

A G E N D A

Planning Committee

Date: **Friday, 20th January, 2006**

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:

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**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, P.E. Harling, J.W. Hope MBE, 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 25th November 2005.	1 - 12
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 meeting held on 30th November, 2005 and 4th January, 2006.	13 - 14

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| 7. | <p>CENTRAL AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Central Area Planning Sub-Committee meeting held on 14th December, 2005 and 11th January, 2006.</p> | 15 - 16 |
| 8. | <p>SOUTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Southern Area Planning Sub-Committee meetings held on 23rd November and 21st December, 2005.</p> | 17 - 18 |
| 9. | <p>DCSE2005/3536/F - AGRICULTURAL DWELLING AT THE FRUIT YARD, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SDFOR: MR. & MRS. N. JONES PER JAMES SPRECKLEY, MRICS FAAV, BRINSOP HOUSE, BRINSOP, HEREFORDSHIRE, HR4 7AS</p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Southern Area Planning Sub-Committee is minded to approve it, contrary to the Council's Planning Policies and officer recommendations.</p> <p>Ward: Penyard</p> | 19 - 26 |
| 10. | <p>DCNC2005/3689/O - SITE FOR SMITHY & STABLES WITH FARRIERS COTTAGE AND APPRENTICE FLAT ON PART PARCEL NO 4493, HOLMER FARM, PUDLESTON, LEOMINSTER, HEREFORDSHIREFOR: MR R PRICE, C/O HAMNISH FARM, LEOMINSTER, HEREFORDSHIRE, HR6 0QP</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: Hampton Court</p> | 27 - 32 |
| 11. | <p>DCCW2005/3683/F - WIND TURBINE WITH 9M DIAMETER BLADES ON A 15M TOWER AT NEW WHITECROSS HIGH SCHOOL, THREE ELMS ROAD, HEREFORD, HR4 0RN FOR: STEPNELL LTD. PER STEPNELL LTD., SITE OFFICES, NEW WHITECROSS HIGH SCHOOL, THREE ELMS ROAD, HEREFORD, HR4 0RN</p> <p>To consider an application for a wind turbine at the new Whitecross School presently under construction to the west of Three Elms Road Hereford.</p> <p>Ward: Three Elms</p> | 33 - 38 |

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|---|----------------|
| <p>12. DCCE2005/3940/F - CONSTRUCTION OF NEW PUBLIC TOILETS AT GAOL STREET CAR PARK, GAOL STREET, HEREFORD, HR1 2JB FOR: HEREFORDSHIRE COUNCIL PER HEREFORDSHIRE COUNCIL PROPERTY SERVICES, FRANKLIN HOUSE, 4 COMMERCIAL ROAD, HEREFORD, HR1 2BB</p> <p>To consider an application in respect of a Council scheme for new public conveniences.</p> <p>Ward: Central</p> | <p>39 - 44</p> |
| <p>13. STATEMENT OF COMMUNITY INVOLVEMENT</p> <p>To consider progress being made on preparation of the Council's Statement of Community Involvement (SCI) together with a Draft Statement for consultation purposes.</p> <p>Ward: Countywide</p> | <p>45 - 88</p> |
| <p>14. BURGHILL PARISH PLAN</p> <p>To consider the Burghill Parish Plan for adoption as further planning guidance to the emerging Herefordshire Unitary Development Plan.</p> <p>Ward: Burghill, Holmer and Lyde</p> | <p>89 - 90</p> |
| <p>15. WESTON-UNDER-PENYARD PARISH PLAN</p> <p>To consider the Weston-under-Penyard Parish Plan for adoption as further planning guidance to the emerging Herefordshire Unitary Development Plan.</p> <p>Ward: Penyard</p> | <p>91 - 94</p> |
| <p>16. DATE OF NEXT MEETING</p> <p>Friday 3rd March 2006 at 10:00 a.m.</p> | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 25th November, 2005 at 10.00 a.m.

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

Councillors: Mrs. P.A. Andrews, A.C.R. Chappell, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis, D.J. Fleet, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson and W.J. Walling

In attendance: Councillors P.J. Edwards and R.M. Wilson

57. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors BF Ashton, R Preece and DC Taylor.

58. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

Councillor Mrs PA Andrews for Councillor BF Ashton;
Councillor ACR Chappell for R Preece; and
Councillor Ms G Powell for Councillor DC Taylor.

59. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
PJ Edwards & Mrs G Powell	Agenda Item 10 (Minute No 6) – DCCW2007/264/F – Change of use to public open space and provision of play equipment and kickabout area at land behind 10 – 80 Dorchester Way, Belmont, Hereford, HR2 7ZP.	Personal and left the meeting for the duration of this item.
RM Wilson	DCCE2007/2967/F - conversion of and alterations to period barn to form offices barn at Monks Orchard, Lugwardine, Hereford For: Mr R Shimmin, James Spreckley MRICS FAAV, Brinsop House, Brinsop, Herefordshire, HR4 7AS	Prejudicial - left the meeting for the duration of this item.

60. MINUTES

RESOLVED: That the Minutes of the meeting held on 30th September, 2005 be approved as a correct record and signed by the Chairman, subject to the deletion of 'Apologies for absence were received from Councillor DJ Fleet' in Minute 43 and 'Councillor Mrs PA Andrews was appointed named substitute for Councillor D.J. Fleet' in Minute 44.

61. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER

The Northern Area Planning Sub-Committee refused an application for planning permission in respect of a large utility building containing a discotheque, jacuzzi, shop and similar facilities at Brierley Court Farm in May 2004. The Council subsequently obtained an injunction preventing any further work being undertaken on the site some two days later. The injunction remained in force and proceedings were successfully brought by the Council against the landowner earlier this year when the injunction was breached. The developer subsequently sought to bring an appeal to the First Secretary of State in respect of the Sub-Committee's refusal and an Inquiry was held by the Inspector at Hereford in July 2004. The appeal was brought against two planning enforcement notices and also the refusal to grant planning permission. The Inspector decided in favour of the Council's action and dismissed the appeals.

UK PLANNING DOCUMENT IMAGE PROCESSING

In early December 2004 Planning Services the UK Planning document image processing system would be introduced. The system will allow the details of all new planning applications to be scanned and published on-line and provide a much improved system for the public and for the Council. The details of all new applications (including plans, drawings, forms and letters) can be viewed on the Internet and Council Intranet. In the future, this will permit paperless on-line consultation with external agencies and enable representations on applications to be submitted and viewed on-line. The implementation of this system will move the Council a significant way towards meeting the national e-planning requirements stipulated by the Office of the Deputy Prime Minister."

PLANNING SERVICES BY INFO

Work was underway for the implementation of a project to migrate the customer services currently provided from the Blueschool House front desk to the Info customer contact centers in Hereford and the market towns. This project would enable the new way of delivering customer services to be in place before a possible relocation of Planning Service to Plough Lane later in 2006. In addition to enhanced levels of service being provided by Info staff, planning inquiries by telephone would be dealt with via a new Council "Info by Phone" service also based at Plough Lane."

62. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 5th October and 2nd November, 2005 be received and noted.

63. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 19th October and 16th

November, 2005 be received and noted.

64. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 20th October and 26th November, 2005 be received and noted.

65. DCCW2005/2654/F - CHANGE OF USE TO PUBLIC OPEN SPACE AND PROVISION OF PLAY EQUIPMENT AND KICKABOUT AREA AT LAND BEHIND 10 - 10 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZP FOR: HEREFORDSHIRE COUNCIL PER PARKS & COUNTRYSIDE, QUEENSWOOD, P.O. BOX 41, LEOMINSTER, HEREFORDSHIRE, HR6 0ZA

The receipt of a petition signed by 700 persons in favour of the application was reported.

The Committee had undertaken a site inspection on 8th November, 2005 prior to considering the application further. The Development Control Manager outlined the main aspects of the application and the type of play equipment that that was proposed. He also pointed out where it would be possible to locate the equipment on the land and also in relation to the boundary with the adjoining former landfill site. The Committee considered the views about the application submitted by the Police, the Parish Council and local residents together with the concerns that had been raised by residents living adjacent to the site. The receipt of a six-page petition received from residents asking for the land to be devoted to public open space but not provided with play equipment was also noted.

Councillor RI Matthews felt that the application complied with the Council's policies and that careful landscaping and consideration of the location would help to overcome the objections. There were limited opportunities to make such provision at Belmont and the site satisfied the Council's requirements for open space and play provision there. Councillor ACR Chappell said that whilst recognising the concerns of some of the local residents, similar provision had been made in a residential area within his Ward and had proved to be very successful. Councillor WJ Walling shared the concerns of the objectors and thought that the proposal would create noise and nuisance for the adjoining residents.

Having considered all the aspects of the application, the Committee decided that the application should be approved but that great care should be taken to minimise the impact on the adjoining residents.

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. The development hereby approved shall be laid out in accordance with the details submitted with the planning application unless otherwise agreed in writing with the local planning authority.

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

3. **G04 (Landscaping scheme (general)).**

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

4. **G05 (Implementation of landscaping scheme (general)).**

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

5. **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.

Informative:

1. **N15 - Reason(s) for the Grant of PP.**

66. **DCNW2005/1 □19/F - USE OF LAND AND ERECTION OF WORKSHOP AND OFFICE FOR COACH HIRE BUSINESS AT PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE**

The receipt of a letter from the applicant's agent and a petition from □6 persons in support was reported.

The Development Control Manager said that the Northern Area Planning Sub-Committee had previously delegated the Officers to approve the application, subject to the applicant first satisfying the requirements of the Environment Agency and the Environment Agency withdrawing its objection to the application. The applicant had subsequently submitted a Flood Risk Assessment but the Environment Agency had maintained their objection on the grounds that there had not been a proper assessment of flood risk. The Northern Area Planning Sub-Committee was minded to approve the application and it had been referred to the Planning Committee by the Head of Planning Services in view of the Environment Agency's objection and to give it the opportunity to make further representations, as required by PPG2□.

Councillor Mrs. L.O. Barnett, the Local Ward Member referred to the level of support voiced by the Sub-Committee and by the local Community in recognition of the need to assist with the survival of a rural business such as that of the applicant. She commented that there was no other suitable site in Leintwardine and that there appeared to be negligible risks from any flooding, particularly as the proposal would be for coaches and not housing. She noted the credentials of the author of the Flood Risk Assessment and questioned the views of the Environment Agency which appeared to relate to extremely infrequent flooding in the area. She said that there were other sites nearby which were subject to a greater risk of flooding and felt that the applicant was being unduly hindered. She noted that the Environment Agency considered the site to be at risk during the □ in □00 year flood event but suggested that this was not a sufficient reason for refusal considering the importance of rural business and, in this case, rural transport.

The Committee supported the Local Ward Member and noted that there was a similar development nearby and felt that it would be irrational to refuse this application. It was considered that the effects of potential flooding would be minimal given the proposed use and that there was no evidence available that local residents considered themselves to be in peril. Given the specific nature of the business and

they way in which it operated, the vehicles could be moved easily if flooding was imminent.

The Development Control Manager said that if the Committee was minded to approve the application, conditions needed to be imposed about protective earth bunding and petrol/oil interceptors in the drainage.

RESOLVED:

That the application be approved subject to appropriate conditions about protective earth bunding and petrol/oil interceptors in the drainage, any further conditions felt to be necessary by the Head of Planning Services, and the Environment Agency being satisfied

67. DCSE2005/2475/F REMOVAL OF CONDITION 2 FROM PLANNING PERMISSION SE2004/4117/F DATED 16/2/05, THE GRANGE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE.

The Development Control Manager said that at its meeting on 28th September, 2005 the Southern Area Planning Sub-Committee was minded to refuse permission against the recommendation on the grounds that the creation of a separate dwelling on the site would be detrimental to the setting of the listed building at The Grange.

The Head of Planning Services had referred the application to the Committee on the grounds that the reasons given for refusal did not provide a substantive basis on which to mount a strong defence of the decision in the event that it was the subject of an appeal.

The Committee considered details of the application and noted that on planning grounds it was within the settlement of Aston Crews and complied with Local Plan Policy SH.00, thereby making the principle of a separate dwelling acceptable. Concerns had been raised by the Sub-Committee that there was no separate curtilage, access and parking area. Due to the layout of the site the privacy of the occupiers of the main house would not be unacceptably harmed and there would be a car parking and turning area commensurate with the size of the new residential unit. Notwithstanding this, Councillor Mrs JA Hyde felt that the application was a step too far for the listed building and that the concerns of the local parish councils and the community should be taken into account.

Having considered all the aspects of the application, the Committee decided that there were insufficient grounds for it to be refused

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. G01 (Details of boundary treatments)

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

3. H10 (Parking - single house)

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

Informative(s):

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

6 □ DCCE2005/2619/F - CHANGE OF USE OF GROUND FLOOR FROM CLASS A1 (RETAIL) TO CLASS A5 (TAKEAWAY) AT 2 HOLME LACY ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BYFOR: THE CO-OPERATIVE GROUP PER PEGASUS PLANNING GROUP, 2-10 KINGS PARADE MEWS, CLIFTON, BRISTOL, BS □ 2RE

The Central Team Leader said that at its meeting on 28th September, 200□ the Central Area Planning Sub-Committee was minded to refuse permission against the recommendation on the grounds of the potentially adverse effects on highway safety and residential amenity. He said that the Head of Planning Services had considered the proposal and noted that both the Highways Agency and the Traffic Manager did not object to the application. In the light of these views he referred the application to the Committee because the highway safety reason for refusal did not provide a substantive basis on which to mount a defence of the decision if an appeal was lodged.

In accordance with the criteria for public speaking, Mr. Bunn (4 Holme Lacy Road) spoke against the application and Mr. Williams (applicant's agent) spoke in support of the application.

Councillor ACR Chappell one of the Local Ward Members commented that the residential amenities of the area had improved since the closure of the convenience store. Referring to the Highways Agency comment that takeaway restaurants by their very nature generated more trips in the evening and some of these trips may fall within peak times, Councillor Chappell pointed out that peak times lasted until at least 6.30 p.m. in this area. He also felt that drivers would take little notice of the 'Keep Clear' marking proposed at the point of access onto Holme Lacy Road and drew attention to the parking problems in the area generally.

The Central Team Leader reiterated that there were no objections on highway grounds and that the lawful planning use of the site for retail purposes could be re-implemented at any time.

A number of Members expressed concerns about the highway safety and congestion aspects and sympathised with local residents about the potential impact on residential amenities. Councillor DJ Fleet noted that the Transportation Manager had no objections but felt that a busy takeaway would inevitably lead to traffic problems at busy periods. Councillor Chappell suggested that the application should be refused on the grounds of highway safety and impact on residential amenities. There would be difficulties in enforcing no parking on the double yellow lines at night and safety problems would inevitably be created for children crossing the busy road to use the play area nearby.

RESOLVED:

That the Application be refused on the following grounds and any further

reasons considered to be appropriate by the Head of Planning Services:

- (i) highways safety; and
- (ii) detrimental impact on residential amenities.

69. DCNE2005/3105/F - PROPOSED SIDE EXTENSION AT CHECKETTS, OLD CHURCH ROAD, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6ET FOR: MR & MRS ASHTON PER MR C MORTON, ROSEMEAD EVENDINE LANE, COLWALL, NR MALVERN, WORCESTERSHIRE, WR13 6DT

The application was for a single-storey side extension to the existing dwelling to form a new study, conservatory and cloakroom. It would also include internal alterations at first floor with the creation of a pitched roof dormer window to the west facing elevation

In accordance with the criteria for public speaking, Mrs Ritchie the owner of an adjoining property, spoke against the application.

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 - B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

3 - E19 (Obscure glazing to windows)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

- 2 - The applicant's attention is drawn to the presence of footpath CW10, which runs adjacent to the application site. The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for, preferably 6 weeks in advance of work starting.**

The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.

70. **DCCE2005/2967/F - CONVERSION OF AND ALTERATIONS TO PERIOD BARN TO FORM OFFICES BARN AT MONKS ORCHARD, LUGWARDINE, HEREFORD FOR: MR R SHIMMIN, JAMES SPRECKLEY MRICS FAAV, BRINSOP HOUSE, BRINSOP, HEREFORDSHIRE, HR4 7AS**

This application was for the conversion of a barn to form office accommodation at Monks Orchard, Lugwardine. The existing property is a traditional period barn attached to a converted farm building which has been altered to provide office accommodation. The Central Team Leader suggested that if the application was approved, condition 3 in the recommendation should be altered from Class B to Class BA, thereby making it for office use only.

In accordance with the criteria for public speaking, Mr. Shimmin, the applicant, spoke in support of his application.

RECOMMENDATION

That, subject to the resolution of the drainage issue, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

- 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 and Ecological Report)**

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

- 3 This permission shall relate only to uses for purposes within Class BA of the Town and Country Planning Use Classes (Amendment) Order 2005.**

Reason: To ensure the appropriate use of this premise having regard to the amenities of the locality.

- 4 B01 (Samples of external materials)**

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

- 5 C02 (Approval of details)**

(a) Joinery details.

Reason: To safeguard the character and appearance of this building of architectural or historical interest.

- 6 Notwithstanding the plans hereby approved, the first four posts from the northwest in the front elevation shall be retained and not replaced unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard the character and appearance of this building of architectural and historical interest.

7 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.

- The conversion hereby approved, including the timing of works shall be carried out in accordance with the mitigation and enhancement recommendations set out in the Ecological Survey for Barns at Monks Orchard, Lugwardine, Herefordshire received on 13th September 2005. The mitigation measures identified shall be implemented as set out in the survey and thereafter retained.**

Reason: To ensure that the identified nature conservation interest of the site is protected

9 G40 (Barn conversion – bird/owl/bat box)

Reason: In order not to disturb or deter the nesting or roosting of species protected by virtue of the Wildlife and Countryside Act 19⁹¹

INFORMATIVES:

- 1 N03 - Adjoining property rights**
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 3 The timing of the development and the post development site safeguards should be adhered to ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 19⁹¹, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and Unitary Development Plan NC1, NC5, NC6 and NC7.**
- 4 An appropriately qualified and experienced ecological clerk of works should be appointed (or consultate engaged in that capacity) to oversee ecological mitigation work to conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policy NC6, NC7, NC⁸ and PPS9.**

71. ANNUAL MONITORING REPORT 2004-2005

The Team Leader Strategic Planning presented the report of the Forward Planning Manager about the Annual Monitoring Report 2004 – 200⁵. He said that the Planning and Compulsory Purchase Act 2004 had introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's were based on the period from 1st April to 3¹st March and had to be submitted to the Secretary of State by no later than the following 3¹st December. He advised that the Annual Monitoring Reports were required to assess:

- (a) the implementation of the Local Development Scheme; and
- (b) the extent to which policies in the Local Development Documents are being

achieved.

