS FOR AFFORDABLE HOUSING - RELATING TO THE CURRENT HOUSING POSITION

AS AT (INSERT DATE)

Proposed Total Dwellings xx approx
Affordable housing @ 35% xx units
Housing Needs Survey (list relevant surveys undertaken)
Estimated net total requirement for Affordable = xxx

Unit Type	Needs Survey	Homepoint Data of Need
1 bed	xxx	xxx
2 bed	xxx	xxx
3 bed	xxx	xxx
4 bed	xxx	
1 & 2 bed Sheltered and Extra Care	<u>xxx</u>	
Total	xxx	

Relevant Strategy Documents

Housing Investment Strategy 2003-6
Supplementary Planning Guidance - Provision of Affordable Housing

Proposed Tenures for the Affordable Housing Units

RSL rented	1 bed flats	xx	
	2 bed houses	xx	
	3 bed houses	xx	
	4 bed houses	xx	
RSL rented	2 bed bungalows	xx	
RSL shared ownership	2 bed houses	xx	
	3 bed houses	x	
Supported Housing	1 bed flats	x	
	2 bed houses	x	
Low Cost Market	1 bed houses	x	to be discounted to an affordable level for the county
	2 beds houses	<u>x</u>	
Total		xxx	

Other Considerations

- The site is subject to the UDP process and the information provided is to enable you to prepare your development brief.
- Registered Social Landlord – to be a partnering association as per list attached. It is recommended that, as the planning application is subject to a S106 agreement, the RSL needs to be party to these discussions, and therefore should be involved from the outset so as not to cause delays with the planning application process. (SPG Appendix 1)
- No grant will be available to any RSL (SPG page xx)
- All RSL housing is required to be built to the Housing Corporation Scheme Development Standards, and Lifetime Home standards (SPG page xx)
- To ensure that local needs are met, all affordable units are to be advertised through Home Point Herefordshire.
- Low Cost Market – it would be expected that these would be built to the same standard as other properties on the site and discounted to a level that is affordable to local households.
- All affordable units are to be provided in perpetuity.
- Affordability will be computed using Joseph Rowntree ratios of affordability of housing costs against income, and up to date Council economic survey information. There are concerns that, to make low-cost market affordable, the discounts from open market values may be too high. If so, shared ownership could be an acceptable option.

Appendix Six: TCI Base Table 2004/5

Appendix Six: TCI Base Table 2004/05 and 2005/06: Self-Contained Accommodation

Total Unit costs Unit floor area m ²	Probable Occupancy (Persons)	Self-contained accommodation - £ per unit Cost Group C1
Up to 25	1	49,900
Exceeding/not exceeding		
25/30	1	55,200
30/35	1 and 2	60,600
35/40	1 and 2	65,900
40/45	2	71,200
45/50	2	76,600
50/55	2 and 3	81,900
55/60	2 and 3	87,200
60/65	3 and 4	92,500
65/70	3 and 4	97,900
70/75	3, 4 and 5	103,200
75/80	3, 4 and 5	108,500
80/85	4, 5 and 6	113,900
85/90	4, 5 and 6	119,200
90/95	5 and 6	124,500
95/100	5 and 6	129,800
100/105	6 and 7	135,200
105/110	6 and 7	140,500
110/115	6, 7 and 8	145,800
115/120	6, 7 and 8	151,200

For Herefordshire, there is a 9% uplift on these figures for 2004/5 and 2005/6

Appendix Seven:

Herefordshire Council Contacts

1. **Planning Services Division**
Forward Planning,
PO Box 144,
Hereford,
Herefordshire,
HR1 2YH.

Mr Pete Russell
Senior Planning Officer

Tel:01432 260166
Fax: 01432 260289

2. **Planning Services,**
Development Control,
PO Box 230,
Hereford,.
HR1 2ZE

Central Division: Planning Officers
Steve Macpherson
Dave Dugdale

Tel: 01432 261946
Tel: 01432 261957

Northern Division: Planning Officers
Duncan Thomas
Kevin Bishop

Tel: 01432 383085
Tel:01432 383093

Southern Division: Planning Officers
Andrew Prior
Steve Holder

Tel: 01432 261932
Tel: 01432 260479

3. **Strategic Housing Services**
Garrick House,
Widemarsh Street,
Hereford,
HR4 9EU.

