

# A G E N D A

## Planning Committee

Date: **Friday, 24th November, 2006**

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Time: **10.00 a.m.**

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

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

*For any further information please contact:*

*Pete Martens, Members Services,  
Tel 01432 260248*

***e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)***

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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 6
To approve and sign the Minutes of the meeting held on 30 <sup>th</sup> October, 2006.	
<b>5. CHAIRMAN'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairman.	
<b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b>	7 - 8
To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 8 <sup>th</sup> November, 2006.	
<b>7. CENTRAL AREA PLANNING SUB-COMMITTEE</b>	9 - 10
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 15 <sup>th</sup> November, 2006.	
<b>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</b>	11 - 12
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 25 <sup>th</sup> October, 2006.	
<b>9. REPORTS OF THE HEAD OF PLANNING SERVICES</b>	
The Committee considered the following planning applications and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.	

- |     |  |           |
|-----|--|-----------|
| 10. | <p><b>DCSW2003/3281/N - WASTE TREATMENT (USING AN AUTOCLAVE) &amp; RECYCLING FACILITY, INCLUDING CONSTRUCTION OF A NEW BUILDING, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ.</b></p> <p>For: Estech Europe Ltd, Beecham Business Park, Northgate, Aldridge, West Midlands, WS9 8TY</p> <p><b>Ward: Stoney Street</b></p>   | 13 - 78   |
| 11. | <p><b>DCCE2006/3117/F - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 13 NO. TWO BED APARTMENTS WITH ASSOCIATED EXTERNAL WORKS. AMENDMENT TO ACCESS ROAD PREVIOUSLY APPROVED (DCCE2005/0977//F) MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD (PHASE 2)</b></p> <p>For: Mill Court Developments Ltd, Hitchman Stone Partnership, 14 Market Place, Warwick, CV34 4SL</p> <p><b>Ward: Tupsley</b></p> | 79 - 88   |
| 12. | <p><b>ANNUAL MONITORING REPORT 2005-2006</b></p> <p>To consider the second Annual Monitoring Report 2005-2006.</p>   | 89 - 152  |
| 13. | <p><b>LOCAL DEVELOPMENT SCHEME</b></p> <p>To consider the second review of the Council's Local Development Scheme.</p>   | 153 - 182 |
| 14. | <p><b>CUSOP PARISH PLAN</b></p> <p>To consider land use elements of the Cusop Parish Plan for adoption as further planning guidance to the emerging Herefordshire Unitary Development Plan (UDP)</p> <p><b>Ward: Golden Valley North</b></p>   | 183 - 216 |
| 15. | <p><b>PROGRAMME OF MEETINGS</b></p> <p>To note the following meetings scheduled for the remainder of the year:-</p> <p>19th January, 2007<br/>2nd March, 2007<br/>20th April, 2007</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 Monday, 30th October, 2006 at 10.00 a.m.**

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

**Councillors:** Mrs. P.A. Andrews, B.F. Ashton, P.J. Dauncey,  
Mrs. C.J. Davis, G.W. Davis, D.J. Fleet, J.H.R. Goodwin, P.E. Harling,  
J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, R.I. Matthews, R. Mills,  
Mrs. J.E. Pemberton, R. Preece, D.C. Taylor and W.J. Walling

**In attendance:** Councillors P.J. Edwards, Mrs. S.J. Robertson, J. Stone and  
R.M. Wilson

**71. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brig P Jones, JGS Guthrie, RM Manning and Mrs PG Turpin.

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

The following named substitutes were appointed:-

<b>MEMBER</b>	<b>SUBSTITUTE</b>
JGS Guthrie	JHR Goodwin
Brig P Jones	R Mills
PG Turpin	GW Davis

**73. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting

**74. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 29th September, 2006 be approved as a correct record and signed by the Chairman

**75. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman said that there was a strong likelihood that the planning application for a waste treatment & recycling facility at Stoney Street Industrial Estate, Madley, would be referred to the Committee. At a recent meeting the Southern Area Planning Sub-Committee was minded to refuse it and the matter had been referred to the Head of Planning services for a decision. The Chairman proposed holding a site inspection on 14<sup>th</sup> November.