The Committee considered the Council's first AMR which had been prepared to meet the requirements of the new planning system. The Team Leader Strategic Planning said that the first AMR assessed the extent to which the objectives of the Herefordshire Unitary Development Plan policies were being achieved. He advised that in previous years annual monitoring studies had been undertaken for housing and employment with their results published in separate reports. Future AMR's would cover all annual monitoring study findings in a single document. This would enable a holistic approach to be formulated to allow for a more comprehensive approach to be taken in assessing the extent to which policies within Local Development Documents were being achieved.

RESOLVED

THAT the Annual Monitoring Report 2004-2005 be endorsed and recommended to the Cabinet Member (Environment) for submission to Cabinet.

72. LOCAL DEVELOPMENT SCHEME

The Forward Planning Manager presented his report about a suggested review of the Council's Local Development Scheme. He said that one of the requirements of the Planning and Compulsory Purchase Act 2004 was that Local Planning Authorities had to publish a Local Development Scheme (LDS) setting out how their forward planning work would be organised over a three-year period. The first Scheme for Herefordshire came into effect on 1st January 2006 and had recently been reviewed, with suggested revisions prepared to reflect the following factors:

the forthcoming review of parts of the Regional Spatial Strategy (RSS), including housing and employment land provision. The Regional Assembly (Regional Planning Body) was undertaking this review to a timetable of a preferred option to Government in Spring 2007 and final approval in Autumn 2008. The Council had a formal role in this process in advising the Regional Planning Body (Spring 2006).

the likely UDP timetable, with the Inspectors Report expected before July 2006. There would be a need to prepare and publish proposed modifications to the Plan in Autumn 2006.

the need to establish timetables for proposed Supplementary Planning Documents (SPD) which were to be prepared in parallel to the final stages of the UDP and

the need to define more clearly the position of Parish Plans with regard to the Local Development Framework.

He outlined the principal amendments to the LDS and the Committee endorsed his proposals.

RESOLVED

THAT the Local Development Scheme be endorsed and recommended to the Cabinet Member (Environment) for submission to Cabinet.

73. DATE OF NEXT MEETING

20th January, 2006 at 10:00 a.m.

PLANNING COMMITTEE

FRIDAY, 25TH NOVEMBER, 2005

The meeting ended at 12.02 p.m.

CHAIRMAN

PLANNING COMMITTEE

20 JANUARY, 2006

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 30 November 2005 and 4 January 2006

Membership:

Councillors: Councillor J.W. Hope M.B.E (Chairman)
Councillor K.G. Grumbley (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, 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 dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 16
 - (b) applications refused as recommended - 2
 - (c) applications refused contrary to recommendation – 5 (not referred to Head of Planning Services)
 - (d) applications approved contrary to recommendation – 1 (referred to Head of Planning Services and then to Planning Committee).
 - (e) deferred - 1
 - (f) site inspections - 3
 - (g) number of public speakers – 24 (10 supporters, 10 objectors, 4 parish council)

PLANNING APPEALS

2. The Sub-Committee received information reports about 8 appeals received and 5 determined (3 dismissed, 1 upheld and 1 withdrawn).

J.W. HOPE M.B.E
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS – Agenda for meetings held on 30 November 2005 and 4 January 2006**

PLANNING COMMITTEE

20TH JANUARY, 2006

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 14th December, 2005 and 11th January, 2006

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), 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, Mrs. E.A. Taylor, 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 two occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 10
 - (b) applications withdrawn prior to meeting - 3
 - (c) applications deferred for site inspections - 1
 - (d) number of public speakers - (parish - 1, objectors - 4, supporters - 4)

PLANNING APPEALS

2. The Sub-Committee received information reports about 6 appeals that had been received and 3 appeals that had been determined (2 upheld and 1 dismissed).

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

- **BACKGROUND PAPERS – Agenda for the meetings held on 14th December, 2005 and 11th January, 2006**

PLANNING COMMITTEE

20TH JANUARY, 2005

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 23rd November, 2005 and 21st December, 2005

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 and J.B. Williams

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 12
 - (b) applications refused contrary to recommendation – 1 (not referred to the Head of Planning Services)
 - (c) applications approved contrary to recommendation – 1 (referred to the Head of Planning Services)
 - (d) site inspections – 1
 - (e) number of public speakers – 10 (7 Supporters, 2 Objectors, and 1 Parish Councillor)

PLANNING APPEALS

2. The Sub-Committee received information reports about 6 appeals received and 4 determined (1 upheld, and 3 dismissed).

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

- **BACKGROUND PAPERS – Agenda for the meetings held on 23rd November, 2005 and 21st December, 2005.**

9 DCSE2005/3536/F - AGRICULTURAL DWELLING AT THE FRUIT YARD, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SD

**For: Mr & Mrs N Jones per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Herefordshire,
HR4 7AS**

Date Received: 3rd November 2005 Ward: Penyard Grid Ref: 66234, 25622

Expiry Date: 29th December 2005

Local Member: Councillor H Bramer

Introduction

This application was reported to the Southern Area Planning Sub-Committee on 21st December, 2005 where it was recommended for refusal. Notwithstanding the recommendation, the Sub-Committee resolved that it was minded to grant permission on the grounds that there was an agricultural requirement for a permanent dwelling. The Sub-Committee considered that the permission should include an agricultural occupancy condition and the dwelling should be tied to the farm holding.

The Head of Planning Services has considered the proposal and refers the application on the grounds that the proposal fails to meet the substantive test of need as required by planning policy and PPS.7.

1. Site Description and Proposal

- 1.1 The site lies in open countryside to the southeast of the M50 and the east of Linton. The land levels slope down into the site. The applicants' own 85 acres of agricultural land at Linton, which is divided into 55 acres of grassland, 12 acres for strawberry growing and 18 acres of orchards for cider apples. The applicants' also farm other land at Malvern and Castlemorton.
- 1.2 It is proposed to erect a dwelling for an agricultural worker (the applicants). This is a full application, for a detached two storey dwelling and garage. Access would be gained via an existing long agricultural track and farm access. There are a number of buildings at the northern part of the site used for agricultural purposes and a large agricultural building to the west of the proposed dwelling.
- 1.3 The dwelling would have an essentially 'T' shaped footprint, with first floor accommodation being predominantly within the roof void with the addition of dormer windows. The house would be 7.4 metres in height (to the roof ridge) and would incorporate two chimneys. The floor area of the dwelling would be some 204 metres and would provide a sitting room, dining room, kitchen, hall, w.c, study and laundry at ground floor with four double bedrooms (one with ensuite bathroom) and a bathroom over. The detached double garage would be some 5.7 metres in height and have a footprint of 39.06 square metres, with a farm office at first floor accessed via an external staircase.

2. Policies

2.1 Planning Policy Statements

- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

- Policy CTC9 - Development Criteria
- Policy H20 - Housing in Rural Areas
- Policy A4 - Agricultural Dwellings

2.3 South Herefordshire District Local Plan

- Policy GD1 - General Development Criteria
- Policy C1 - Development within Open Countryside
- Policy SH11 - Housing in the Open Countryside
- Policy SH17 - Agricultural Workers Dwellings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Part 2

- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Buildings

3. Planning History

- 3.1 SH94/0923/PF - Agricultural dwelling - Granted 7.12.1994
- SE2005/2652/F - Agricultural dwelling - Withdrawn 4.10.2005

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objections, recommend conditions.

Internal Council Advice

- 4.2 The Traffic Manager has no objection subject to conditions being attached.
- 4.3 The County Land Agent has given a detailed response and concludes that the information does not justify a dwelling for this enterprise.

5. Representations

- 5.1 The applicants and their agent have submitted a Planning Appraisal and letters in support of the application. The salient points are:
 - The enterprise has been established for many years, albeit on other land, but the husbandry and management requirements remain well established.
 - The Fruit Yard has been established for many years and provided the justification for the agricultural dwelling previously granted.

- The financial data and audited accounts demonstrate beyond doubt the established nature of the enterprises, the fact that they are profitable, are likely to remain so and are capable of sustaining the cost of a dwelling.
- The dwelling is required for lambing, the strawberry growing and orchards.
- Lambing is intended to take place in three batches of 100, in December, January, February and March. Likely that lambing would extend over 5 months as a percentage of the ewes will lamb 3 or 6 weeks after the rest. Lambing can take place at any time, day or night.
- Some lambs require bottle feeding, on a regular basis, outside of the recognised working day.
- Strawberries will require round clock attention from May to October. At 5am the irrigation and feeding system needs to be turned on and turned off at 11pm. Staff require constant supervision.
- Orchards require constant attention from June, when spraying is carried out before sunrise and after sunset. In June and July it must be carried out before 5am and after 10pm on a daily basis.

5.2 A further letter has been received from the agent (reported verbally to Southern Area Planning Sub-Committee). The salient points are:

- further financial information is submitted showing that the farming income is currently running at £79,416 compared to £44,428 for last year. The increase is as a result of the inclusion of the Linton land
- a new 5 year tenancy has been confirmed on the land in Worcestershire
- the units have been established for more than 3 years
- the advice of the County Land Agent is misleading as it accepts a functional need but misunderstands the financial case
- refers to 6.7 of this report and suggests that the business is more than capable of sustaining the cost of the farmhouse
- the siting is almost identical to that approved in 1994 and is well related to the farm building and is screened from view. There would also be cut and fill to set it into the landscape
- they would be prepared to accept a condition tying the dwelling to the holding and an occupancy condition.

5.3 Linton Parish Council make the following comments:

“We have now seen copies of the functional and financial tests supplied by the applicant together with other letters of recommendation. In addition Parish Councillors have looked in detail at the site.

It is unfortunate that approximately 10 years ago, a previous owner was allowed to sell off the farmhouse and ancillary buildings separately from the land; they have now all been converted and sold. We believe this application to be genuine and that the present owner has now demonstrated the need for an agricultural dwelling.

We suggest that if you decide to permit this application the ownership of the house should be strictly tied to the land as suggested by the applicant.

Having taken into account the planning policies in the SHDLP Linton Parish Council wish to support this application.”

5.4 Letters of representation have been received from A.L Smith-Maxwell of Welland Lodge Farm, Upton-upon Severn and Peter Plumley (Vet) of The Old Farmhouse, Hill of Eaton, Foy. The main points raised are:

- Essential for applicants to live on site to supervise the flock.
- The flock of Belltex/Texel ewes are a high quality meat producing breed and have an anatomical feature known as 'double muscling'. This necessitates extra care and precaution at parturition to ensure the best survival rate of the lambs and the welfare of the ewes.
- Supervision must be provided at all times during lambing and it would therefore facilitate this if Mr and Mrs Jones could have their home at Revells Farm.

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

6. Officers Appraisal

6.1 The main considerations in the determination of this application are whether there is a functional requirement for a dwelling, whether the enterprise meets the financial tests and whether the siting, size and design of the property is acceptable in general planning terms.

6.2 The application site is in open countryside where normally planning permission would not be granted for a new dwelling. Policies H20 of the Structure Plan and SH11 of the Local Plan set out the exceptions to the normal strict general presumption against new residential development in the open countryside. One of these exceptions is a dwelling required for an agricultural worker. In this case it is stated that the dwelling is required for the applicants who are employed in agriculture.

6.3 In accordance with Development Plan policies and PPS7 – Annex A functional and financial tests must be met for planning permission to be granted for a permanent agricultural dwelling. With regards the functional need to have a permanent dwelling on the site it is stated that this is required for lambing, irrigation and feeding of the strawberries and spraying of the orchards. Turning to the lambing it is stated that there would be 300 ewes, with lambing taking place between December-March (possibly into early April). As these requirements would be for limited parts of the year it is considered that the lambing and aftercare could reasonably be accommodated through the provision of a temporary caravan for the person caring for the sheep and lambs for this period. Therefore a functional need has not been demonstrated in respect of lambing.

6.4 With regards the spraying of cider apples and irrigation and feeding of soft fruit it is considered that this would not necessitate a permanent dwelling being on site. Rather these form part of the normal duties in the management of a farm and can, where necessary and appropriate, be performed by automated systems, with back up alarms. On behalf of the appellants Hortech Solutions Limited have stated that automated and alarmed systems are not practical when someone does not live on site, as it is necessary to react quickly to the alarm. It is considered however that such systems are practicable and would adequately ensure the irrigation and feeding is carried out without someone living on site, but possibly in the local area. PPS7, at Annex A states that it is often as convenient for workers to live in nearby towns, villages and existing dwellings so avoiding new and potentially visually intrusive development in the countryside. On this basis there is not a functional need to be on the site.

- 6.5 Therefore a functional need to be on site has not been demonstrated for lambing, the growing of strawberries or cider apples, either individually or cumulatively.
- 6.6 Turning to the financial position of the enterprise, as set out in Annex A of the PPS7 – Sustainable Development in Rural Areas, in respect of an application for a permanent dwelling it is required, amongst other things, that the unit and agricultural activity has been established for at least three years and profitable for at least one and is currently financially sound with a clear prospect of remaining so. The applicants purchased the Fruit Farm in 2004 and as such the enterprise, for which the dwelling is sought, has not been established for at least three years. It is argued by the applicants' agent that the enterprise includes the farming activities at Malvern and Castlemorton and because they have been established for more than three years the test is satisfied. It is considered that just because the applicants have farmed land elsewhere, in a different county, does not demonstrate that this holding at Linton is financially viable. Therefore the proposal fails the first part of the financial test because the agricultural unit and enterprise concerned have not been established for at least three years. In addition the Fruit Yard was only purchased at the end of 2004 so the submitted audit accounts for the year ending 5th April 2005 can only include the Fruit Yard finances for approximately 3 months. In light of the limited net profit for this year it has not been demonstrated, even in this very short time period, that the agricultural unit and enterprise at Linton is currently financially sound. In conclusion the financial test has clearly not been satisfied.
- 6.7 The proposed dwelling, excluding the garage, would have a floor area of some 204 square metres. As advised in PPS7, Annex A the size of dwelling should be commensurate with the established functional requirement. It has been stated that the build costs would be approximately £150,000, with a mortgage of £125,000 being required. In the letter dated 28th September 2005 from The Farm Consultancy Group it is stated that the annual mortgage payments would be £10,500. This would exceed the net profit for the business for the year ending 5th April 2005 and in addition a wage (wages) would need to be taken out of this profit.
- 6.8 On the basis of the information submitted the requirements of the functional and financial tests have not been met and as such the proposal is contrary to the relevant Development Plan policies and PPS7 – Annex A. Consequently, the unjustified dwelling and garage would be harmful to the open countryside.
- 6.9 The dwelling and garage would be set on the side of sloping ground and as a result there would be a significant amount of cut and fill to accommodate the development. The proposed siting would not relate well to the existing field boundaries or topography of the land. The prominence of the dwelling and garage would be further exacerbated, by their scale, mass and design. It is therefore considered that the proposal would be harmful to the landscape. As such the proposal would be contrary to planning policies H20 and SH17 of the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan respectively, and the advice set out in Annex A of PPS7.
- 6.10 Planning permission was granted for a dwelling in close proximity to the application site in 1994. However this was for a different applicant, a different enterprise and was made some years ago. The current advice in PPS7 urges that proposals for agricultural workers are scrutinised thoroughly and therefore the current application should be considered in light of the current circumstances, which meet neither the functional or financial tests.

6.11 The Traffic Manager’s comments are noted. With regards visibility splay requirements, the access is existing and serves the agricultural buildings. On this basis the proposal would not materially increase the use of the access and to improve the access would be unreasonable.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 On the basis of the submitted information the Local Planning Authority is not satisfied that either a functional need or the financial requirements for a dwelling in this location has been demonstrated to warrant a departure from national and local planning policies to control residential development in the open countryside. As such, the need for an agricultural worker's dwelling has not been established as required by Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas), policies H20 and A4 of the Hereford and Worcester County Structure Plan and polices SH11 and SH17 of the South Herefordshire District Local Plan.**

- 2 Notwithstanding reason 1, the erection of a dwelling on the application site would detract from the visual amenity and character of the countryside. As such, the proposal is considered to be contrary to policies H16A and CTC9 of the Hereford and Worcester County Structure Plan and policies GD1 and C1 of the South Herefordshire District Local Plan.**

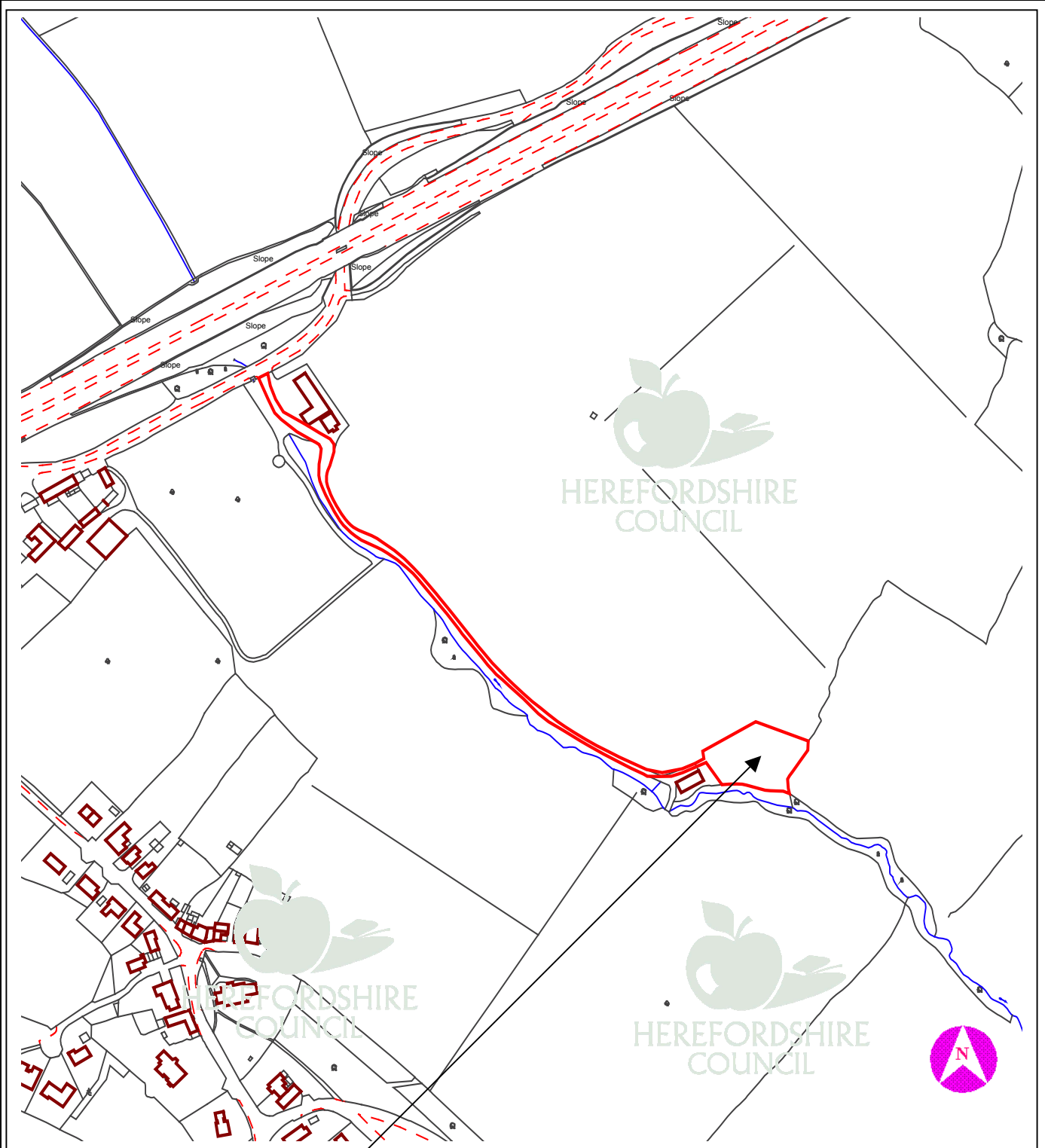
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/3536/F