Mr Chris Watson,
Senior Enabling Officer

Tel: 01432 261975
Fax: 01432 261591

4. **Legal Services,**
Brockington,
35, Hafod Road,
Hereford,
HR1 1SH

Christine Wright
Principal Lawyer

Tel: 01432 260472
Fax: 01432 260206

APPENDIX EIGHT: List of Completed Housing Need Studies

Year April 2000 - April 2001

Hereford City
Bodenham
Colwall
Leintwardine
Longtown
Withington

April 2001 - April 2002

Cusop
Wellington

Year April 2002 - April 2003

Orcop

Year April 2003 - April 2004

Bishops Frome
Orleton
Ross
Upper Sapey (North Bromyard group parish)
Pembridge
Leominster
Staunton-on-Wye

2004 – 2005

Kington
Cradley

Appendix Nine: References

1. Herefordshire's Local Plans – Written Statement

Available from: Planning Services, P.O. Box 144, Hereford. HR4 9ZP

2. Planning Policy Guidance 3: Housing

(DETR, March 2000)

3. Circular 06/98: Planning and Affordable Housing

(DETR, April 1998)

4. Herefordshire Council Housing Strategy 2003 - 2006

Available from: Strategic Housing Services , Garrick House, Widemarsh Street, Hereford HR4 9EU

5. Housing Investment Strategy 2000-2003 Supplementary Information Statement July 2000

Available from: Strategic Housing Services , Garrick House, Widemarsh Street, Hereford HR4 9EU

6. Housing Needs Study 1999 and 2001

Available from: Strategic Housing Services Garrick House Widemarsh Street Hereford HR4 9EU

7. Circular 11/95: The use of Conditions in Planning Applications

(DETR, July 1995)

8. Circular 1/97: Obligations

(DETR, January 1997)

**SUPPLEMENTARY PLANNING GUIDANCE (SPG) –
DESIGN AND DEVELOPMENT REQUIREMENTS****Report By: Forward Planning Manager****Wards Affected**

County-wide

Purpose

- 1 To consider responses and changes to the draft publication and recommend to the Cabinet Member (Environment) that an amended document be adopted as interim guidance to the Herefordshire Unitary Development Plan.

Financial Implications

- 2 None, other than printing and publishing costs.

Background

- 3 The need for this design guide was confirmed by the Herefordshire Partnership Housing Ambition Group who set up a working group to discuss and agree its contents and purpose. Initially it was felt that the guidance should relate solely to new housing but its remit was soon widened to benefit all forms of new development using parts of the guidance where appropriate.
- 4 A draft was endorsed by the Housing Ambition Group on 3rd July 2002 and agreed for consultation by the Cabinet Member (Environment) following consideration by this Committee on 19 July 2002. This and other draft SPG were published separately alongside the Deposit Draft UDP in October 2002 with comments being requested by 31st January 2003 to allow adequate time for consultation.

Consultation

- 5 PPG12 (Dec 1999) makes clear the role and use of supplementary planning guidance. It also highlights that where the guidance has been made publicly available and consultation undertaken, the Secretary of State will give substantial weight to the SPG where it derives out of and is consistent with the development plan and prepared in a proper manner.
- 6 All Parish and Town Councils and organisations thought to have an interest in the SPG were sent copies and invited to make comments. Copies of the document were also made available at UDP deposit locations around the County including the main libraries and 'Info in Herefordshire' points and the availability of the document highlighted on the Councils webpages. Following UDP amendments and consideration of comments received, amendments are now proposed to the draft SPG.

Responses

- 7 Responses specifically to the draft SPG were received from 6 Town/Parish Councils and 6 organisations. However other comments were received which were targeted at the corresponding parts of the UDP which refer to design guidance and have been addressed through the UDP process. The benefits of publishing both documents at the same time has enabled relevant changes to be made to both as the UDP leads and informs the SPG. Changes proposed to the UDP have therefore been reflected within the design guidance. Additionally, changes are proposed to pick up internal comments made from within the Council.
- 8 It should be noted that widespread support has been received to the concept of further design guidance. Few who responded questioned the principle or the approach being taken.
- 9 The following is a summary of the comments received.