**76. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 11th October, 2006 be received and noted.

**77. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 18th October, 2006 be received and noted.

**78. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 25th October, 2006 be received and noted.

**79. DEVELOPMENT CONTROL - PROGRESS REPORT**

The Development Control Manager presented his report about Development Control performance for the first half of 2006/07 and answered a number of questions about it from Members. There was also discussion about the likely level of Planning Delivery Grant for 2007/08 which would be awarded to reflect the effectiveness of service delivery.

**RESOLVED THAT:-**

**The report be noted and that staff be congratulated for achieving a good performance during a very busy period**

**80. CONSERVATION AREA APPRAISALS FOR ROSS ON WYE, MORDIFORD, DILWYN, AYLESTON HILL**

The Team Leader (Building Conservation) presented the report of the Conservation Manager about the issues which had been raised through the Conservation Area appraisals for Ross on Wye, Mordiford, Aylestone Hill, and Dilwyn. He said that at its meeting on 21st April, 2006 the Committee had recommended a programme for the preparation of appraisals and management proposals for sixteen conservation areas. The first three appraisals approved for initial consultation were Hampton Park, Almeley and Weobley, and four more had been completed. He outlined all the main issues involved in the appraisals and the forthcoming consultation process. He also explained how locally significant buildings that were not necessarily listed could be included. He advised that if the Committee was agreeable to the proposals, the next stage would be to ask the Cabinet Member (Environment) to confirm the final content of the appraisal documents and the way in which the issues raised through the appraisals should be dealt with. It was then intended that consultations upon the issues raised should be undertaken. This may subsequently influence the management proposals that would form part of the next stage of work in relation to the particular Conservation Areas.

The Committee endorsed the proposals put forward by the Team Leader (Building Conservation) and noted that the aim was to consult the parish councils before Christmas 2006. It was agreed that prior to consultation commencing, the Team Leader (Building Conservation) should first meet with the Cabinet Member (Environment) and the Ward Councillors of the Conservation Areas.

**RESOLVED**

**THAT the Cabinet Member (Environment) be requested to accept the appraisals for Ross on Wye, Mordiford, Aylestone Hill, and Dilwyn and the issues raised in association with these for the purpose of instigating the initial consultations with interested parties.**

**81. REPORTS OF THE HEAD OF PLANNING SERVICES**

The Committee considered the following planning applications and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

**82. DCSE2006/1907/O - PROPOSED RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO WESTHAVEN, SIXTH AVENUE, GREYTREE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7HJ**

In accordance with the criteria for public speaking, Mr. Parkinson, a local resident, spoke against the application on behalf of several adjoining residents and himself.

Councillor Mrs J Hyde shared the concerns expressed by the local residents about car-parking and access problems within the area together with the visual impact of the likely development on the site. The roads in the vicinity were extremely narrow leading to cul-de-sacs and there was very limited off-street parking. It was already difficult for service vehicles and emergency vehicles gaining access to the area and she did not feel that permission should be granted.

The Committee discussed the details of the application and the concerns that had been raised. Councillor BF Ashton suggested that if permission was granted, then the 3.5 metre widening of the track along the northern boundary of the site should be undertaken before any building works were commenced on site.

A number of Members supported the views of the Local Ward Member. Comments were made about the Traffic Manager's views and it was felt that traffic congestion had been underestimated.

**RESOLVED**

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

- 1 A02 (Time limit for submission of reserved matters (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 2 A03 (Time limit for commencement (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 3 A04 (Approval of reserved matters )**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**
- 4 A05 (Plans and particulars of reserved matters )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 5 A scheme of improvements to the track along the northern boundary of the site including its widening to a minimum of 3.5 metres along the full length of the site shall be submitted to and approved in writing by the local planning authority and carried out before any building works takes place.**

**Reason: In the interests of highway safety.**

**6 H03 (Visibility splays )**

**Reason: In the interests of highway safety.**

**7 W01 (Foul/surface water drainage )**

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

**8 W02 (No surface water to connect to public 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.**

**9 W03 (No drainage run-off to public system )**

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

**Informative:**

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

**83. DCSW2006/2417/F - PROPOSED REPLACEMENT DWELLING INCLUDING REMOVAL OF EXISTING UNOCCUPIED HOUSE WITH NEW DWELLING, TO HAVE RE-ARRANGED VEHICULAR ACCESS FROM LYSTON LANE, BRYNFIELD, LYSTON LANE, WORMELOW (NEAR ORCOP), HEREFORDSHIRE, HR2 8EW**

The Development Control Manager said that the site was in open countryside and that the proposal did not comply with Policy H.7 of the emerging Unitary Development Plan which only allowed the replacement of an existing building having established residential use, with a new building of comparable size and scale. The application was for a dwelling of two stories and constituted a significant increase in size and scale. There were also concerns raised by the Traffic Manager about safety on the narrow roads to the site.