SCALE : 1 : 4000

SITE ADDRESS : The Fruit Yard, Linton, Ross-on-Wye, Herefordshire, HR9 7SD

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**10 DCNC2005/3689/O - SITE FOR SMITHY & STABLES
WITH FARRIERS COTTAGE AND APPRENTICE FLAT
ON PART PARCEL NO 4493, HOLMER FARM,
PUDLESTON, LEOMINSTER, HEREFORDSHIRE**

**For: Mr R Price, c/o Hamnish Farm, Leominster,
Herefordshire, HR6 0QP**

Date Received:
16th November 2005

Ward:
Hampton Court

Grid Ref:
55416, 59916
NB/CR

Expiry Date:
11th January 2006

Local Member: Councillor K Grumbly

Introduction

This application has been referred to the Council's Planning Committee for further consideration. This application was reported to the Northern Area Planning Sub-Committee meeting held on 4th January 2006 when it was recommended for refusal. Notwithstanding the recommendation the Sub-Committee resolved that it was minded to approve outline planning permission for this development. The Head of Planning Services considers that as an established business wishing to expand he is satisfied that the proposal, unrelated as it is to a farming enterprise, does not constitute a farm diversification venture and should therefore not be considered under the exceptions in PPS7. The proposed location of the business and dwellings is such that there will be considerable adverse impact on an area of previously undeveloped open countryside. On the basis of the evidence currently provided by the applicant none of the criteria to support the grant of permission for the proposal as an exception to adopted policy are met. As such he is satisfied that the proposal is contrary to the operative development plan policies of the Leominster District Local Plan and the Hereford and Worcester County Structure Plan as outlined in the reasons for refusal.

Four letters, plus enclosures, from the applicant/applicants father, two letters from the general public and a letter from the NFU were verbally reported to the Sub-Committee and the contents have been summarised in this updated report.

1. Site Description and Proposal

1.1 This site is located in a field in the open countryside approximately 1/2 mile to the west of Puddleston and 1/2 mile to the south of Whyte. The site flanks the north-western side of the unclassified road no. 94204 which leads north eastwards towards Whyte. The site is surrounded by fields however there is an existing dwelling immediately adjacent to the site on its south western side.

1.2 The site itself forms part of a field. There is an existing very small tin shed in the western corner of the site. There is a tree lined hedgerow on the road frontage with a metal field gate onto the road in the south western corner of the site. The site is fairly flat/level, however the land to the rear of the site on its north western side slopes downwards, in that direction.

- 1.3 This application is for outline planning permission with all the reserved matter details reserved for future consideration. The proposal is for the erection of a smithy and stables with a farriers cottage and an apprentice flat. There will be a small menage and parking places provided plus a new vehicular access to serve the site.

2. Policies

2.1 Planning Policy Guidance

PPS1 – Delivering Sustainable Development
PPG3 – Housing
PPS7 – Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy H16A – Development Criteria
Policy H20 – Residential Development in Open Countryside
CTC9 – Development Criteria
E6 – Development in Rural Areas Outside the Green Belt

2.3 Leominster District Local Plan

Policy A2(D) – Settlement Hierarchy
Policy A35 – Small Scale New Development for Rural Businesses Within or Around Settlements

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy H7 – Housing in the Countryside Outside Settlements
Policy E8 – Design Standards for Employment Sites
Policy E11 – Employment in the Smaller Settlements and Open Countryside
Policy H10 – Rural Exception Housing

3. Planning History

- 3.1 No relevant history.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Transportation Manager recommends that any permission includes certain conditions.
- 4.3 The Chief Environmental Health Officer comments that details of any external lighting proposed to illuminate the development shall be submitted to, and approved by, the planning authority.

5. Representations

5.1 The applicant states:

- requires fixed facilities to undertake work as a farrier and need to be in a position to take on an apprentice
- used building on father's farm and from back of van for work but this is no longer practicable/workable
- needs proper facilities to deal with difficult horses
- with the amount of equipment in a fixed forge, horses needing remedial work and with current crime rate, a small cottage with adjoining apprentice flat would be essential
- site is in ideal situation, farriery is a countryside craft
- need to expand and move forward.
- document verifying Holmer Farm as an agricultural holding
- objector did not mention that his father had offered him an easement for clean water at his property
- letter from Rural Development Service stating that the proposed development would be eligible for grant aid

The applicant has also submitted various reports and letters in support of his case. These reports/letters basically relate to what farriery entails, the relationship of the proposal with respect to national planning legislation and guidance, that his current business is in profit and support from local residents. In addition a letter from the Ministry of Agriculture stating land at Holmer Farm has been allocated an agricultural holding reference number, and also a letter from Rural Development Service with respect to a possible application for grant aid. These reports/letters are available for inspection by members.

5.2 The Parish Council state: The members feel that this is an established business and that the development would be in line with the Governments white paper on farm diversification. The equine industry is on the incline in this area and animal welfare is paramount.

5.3 To date there have been four letters of support received from:

- Ms M Southwell, Yew Tree Cottage, Whyte Lane, Puddleston, Hereford.
- Ms D Pardoe, Lower House, Whyte Lane, Puddleston, Hereford.
- Mr A Legge, Yew Tree Cottage, Bredenbury, Bromyard, Hereford.
- National Farmers Union, Agricultural House, Southwater Way, Telford, Shropshire.

The main points being:

- right kind of development that maintains jobs and income in the countryside
- will increase farm diversification
- keep up with expanding revenue spent by equestrian
- improve buildings on site
- as a practising farrier with 27 years experience mostly in local area, can confirm there is a strong need for high quality farriers in area
- need to have access to a fixed forge facility for applicant to comply with employment regulations of the Farriery Training Service with respect to apprentices
- Government policy is supportive of farm diversification schemes, see Planning Policy Statement 7 and Regional Planning Guidance for West Midlands Policy RR2
- Herefordshire Unitary Development Plan supports farm diversification

5.4 To date there have been four letters of objection received from:

S & H M Phillips, Walnut Tree Cottage, Whyte Lane, Puddleston, Hereford

The main points being:

- site situated at 'Holmer Farm', but no such farm exists. Objection - cottage was previously called Holmer Farm but its name was changed to Walnut Tree Cottage
- the proposed development should be located close to the farm at Brockmanton Hall
- very intensive development
- the objector criticises the comments made by the applicant with respect to the development and national planning policies and guidance
- the site has never been developed
- the proposal would have serious impact on the residential amenities of the neighbouring dwelling
- the proposed development would be a blight on the surrounding countryside as it would stand out on the landscape and be viewed for many miles around
- add unacceptable levels of traffic on this narrow road
- this site and location not suitable for this type of development
- open countryside greenfield site
- development would adversely overlook neighbour's garden
- adverse affect on natural habitat and wildlife
- undue noise will be generated by proposal as well as smell
- drainage soakaway and easement issues
- no mains water supply on site
- objector disagrees with various points set out in applicant's submitted details (i.e. case to support the proposal) essentially pointing out that the proposal will adversely affect local environment and that there is no real need for the development in this location despite the points put forward by the applicant
- no evidence of so-called footprint on land next to tin shed
- problems of drainage in area
- with reference to applicants letter the comments (re easement) do not apply to this planning application
- objectors do not have any plans to extend their cottage and do not intend to approach applicants father for an easement to discharge water onto his land
- original permission for extension has already been activated
- applicants father was not approached for an easement to discharge onto his land as this was already in place and in use

5.5 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 main issues relate to the principle of erecting two residential dwellings on this site and in this location, the principle of siting the business premises on this site, the need for the dwellings and business use to be sited in the location, the effect of the development on the environment/landscape and the residential amenities of the neighbouring dwelling and also highway safety. The most relevant policies are A2(D) and A35 of the Leominster District Local Plan.

6.2 The proposal constitutes the erection of residential development and commercial development in the open countryside, outside of any designated settlement, which is contrary to the approved planning policies for the area. Also the proposed development is set in an elevated, exposed and prominent position in the countryside where it will adversely affect the visual amenity and character of this rural area. Again for these reasons the proposed development would be contrary to the approved planning policies and guidance for the area.

6.3 It is not considered that the applicant has successfully demonstrated that there is a genuine need for the proposed development to be situated in this location whether it be in part or as a whole. There is no justification for the commercial use in this location. Existing vacant or disused rural buildings in the wider area could be utilized for this use without the need to erect new buildings. Also it is not considered that there is any functional requirement for the proposed residential units/dwellings to be erected in connection with the commercial use proposed.

6.4 The proposed development is therefore considered to be unacceptable and contrary to the approved planning policies and guidance for the area. The proposed development is not in connection or sited near any farm complex and as such is not considered to fall under the ambit of farm diversification.

RECOMMENDATION

That outline planning permission be refused for the following reason:

- 1. The proposed development situated in this exposed, elevated and prominent position in the open countryside outside of any of the designated settlements is considered to be unacceptable in terms of principle and also its adverse affect as the visual appearance and character of this rural area. Also its considered that no sufficient evidence of need requiring the development to be located in this location was submitted. As such it is considered that the proposed development will be contrary to policies H16A, H20, CTC9 and E6 of the Hereford and Worcester County Structure Plan, Policies A2(D) and A35 of the Leominster District Local Plan and also Government advice contained in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.**

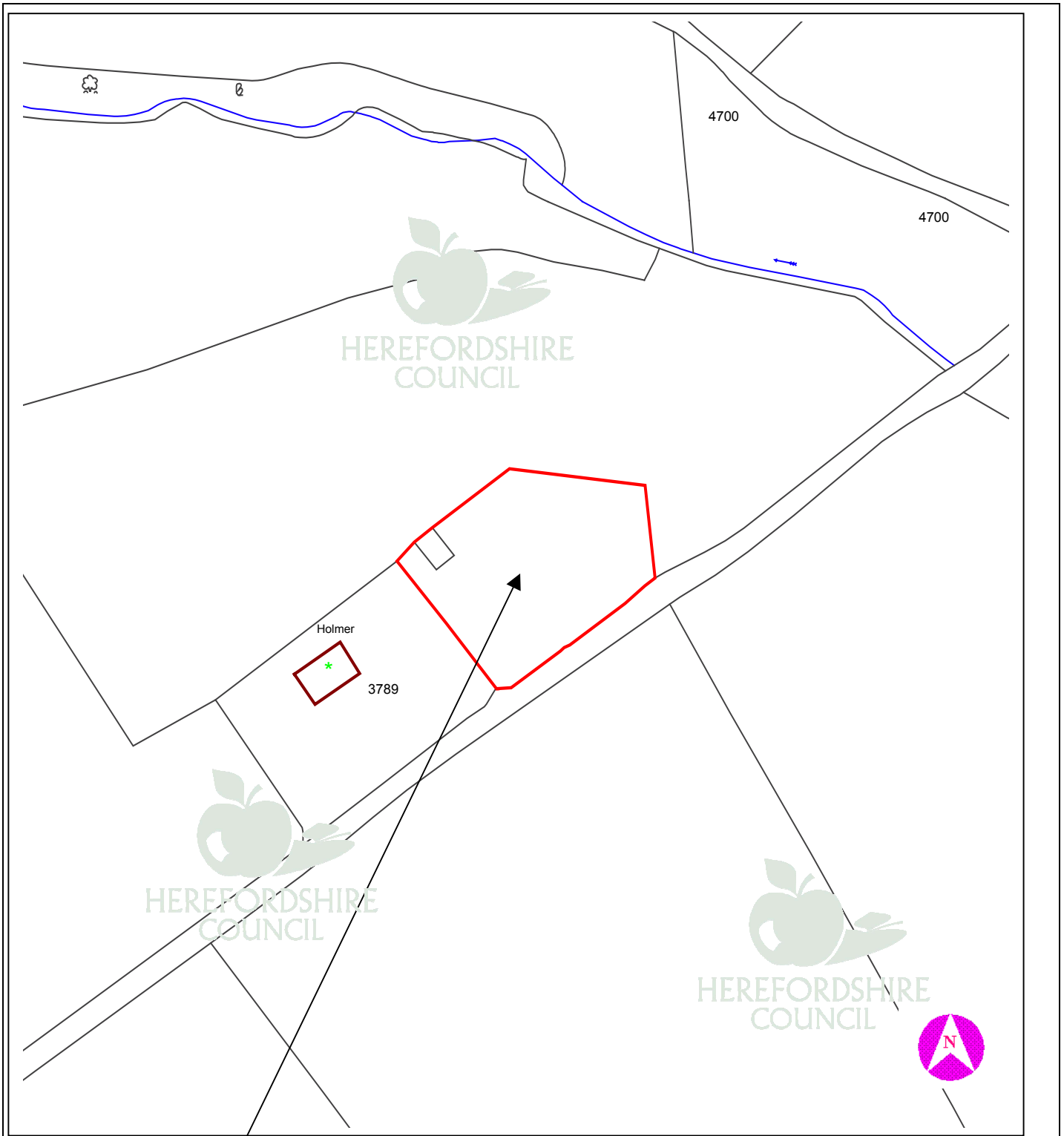
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/3689/O

SCALE : 1 : 1250

SITE ADDRESS : Part Parcel No 4493, Holmer Farm, Pudleston, Leominster, Herefordshire

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11 DCCW2005/3683/F - WIND TURBINE WITH 9M DIAMETER BLADES ON A 15M TOWER AT NEW WHITECROSS HIGH SCHOOL, THREE ELMS ROAD, HEREFORD, HR4 0RN

For: Stepnell Ltd. per Stepnell Ltd., Site offices, New Whitecross High School, Three Elms Road, Hereford, HR4 0RN

Date Received: 16th November 2005 Ward: Three Elms Grid Ref: 48718, 41518

Expiry Date: 11th January 2006

Local Members: Councillors Mrs. P.A. Andrews; Mrs. S.P.A. Daniels and Ms. A.M. Toon

1. Site Description and Proposal

- 1.1 This site is located at the new Whitecross School presently under construction to the west of Three Elms Road, Hereford.
- 1.2 The wind turbine would be positioned to the rear of the school in the north-west corner of the proposed grassed play area. The turbine would be 15 metres high to the hub supported on a single tapering galvanized pole. The three blade black plastic rotor would have a blade length of 4.819 metres. A substantial field boundary hedge lies immediately to the west of the site.

2. Policies

2.1 National:

PPS22 - Renewable Energy
PPG24 - Planning and Noise

2.2 Hereford & Worcester County Structure Plan:

Policy CTC9 - Development Criteria

2.3 Hereford Local Plan:

Policy ENV10 - Renewable Energy
Policy ENV14 - Design
Policy H21 - Non-Residential Uses

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2 - Development Requirements
Policy DR1 - Design
Policy DR4 - Environment
Policy DR13 - Noise

3. Planning History

- 3.1 DCCW2003/2113/O Site for construction of new high school and associated playing fields. Approved 5th January, 2004.
- 3.2 DCCW2004/1308/RM A new secondary school (1 single and two 2-storey teaching blocks) with associated sports fields, hard courts, car parking, and associated landscaping. Approved 16th July, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - No objection.
- 4.3 Head of Environmental Health & Trading Standards - "I have read through the acoustic information supplied with the application. Taking into account the distance of the closest properties and the expected noise levels detailed in the suppliers report I am satisfied that the turbine is unlikely to cause significant nuisance with regards noise. Although some level of noise is to be expected from an installation of this type I believe the distance to the closest houses is sufficient to minimise the noise impact, however it is likely that the turbine will be audible from school buildings on site."

5. Representations

- 5.1 Hereford City Council - "Hereford City Council has considered this application and recommends refusal on the grounds of the detrimental environmental impact on the immediate locality as well as the detrimental visual impact when viewed from afar."
- 5.2 Three Elms Action Group – "A number of residents in the area have raised serious concerns about the planning application. At the meeting of the Three Elms Action Group committee on Monday 5th December, it was unanimously agreed that a strong formal objection should be registered with you, it should be noted that the Group represents 400 residents and in addition we have received objections from residents in the Huntington Lane area.

The objections are as follows:

1. The wind turbine will be visually intrusive in what is a residential area. We question if there is any precedent in the County or elsewhere with a large turbine in an urban area.
2. The noise level and noise distribution - what evidence will be residents have that the sound will not cause disturbance especially at night when every thing is still?
3. Uncertainty that once planning permission is given for one turbine, will it follow in later years that a whole row will appear? The opinion of everyone is that the Council frequently takes advantage of a situation once permission is granted. It was mentioned that the mobile telephone mast that was erected in Three Elms Road has already without any prior notice been changed into a much larger mast!