Commentator	Comment	Response
Bartestree and Lugwardine Parish Council	Document very detailed and to be commended	Noted
Bromyard and Winslow Parish Council	<ul style="list-style-type: none"> • Guidance contains comprehensive checklist for applicants of larger scale developments • Support for reasons/purpose of design statement • Additional appendix information required regarding highway design/car parking standards 	<p>Noted</p> <p>Further separate Highway Design SPG to be prepared. This will include car parking standards which is to be reviewed</p>
Ledbury Town Council	<ul style="list-style-type: none"> • Affordable housing (H9) point 3 should be replaced by 'affordable housing should only be available to local people living in the parish' • Housing of more than 25 homes or 2.5 acres should make a donation to low cost housing in that parish • New housing developments should provide a minimum of 1 car parking space per dwelling 	<p>Points raised are issues related to UDP policies and are being addressed through the UDP process. Car parking standards are to be revised as part of an SPG on Highway Design</p>

Llangarron Parish Council	<ul style="list-style-type: none"> Fully support proposals with no further comments to make 	Noted
Welsh Newton and Llanrothal Parish Council	<ul style="list-style-type: none"> Guidelines addressing energy, water, waste and recycling highly desirable in particular disposal of rain water, use of porous surfaces. All proposals would have great savings on energy and transport and help mitigate flash flooding. Sadly it is all only guidance. 	Noted
RPS	<ul style="list-style-type: none"> Guidance goes beyond requirements of policy DR1 by requiring a concept drawing showing a site's relationship with its surroundings. Design statement should be appropriate to the scale and nature of the proposals 	<p>A concept drawing is the sort of useful detail information that shows how a development proposal would fit into its surroundings. It expands upon and clarifies policy criteria requirements and should remain</p> <p>Whilst the guidance indicates those instances where design statements will not normally be required, change is proposed to ensure it is relevant to the proposal</p>
English Nature	<ul style="list-style-type: none"> Support this guidance for the design of new development. No specific comments to add 	Noted

<p>Herefordshire Nature Trust</p>	<ul style="list-style-type: none"> HNT supports the inclusion of environmental concerns and biodiversity considerations within the document. Only minor comments to make. Landform/landscape section relies heavily on landscape value rather than biodiversity value. It suggests enhancing or restoring such landscapes when in fact they can hold biodiversity value. 'Derelict' areas support certain flora or nesting sites for birds 	<p>Acknowledged, changes are proposed to include reference to areas/landscape which hold and support valued species</p>
<p>Highways Agency</p>	<ul style="list-style-type: none"> Concerns over additional pressures on trunk road network, particularly A49 corridor in Hereford. Developments likely to have such a significant impact on trunk road will require comprehensive Transport Assessment Design statement should explain how proposals relate to existing highway network and how access and movement to and through the site will be achieved, consistent with aims of sustainable development Issues relating to trunk road network should also be raised under 'Local Context' 	<p>Agreed, proposals should recognise and make clear how any trunk road in the vicinity may be affected. Specific reference for Transport Assessment to be included</p> <p>Agreed, proposals should be existing transport networks, linkages to site and any improvements, trip generation and distribution</p> <p>In relation to Traffic Assessments, proposals should demonstrate that all access junctions can safely and efficiently accommodate development traffic.</p>

	<ul style="list-style-type: none"> • The need for Transport Assessments should be more clearly defined • Access and movement issues need to be mentioned at start of Appendix 1 	<p>Assessments should also include a Travel Plan to describe how alternative modes to the car will be promoted</p>
English Heritage	<ul style="list-style-type: none"> • Welcomes prominence promoting high standards of design which respect local character and distinctiveness. Establishment of design concept and preparation of design statement to accompany new development proposals with emphasis on establishing a sense of place are supported 	Noted
Environment Agency	<ul style="list-style-type: none"> • In relation to Flood Risk a dry pedestrian access should be provided for residential development or where people stay overnight (hotels/holiday accommodation) • Remove sentence (Foul Drainage) which states that EA should be consulted where on-site sewage treatment is required. Agency need only be consulted on applications in Groundwater Source Protection Zones 1 and 2 	<p>Agreed, also further amendments are to be included to reflect the UDP changes to policy DR7 and to clarify flood risk areas and risk assessments</p> <p>Agreed, changes proposed</p>