In accordance with the criteria for public speaking, Mrs. Ing, the applicant, spoke in support of the application.

Councillor G.W. Davis, the Local Ward Member noted that there was a great deal of support for the application from local residents. The existing building was of dilapidated corrugated tin construction and was a considerable eyesore in an otherwise attractive rural area. He therefore felt that granting the application would have a beneficial impact on the area and suggested that there were exceptional circumstances to go against policy in this instance.

Having considered details of the application, the Committee was satisfied that an exception could be made to policy provided that the site was adequately landscaped and an acceptable layout and access achieved.

**RESOLVED**

**That planning permission be approved subject to an acceptable landscaping scheme and form of access and vehicular turning being first submitted to the Officers for approval, appropriate conditions about the setting of the dwelling on the site and any other reasonable conditions felt to be necessary by the Head of Planning Services.**

**84. DCNC2006/2926/F - ERECTION OF TIMBER GARDEN FENCE AT LAND ADJOINING GREYSTONES, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL**

Concerns had been received from Brimfield and Little Hereford Parish Council that the fence posed a highway safety issue, particularly for bus users, because it obscured visibility. The Development Control Manager said that although visibility was not ideal, it was acceptable on highway grounds and that the Transportation Manager felt that it would in fact help to reduce vehicle speeds.

Councillor J Stone the Local Ward Member drew attention to the planning history of the site and concerns expressed about visibility in 2004. Although the fence had been moved slightly following discussions with officers he felt that it still posed a safety threat to motorists, agricultural vehicles, pedestrians, horse riders and cyclists. There were no traffic calming measures in the area and he felt that particular difficulties would arise at peak times such as the start and end of the school day. He did not feel that a true impression had been given about just how busy traffic was in the area during these times. Although there did not appear to be significant material planning grounds for refusal, he felt that Policy H13 may be appropriate. Members discussed the application and felt that it should be refused on the grounds of highway safety. The Development Control Manager reiterated that the Transportation Manager was satisfied with the highway safety issues and that it would be difficult to defend an appeal.

Having considered details of the application, the Committee concurred with the views of the local Ward Member and felt that the applicant should have complied with the earlier planning conditions not to erect a wall or fence on this boundary of the site.

**RESOLVED**

That the application be refused on the grounds of highway safety.

The meeting ended at 12.03 p.m.

**CHAIRMAN**



PLANNING COMMITTEE

24TH NOVEMBER, 2006

**REPORT OF THE NORTHERN AREA PLANNING  
SUB-COMMITTEE**

Meeting held on 08th November, 2006

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**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 – 6
  - (b) applications approved contrary to recommendation but not referred to Planning committee – 1
  - (c) applications deferred for a site inspection - 1
  - (d) number of public speakers – 0 Parish Council; 2 objectors and 1 supporter

**PLANNING APPEALS**

2. The Sub-Committee received an information report about 8 appeals received, 5 dismissed and 1 upheld.

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

- **BACKGROUND PAPERS – Agenda for meeting held on 8th November, 2006**





PLANNING COMMITTEE

24TH NOVEMBER, 2006

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 15th November, 2006

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### Membership:

**Councillors:** D.J. Fleet (Chairman)

R. Preece (Vice-Chairman)

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 once and dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 4
  - (b) applications minded to refuse (not referred to Planning Committee) - 3
  - (c) applications deferred for site inspection - 1
  - (d) number of public speakers - 5 (parish - 1, objectors - 1, supporters - 3)

### PLANNING APPEALS

2. The Sub-Committee received an information report about 1 appeal that had been received and 3 that had been determined (2 dismissed and 1 upheld).