4. There was strong criticism regarding the lateness of the decision to have a wind turbine to provide electricity that was environmentally friendly. Why was this not approached when plans were first drawn up and surely solar roof panels would have been a much more environmentally friendly option than a sedum roof and would have saved money? This appears as a very late addition to the school plan, which has not been fully thought through.

The general consensus was that we are all aware of the need to help save the planet in as many ways as we can but we felt that wind turbines have a place in the ocean and the countryside but not in the back garden of a residential area.”

5.3 Four letters of objections have been received from:

P. Henchoz, Huntington Court, Huntington Lane, Hereford (two letters).
Dr. A.L. Murgatroyd, 196 Three Elms Road, Hereford.
Dr. C.W.M. Pratt, Huntington House, Huntington Lane, Hereford.

The main points raised are:

1. Disturbance from noise generated by the turbine and blades in a quiet environment.
 2. Visual impact of the tower and its blades on a rural setting.
 3. It will create a precedent for the siting of wind turbines in residential areas.
 4. A more environmentally friendly source could be obtained from solar panels.
 5. The turbine would only produce 6% of the energy use of the school.
- 5.4 One letter of support has been received from Mr. A.R. Richards, 5 Lambourne Gardens, Kings Acre, Hereford.
- Excellent idea but why only one!

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

6. Officers Appraisal

- 6.1 The main issues are considered to be the benefits of the renewable resource provided by wind power, the impact of the mast on noise and amenity and the issue of precedent.

Renewable Energy

- 6.2 PPS22 sets out a number of key principles. Two of these are of particular relevance in this proposal. Firstly, renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily and secondly, small scale projects can provide a limited but valuable contribution to overall output of renewable energy and to meeting energy needs both local and nationally. Therefore although the contribution to the school energy use of approximately 6% is

minor, it is still a contribution towards the Government's target of providing renewable sources by 2011.

- 6.3 Hereford Local Plan Policy ENV10 also supports the provision of renewable energy projects subject to impact on neighbouring property.

Impact on Amenity of Neighbours

- 6.4 The Environmental Health & Trading Standards Officer has thoroughly assessed the proposal and is satisfied that with the nearest residential dwelling being over 160 metres away the turbine is unlikely to cause significant noise nuisance. Noise will be generated but this is minimal with the distances involved.

- 6.5 Visually the turbine will be seen against the backdrop of a tree lined hedge and the school. However a more detailed appraisal of its visual impact on the landscape will be undertaken when the 'cherry picker' is erected on or around the 12th/13th January, 2006.

Precedent

- 6.6 Members will be aware that each application is judged on its own merits and if any further proposals come forward the cumulative impact of development would be taken into account.

Conclusion

- 6.7 The proposal is considered to accord with the advice contained in PPS22 and policy contained in both the Hereford Local Plan and emerging Unitary Development Plan. The distance from dwellings is considered sufficient to limit any noise impact and although relatively small in terms of energy generation it will go some way towards meeting renewable energy targets.
- 6.8 Finally, the visual impact on the landscape will be more fully addressed following erection of the 'cherry picker', however its siting is such that it will be seen against the backdrop of trees and the new school.

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. No trees along the boundary of the school site, other than those expressly authorised by the local planning authority, shall be felled, topped or lopped without the prior approval in writing of the local planning authority.**

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

- 4. The turbine tower shall be coloured dark green, the details of which shall be submitted for approval of the local planning authority prior to work commencing on site.**

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

- 5. The wind turbine and associated equipment shall be kept in a good decorative order and maintained in accordance with the manufacturer's specification until removed.**

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

- 6. Within six months of the wind turbine becoming redundant it shall be removed together with all associated equipment and the land restored.**

Reason: In the visual interest of the locality.

Informative:

- 1. N15 - Reason(s) for the Grant of PP.**

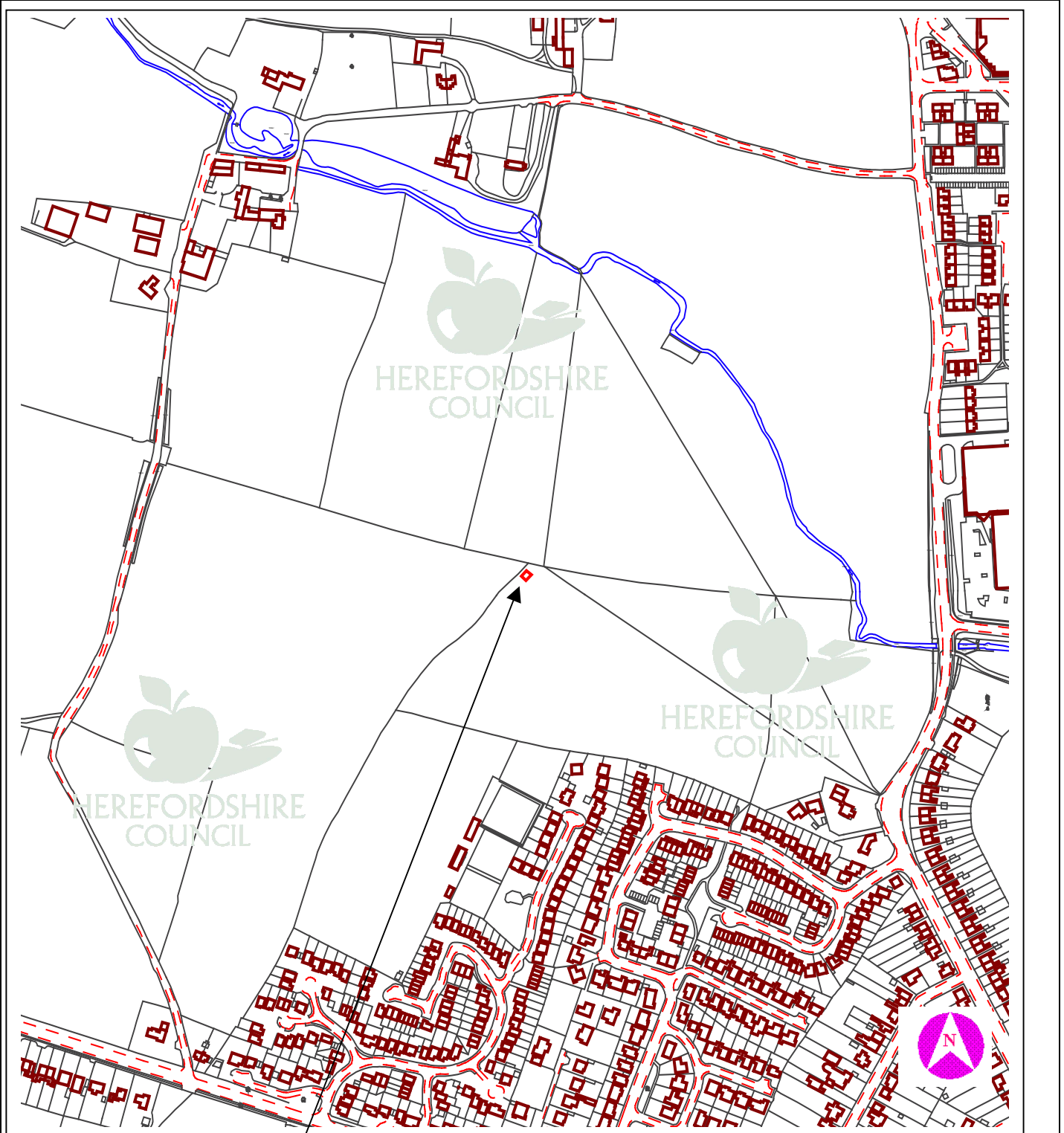
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3683/F

SCALE : 1 : 5000

SITE ADDRESS : New Whitecross High School, Three Elms Road, Hereford, HR4 0RN

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12 DCCE2005/3940/F - CONSTRUCTION OF NEW PUBLIC TOILETS AT GAOL STREET CAR PARK, GAOL STREET, HEREFORD, HR1 2JB

For: Herefordshire Council per Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

Date Received: 1st December 2005 Ward: Central Grid Ref: 51318, 39921

Expiry Date: 26th January 2006

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

1.1 The site is located in the southwestern corner of Gaol Street car park off Gaol Street in Hereford City. A range of properties lie southwest of the site fronting St. Owens Street in use largely for retail and commercial purposes, some of which are Grade II. The site lies within Hereford City Conservation Area and is also designated an Area of Archaeological Importance.

1.2 The proposal is for the construction of a new building to house public toilets located in the southeastern corner of the car park and is to be constructed from brick under a slate roof with brushed steel vandal proof doors.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy ENV17	-	Safety and Security
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy HBA6	-	New Development within Conservation Areas
Policy CF5	-	New Community Facilities

3. Planning History

3.1 DCCE2005/2822/F New public toilets. Application withdrawn 5th October 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objections subject to conditions concerning foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager - No objection.
- 4.3 Conservation Manager - No objection.
- 4.4 County Archaeologist – “Although the development proposed is comparatively small, it is in a very sensitive location. Accordingly I would recommend a condition requiring the developers to undertake an archaeological watching brief during the development.”

5. Representations

- 5.1 Hereford City Council - No objection.
- 5.2 Conservation Advisory Panel - "This is a lost opportunity for the City of Hereford, very bland, lack of detail to fit into urban space and in the wrong location."
- 5.3 One further letter of objection has been received from Turner & Company acting on behalf of the owners of St. Owens Mews Development.
1. We are concerned about the proximity of the toilets to St. Owens Mews Development where food is being served and prepared and already suffers from vandalism by members of the public at night.
 2. The sewerage along St. Owens Street does not have the necessary capacity to handle existing businesses in the area and further overloading will cause increased disruption and nuisance to existing users.

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

6. Officers Appraisal

- 6.1 There is an identified shortage of public toilet facilities across the city and the Council is currently addressing this problem through proposing new facilities. As such the need for new toilets in this locality is recognised and the Council are seeking locations close to main pedestrian thoroughfares or public car parks.
- 6.2 The toilets are proposed to be located adjacent to a 2 metre high brick boundary wall, which encloses the western side of the car park alongside the existing recycling facilities. The building is relatively low in height (3.1 metres to the pitch of the roof) and will be constructed from natural materials. It is considered that the combination of its siting, overall scale and materials will ensure that the building will harmonise with its surroundings and consequentially, will have minimal impact on the Conservation Area. This view is supported by the Conservation Manager who raises no objection and whilst the comments of the Conservatory Advisory Panel are noted, the proposal accords with adopted policy insofar as the character of the Conservation Area would be preserved in this instance.

- 6.3 Several other locations within the car park were explored but it was considered that they would either be too prominent, lead to the loss of too many parking spaces, could not be served with adequate drainage arrangements or would be unacceptably close to retail and food outlets within St. Owens Mews.
- 6.4 The concerns of the objectors are noted. However, the previous application submitted earlier in 2005 was subsequently withdrawn as it was considered to be sited too close to St. Owens Mews Development. The new toilets are 25 metres away from the pedestrian access to St. Owens Mews, which is considered sufficient not to interfere with the use or operation of the units within this small retail development. Welsh Water raises no objection to the drainage proposals for the development.
- 6.5 Subject to conditions, the proposal will provide a much-needed facility in the locality and is considered to be in accordance with the relevant Local Plan and Unitary Development Plan policies.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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. **B01 (Samples of external materials).**

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

4. **D03 (Site observation – archaeology).**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

5. **Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

6. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

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

- 7. **No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Informatives:

- 1. **ND03 - Contact Address.**
- 2. **N15 - Reason(s) for the Grant of PP.**

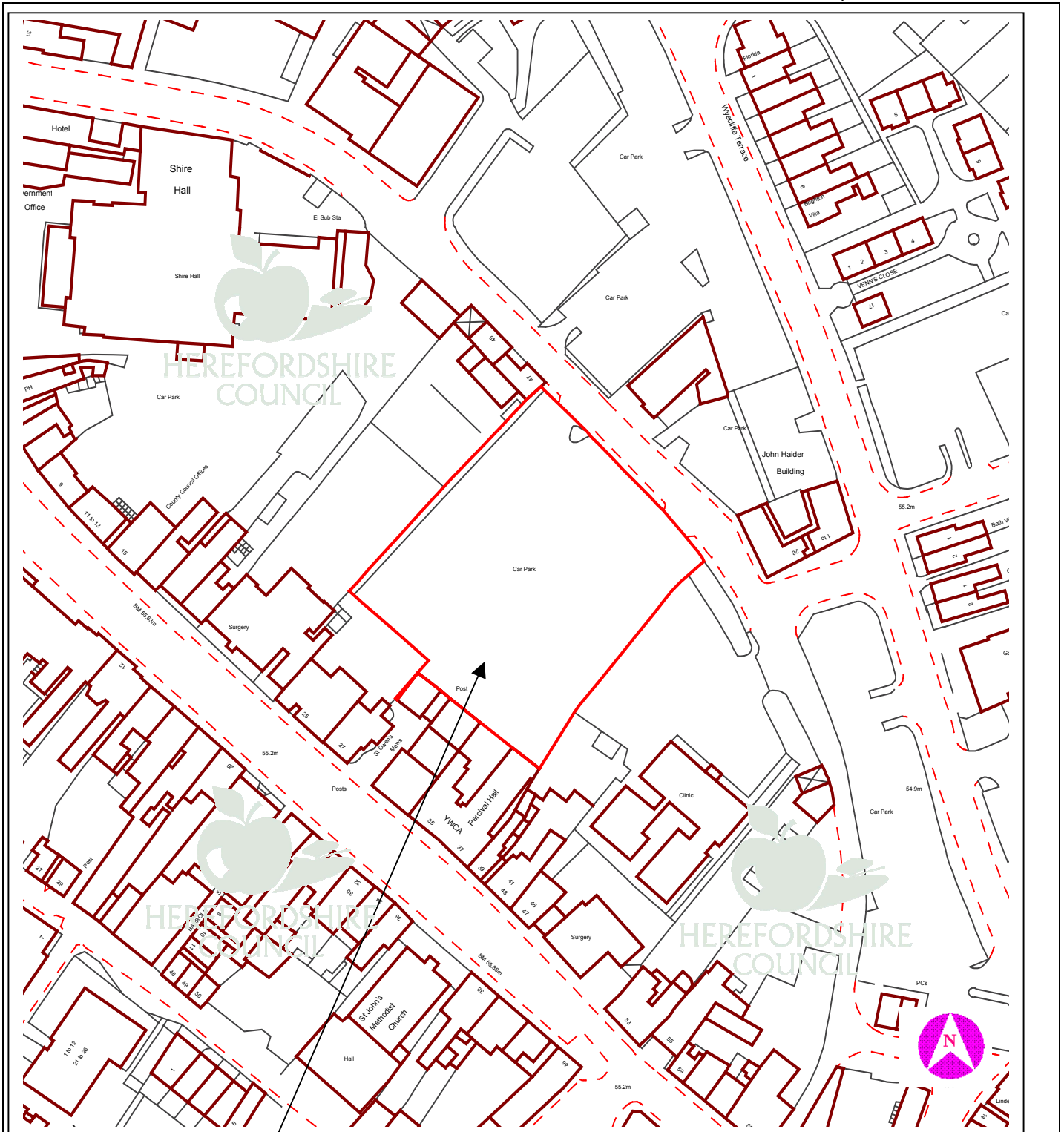
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/3940/F

SCALE : 1 : 1250

SITE ADDRESS : Gaol Street Car Park, Gaol Street, Hereford, HR1 2JB

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STATEMENT OF COMMUNITY INVOLVEMENT

Report By: Forward Planning Manager

1. Wards Affected

Countywide

2. Purpose

- 2.1 To inform members of the progress being made on preparation of the Council's Statement of Community Involvement (SCI) and to receive and agree a draft statement for consultation purposes. This document is required as part of the new planning system and will set out how the Council will consult on planning matters.

3. Background

- 3.1 A Planning Committee report was presented to Members on the 30th September 2005 which provided information on the new planning system and the need to prepare a Statement of Community Involvement (SCI). The purpose of the SCI is to

- Identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
- Set out transparent, accessible and meaningful approaches to community involvement in plan taking and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any conflicts early in the process and can generate a sense of ownership early in the process and on agreed outcomes.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- To ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance must be kept under review and revised where necessary.

3.2 The process by which an SCI is prepared is laid down by Government in the Town and

Country Planning (Local Development)(England) Regulations 2004. The following provides a summary of some of the key regulations:

- Reg 25 – Initial consultation
- Reg 26 – Draft SCI for public consultation
- Reg 27 – Consider and amend SCI as appropriate
- Reg 28 – Submit SCI to Secretary of State
- Reg 34 – Possible public examination*
- Reg 35 – Binding Inspectors report*
- Reg 35 – Publish inspectors report *
- Reg 36 Adopt the SCI with any revisions

*It is hoped that a public examination into the soundness of the SCI will not be necessary. However if there are objections that cannot be met by the Council then these will be dealt with by an independent Inspector. The Inspectors report will be binding on the authority.

4 Timetable for production

4.1 The Local Development Scheme (LDS) which forms a three year work plan for the Forward Planning policy section is required as part of the new planning system. The LDS has established that the SCI needs to be submitted to the Secretary of State by July 2006. The timetable below indicates the various stages that need to be undertaken to achieve this end date.

AUGUST – SEPTEMBER 05	<ul style="list-style-type: none"> • Compilation of SCI database • Letter informing of ‘informal pre-submission consultation as required by Reg. 25’ • Preparation of leaflet / questionnaire (i.e. pre-submission consultation) and list of consultees with covering letter • New/updated text on the website
OCTOBER – NOVEMBER 05	<ul style="list-style-type: none"> • Pre-submission consultation (6 weeks) [Reg. 25 (2)]
DECEMBER 05 – JANUARY 06	<ul style="list-style-type: none"> • Consideration of responses • Prepare draft SCI
FEBRUARY 06	<ul style="list-style-type: none"> • Publish draft SCI (i.e. formal pre-submission participation) [Reg. 26] • 6 weeks statutory consultation period
MARCH – JUNE 06	<ul style="list-style-type: none"> • Consideration of responses • Responses made available to public i.e. web

JUNE – JULY 06	<ul style="list-style-type: none"> • Submission to Secretary of State [Reg. 28] • Public deposit / public consultation
----------------	--

5 Initial consultation – Regulation 25

5.1 In line with Regulation 25 and as outlined to Planning Committee on the 30th September an initial information gathering consultation has been undertaken and which finished on 30th November 2005. Views/comments of late submissions will be considered in any revised statement. A variety of consultation methods were used to gain information on how successfully the Council has consulted people on planning matters in the past and how it could make improvements.