	<ul style="list-style-type: none"> • Add promotion of a maintenance strip along banks and need to retain nature conservation value of watercourse 	<p>Agreed, references to be included</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------

Amendments made

10 As a result of the consultation response received and alterations made to the policies and reasoned justification within the Revised Deposit UDP, the following amendments have been made;

- New Background section included to outline the preparation of the SPG, consultation and review and to make clear its relationship with the UDP.
- Clarification under Design Statement that to follow UDP policy DR1 statements are required to accompany the planning application where relevant to the proposal.
- Inclusion of access issues particularly in relation to trunk roads added to Location section.
- Biodiversity issues added to Landform and landscape section.
- Reference to consideration of sequential approach and development on land of a lower flood risk. Requirement to assess the environmental effects of mitigation/protection measures. Requirement of dry access to residential/holiday/hotel development.
- Under Resource Conservation include the promotion of maintenance strips along banks and aside watercourses, retaining nature conservation value.
- General Layout to include requirement for major developments to include the provision of public art to promote a sense of identity and culture.
- Reference to other micro-hydro options to be used where appropriate to conserve energy.
- Inclusion of grey water recycling systems.
- Additions to Appendix 1 to refer and indicate when Access Statements are required. Also the requirements of Transport, Flood Risk and Retail Assessments.
- A further appendix will be added (Appendix 4) to include a statement of the consultation undertaken and changes made as highlighted within pp612 para. 3.16

A copy of the SPG is enclosed separately for Members and is also located in the Members Lounge

RECOMMENDATION

THAT It be recommended to the Cabinet Member (Environment) that the amended draft be adopted as interim supplementary planning guidance to the Herefordshire Unitary Development Plan.

Background Paper

Design and Development Requirements SPG – Draft September 2002.

Further information on the subject of this report is available from Mr C Botwright on (01432 260133)

SUPPLEMENTARY PLANNING GUIDANCE – REUSE AND ADAPATION OF RURAL BUILDINGS

Report By: Forward Planning Manager

Wards Affected

Countywide

Purpose

To consider the amendments made to the draft document and recommend to the Cabinet Member (Environment) that the amended document be adopted as interim supplementary planning guidance to the emerging Herefordshire Unitary Development Plan.

Financial Implication

None, other than printing and publishing costs.

Background

Supplementary planning guidance for the 'Reuse and adaptation of traditional rural buildings' linked to the County's four adopted local plans was adopted in November 2000. Following the UDP process, the SPG has been reviewed with a new draft version presented to Members on 7th December 2001 along with other draft SPG's and subsequently published separately alongside the First Deposit UDP in October 2002.

Consultation

PPG12 (Dec 1999) makes clear the role and use of supplementary planning guidance. It also highlights that where the guidance has been made publicly available and consultation undertaken the Secretary of State will give substantial weight to the SPG where it derives out of and is consistent with the development plan and prepared in the proper manner.

Following the publication of the draft version of this SPG in October 2002, it was placed on deposit for public consultation until 31st January 2003. All Parish and Town Councils and organisations thought to have an interest were sent a copy and invited to make comments. Copies of the document were also made available at deposit locations around the County including the main libraries and 'Info in Herefordshire' points and the availability of the document highlighted on the Council's webpages.

Consultation replies

Comments have been received from 11 organisations as a result of the specific consultation on the SPG, although a number of comments made to the First Deposit UDP policies HBA12 and HBA13 were also relevant. The benefits of publishing both

documents at the same time has enabled relevant changes to be made to both as the UDP leads and informs the SPG. Changes proposed to the UDP have therefore been reflected within this guidance. It should be noted that widespread support has been received for the document in principle. The main points highlighted are the need to widen the policy and the guidance to include non-traditional rural buildings, improve links to the biodiversity SPG and the need for clearer advice on the requirements for ecological survey.

Below is a table outlining the comments received.