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

- **BACKGROUND PAPERS – Agenda for the meeting held on 15th November, 2006**



PLANNING COMMITTEE

24TH NOVEMBER, 2006

**REPORT OF THE SOUTHERN AREA PLANNING  
SUB-COMMITTEE**

Meeting held on 25th October, 2006

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**Membership:**

**Councillors: Councillor P.G. Turpin (Chairman)  
Councillors H. Bramer (Vice-Chairman)**

**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, J.G. Jarvis, 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 refused contrary to recommendation and referred to Planning committee – 1
  - (b) applications refused contrary to recommendation but not referred to Planning committee – 1
  - (c) number of public speakers – 6 (3 Supporters, 2 Objectors, 1 Parish Council)

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 8 appeals received and 2 determined (2 Dismissed).

**P.G. Turpin  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 25th October, 2006.**



**DCSW2003/3281/N - WASTE TREATMENT (USING AN AUTOCLAVE) & RECYCLING FACILITY, INCLUDING CONSTRUCTION OF A NEW BUILDING, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ**

**For: Estech Europe Ltd per Enviros Consulting Ltd,  
Enviros House, Shrewsbury Business Park,  
Shrewsbury, SY2 6LG**

**Date Received: 7th November 2003    Ward: Stoney Street    Grid Ref: 41742, 36979  
Expiry Date: 27th February 2004**

Local Member:    Councillor D. C. Taylor

### **Introduction**

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 25<sup>th</sup> October 2006 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision, in accordance with the requirements of the Constitution (Appendix 18 Annex 1) was referred to the Head of Planning Services to determine if it should be referred to the Planning Committee for further consideration.

At the meeting on the 25<sup>th</sup> October 2006 the recommendation was that planning permission be granted subject to conditions.

Prior to the debate there was public speaking on behalf of Madley Parish Council, the applicants and objectors.

In the debate Members of the Southern Area Planning Sub-Committee raised a number of issues and asked questions. They took account of the widespread and strong objections received from the local community.

It was proposed that planning permission be refused for the following reasons: -

1. The local highway network due to its narrowness and structure is unsuitable
2. The proposal as a use class B2 use conflicts with the South Herefordshire District Local Plan.
3. The use will be un-neighbourly to the local community
4. The use will harm the operation of the adjoining factory (Gelpack)

Prior to the vote the Case Officer drew attention to the following points: -

1. With regard to the highway network the Traffic Manager's officers have visited the site and considered the case made by both the applicants and the objectors. Their conclusion was that there is no objection on highway safety grounds. In addition the Planning Obligation under Section 106 of the Act, as offered by the applicants, provided for a contribution to road improvement.

2. Although there was conflict with the South Herefordshire District Local Plan in that a use class B2 use was proposed, the emerging Unitary Development Plan would not prohibit such a use. Furthermore, other developments within use class B2 have been permitted on the site during the plan period notwithstanding the policy.
3. In terms of community impact all the studies with regard to noise and odour had concluded that there would be no unacceptable impact.
4. With regard to Gelpack again the studies had concluded that there was no adverse impact on the operation of that use from either traffic or pollution effects. Indeed, the Gelpack building itself needed specific measures (including rapid opening and closing doors) in order to manage its own environmental effects.

The Southern Area Planning Sub Committee resolved that they were minded to refuse permission for the reasons set out above.

Under the terms of the Constitution there are three criteria against which the issue of a referral to the Planning Committee must be considered. One of these is where the view of the Sub Committee might not be defensible if challenged. In this case having regard to the proposed reasons for refusal and the points raised by Officers both verbally and in the report it is considered that a refusal for those reasons would be particularly difficult to defend if challenged on appeal. Accordingly the application is referred to the Planning Committee for consideration. The original report to the Southern Area Planning Sub Committee on 25<sup>th</sup> October 2006 is set out below with minor updates. In particular the full text of the objections from Eaton Bishop Parish Council and Gelpack have been added in Section 5.

## Background

Planning permission was granted for this proposal on 6<sup>th</sup> April 2004. The decision was however challenged at Judicial Review and quashed by the High Court on 18<sup>th</sup> February 2005. The application therefore remains undetermined. The judgement highlighted the need for the local planning authority to have the information at its disposal to assess the various impacts of the development before determining the planning application rather than relying on post-decision controls (through the use of planning conditions) to assess matters which were properly the subject of the Environmental Impact Assessment process. In response the applicants submitted a Revised Environmental Statement in October 2005, a supplementary statement and an additional appendix in December 2005, and a further statement and supplementary material in August 2006. The proposal, as amended and supplemented by this new information, has been re-advertised, new consultations have been undertaken and the proposal is now brought forward to Members for determination.