5.2 Methods of consultation included distribution of a questionnaire, leaflet and letter to over 1,000 people listed on the newly emerging LDF database, a press release, and public notice encouraging people to have their say.

5.3 The questionnaire achieved a response rate of 26%, which has provided a useful basis from which to draft the SCI. The following points provide a summary of the main findings of the exercise all of which have been taken account of in the drafting of the SCI. A more detailed account is provided in a consultation report which can be summarised as follows:

- Over 70% of respondents have been involved in planning matters before,
- 25% of respondents have experienced difficulty in getting involved in planning matters,
- The preferred form of keeping people informed on progress with future planning matters is via a letter (31%) followed by email (24%). 55% of respondents preferred hard copies of documents to comment on with 26% content with email versions,
- In respect of public participation, public meetings and presentations were ranked first followed by one to one meetings and public exhibitions third. This is noted, however, it needs to be balanced against the high costs of resourcing these methods of consultation,
- In respect of planning applications, 67% of respondents stated that the list of measures to keep people informed on planning applications was sufficient. In terms of improvements, the most responses indicated a requirement to be included on the electronic mailing list of all registered weekly planning applications. However, it should be noted that this list is available to download from the Council's website.

5.4 A significant number of general comments were also made to the questionnaire and the following provide a flavour of some of these:

- “People become cynical as consultation and putting a case forward takes time and it is felt that it is ignored by the planning section.”
- “Information needs to be in an accessible format”
- “Need sufficient time for the community to respond”
- “Support pre-consultation”

- “Closer liaison between parish council and the planning section”
- “Develop systems to involve migrant workers and travellers”
- “Develop links with Parish Plan groups”
- “Consult and take notice”
- “Provide member so f the public with all the facts”
- “Less use of acronyms”
- “Use of parish magazines”

6 Herefordshire’s Draft SCI

6.1 As a result of the information gathered in the first round of consultations an SCI document has been drafted and is attached to this report.

6.2 This document covers the following areas:

1. An introduction to the New Planning System
2. An explanation of the role and purpose of the Statement Of Community Involvement
3. When can you get involved? - Provision of information on the opportunities available to become involved in the new planning system.
4. Who will be involved? - In line with PPS 12 and the Regulations the SCI at Appendix 2/3 provides a comprehensive list identifying who the Council will consult with on planning issues. The list will provide a guide to identifying the types of groups to involve and consult with depending on the issue under consideration.
5. Links with other strategies – the new planning system aims to promote greater integration between the various strategies produced by local authorities and other organisations and the land use planning system. The SCI identifies relevant strategies that it needs to integrate and work with.
6. Understanding the County of Herefordshire - To be in a position to be able to develop a sound and effective SCI which is based on an inclusive approach, the Council needs to have a clear understanding of Herefordshire’s community in terms of community profile, diversity of interests and hard to reach groups and existing partnerships and communication networks. The SCI looks at each of these areas.
7. Herefordshire’s approach to community involvement – The SCI outlines the Council’s key principles to community involvement which are enshrined in its Community Involvement Strategy.
8. Community involvement techniques – The SCI sets out a range of formal and informal community involvement methods and techniques which are considered most appropriate for use. This is based on the Regulations, advantages and disadvantages of different methods, local circumstances and previous experiences, feedback from the questionnaire and the resources available to manage the community involvement process.

9. The SCI provides Herefordshire's consultation standards for Development Plan Documents (DPD's) and Supplementary Planning Documents (SPD's)
10. The SCI provides Herefordshire's consultation standards for planning applications
12. The last section covers monitoring and reviewing. The SCI will be reviewed every year through the Annual Monitoring Report (AMR).

7 Next stage

- 7.1 In line with Regulation 26 this first draft of the SCI is subject to further consultation and this is proposed to take place between January 30th and March 17th 2006. The SCI at appendix 2 lists all those organisations on the LDF database that the Council will consult with. In addition and during this time a questionnaire response form will be made available to the wider public to enable as many people as possible to make comment on the document. The consultation will be advertised by public notice and press release. In addition two workshop sessions are proposed to gain further feedback on the SCI. One of these workshops will be targeted at hard to reach groups with the other open to the public, parish councils and statutory agencies. At the end of this second round of consultation the SCI will be revised and full Council will need to agree the final draft SCI in May before it is submitted to the Secretary of State in June/July 2006.

8 RECOMMENDATION

It be recommended to the Cabinet Member (Environment) that the draft SCI be published for consultation purposes in line with the Town and Country Planning (Local Development)(England) Regulations 2004.

Background papers

Pre Submission Draft SCI Consultation Report January 2006
The Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Development)(England) Regulations 2004.
Planning Policy Statement 12

Statement of Community Involvement Pre-submission Draft

Timetable for production

Under this timetable the following milestones for producing the Statement of Community Involvement are as follows:

- **Initial Consultation with Questionnaire** asking for people's preferences on becoming involved in the SCI due in by 30 November 2005

↓


Current Stage

- **Consultation on Pre-Submission Draft SCI** (6 weeks), 30th January – 10th March 2006

↓

- **Consideration and summary of responses to the Pre-Submission draft** made available on the website, April/May 2006




Statement of Community Involvement on Planning in Herefordshire - Questionnaire
 October/November 2005

PREVIOUS EXPERIENCES OF COMMUNITY INVOLVEMENT EXERCISES

Q1 Has Herefordshire Council involved you in planning matters in the past?

Yes No.....

If you answered 'Yes' please state briefly what you have been involved in

Q2 Based on your past experiences, how would you describe Herefordshire Council's general approach to community involvement on planning

Forward

Transparent, accessible and meaningful approaches to community involvement in decision making is an important part of the culture being developed in Herefordshire. The Herefordshire Plan has made great in-roads into achieving this looking to ensure joined up thinking and the involvement of local people in decisions which impact on their communities.

This Statement of Community Involvement looks to build on the progress made and provides a framework which identifies how the Council will engage with the community in respect of planning matters. This will ensure that people play a key role in deciding the future shape and appearance of their community.

No one knows their community like you do. It is therefore vital that you play an active part in terms of how communities grow and develop.

We value your views and welcome your involvement in the future planning of our County.

Thank you to everyone who has contributed so far to the process of preparing this document.

Councillor P. Edwards
Cabinet Member (Environment)

Contents

1. Introduction –the new planning system
2. How will the new planning system work?
3. Role and purpose of the Statement of Community Involvement
4. When can you get involved?
5. Who will be involved in the consultation?
6. Links with other strategies
7. Understanding the county of Herefordshire
8. Herefordshire’s approach to community involvement
9. Community involvement techniques
10. Herefordshire’s consultation standards for DPDs and SPDs
11. Herefordshire’s consultation standards for planning applications
12. Monitoring and reviewing

1. Introduction –The new planning system

1.1 The Planning and Compulsory Purchase Act 2004 has recently introduced a new planning system which will affect the way development plans are made and how planning applications are consulted upon. This new system is intended to:

- Speed up plan preparation
- Be more effective in involving the community
- Produce shorter, more flexible plans that are more responsive to change
- Draw together those strategies of other agencies which influence the nature of places and how they function.

1.2 **Among the many changes, the Government has introduced the requirement under section 18 of the above Act to prepare a Statement of Community Involvement (SCI). The SCI sets out how the Council will engage with the community in respect of planning matters. This is the draft of such a statement which is published for pre submission consultation over a six week period from 30th January to 10th March 2006. The Council welcomes your views on any aspect of this document.**

1.3 The draft has been compiled following a comprehensive and successful initial consultation exercise which involved using a variety of consultation methods to gain information on how successfully the Council has consulted people on planning matters in the past and how it could make improvements. This initial consultation resulted in a 26% response. These responses which have been received and analysed have already provided a valuable insight as to how the Council should communicate and involve communities in planning matters and have been incorporated within this draft for further comment. A consultation report accompanies this SCI which provides further details on the consultation process undertaken.

2. How will the new planning system work?

2.1 As part of the previous planning system Herefordshire Council has prepared its Unitary Development Plan which is expected to be formally adopted in March 2007. The Council is committed to completing this plan under legislation referred to as ‘transitional arrangements’. The UDP provides the land use framework for the County identifying what can be built and where and once adopted will be saved for a three year period while the authority moves over to the new system.

2.2 The new system requires the Council to prepare a Local Development Framework (LDF) which is a folder of Local Development Documents (LDDs) that set out how the local area may change over the next few years. Planning Policy Statement 12 provides detailed guidance on developing the new framework. Herefordshire’s Local Development Framework is made up of:

Local Development Document (LDD)

- 2.3 Local Development Documents comprise: Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents. Definitions of these documents are provided below.

Local Development Scheme (LDS)

- 2.4 This is a list of what documents will be included in the Local Development Framework and timetable for their production. The LDS for Herefordshire can be found on the Council's website. The scheme is regularly reviewed.

Statement of Community Involvement (SCI)

- 2.5 This sets out how and when the local community can become involved in the preparation of the Local Development Documents and in the consideration of planning applications. The Council must comply with its adopted SCI when preparing its LDDs and this compliance will be tested when these are independently examined.

Development Plan Documents (DPD)

- 2.6 DPDs will have the status as part of the development plan for the area. They must be subject to sustainability appraisal and community involvement during their preparation and can only be adopted after independent examination resulting in recommendations which are binding on the Council.

DPDs will include the following:

- a Core Strategy that sets out the long term vision for the area and the policies required to deliver that vision. The Core Strategy will be linked to the Community Plan, especially those parts relating to development and the use of land.
- Development Plan policies will be based on topics such as housing, employment, and retail and will guide development in the County.
- Site specific allocations of land for individual uses eg housing, employment
- A Proposals Map illustrating the spatial extent of the policies
- Action Area Plans for key areas of change.

Supplementary Planning Documents (SPD)

- 2.7 These documents are optional and may cover a range of issues, both theme based and site specific which provide additional detail to the policies in the development plan document. They will be similar to and replace the Supplementary Planning Guidance (SPG) previously prepared. They are subject to sustainability appraisal and community involvement and do not require independent examination.

Sustainability Appraisals (SA)

- 2.8 Sustainability Appraisals are to form an assessment of the social, economic and environmental impacts of the policies and proposals contained within the LDF. All LDDs are subject to an SA to assess the contribution the document or policy

makes in achieving sustainable development in terms of social economic and environmental factors.

Annual Monitoring Report (AMR)

- 2.9 Finally the new planning system requires the Council to produce an Annual Monitoring Report. This report will consider the effectiveness of the policies within the Local Development Framework and identify what needs to be reviewed/prepared in the future.

Planning Applications

- 2.10 The planning applications procedure is not significantly affected by the introduction of the new planning system although some minor changes have been made. This SCI has a section on the consultation processes to be utilised in the planning application process.

3. Role and purpose of the Statement of Community Involvement

- 3.1 As identified a key element of these planning reforms is to ensure more effective community involvement in the planning process particularly in the early stages of plan preparation. The Council fully embraces the Government's objectives for improving community involvement in the planning system and has embodied in its Strategy for Community Involvement ways in which the Council will seek the views of the community and build on existing consultation mechanisms to continue to make community involvement more effective.
- 3.2 In complementing the above, the Statement of Community Involvement seeks to explain the Council's policy for actively engaging the local community and stakeholders throughout the preparation, alteration and continuing review of planning documents and in the consideration of planning applications.
- 3.3 The new planning system through its SCI looks to overcome the traditional reactive way people have previously become involved in the planning process by recognising that people who are likely to be affected by new developments should in the future be encouraged to participate more directly in the preparation of the documents which will form this framework and in the processing of planning applications. For plan documents this will help strengthen the evidence base of LDDs as well as encourage a sense of local ownership and commitment to plan policies and their delivery. It is also hoped that for both plan documents and planning applications this front loading approach will help to resolve conflicts and reach a consensus on essential issues in the early stages of the process, thereby reducing the time taken by inquiries and revisions in the later stages.
- 3.4 The role and purpose of this Statement of Community Involvement is to:
- Identify who will be consulted on plan documents and planning applications and when they will be actively involved in plan making and in reaching decisions on planning applications;

- Set out transparent, accessible and meaningful approaches to community involvement in plan making and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any conflicts early in the process and can generate a sense of ownership.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- To ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance must be kept under review and revised where necessary.

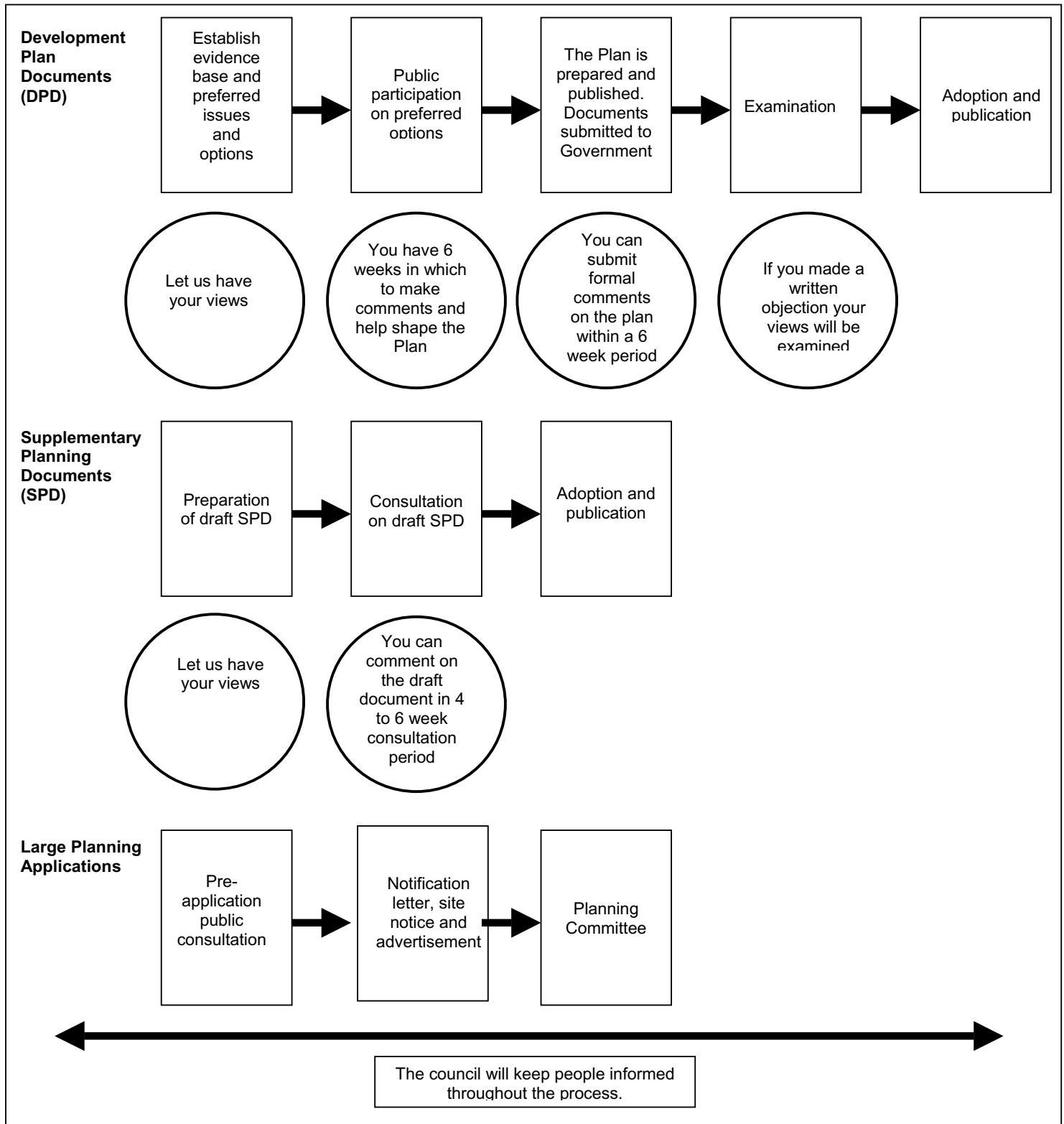
3.5 Minimum consultation requirements are set by the Government in the Town and Country Planning (Local Development)(England) Regulations 2004. This statement demonstrates how these will be met.

3.6 This Statement of Community Involvement and other Development Plan Documents will be formally examined by independent inspectors from the Government's Planning Inspectorates team.

4. When can you get involved?

4.1 People can be involved in all aspects of the planning system including the preparation and examination of DPDs and SPDs and in the consideration of planning applications. The diagram below shows the opportunities for involving people in each of these parts of the planning system. More details are provided in section 10.

Main opportunities for people to get involved in preparing DPDs, SPDs and in the planning application process



5. Who will be involved in the consultation?

- 5.1 The 2004 Regulations and PPS12 (Annex E) set out those bodies that the Council must consult with when preparing plan documents and planning applications.
- 5.2 The Council's understanding of the different groups and organisations within the County is based largely on those groups which it has had previous contact with over matters concerning planning and preparation of the strategies identified in Section 6. The main groups are Central, Regional, Local Government organisations, statutory bodies, community, voluntary, resident and interested groups, members of the public, Parish/Town Councils, local businesses, members of the Herefordshire Partnership, and developers/agents. Appendix 2 provides a comprehensive list of LDF consultees. The specific consultees are those bodies which must be consulted in accordance with the Act and regulations. It is likely that there are people and groups not mentioned on this list and in consulting on the draft SCI views are sought as to whether interests have been correctly identified and represented. Appendix 3 provides a similar list identifying those consulted where appropriate on individual planning applications.
- 5.3 The preparation of LDDs will be more relevant to some groups than others. The list will therefore be used as a guide to identifying the types of groups to involve and consult with. The groups and organisations will change over time and the LDF consultation database will be updated regularly to maintain an up to date and relevant list of groups and organisations to consult.

6. Links with other strategies

- 6.1 The new planning system aims to promote greater integration between the various strategies produced by local authorities and other organisations and the land use planning system.
- 6.2 For Herefordshire these strategies include:

Partnership Document

The Herefordshire Plan which forms the County's Community Plan and provides a vision for the County and a context for the development of planning strategy and detailed policies.

Council Strategies

The Corporate Plan which outlines the Council's plans, measures and intentions to deliver better services all of which is based on research into the needs of local people and their views on what the Council should be working on.

The Community Involvement Strategy ensures that action is being taken so that Herefordshire people are able to express their views and aspirations and shape the development of the Council's policies and services that affect them.