Commentator	Comment	Response
Advantage West Midlands	General stance supported however no good reason to restrict to 'traditional', over restrictive.	Acknowledged, the word 'traditional' has been removed and the guidance and policy have been widened to include non-traditional buildings.
RSP Planning, Transport and Environment	Object to the emphasis on 'traditional', Other issues raised relate to UDP policy.	See above
Bartestree and Lugwardine Group Parish Council	Objects to the argument that chimneystacks not contrary to retaining the appearance of a building and that wall flues and short stacks should be considered.	The guidance highlights that chimneystacks are generally inappropriate to the character of a rural building. However, each building is treated on its merits and early discussions with Officers is advised to resolve any design issues.
Sunderlands	Issues raised relate to UDP policy.	Issues considered under the UDP process.
Welsh Netwon and Llanrothal Group Parish Council	Para 6.20 regarding owl holes should be made mandatory. Other issues raised relate to UDP policy.	Additional ecological information has been included within the SPG with cross-references to the Biodiversity SPG to reiterate the importance of all nature conservation issues. Other issues considered under the UDP process.
Herefordshire Nature Trust	Wish to see more acknowledgement of ecology issues. Include reference to English	Additional ecological information has been included within the SPG with cross-references to

	Nature publication. More cross-references to Biodiversity SPG are needed.	the Biodiversity SPG to reiterate the importance of all nature conservation issues. Reference to the English Nature publication has been included within the text.
Burghill Parish Council	Conflicts with the fact that tourism related uses require high standards and health and safety regulations. Conflicts with the concept of farm diversification.	Policies within the UDP encourage the reuse of rural buildings to assist farm diversification (RST12/13). Standards required for the conversion to holiday lets are acknowledged, however it is considered that the guidance does not conflict with this.
English Nature	More cross-references to the Biodiversity SPG.	Additional ecological information has been included within the SPG with cross-references to the Biodiversity SPG to reiterate the importance of all nature conservation issues.
Ledbury Town Council	Query how far from the settlement boundary need to be to classify as rural.	This is a UDP issue. The settlement boundary is used to denote the limited of the town/ village in planning terms. The area outside of the settlement boundary is classified as countryside.
Bromyard and Winslow Town Council	Should not be mandatory to submit detailed survey drawings for non-listed buildings. Extensions should be allowed.	Pre-application discussions are encouraged with Officers prior to the submission of applications. It is considered that survey drawings are an important part of the application for any conversion. Following comments received to the UDP, further restrictions have been placed on the ability to extend rural building

		conversions. In order to ensure the qualities of the original scheme, planning conditions can be imposed restricting permitted development rights.
Llangarron Parish Council	No objections or comments.	Acknowledged.

Amendments made

As a result of the consultation response received and alterations made to the policies and reasoned justification within the Revised Deposit UDP, the following amendments have been made;

- ‘Tradition’ has been removed from the guidance to widen to non-tradition buildings, although given that the majority of the applications received are for conversions of the tradition style of buildings, the guidance particularly highlights these design elements. A paragraph has been added to section 1 to reflect this.
- Policies updated to reflect the Revised Deposit UDP policies HBA12 and HBA13 and cross-references included to other UDP policies and the Biodiversity and Landscape Character SPG’s.
- Paragraph added to section 2 highlighting the ecological issues being a material consideration and that ecological surveys and reports should be carried out as a matter of course.
- Paragraph 4.23 updated to reflect the current distribution of the ‘Commercial Property Register’
- Paragraph 4.42 to 4.44 updated to highlight ecological issues and cross reference to the Biodiversity SPG.
- Paragraph 5.10 updated to reflect UDP amendment highlighting the removal of permitted development rights by planning condition to restrict future alterations, extensions and outbuildings.
- Section 6i updated to reflect ecological and landscape issues involved in the design on any scheme.
- Paragraph 6.25 now includes reference to English Nature’s booklet ‘Barn owls on site, guidance for development’.
- Appendix 1 updated to reflect the current list of UDP main settlements.
- Appendix 2 has been included to highlight the triggers that would require ecology survey and reports to be undertaken.

- A further appendix will be added (Appendix 3) to include a statement of the consultation undertaken and changes made as highlighted within PPG12 para 3.16.

A copy of the SPG is enclosed separately for Members and is also located in the Members Lounge

RECOMMENDATION

THAT It be recommended to the Cabinet Member (Environment) that the Reuse and adaptation of rural buildings be adopted as interim Supplementary Planning Guidance to the Herefordshire Unitary Development Plan.

Background paper

Reuse and adaptation of rural buildings SPG

TANYARD LANE DEVELOPMENT BRIEF

Report By: Forward Planning Manager

Wards Affected

Ross- on- Wye

Purpose

To consider the draft Tanyard Lane development brief and approve it for public consultation purposes with a view to it eventually forming supplementary planning guidance to the Unitary Development Plan.