This lengthy report is divided into the following sections:

1. Site description and proposal, including a description of the autoclave process
2. List of relevant planning policies including the development plan policies, national policies, and the emerging UDP policies
3. Planning history
4. Consultation summary
5. Summary of representations
6. Officer's appraisal including:
  - A. Development plan (paragraphs 6.5 to 6.18)
  - B. Other planning policies (paragraphs 6.19 to 6.26)
  - C. Traffic issues (paragraphs 6.27 to 6.41)
  - D. Local environmental effects (6.42 to 6.65)
  - E. Best Practical Environmental Option (BPEO) (paragraphs 6.66 to 6.89)
7. The Procedure for Departures from the Development Plan
8. Summary and conclusions.

## 1. Site Description and Proposal

- 1.1 The application site is part of the Stoney Street Industrial Estate, Madley, part of a former World War II RAF base. It is located about 700 metres north-west of Kingstone, 1.7kms south of Madley and 9.5kms to the west of the centre of Hereford. The Madley Communications Centre is about 800m to the north-east. The site itself is irregular in shape, its longest dimensions about 300m east-west and about 120m north-south. It is bounded by the Dene Industrial Estate to the south-east and Stoney Street to the west with existing industrial buildings (some vacant) on three sides. There are fields to the south. The nearest house is at Dene Villa about 120m to the south-east of the proposed building. There are two schools at Kingstone and another at Madley, about 600m and 800m away respectively. The surrounding area is semi-rural. The former runways are clearly detectable and there are scattered farms and houses in the wider landscape.
- 1.2 **The Proposal**  
The proposal is to develop a waste treatment and recycling plant to process 100,000 tonnes per annum of Municipal Solid Waste (MSW) and Commercial Waste. MSW will be the predominant material to be treated. The applicants state that they anticipate that the majority if, not all, of this waste would be from municipal waste collection services in Hereford and the surrounding areas. Commercial waste would be limited to non-hazardous waste such as waste paper and other materials collected from offices and hotels. Treated material would be exported off site.
- 1.3 **Buildings**  
The process would be undertaken in a proposed new building about 115m x 54m x 12m to the eaves, 15m to the apex with a chimney 5m above this. The building itself is basically a modified twin-bay steel portal building with profiled steel cladding and blockwork. The roof would be curved profiled metal cladding, the floor would be concrete. Three-storey offices, staff facilities and a visitor centre and viewing room would be located at the west end of the building, with operational processes concentrated in the southern half of the building and vehicle movement areas within the northern half. Vehicle access would be through "rapid action" doors, each 4m wide and 6m tall. Separate pedestrian doors are also proposed.
- 1.4 The application also includes proposals for two weighbridges and an associated office, fencing, car parking, fuel and water tanks and a small sub-station. The site as a whole is 2.56 hectares in size, of which the buildings would cover 0.6 hectares, hardstandings for waste vehicles (to the north of the building) 0.34 hectares, and car parking (49 spaces) 0.2 hectares, leaving about half the site undeveloped.
- 1.5 **Process**  
The proposed operations are to tip waste for treatment onto a concrete floor within the reception hall, transfer it via a loading shovel into feed hoppers where it would be checked and bulky or prohibited items removed. From the hopper waste would be conveyed through barriers and weighing systems (to remove oversized materials) into either of the two proposed autoclaves.
- 1.6 The applicants state that no wastes would be stored on site overnight except in case of breakdown or emergency. Any overnight waste would be stored in the hoppers and covered to minimise smells and prevent access by vermin. The two autoclaves would each be 3.5m in diameter, 20m long and could contain 20 tons of waste. The autoclaves would be sealed, the waste treated with steam at 160 degrees centigrade

under low pressure (5 bar) and rotated at 10RPM. Steam would be injected for around 15 minutes at a constant basis and maintained for 30 to 40 minutes (dependant upon the waste processed).