The Customer Service Strategy sets out how the Council best delivers customer focused services. One of the ways it seeks to achieve this is to work with community groups to develop and shape the future of Herefordshire.

The Communications Strategy states who the Council's key audiences are, the key messages that need to be communicated to them and how the Council will do this. It contains a comprehensive action plan and methodology to measure the impact of the strategy.

Other Council Strategies are produced including the Local Transport Plan, Economic Development Strategy, Housing Investment Strategy all of which will have an influence on specific policy areas of future planning documents.

- 6.3** Whilst these plans and strategies do not form part of the LDF they will be a major influence on LDD development within the County. The UDP reflected the ambitions of the Herefordshire Plan and this approach to plan making/ decision taking will be continued.
- 6.4** Information and views received during the preparation of these strategies should provide a useful evidence base for the proposed LDDs. Developing a clear and effective relationship between the LDF and these strategies is a key objective of this SCI.
- 6.5** For example from a policy perspective, the Council is seeking to put in place an LDF that is responsive to local opinions about planning and development and what is wanted in the area. The Herefordshire Plan brings together the aspirations and needs and priorities of the local community and in response guides and focuses the activities of the Council and a range of partner organisations. The LDF serves as a key delivery mechanism for those land use elements of the Herefordshire Plan.
- 6.6** Wherever possible public involvement in LDDs and other strategies will be integrated to help create a better understanding of policy linkages. In addition economies of scale can be achieved through sharing resources and working corporately. Work in preparing and reviewing the Herefordshire Plan has established an important communication network of groups and organisations which is being utilised in preparing the LDF and its database.
- 6.7** There are also linkages to be made at a Parish level in those Parishes where Parish Plans have or are being prepared. This is particularly the case where Parishes wish to see the LDF reflect the spatial elements of their plans. Parish Plans are based on extensive community involvement and can provide valuable information and evidence to help inform preparation of the LDF.

7. Understanding the County of Herefordshire

- 7.1** To be in a position to be able to develop a sound and effective SCI which is based on an inclusive approach, the Council needs to have a clear understanding of Herefordshire's community in terms of:
- Community profile
 - Diversity of interests and hard to reach groups
 - Existing Partnerships and communication networks

- 7.2** This information will help identify any particular requirements and needs of different sections of the population and those under represented and hard to reach groups who traditionally have not engaged easily with the planning system.
- 7.3** The aim of this SCI is to give everyone an equal opportunity to become involved in the plan making process and to ensure that no one is disadvantaged or precluded from taking part and making their views known.

Community Profile

- 7.4** Any meaningful and practical programme of community engagement must have regard to the physical characteristics of the County and the dispersed nature of settlements and communities. Community profiling is a useful tool in understanding the make up of the County.
- 7.5** Herefordshire covers an area of 217,973 hectares with a population of 177,800 (ONS Mid Year Estimate 2004). Hereford provides the main service centre for the County with a population of 54,850 (Census 2001) and is supported by five satellite market towns, Bromyard, Ledbury, Leominster, Kington, and Ross on Wye. Just under half the population of the County live in villages and hamlets scattered across the rural area and Herefordshire has one of the five lowest county population densities in England. There are 58 County Councillors covering 41 wards and 134 Town and Parish Councils in Herefordshire. Any meaningful and practical programme of community engagement must have regard to the dispersed nature of its settlements and communities.
- 7.6** The age profile of Herefordshire's population is older than that for England and Wales and the West Midlands region. The County also has a low proportion of residents from black and other minority ethnic backgrounds. At the time of the 2001 Census, 2.5% of the County's population were from ethnic minorities which is very low by national and regional comparisons. With the exception of seasonal workers, no single group numbers more than a thousand. The biggest group probably remains the traveller communities. However, the total is almost certainly rising with the influx of people from Eastern Europe and Portugal, principally to work in manufacturing and agriculture.
- 7.7** In Herefordshire there are more people migrating into the County than out in all age ranges except 15-29 year olds, who are generally more mobile and move to areas of greater opportunities for employment and higher education.
- 7.8** The Census indicates that the County has a higher percentage of lone pensioner households (15%) than England and Wales and a lower percentage of lone parent households with dependent children (5% in Herefordshire compared to 6% nationally). The County also has a higher level of retired individuals than England and Wales as a whole (16% compared to 14%) and 3% of the workforce were classed as unemployed which is similar to the national position.
- 7.9** In terms of education 19% of the population have obtained qualifications at degree level or higher which is similar to that of England and Wales (20%)
- 7.10** 18% of all people in Herefordshire define themselves as having a long term limiting illness (LLI) in the Census (same as nationally) with 33% of all

households having at least one person with an LLI (34% nationally). This reflects the age profile of the County.

7.11 Overall the physical and social nature of the County gives rise to the following issues for effective consultation in Herefordshire:

- The dispersed nature of the population
- The need to consider using different consultation methods in urban and rural locations
- To consider the widest range of consultation methods to ensure a meaningful response
- Consider ways of how to consult and involve a population that is relatively elderly
- How to consult with a relatively small number of ethnic residents and those at risk of social exclusion,
- How to engage with young people
- How to work with the large number of Town and Parish Councils in the County especially when some groups do not meet regularly.

7.12 Diversity of interests and those at risk of exclusion

As a result of previous experiences in engaging with different groups on planning matters and on the consultation work undertaken as part of the Herefordshire Plan it is understood that the following groups/ interests are harder to reach and less likely to participate and become involved:

Children and young people,
 Older people,
 People with disabilities,
 Ethnic minorities
 People located in dispersed rural areas
 Travellers and Gypsies.

7.13 This is further substantiated in the Gaines report which was commissioned by Herefordshire Council from University College Chichester in September 2004. This report examines minority ethnic peoples experiences in Herefordshire and undertakes associated quantitative and qualitative research into areas like numbers, geographical spread, employment, income etc.

7.14 In addition the Council has a diversity group, a race equality group and disability group. Planning needs to feed into and make use of these existing groups.

7.15 In developing an inclusive approach to consultation the potential barriers to involvement need to be recognised and solutions sought. Initial thoughts on a suggested approach are set out below:

Hard to reach groups	Approach
Children and young people	Work with the Council's Youth service and education directorate to develop better links with young people. Parish Plans also provide an opportunity for schools to work with their parish councils to help develop ideas for their area which can then be fed

	into the planning process.
Older people	Make contact with Age Concern. Parish Plans also provide an opportunity for parish councils to involve the elderly in providing a vision for the development of their village, town etc.
People with disabilities	Utilise links with the Council's Community Involvement Coordinator and Local Access groups.
Ethnic minorities	Utilise links with the Council's Community Involvement Coordinator and Race Equality Officer
People located in dispersed rural areas.	Utilise consultation methods eg use of the Council's website, community forums, parish plans
Travellers/Gypsies	Liaison with the Traveller Liaison Officer and Race Equality Officer

7.16 Existing partnerships and communication networks

It is important to recognise that well established local partnerships and communication networks representing many key organisations and groups exist and operate effectively within the County. To make good use of resources the Council will seek to engage with these partnerships and utilise these communication networks whenever it is possible and appropriate to do so.

8. Herefordshire's approach to community involvement

Key principles to community involvement in Herefordshire

8.1 In producing its SCI, the Council seeks to promote effective community involvement in the planning system. The Council corporately has a strong commitment to community engagement and has adopted the following objectives through its Strategy for Community Involvement:

- Opinion should be informed
- Decisions should be based on evidence
- Purpose should be clear
- Consultation should be well planned and timely
- Consultation should be inclusive
- Methods should be appropriate and well-managed
- Results should be acknowledged and fully considered
- Accessible feedback should be given
- Effectiveness should be evaluated

8.2 The Council is also producing a corporate communication strategy which will establish an overall framework within which the SCI will operate.

- 8.3** In following these principles the consultation approach developed within this SCI will reflect local circumstances, be deliverable building on existing practice, be meaningful and easy to understand and capable of being resourced and managed effectively.

9. Community involvement methods and techniques

- 9.1** Section 7 identifies the key characteristics of the County. The dispersed population spread over a wide rural area raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded groups, where fairly small numbers of people are involved. In order to widen the involvement of the community and especially those at risk of exclusion a broad range of methods will be used. In preparing this SCI and in developing the approach, it is necessary to give consideration as to how the authority informs, involves, consults and provides feedback.
- 9.2** To accompany this SCI an additional report is being prepared which sets out the various forms of consultations that have been undertaken while preparing the document.
- 9.3** The consultations have been undertaken as specified in the regulations and a summary of the outcomes of these consultations is provided below. More information is provided in the accompanying consultation report.

Initial consultation

- 9.4** The following provides a summary of the initial information gathering consultation which was undertaken between 17th October 2005 to 30th November 2005. As part of the initial Regulation 25 process a variety of consultation methods were used to gain information on how successfully the Council has consulted people on planning matters in the past and how it could make improvements. The information gathered from this has provided a detailed evidence base from which to draft this first version of the SCI.
- 9.5** Methods of consultation are detailed in the above mentioned report and in summary include distribution of a questionnaire, leaflet and letter to over 1,000 people listed on the newly emerging LDF database, a press release, and public notice encouraging people to have their say.
- 9.6** The questionnaire achieved a response rate of 26%, which has provided a useful basis from which to draft the SCI. The following points provide a summary of the main findings of the exercise all of which have been taken account of in this SCI:
- Over 70% of respondents have been involved in planning matters before,
 - Only 25% of respondents have experienced difficulty in getting involved in planning matters,
 - The preferred form of keeping people informed on progress with future planning matters is via a letter (31%) followed by email (24%). 55% of respondents preferred hard copies of documents to comment on with 26% content with email versions,

- In respect of public participation, public meetings and presentations were ranked first followed by one to one meetings and public exhibitions third. This is noted, however, it needs to be balanced against the high costs of resourcing these methods of consultation,
- In respect of planning applications, 67% of respondents stated that the list of measures to keep people informed on planning applications was sufficient. In terms of improvements, the most responses indicated a requirement to be included on the electronic mailing list of all registered weekly planning applications. However, it should be noted that this is available to download from the website; from the home page Quick Links > Planning > Decision Planning Notices > Weekly List of Planning Decisions.

9.7 A significant number of general comments were also made to the questionnaire and the following provide a flavour of some of these:

- “People become cynical as consultation and putting a case forward takes time and it is felt that it is ignored by the planning section.”
- “Information needs to be in an accessible format”
- “Need sufficient time for the community to respond”
- “Support pre-consultation”
- “Closer liaison between Parish Council and the planning section”
- “Develop systems to involve migrant workers and travellers”
- “Develop links with Parish Plan groups”
- “Consult and take notice”
- “Provide member so of the public with all the facts”
- “Less use of acronyms”
- “Use of parish magazines”

9.8 In light of the above and to engage effectively over a range of planning documents the Council will use a combination of consultation methods appropriate to the policy area being prepared and its stage of preparation. Table 1 sets out a range of formal and informal community involvement methods and techniques which are considered most appropriate for use. This is based on the Regulations, advantages and disadvantages of different methods, local circumstances and previous experiences, feedback from the questionnaire and the resources available to manage the community involvement process.

9.9 There is no significance in the order of the various methods and it is not anticipated that every one of these methods need be used. The list should be regarded as a menu from which to choose.

Table 1 – Community involvement methods

Method	Main Considerations
Council web site	Information can be provided quickly and efficiently and accessed by the public from their own home or office at a time which is convenient to them. This can overcome the problems of trying to consult over dispersed rural communities. However access to the internet is not universal and

	therefore may disadvantage certain groups. The Council has web access at all Info Points and libraries and will continue to consider ways in which access to web based information can be improved. Need to ensure web pages are user friendly. Use is likely to increase.
Email	Information and responses can be provided quickly and efficiently. Increased use of this means of communication is sought particularly with Town and Parish Councils and formal consultees.
Formal advertisements eg statutory notices	Statutory requirements to publish notices advertising planning applications and to invite representations during preparation of LDDs.
Media coverage- press releases, adverts, radio	To be undertaken in accordance with the Councils media team. It is cost effective in terms of bringing local issues into the local arena. Items may only be reported if they are considered newsworthy.
Consultation documents available for sale or CD or inspection at Council offices, by post and on the web	Traditional means of consultation and the information supplied can be in detail. However, limitations for people with mobility or sight disabilities and where English is not a language that is understood.
Leaflet, newsletters and brochures	Can publicise and explain in simple language and invite comment. The Parish newsletters are a good communication link and should be utilised where appropriate. Newsletters can be sent to all residents; however, may be viewed as junk mail and disregarded. Can be expensive to distribute.
Formal written letter	Minimum requirements to consult statutory and other relevant consultation bodies by letter. High postage and administration costs.
Public Exhibitions/Public meetings/presentations	Can be used to circulate information, seek views and endorse proposals. Gives residents some flexibility in deciding when to visit and can encourage feedback. However people attending may not be representative of the whole community. It does take planning issues to the people and provides an opportunity for people to discuss local issues directly with planning officers in an environment which local people will be familiar and therefore comfortable with. High staff costs in producing display material and manning

	the exhibition with no guarantee of turn out. Countywide consultations require extensive coverage and numbers of events. Displaying information in local shops where people frequent should also be considered where appropriate.
Notices displayed on a site	Direct and local notification of proposals to those around a site, however notices can be vandalised or removed before the consultation period and this method is impractical for general development proposals and countywide issues.
Through partnership organisations and focus groups, existing forums/panels	Useful for topic based discussions and to find out what specific groups feel. Provides opportunity to discuss issues in depth and to have ongoing dialogue. However high direct costs of facilitating. Important to build on existing networks rather than reinvent.
Councillor networks	Councillors play a very important role in terms of community engagement. They are a recognised point of contact for the local community to go to with regard to Council matters. It is vital to ensure that Councillors are kept well briefed.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals however they are time consuming and impracticable to use on a comprehensive basis.
Parish and Town Council networks	Recognise that if Town and Parish Councils are effectively involved with consultation exercises they can provide an invaluable contact with local communities. Also opportunity to assist in the preparation and distribution of consultation material.
Questionnaire/surveys	Enables quantifiable information to be collected. Questionnaires need to be well designed. No guarantee of likely response rate. Time consuming and costly.
Workshops	Organised discussion based event to present and gather information. Can be targeted at key stakeholders. Requires skilled facilitators to ensure objectives are achieved.

- 9.10** In consulting on the SCI views are sought on whether there are any additional methods that should be considered for inclusion within the overall approach.

Resourcing and managing the process

- 9.11** All key documents will be made available in a variety of formats. This will include paper and electronic and where required large print, languages other than English, or on audio cassette will be considered.
- 9.12** In preparing this approach to community consultation and to ensure that it is deliverable consideration has to be given to the resources available to manage the process. The LDS sets out the resources the Council has at its disposal to prepare the LDF. Officer time is a key resource issue. A balance has to be struck between consultation and the various production and management issues associated with the range of LDDs that are to be prepared.
- 9.13** In addition as an LDD is being prepared particular issues may arise which may require additional community involvement work and the approach needs to be sufficiently flexible to enable this to be incorporated in the LDD preparation process. An issue that needs serious thought is the possible limitations on the ability of the community to fully engage in the consultation process. Feedback on this is sought through consultation on this SCI.

Role of elected members

- 9.14** Herefordshire Council has 58 councillors who are elected to represent the constituents of 41 wards. They have an important role to play in the community involvement process by keeping their local communities informed, representing their views and encouraging and assisting them to engage in the future planning and development of their area.
- 9.15** It is vital that all elected members are involved in the LDF preparation process to provide ownership, leadership and commitment to future implementation. Where appropriate and depending on the issue in question arrangements will be made with Councillors to involve them in emerging policy work. This approach will be additional to the Council's established procedures for decision making.

Planning aid

- 9.16** The West Midlands Planning Aid service offers free and independent planning advice to those individuals and community groups who cannot afford to pay consultants fees. They also provide a programme of training events aimed at helping people to understand the planning system and provide the necessary skills to enable people to actively play a part in influencing the future of their areas. The contact details are:

West Midlands Planning Aid
Unit 319,
The Custard Factory,
Gibb Street,
Birmingham,
B9 4AA.

Planning Advice Helpline 01691 7668044
Email wmcw@planningaid.rtpi.org.uk

10. Herefordshire's consultation standards for DPDs and SPDs

- 10.1 The minimum legal requirements for consultation and public participation for the LDF are set down in formal regulations. Specified bodies must be consulted if the Council considers that the body may be affected by what is proposed. In addition to the formal bodies, it is the intention of the Council to involve the community at an early stage in the preparation of LDDs. This is essential to work towards the key objectives of openness and consensus and resolving conflicts.

The following table illustrates the main stages in the preparation of DPDs and SPDs.

<p>DPD stage: Initial technical consultation – establish evidence base and prepare issues and options – Regulation 25 (Ongoing community involvement process leading to development of preferred options)</p>
<p>Herefordshire Council will:</p> <ul style="list-style-type: none">• Notify and pre warn all consultees on the LDF database that issues and options documents are to be published for consultation and are available for inspection. This will give people time to prepare for the consultation.• Send copies of any issues and options documents to those relevant consultation bodies listed in the Regulations, PPS12, the SCI and any other interested party who requests it.• Make copies of any issues and options documents available for inspection at the Council offices and any other venue the Council considers appropriate.• Publish any issues and options documents on the Council website.• Select a combination of community involvement methods appropriate to this initial informal consultation stage.
<p>DPD Stage: Pre-submission consultation on preferred options – Regulation 26 (Statutory 6 week consultation period on preferred options document and sustainability appraisal report)</p>
<p>Herefordshire Council will:</p> <ul style="list-style-type: none">• Notify and pre warn all consultees on the LDF database that the preferred options document and accompanying sustainability appraisal report will shortly be published for consultation and be available for inspection. This will give people time to prepare for the formal consultation.• Send copies of the preferred options document and accompanying sustainability appraisal report to those relevant consultation bodies listed in the Regulations,

PPS 12, the SCI and any other interested party who requests them.