Background

A draft development brief has been prepared to guide the future development of the Tanyard Lane site which is located in Ross on Wye and forms a housing allocation for 150 units within the emerging UDP. The brief has been prepared jointly between the Council and developers of the site. The brief will provide additional information to supplement the policies of the plan and as such will eventually be adopted as supplementary planning guidance. It should be noted that this development brief in no way undermines objections already made to this UDP allocation. To the contrary, it helps to clarify and address some of the design and site layout issues that are of concern to some local people. It is anticipated that all objections relating to Tanyard Lane will be debated at the Inquiry. These objections centre around the following issues: access/traffic, flooding, affordable housing, landscape, design, greenfield/brownfield issues, and capacity of the local infrastructure. The brief looks to progress and develop proposals in the plan and attempts to address detailed site issues raised to development of this site.

The Development Brief

The aim of the brief is to:

- Establish the development framework in a positive and enabling manner providing a development concept early in the development plan process.
- Identify development requirements before land values are set to ensure the delivery of viable schemes
- Provide greater certainty
- Promote good design standards and address plan policy issues

The brief, which is attached for Members of the Committee, includes details on the following information:

- Planning Policy
- Site Analysis
- Design Context
- Development strategies and Masterplan which includes details on site layout
- The brief also includes details of planning obligations which will be sought from the development which relate to:
 - Affordable housing provision
 - Maintenance of open space
 - Off site transportation measures
 - Provision of formal play areas
 - Contributions to education facilities
 - Provision of children play areas.

Consultation

In line with the Governments requirement to encourage community participation within planning and in line with the SPG process a community consultation event around the draft brief is proposed for September 2004 which will be advertised in the local press. It is anticipated that this will involve an exhibition being held within Ross on Wye followed by a Local Area Forum meeting where members of the public would have the opportunity to discuss with officers of the Council and developers any concerns emanating from the brief. Once this exercise has been completed the brief would be brought back to this committee for final approval as supplementary planning guidance.

Members may be aware that the new Planning and Compulsory Purchase Act makes changes to the planning system. The role of supplementary planning guidance is still to be clarified and account will be taken of this when bringing the final version of the brief back to Committee.

RECOMMENDATION

THAT It be recommended to the Cabinet Member (Environment) that the draft Tanyard Lane Development Brief be approved for public consultation purposes as detailed within the report.

Background paper
Tanyard Lane Development Brief

DEVELOPMENT BRIEF FOR FROME VALLEY HAULAGE DEPOT, BISHOPS FROME

Report By: Forward Planning Manager

Wards Affected

Frome

Purpose

To consider the draft development brief for the Frome Valley Haulage Depot, Bishops Frome and approve it for public consultation purposes with a view to it forming interim supplementary planning guidance to the Unitary Development Plan.

Background

A draft development brief has been prepared to guide the future development of the Frome Valley Haulage Depot which is located in Bishops Frome and forms a housing allocation for 15 units within the emerging UDP. The brief has been prepared jointly between the Council and developers of the site. The brief will provide additional information to supplement the policies of the plan and as such will eventually be adopted as Supplementary Planning Guidance.

The Development Brief

The aim of the brief is to:

- Establish the development framework in a positive and enabling manner providing a development concept early in the development plan process.
- Identify development requirements before land values are set to ensure the delivery of viable schemes
- Provide greater certainty
- Promote good design standards and address plan policy issues

The brief, which is attached for your information, includes the following information:

- Planning Policy
- Site Analysis
- Design Context

The brief also includes details of planning obligations which will be sought from the development which relate to:

- Affordable housing provision
- Provision of a formal play area

A copy of the draft Brief is enclosed separately for Members and is also located in the Members Lounge

Consultation

The preparation of the development brief follows an initial submission from the landowner's agent. The draft brief is a result of internal consultation to ensure that all site issues and requirements are addressed, particularly those requiring planning obligations.

RECOMMENDATION

THAT It be recommended that the draft development brief for Frome Valley Haulage Depot, Bishops Frome, be approved for consultation purposes as detailed within the report.

Background paper

Development Brief for Frome Valley Haulage Depot, Bishops Frome