- 1.7 The process would result in treated wastes which would consist of sanitised products (metals and plastics) (less than 20%), homogenous organic fibre (more than 60%) and sanitised waste for landfill (less than 20%), these would be screened using a trommel, sieves and air classifiers to separate out textiles and large objects. The lighter material (organic fibre) and heavier materials (grit, glass and metals) would be further separated by magnet, eddy current separator and by machine or hand sorting into distinct streams for packaging and onward distribution. The proposed end use would be a mixture of landfill (residual waste, less than 20%), direct recyclables (e.g. metals and plastics about 20%) or re-use. The applicants state that the greater part of the treated waste (60% +) would be organic fibre capable of being used for a number of applications, including insulation, fibre board, as a bio-mass fuel or, after further treatment, as a compost. The waste volume is stated to be reduced by around 65% by the process. Treated materials would be stored in bales, vehicles or containers within the main process building prior to removal off site.

1.8 Emissions

The applicants emphasise that no emissions would be released to atmosphere by the process except steam escaping when the autoclave door is opened for the removal of treated wastes and steam evaporating from the treated waste as it goes through the various processes to separate out recyclables, etc. These emissions would be captured by extractor fans, condensed and re-used, Negative air pressure is proposed within the building as a whole drawing in air at a rate of 10m<sup>3</sup>/sec. The air would be treated to remove particulates and odours and discharged through the flue on the roof. Air would also be extracted via canopies over the autoclaves when they discharge and passed through treatment systems in the same way. The treated air would be discharged through the same flue.

The process uses water in a closed circuit. Processed water would be treated on site by a dedicated water treatment plant which would produce a solid sludge type residue which would be removed off site by road as necessary. Washdown water would similarly be collected on site with solid residues being removed. Where safe to do so used water would be discharged into the estate's foul sewerage system. Treated water would be re-used. There would be no aqueous emissions from the process. The applicant does not anticipate keeping any untreated waste on site overnight except in cases of breakdown or emergency.

1.9 Hours of Operation

The proposal is to operate the site for 16 hours a day (6am to 10pm), 6 days a week (not Sundays or public holidays except for maintenance or in exceptional circumstances). The applicants state however that permission for 24 hour working is required to allow for essential maintenance to allow flexibility for peaks in demand.

1.10 Vehicle Movements

Vehicle movements into and out of the site are proposed from 7.00 a.m. to 6.00 p.m. and the applicants state that the doors of the facility would be closed outside these hours. The revised environmental statement predicts that there would be a maximum of 160 vehicle movements per day, based on a worse case average vehicle load of 10 tonnes. In reality they predict that, given imports of 400 tonnes per day over 5 days per week and 50 weeks per year (equivalent to 100,000 tonnes), about 50% would be delivered in ten tonne loads and 50% in 17.5 tonne loads. This gives an estimated



generation of 112 HGV movements per normal day. An estimated 26 people would be employed and would generate additional car movements divided between two shifts per day. Vehicles would be under the applicants' direct or contractual control and could therefore be limited to prescribed routes. The primary access proposed is off the A465 trunk road along the B4352, past Clehonger to the Comet crossroads, and then south down Stoney Street to the site. The applicants propose to erect a 'No Left Turn' sign banning left turns for HGVs onto Stoney Street when exiting the site. The applicant is willing to enter into a routeing agreement to ensure compliance.

#### 1.11 Drainage

Rainwater and water from external hardstandings would be drained to the industrial estate's existing drainage system discharging into the Coldstone Brook via oil interceptor/grit traps. Dirty water (e.g. washdown waters from the process building) and sewage would be discharged to foul sewer, to be treated at the waste water treatment works nearby.

#### 1.12 External Activities

The proposal includes signs at the entrance, lighting, to provide a minimum of 25 lux and a maximum of 50 lux for external areas, security gates and supplementary fencing and landscaping around the main building. The applicants state that space constraints limit the potential for landscape planting but that hedges and trees at the far end of the site would be retained.

#### 1.13 Environmental Controls

Proposed methods of controlling odour, dust, litter, vermin, noise and air quality are set out. It is estimated that external construction would take 8 months and internal another 4 months, working 7am until 7pm weekdays and 9am - 5pm Saturdays, and would require 3 temporary portacabins on site.

1.14 The application now consists of the application, plans, letters of clarification, the revised Environmental Statement along with supplementary statements and an additional appendix, the last submitted documents were received in August 2006. The Environmental Statement includes, inter-alia, an assessment of the proposed development and design principles, planning policy, need, alternatives, statement on BPEO, and assessments of effects on traffic, air quality, ecology, noise and vibration, landscape and visual assessment, archaeology and other issues. The applicant has also submitted a CD Rom illustrating the process but states that improvements have been made since the CD was produced. Possible sites for the proposal are discussed with the conclusion that the Madley site was the best available.