- Publicise the Preferred Options consultation stage through media coverage.
- Publish by local advertisement a formal notice inviting representations within a specified 6 week period indicating where and when documents will be available for inspection.
- Make copies of the preferred options document and accompanying sustainability appraisal report available for inspection at the Councils offices and any other venue the Council considers appropriate.
- Publish the preferred options document and accompanying sustainability appraisal report on the Council's web site.
- Publish guidance notes on how to make a representation and what will happen when a representation has been received.
- Produce a standard response form to enable people to make representations in writing or on line via the Councils website.
- Select a combination of community involvement methods appropriate to the document being produced and its stage of preparation.
- Undertake more targeted consultation as required to raise awareness amongst those at risk of exclusion and under represented groups and organisations.
- Where site specific development allocations are proposed, undertake more targeted consultation with the local community in the vicinity of the site.
- Where possible meet requests from any group, organisation or individual to attend pre arranged meetings.
- Acknowledge receipt of all representations submitted.
- Consider all representations received within the specified 6 week period and use them to help prepare the submission DPD. (Regulation 27) (Comments made at this stage will not be carried forward to independent examination).
- Publish a summary of the representations received indicating how they have been considered and whether any changes are proposed as a result.

DPD Stage: Submission of the DPD to Secretary of State – Regulation 28

(Statutory 6 week consultation period on submission DPD and sustainability appraisal report)

Herefordshire Council will:

- Notify and pre warn all consultees on the LDF database (including those who

made representations at the preferred options stage) that the submission DPD and accompanying sustainability appraisal report will shortly be published and submitted to the Secretary of State for independent examination and that the formal consultation period will soon be commencing. This will give people time to prepare for the formal consultation.

- Publish and submit a statement of compliance demonstrating how the Council has complied with its SCI. This will set out who and how the Council consulted at pre-submission stage, the representations received and the main issues raised and how these have been addressed in the DPD.
- Send copies of the submission DPD and accompanying sustainability appraisal report to those relevant consultation bodies listed in the regulations, PPS12, the SCI and any other interested party who requested them.
- Publicise the submission stage via media coverage.
- Publish by local advertisement a formal notice inviting representations within a 6 week period, indicating where and when documents will be available for inspection.
- Make copies of the DPD, the accompanying sustainability appraisal report and other supporting documentation available for inspection at the Council offices and any other venue where pre-submission documents were displayed.
- Publish the DPD, the accompanying sustainability appraisal report and other supporting documentation on the Council's website.
- Publish guidance notes on how to make a representation for consideration by the inspector and what will happen when a representation has been received.
- Produce a standard response form to enable people to make representations in writing or on line via the Councils website.
- Select a combination of community involvement methods appropriate to the document being produced and its stage of preparation.
- Undertake more targeted consultation as required to raise awareness amongst groups at risk of exclusion and under represented groups and organisations.
- Where site specific development allocations are proposed, undertake more targeted consultation with the local community in the vicinity of the site.
- Where possible meet requests from any group, organisation or individual to attend pre arranged meetings.
- Acknowledge receipt of all representations duly made within the specified 6 week period.
- Not accept any late representations received after the close of the specified 6 week period.

- At the close of the 6 week period, make copies of any representations received available for inspection and if practicable publish them on the council's website (Regulation 31).
- Send to the Secretary of State a statement of the representations received, a summary of the main issues raised and copies of all representations (Regulation 31).
- **NB Site allocations representations.**
- Where developers or individuals submit representations on the submission DPD that promote alternative sites for development, the Council will, as soon as reasonably practicable:
 - Notify all consultees on the LDF database (including those who made the representations at the preferred options and submission stages) that the representations promoting alternative sites have been received.
 - Make copies of any site allocation representations received available for inspection and if practicable publish them on the Council's website (Regulation 32).
 - Publish by local advertisement a formal notice inviting further representations within a specified 6 week period, indicating where and when the site allocation representations will be available for inspection (Regulation 32).
 - Send the Secretary of State a statement of the additional representations received, a summary of the main issues raised and copies of all additional representations (Regulation 33).

DPD stage: Independent Examination – Regulation 34

(Anyone with an outstanding objection has the right to have their representation considered by an Independent Planning Inspector at an examination into the soundness of the DPD)

Herefordshire Council will:

- Notify any person who made a representation on the submission document, the time and place at which the independent examination will take place and the name of the person appointed to carry out the examination.
- Only those representations which are received during the six week period(s) will be examined.
- Written representations, round table discussions, informal hearings or formal inquiries may be involved, with each carrying equal weight. Only those seeking changes to the Plan have the right to appear and the Government anticipates that written representations can deal with the majority of cases.

- Publish this information on the Council's website and by local advertisement in a formal notice (Regulation 34).

DPD Stage: Inspectors Report – Regulation 35

(After examination, the inspector will produce a report which is binding upon the Authority, with specific recommendations as to how the DPD must be changed)

Herefordshire Council will:

- Notify all relevant consultees on the LDF database that the Inspector's report has been received and when it will be published.
- As soon as reasonably practicable publish the Inspector's report and make it available for inspection at the Council offices and any other venue where pre-submission documents were displayed.
- Publish the Inspector's report on the Council's website.

DPD stage: Adoption and publication – Regulation 36

(The Authority must adopt the submitted DPD as changed by the binding Inspector's report)

Herefordshire Council will:

- Notify all relevant consultees on the LDF database that the DPD has been adopted and send them a copy of the adoption statement.
- Publish the adopted DPD, the adoption statement and accompanying sustainability appraisal report and make these documents available for inspection at the Council Offices and any other venue where pre-submission documents were displayed.
- Publish these documents on the Council's website.
- Publish by local advertisement a formal notice stating that the adopted DPD and the adoption statement are available for inspection, indicating where and when they can be inspected.

Supplementary Planning Documents (SPDs)

- 10.2** SPDs are produced to expand on policy and provide additional information and guidance in support of policies and proposal in DPDs. They can be site specific or topic based. The process for preparing an SPD is similar to that for a DPD, but simplified. There is no requirement to prepare preferred options and SPDs are

not subject to independent examination. As with DPDs, their preparation is informed by community involvement and sustainability appraisal.

SPD Stage: Preparation of draft SPD

Herefordshire Council will

- Select a combination of community involvement methods appropriate to the SPD being produced at this informal stage of evidence gathering and preparation.
- Where a site specific SPD is being prepared, undertake more targeted consultation with the local community in the vicinity of the site.

SPD Stage Consultation on draft SPD – Regulation 17/18

(Statutory 4-6 week consultation period on draft and sustainability appraisal report)

Herefordshire Council will:

- Make copies of the draft SPD and accompanying sustainability appraisal report available for inspection at the Council Offices and any other venue the council considers appropriate.
- Prepare a statement setting out who the Council consulted in preparing the draft SPD, the main issues raised and how they have been addressed.
- Publish the draft SPD, accompanying sustainability report and consultation statement and any other supporting documents on the Council's website.
- Publish by local advertisement a formal notice inviting representatives within a specified 4-6 week period, indicating where and when documents will be available for inspection.
- Send copies of the draft SPD, accompanying sustainability appraisal report, consultation statement and any other supporting documents to those specific and general consultation bodies the Council considers appropriate.
- Select a combination of community involvement methods appropriate to the SPD being produced at this stage of preparation.
- Where a site specific SPD is being prepared, undertake more targeted consultation with the local community in the vicinity of the site.
- Acknowledge receipt of all representations received within the specified 4-6 week period.
- Consider all valid representations received and use them to prepare the final version of the SPD.

SPD Stage: Adoption and publication

(The authority will adopt the SPD having considered any representations received)

Herefordshire Council will:

- Prepare a statement setting out the main issues raised by representations received and how they have been addressed in the SPD the Council intends to adopt (Regulation 18).
- Notify those specific and general consultation bodies who were consulted at draft stage that the SPD has been adopted and send them a copy of the adoption statement (Regulation 19).
- Make copies of the adopted SPD, adoption statement of representations received available for inspection at the Council Offices and any other venue the Council considers appropriate (Regulation 19).
- Publish these documents on the Council's website (Regulation 19).

11. Herefordshire's consultation standards for planning applications

11.1 Herefordshire Council places great importance on public involvement in the planning application process. This section explains how the Council will encourage the community to become involved in this process and also explains the Council's expectations of applicants.

Introduction

11.2 This Statement of Community Involvement sets out a framework for involving the communities of the County in the processing of planning applications. The Council must consider all valid planning applications whether or not the proposals appear to comply or conflict with Council policies. All applicants are entitled to a decision on their planning applications within a reasonable timescale.

11.3 Most people first become involved in the planning application process when they submit a planning application or are made aware of an application in their immediate locality. The extent of consultation will vary according to the scale and likely impact of the proposed development. The most significant applications will receive the widest publicity and public involvement.

Significant Applications

11.4 There are many types of planning applications ranging from house extensions to major engineering works and large redevelopment areas. The most "Significant" for the purposes of public consultation will be those which are likely to create the most public interest or controversy.

- 11.5** The Government defines “Major” planning applications as those that propose:
- Residential development of ten or more new houses
 - Residential development on a site of more than 0.5 hectares (1.2 acres)
 - New buildings with a floor space greater than 1,000 square metres (10,000 sq. ft.)
 - Any development with a site area of over 1 hectare (2.4 acres)
 - The working and winning of minerals or the use of land for mineral-Working deposits
 - Waste development
- 11.6** Not all major applications are controversial, but the definition is useful to define their scale and is also used to define the target dates for determination of applications. Major planning applications are expected to be determined within thirteen weeks; all other applications are expected to be determined in eight weeks.
- 11.7** For the purposes of this Statement of Community Involvement the definition of “Significant” planning applications is:

Definition of “Significant” Planning Applications
<ul style="list-style-type: none"> • Major applications which are likely to produce significant public interest or controversy. • Development which would be a departure from the Development Plan and would have a wide impact on the local environment. • Applications for uses which are themselves sensitive. • Proposals for conspicuous development in “Sensitive” or “Least Resilient” landscapes as defined in the relevant Development Plan.

Community involvement at pre-application stage

- 11.8** The Council positively encourages applicants to enter into early discussions about their proposals. Sometimes this will also involve important consultees, such as the Environment Agency, English Nature and the Council’s Traffic Manager. Planning Officers will at this stage advise applicants if their proposals are likely to be considered “Significant” and therefore need to be the subject of specific community involvement measures.
- 11.9** Where a proposed planning application is identified as in the “Significant” category the Council will expect the following actions by the intended applicants:

Applicant’s duties with “Significant” Planning Applications
<ul style="list-style-type: none"> • Write to local residents, Ward member(s) and the Parish or Town Council to inform them of the proposed development. • Arrange a public meeting or exhibition in the locality, at an accessible venue, to explain their proposals to the public and to gauge their response. • Support their planning application with their own Statement of Community Involvement giving details of the meeting/exhibition and explain how any comments made have been taken into account in the final submission for planning permission.

- 11.10** The Council will encourage applicants of “Significant” applications to discuss their proposals with the public and the relevant consultees and interest groups before they make their planning application. In this way would-be applicants can improve the public’s understanding of what is being proposed and, hopefully, achieve consensus over some or all of the key issues. There is a caveat though; the Council must stay impartial through this pre-application stage. Whilst Officers can provide some assistance their involvement must not be seen as committing the Council to a particular decision on any future application.
- 11.11** For all other applications the Council will encourage applicants to be open about their proposals and to consult with neighbours and other parties including the Parish/Town Council. Details of these discussions should be included with the application when submitted.

Community involvement when a planning application is submitted

- 11.12** The Council has a practice of consulting widely on planning applications. Traditionally this has been done by sending individual letters to neighbours, erecting site notices, publicity in the local newspaper and notifications to Parish Councils. In addition all Ward Councillors are notified of applications within their ward. These practices will continue but there are now other wider opportunities for public consultation and involvement.
- 11.13** *Weekly List.* A weekly list of applications received is published and is available on the Council’s website, from the home page Quick Links > Planning > Decision Planning Notices > Weekly List of Planning Decisions.
- 11.14** *Website.* The Council’s website is being developed so that, from early in 2006, it will be possible to view the details of all planning applications including the forms, accompanying statements and submitted plans on-line. There will be a service of updating details where they have been changed through the course of the application’s progress. In addition there will be a facility for searches on individual addresses or planning applications within a set time period.
- 11.15** *Statutory Advertising.* The regulations concerning planning applications require the Council to publicise certain types of planning and related applications through the “Public Notices” section of the classified advertisements in local newspapers. These planning applications must also have site notices (see panel below).
- 11.16** The following types of applications must be advertised in this way:
- Applications which need formal Environmental Assessments
 - Development affecting a public right of way (e.g. footpaths and bridleways)
 - Works affecting a listed building
 - Development in and/or affecting a conservation area
 - Development which would be a significant “Departure” from the Development Plan
 - Development Proposals by Herefordshire Council itself
- 11.17** *Discretionary Advertisements.* The Council recognises that adjoining landowners and other interested people may not be easy to identify in every

case and, in order to “reach” other interested parties makes wide use of discretionary advertisements in local news papers and site notices. Applications can be advertised in this way if the Council considers that there is likely to be significant local interest.

Which newspapers do we use?	
Hereford Times	Leominster, Bromyard, Kington, villages and rural areas
Hereford Journal	Hereford City and surrounding areas
Ledbury Recorder	Ledbury Area
Ross Gazette	Ross-on-Wye area

11.18 *Site Notices.* Herefordshire Council makes great use of site notices; most planning application sites are identified with site notices. All applications for Listed Building Consent and Conservation Area Consent have site notices. All site notices are printed on bright yellow laminated paper and attached to a feature such as a gatepost or lamppost as close as possible to the site (or the public entrance to the site). The site notice identifies the address and application details and gives a time period for response (usually 21 days after it has been posted.) Site notices are always used when there is some doubt about who owns or occupies the land next to a planning application site. An example of a Site Notice is given in Appendix 4.

Site Notices:
<ul style="list-style-type: none"> • Are bright yellow. • Are displayed as close as practicable to the entrance to the site. • Identify the application site by name. • Describe the proposals and the reason(s) why the notice has been posted. • Give a date for response.

11.19 *Neighbour Notification.* The Council will normally send an individual letter to the occupiers of properties that adjoin the site of a planning application. This does however vary. For example, where a planning application solely concerns a new access at the front of a house we would not normally notify a house at the rear which takes access from a different road altogether. By comparison, where a proposed house extension can be clearly seen and may affect houses either side and to the rear then those properties would receive notification letters.

11.20 The letter invites neighbours to inspect the plans and to make any comments they wish, with the time period for response usually 21 days. Responses should be made in writing. All responses will be kept on the application file and will be available for public inspection. Consequently such letters cannot be kept as confidential.

- 11.21 Every planning application site is visited by a planning officer who will check which properties have been notified and decide whether further notification is needed.

Where can planning applications be inspected?

- At Blueschool House, Blueschool Street, Hereford (all applications).
- In the local “surgeries” at Leominster, Ledbury and Ross (local applications).
- At “Info in Herefordshire” offices in Leominster and Ross (local applications).
- From early 2006 on the Council’s website.

- 11.22 Comments will be accepted from anyone who chooses to write about a planning application whether or not the letter writer received a neighbour notification letter. The matters raised in such a response will be taken into account by the Council in their determination of the application. However, it is worth bearing in mind that there are certain matters that cannot be taken into account when determining planning applications including the protection of private views over someone else’s property and the effect of a development on the value of the house next door. Neighbour responses are normally acknowledged. Please see the “Guide to making Representations” in Appendix 5.

- 11.23 The Council will take account of any comments received up to the day on which the application is determined. Planning applications cannot be determined during the notification periods for advertisements, site notices and other consultee letters. However, once those periods have expired planning applications normally proceed quickly to determination on the basis of the information received at that point.

- 11.24 *Parish and Town Councils.* All applications are notified to the relevant Parish or Town Council, and many applications go to more than one where they are close to parish boundaries or affect more than one parish anyway. The period for response is usually 21 days.

- 11.25 *Other consultees.* There are many statutory and non-statutory consultees, and many of them can have a significant influence on the outcome of a planning application. Some deal with technical and complex matters, e.g. the Environment Agency and the Water Authorities. Some have specialist interests such as English Heritage, English Nature and the Conservation Advisory Panel. Some have a fairly narrow focus such as the Hereford and Gloucester Canal Trust, and others are interested in specific areas such as the AONB’s and other special designated areas. Their comments are all valued and can influence the outcome of a planning application.

What if the proposals are amended?

- 11.26 Planning Officers will normally attempt to negotiate improvements to application proposals especially if an objection can be overcome and/or the quality of the proposal improved. This will sometimes require that re-consultation is needed. On these occasions it is at the discretion of the

Planning Officer involved as to who gets re-consulted and how long is allowed for any response. A minor change is not likely to be subject to a re-consultation. If the necessary change is too significant then the developer will be invited to withdraw the current planning application and make a new for the revised scheme. In these cases the whole consultation process will start afresh with the new application.

Community involvement in decision making

- 11.27** The majority of planning applications are dealt with through the Council's "Scheme of Delegated Powers to Officers", i.e. the decision is made by Officers on behalf of the Council. This is done where the proposals are uncontroversial and/or the decision is consistent with established Council and national planning policies. Around 80% of planning applications are determined in this way. After a delegated decision consultees are notified of the result and given a contact name if they need further information.
- 11.28** Planning applications are referred to one of the three Area Committees or the main Planning Committee of the Council in the following circumstances:
- The Chairman of the relevant Committee has accepted a written request from the Ward member.
 - When the Officer recommendation is for approval and objections have been received (within the relevant timescale) that raise significant material planning considerations.
 - The proposal is contrary to policy but there are good reasons for recommending approval.
 - The Head of Planning Services considers the application to be of sufficient sensitivity that it needs referring to Committee.
- 11.29** A full explanation of the "Delegated" powers and the rules by which applications are referred to Committee is set out in the Council's Constitution.
- 11.30** There are three area Sub Committees – Northern, Central and Southern. These each meet once every four weeks. There will be occasions where planning applications are first reported to them and then referred on to the Planning Committee, which meets on a six-week cycle.
- 11.31** All Committee meetings are held at the Council Chamber at Brockington, Hafod Road, Hereford.
- 11.32** The Committee meetings are public and the agendas and reports are published five full working days in advance of each meeting. Copies of reports and minutes are available from the Council's offices and on the Council's website.
- 11.33** Members of the public who made comments on a particular application can speak at Committee in accordance with the Guide to Speaking At Committee (Appendix 6). Invitations to take part are sent one week prior to the meeting. This allows both objectors and supporters to make their key points in the meeting. The Councillors will then consider and debate the application based on the Officers' report, the comments received and the submitted plans.

- 11.34** Decisions on planning applications are made at Committee by simple majority voting, and the members of the public at Committee are able to see the voting take place.
- 11.35** After the decision has been issued objectors and supporters are normally informed of the outcome by letter. The public record of all planning applications and decisions is kept in the **Planning Register** that is available for public inspection at Blueschool House.
- 11.36** If the planning application is refused, or approved subject to conditions which the applicant finds to be unacceptable, then the applicant has a right of appeal to the **Planning Inspectorate**. This is an Agency of the government and is completely independent of the Council. Where appeals are received the Council will notify neighbours again and anyone who made representations in writing on the planning application.

Other meetings and chances to discuss applications.

- 11.37** Planning Officers will, by prior arrangement, visit Parish Council meetings and other public meetings to discuss planning policy issues raised by planning applications.
- 11.38** Councillors can also be involved in the consultation process. Councillors receive notifications of planning applications in their Ward and can request, in accordance with the Council Constitution, that certain planning applications are reported to Committee and not dealt with under delegated powers.
- 11.39** It is, however, critical to the role of Councillors that they exercise caution if invited to attend meetings with developers, objectors or other groups with a particular interest in a planning application. There is a very strict **Code of Conduct** to ensure the Councillors remain impartial in their dealings with applications, and there are strict rules about “Declaring an Interest” where there is any possibility that the Councillor has a connection, however tenuous, with either the developer or any objectors. This is essential so that they can perform their duties of representing the interests of the whole Council in all matters.

12. Monitoring and reviewing

- 12.1** Preparing this draft SCI has enabled the Council to give significant thought to how the authority is best able to involve people in planning matters from an early stage in the process.
- 12.2** Once the document is adopted the Council will keep the SCI under review by:
- Monitoring the success of community involvement techniques by assessing the representations received during the planning process
 - Any problems raised by consultees

- Advice on best practice.
- 12.3** The document will be reviewed every year through the Annual Monitoring Report and any proposed review will be identified within the Council's LDS with a clear timetable for its production.
- 12.4** At this stage the document is very much a draft, representing work in progress. The Council is now seeking your views on how the draft SCI can be further improved before the document is finalised for submission to the Secretary of State. Comments and representations can be made on the attached questionnaire response form. The completed forms can be submitted by fax, email, by post, or simply handed into reception at the Town Hall, St Owens Street, Hereford or at the County's Info Points and libraries.
- 12.5** The representations received will be used to prepare a revised version of the SCI ready to be submitted to the Secretary of State for independent examination in June 2006. When the SCI is submitted we will publish a notice and invite further representations within a specified six week period. Any representations received at this stage will go forward for consideration by a Planning Inspector who will conduct an examination in to the soundness of the SCI. Appendix 8 provides an anticipated timetable for production of the SCI.
- 12.6** For further information or clarification on any aspect of the SCI please contact the Forward Planning section on 01432 383357 or email ldf@herefordshire.gov.uk

Appendices

Appendix 1 SCI Glossary

DPDs Development Plan Documents

Planning documents that the Council must prepare which have to be subject to rigorous procedures of community involvement, consultation and independent examination. The DPD should include the following elements:

a) Core strategy

This document which is programmed for 2006 and will provide the main planning framework for the District based on the vision, objectives and policies for achieving sustainable development. This document will link with the Regional Spatial Strategy and the Herefordshire Plan

b) Site specific allocations of land

This will set out future allocations for employment, housing and other types of development in line with the Core Strategy

c) Area action plans

These plans set out detailed guidance for areas subject to significant change or where conservation is needed

d) Proposal maps

Identifies on a map site specific proposals and other land use designations and constraints

Examination in public

An examination chaired by an independent Inspector into objections into the Local Development Document

Local Development Documents

The Local Development Framework consists of Local Development Documents. These can be Development Plan Documents, Supplementary Planning Documents (SPDs) or other statutory documents such as the Statement of Community Involvement (SCI) and Annual Monitoring Report (AMR)

Local Development Framework

This will provide the framework for delivering the planning strategy and policies for the Herefordshire Council

Local Development Scheme

This is a three year timetable for the production of documents for the Local Development Framework

Planning and Compulsory Purchase Act 2004

The piece of legislation that introduced the new development planning system of Local Development Documents which will eventually replace the Unitary Development Plan and also introduces a new statutory system for regional planning.

The Act commenced in September 2004 and updates elements of the 1990 Town & Country Planning Act.

Planning Policy Statement

These are statements prepared by the Government on a range of planning issues. The Local Development Documents should accord with guidance set out in the statements. They are intended to replace the existing series of Planning Policy Guidance notes (PPGs)

Planning Policy Statement 12

This planning policy statement sets out the Government's policy on the preparation of local development documents, which will make up the Local Development Framework. It is supported by a detailed companion guide called Creating Local Development Frameworks. Both documents can be found on the ODPM website www.odpm.gov.uk.

Significant application

A significant application includes: Major applications which are likely to produce significant public interest or controversy, development which would be a departure from the Development Plan and would have a wide impact on the local environment, applications for uses which are themselves sensitive and proposals for conspicuous development in "Sensitive" or "Non resilient" landscapes as defined in the relevant Development Plan.

Statement of Community Involvement

This sets out the planning authority's proposals for involving the local community in plan making and development control. It is not a DPD but is subject to independent examination.

Supplementary Planning Document

These will cover a range of issues and expand on the policies contained within the DPDs. They need to be subject to community involvement and consultation however they are not subject to independent examination. SPD are the replacement guidance for Supplementary Planning Guidance (SPG). The production of SPD should be set out in the Councils Local Development Scheme.

Sustainability appraisal

An assessment of the impacts of policies and proposals on economic, social and environmental matters contained within the Local Development Framework.

The Town and Country (Local Development) (England) Regulations 2004

Sets out procedures for dealing with Local Development Documents and Sustainability Appraisal including preparation, consultation and dealing with inquiries.

Transitional arrangements

The Planning and Compulsory Purchase Act 2004 introduced major changes to the way the planning system operates. Transitional arrangements have been put in place by Government to assist local authorities to progress from the old system of development plans to the production of Local Development Frameworks.

Appendix 2 - List of Proposed LDF consultees

National

Association of Local Councils	Joblink C/O Employment Service
BBC Transmission Headquarters	Learning & Skills Council
British Aggregates Association	Legal Services Commission
British Association for Shooting and Conservation	Meat Hygiene Services Inspector
British Energy	Mencap
British Gas Transco	National Air Traffic Services Ltd
British Horse Society	National Farmers Union
British Museum	National Federation of Builders
British Railways Board	National Federation of Bus Users
British Roads Federation Limited	National Grid Transco
CABE	National Power Plc
Campaign for Real Ale Ltd	National Town Planning Manager
CCTE Business Link	National Trust
CD Rural Association	Network Rail
Central Council for Physical Recreation & CTC	NPFA
Chamber of Commerce	Nuclear Electric Plc
Civil Aviation Authority	Open Spaces Society
Confederation of British Industry WM	Pipeline Management Ltd
Confederation of Passenger Transport	Planning Liaison
Council for British Archaeology	Post Office Property Holdings
Council for the Protection of Rural England	Radiocommunications Agency
Country Land & Business Association	Rail Freight Group
Countryside Agency	Rail Passengers Council
Crown Castle	Rail Property Ltd
Crown Estate Commissioners	Royal Commission Historical Monuments of England
Defence Estates	Society for the Protection of Ancient Buildings
DEFRA	Sport England
E.S.A.	Strategic Rail Authority
Enterprise Link Manager	The British Wind Energy Association
Farming and Rural Conservation Agency	The Coal Authority
Forestry Commission	The Employment Service
Freight Transport Association	The Georgian Group
Garden History Society	The Housing Corporation
General Aviation Awareness Council, Bloomfields Ltd	The Pension Service
H M Principal Inspector Health & Safety	The Probation Service
Highways Agency	The Ramblers Association
HM Inspectorate of Pollution	The Stone Roofing Association
HM Railway Inspectorate	The Theatres Trust
Home Office P.L. (Sites and Planning Section)	Voluntary Sector Assembly
	Woodland Trust

Regional

Advantage West Midlands	Midland Red First
Arriva Trains Wales	Midlands Electricity Board
British Rail Property Board (Midland Region)	Midlands Electricity Plc
British Telecom	Minerals Valuers Office
British Waterways	National Farmers Union
Business Link West Mercia	National Trust
Business Link West Mercia	Network Rail (East)
Central Trains Limited	Network Rail (West)
CENTRO	Policy Adviser - National Union of Agriculture
Community First	Rail Users' Consultative Committee Western England
Country Landowners Association	Railtrack (Great Western)
Dwr Cymru Welsh Water	Railway Development (Midlands)
English Heritage	RSPB
English Nature	Rural Community Council for Hereford & Worcester
English Sports Council (West Midlands)	Rural Development Service West Midlands
Environment Agency - Upper Severn Area	Severn Trent Water Ltd
Environment Agency (Wales)	Tenant Farmers Association
First Great Western Trains	Thames Trains
Forestry Authority (West England Conservancy)	The National Trust
Great Western Trains Co. Limited	Wales and Borders Trains
Head of Local Government and Communities	Wales and West Railway
Head of Planning and Transport	West Mercia Housing Group
Hyder Consulting (Drainage)	West Midlands
Lower Severn Drainage Board	West Midlands Ldz
Lower Severn Internal Drainage Board	West Midlands Local Government Association
Marches Energy Agency	West Midlands Regional Health Authority
Marches Line Users Association	West Midlands Regional Planning Body
Midland Area Association of Amenity Societies	Westbury Homes

Local

ADAS Rosemaund	Herefordshire Sports Council
Age Concern	Herefordshire Trade Federation
Agricultural Assistance	Herefordshire Trades Council
Alzheimer's Society	Herefordshire Voluntary Action
AONB Officer	Herefordshire Wildlife Trust
Archdiocese of Cardiff	Herefordshire Youth Consortium
Area Land Agent	Holme Lacy College
Association for the Promotion of Herefordshire	Hope for Children and their Families
AVRA (Arrow Valley Res Assoc) and Ramblers Assoc	Housing Ambition Group
Barkholme	Individual/Hfd Travellers Support Group/FoE/CPRE
Belmont Voice	KC3
Bloodstock	KGP Enterprises
Bromyard Area Voluntary Action	Kings Acre Residents Association
Bromyard Community Transport	King's Thorne Residents Group

Byways & Bridleways Trust	Kington & District North Hereford Chamber Commerce
Campaign to Protect Rural England	Kington Historical Society
CAP	Land Access and Recreation Association
Castle Street & District Residents Association	Ledbury & District Civic Trust Limited
Chair EYDCP Board	Ledbury Area Cycle Forum
Chamber of Commerce Hereford & Worcester	Leominster & District Chamber of Commerce
Churches Together in Ross & District	Leominster Civic Trust
City Centre Forum	Leominster Historical Society
City of Hereford Charter Trustees	Leominster Shopmobility
Clyro Community Council	Library Reading Group
Community Council of Hereford and Worcester	Llangrove Village Voice
Community First	Llanigon Community Council
Cotswold Line Promotion Group	Llantilio Crossenny Community Council
County Association of Local Councils	Lord Scudamore Primary School
CPRE	Malvern Hills AONB Joint Advisory Committee
CPRE Almeley Parish Plan	Malvern Hills Conservators
Crucorney Community Council	Malvern Hills District Agenda 21 Coordinating Group
Cycle Hereford	Marden Women's Institute
Department of Trade and Industry	Market Traders Association
Diagnostic Specialist	Mediation Herefordshire
DIAL (Disabled Information Advice Line)	Moreton on Lugg Local History Group
Diocese of Hereford	National Farmers Union
Eardisland Community Millennium Fund	Northern Herefordshire Area
East Herefordshire Area Committee	Offa's Dyke Association
ECHO (extra choices across North)	Old Radnor Community Council
English Nature	Pembridge United Charities
Fownhope Local History Group	Physical & Sensory Support Services
Fownhope Planning and UDP Group	Police - West Mercia
Fownhope Residents Association	Private ie Personal - Chairman of Residents Assoc
FRCA	Protect Ross on Wye
Friends of the Black Hill	R. & B. Jerman
Friends of the Earth (Herefordshire)	Rail for Herefordshire
Gladestry Community Council	Railway Development Society
Golden Valley Railway Partnership	Ramblers Association
Grosmont Community Council	Resigned from Wellington Heath PC
Halo Leisure	River Lugg Internal Drainage Board
Hereford & Worcester Ambulance Service	Rose and Ivy Cottage
Hereford & Worcester Community Council	Ross Charity Trustees
Hereford Access for All	Ross Civic Society
Hereford Access Group & Pedestrian Forum	Ross Community Development Steering Group
Hereford Allotments Association	Ross Creative Learning Centre/Ledbury Youth First
Hereford and Worcester Chamber of Commerce	Ross on Wye Comm Dev Ass
Hereford and Worcester Fire Service	Rotherwas Access Group
Hereford and Worcester FWAG	Royal College for the Blind
Hereford and Worcester Gardens Trust	Rural Residents Association
Hereford and Worcester Scout Council	S.H.A.R.P.
Hereford Careers Centre	South Herefordshire Voluntary Action
Hereford Charter Trustees	Southern Marches Partnership
Hereford City Centre Forum/HIA	St James and Bartonsham Community Association

14 BURGHILL PARISH PLAN

Report By: Forward Planning Manager

Wards Affected

Burghill, Holmer and Lyde

Purpose

To consider the Burghill Parish Plan for adoption as further planning guidance to the emerging Herefordshire Unitary Development Plan (UDP).

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 documents.

The Planning and Compulsory Purchase Act 2004 has recently come into force. It introduces a new system of development plans, which at local level will require Local Planning Authorities to replace UDP's (or local plans) with Local Development Frameworks (LDF's). Supplementary Planning Documents (SPD's) will supplement policies and proposals in the LDF's and provide additional guidance to applicants and developers. Herefordshire Council is in the final stages of the production of the UDP. The next step will be to prepare a LDF in accordance with the requirements of the new Act. During this transitional period (UDP to LDF) Parish Plans are to be adopted as further planning guidance to the UDP, since old style supplementary planning guidance (SPG) can no longer be formally adopted. The further planning guidance should, however, be afforded the same weight by both the Herefordshire Council and the Government's planning Inspectors since it will be produced in the same way as former SPG.

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 further planning guidance, 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 further 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 further planning guidance 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 further 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 eleventh to be presented to Members for consideration as further planning guidance.

Burghill Parish Plan

The Burghill Parish Plan was initiated by the Burghill Parish Council in 2003, soon after which a Steering Committee was set up and terms of reference agreed. The process of producing the Parish Plan included a number of public consultation events such as a Planning for Real ® weekend, questionnaires, school activities, public meetings etc. The final version has been produced following consultations with the Herefordshire Council's key contacts and the Countryside Agency. The purpose of the Burghill Parish Plan is to encourage bottom-up planning from the parish level.

The planning and land use elements of the Burghill Parish Plan are submitted for adoption as further planning guidance by the Herefordshire Council. The Parish Plan seeks to show how the policies of the Herefordshire Unitary Development Plan can best be applied to Burghill parish, taking into account the local community's needs and desires.

Section 5 of the Burghill Parish Plan sets out the planning issues relevant to the parish, which are essentially two-fold: to retain the parish's rural identity and to ensure a clear definition between Hereford City and the countryside, avoiding ribbon development joining the City to its outlying villages. Housing, tourism, leisure and business uses are discussed, amongst other pertinent parish matters, with references to emerging UDP policies made where appropriate. The section ends with an action plan table setting out how future actions on planning issues are expected to be addressed and the anticipated timetable for these.

The land use and planning elements of the Plan conform to the emerging UDP and contain 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 Burghill Parish Plan be adopted as further planning guidance as an expression of local distinctiveness and community participation.

Background Paper
Burghill Parish Plan

15 WESTON-UNDER-PENYARD PARISH PLAN**Report By: Forward Planning Manager****Wards Affected**

Penyard.

Purpose

To consider the Weston-under-Penyard Parish Plan for adoption as further planning guidance to the emerging Herefordshire Unitary Development Plan (UDP).

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 documents.

The Planning and Compulsory Purchase Act 2004 has recently come into force. It introduces a new system of development plans, which at local level will require Local Planning Authorities to replace UDP's (or local plans) with Local Development Frameworks (LDF's). Supplementary Planning Documents (SPD's) will supplement policies and proposals in the LDF's and provide additional guidance to applicants and developers. Herefordshire Council is in the final stages of the production of the UDP. The next step will be to prepare a LDF in accordance with the requirements of the new Act. During this transitional period (UDP to LDF) Parish Plans are to be adopted as further planning guidance to the UDP, since old style supplementary planning guidance (SPG) can no longer be formally adopted. The further planning guidance should, however, be afforded the same weight by both the Herefordshire Council and the Government's planning Inspectors since it will be produced in the same way as former SPG.

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 further planning guidance, 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 further 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 further planning guidance 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 further 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 tenth to be presented to Members for consideration as further planning guidance.

Weston-under-Penyard Parish Plan

The Weston-under-Penyard Parish Plan was initiated by the Parish Council and subsequently a Parish Plan Steering Group was set up to develop the Parish Plan, which first met in September 2003. The steering group were advised and supported by the County Training Partnership in collaboration with the University of Gloucester. A two-pronged consultation process of engagement with parishioners was undertaken, using a Planning for Real® event and conducting a parish survey in the form of a questionnaire, in addition to holding public meetings. Also, the younger members of the parish were invited to enter an essay competition about their aspirations for Weston. The final version of the Parish Plan has been produced following consultations with the Herefordshire Council's key contacts and the Countryside Agency.

The main objectives of the Weston-under-Penyard Parish Plan are:

- To provide research-based evidence in support of future bids and applications;
- To enable the local community to participate actively in managing their affairs.

Chapter 4, Section 1 of the Parish Plan - Housing Development and Planning – is the part of the plan dealing specifically with land use planning issues and it is primarily this section which is to be considered for adoption as further planning guidance to the UDP by the Herefordshire Council. Its purpose is to show how the policies of the Herefordshire UDP can best be applied to Weston parish.

The section on Housing Development and Planning discusses how residential development has taken place across the parish over recent years and how the UDP will guide development in the future, together with the desires and needs expressed by the local community on new housing for the area. In addition, issues relating to housing design and layout and open spaces are specifically dealt with, and an action plan is set out.

The Housing Development and Planning section of the Weston-under-Penyard Parish Plan conforms to the emerging UDP 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 Weston-under-Penyard Parish Plan be adopted as further planning guidance as an expression of local distinctiveness and community participation.

Background paper

Weston-under-Penyard Parish Plan