1.15 The Ecological Survey of the site found one Great Crested Newt on one occasion, adjoining the application site boundary. This is a European Protected Species. 34 smooth newt larvae were also found in a concrete water sump on site but no other protected species. The newts were subsequently removed off site and the sump infilled in accordance with a DEFRA licence.

1.16 The applicants have held two demonstrations on site, one open to the public, using a reduced scale plant.

1.17 Members of the Southern Area Planning Sub-Committee visited the site on 10<sup>th</sup> October, 2006 and Members of Planning Committee visited the site on 14<sup>th</sup> November 2006.

1.18 The applicant's latest supporting statement, dated August 2006, is attached to this report as an appendix.

## 2. Policies

### 2.1 The Development Plan

2.2 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004 the Development Plan for this site is comprised of the Regional Spatial Strategy, (which was published June 2004 as RPG11 but now has development plan status), the Hereford and Worcestershire County Structure Plan, adopted in June 1993, and the South Herefordshire District Local Plan, adopted in February 1999.

### 2.3 Regional Spatial Strategy

- WD1 Targets for Waste Management in the Region
- WD2 The Need for Waste Management Facilities – by Sub Region
- WD3 Criteria for the Location of Waste Management Facilities

### 2.4 Hereford and Worcester County Structure Plan

- Policy WD.2 - Waste Handling & Disposal
- Policy WD.3 - DC Considerations
- Policy E.14 - New Industrial Development
- Policy E.15 - Dangerous or Difficult Waste
- Policy CTC.4 - Nature Conservation
- Policy CTC.9 - Development Requirements
- Policy CTC.10 - Protected Species

### 2.5 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.9 - Landscape Features
- Policy C.13 - Protection of Nature Conservation
- Policy C.14 - Ponds
- Policy C.15 - Creation of New Sites for Nature Conservation
- Policy C.16 - Protection of Species
- Policy C.32 - Archaeological Information
- Policy C.34 - Preservation of Archaeological Features
- Policy C.40 - Provision of Services
- Policy C.43 - Foul Sewerage
- Policy C.45 - Drainage
- Policy C.46 - Groundwater
- Policy C.47 - Pollution
- Policy C.48 - Health & Safety
- Policy ED.1 - Employment Land
- Policy ED.2 - Employment Land
- Policy T.1A - Transport
- Policy T.2 - Environmental Impact
- Policy T.3 - Highway Safety
- Policy T.4 - Highway Standards
- Map 34A - Madley Airfield
- Madley Airfield
- Policy 1 - Development Limit of Estate
- Policy 2 - Drainage and Foul Sewerage
- Policy 3 - Landscaping

**2.6 Other Planning Policy and Guidance**

2.7 In law all EU Regulations and Directives apply and all government guidance and policy statements need to be taken into account. In practice the following are particularly applicable:

- Framework Directive on Waste (75/442 EC as amended)
- Directive on the Landfill of Waste
- A Community Strategy for Waste Management (European Resolutions Adopted in 1997)
- Environment and Health Action Plan 2004-10
- EU Sustainable Development Strategy 2001
- Securing the Future (UK Strategy for Sustainable Development)

2.8 The most significant elements of UK Planning Policy Guidance in this case are:

- |        |   |   |
|--------|---|---|
| PPS.1  | - | Delivering Sustainable Development        |
| PPS.10 | - | Planning for Sustainable Waste Management |
| PPS.23 | - | Planning & Pollution Control              |

Elements of the following PPGs and PPSs are also relevant in general terms:

- |        |   |  |
|--------|---|--|
| PPS.7  | - | Sustainable Development in Rural Areas   |
| PPS.9  | - | Biodiversity and Geological Conservation |
| PPG.13 | - | Transport                                |
| PPG.24 | - | Planning and Noise                       |

Waste Strategy 2000 (As amended by Changes to Waste Management Decision Making Principles in Waste Strategy 2000, July 2005)

Guidance on Municipal Waste Management Strategies

2.9 Sub-Regional Planning Policy Guidance:

- The Joint Municipal Waste Strategy for Herefordshire and Worcestershire (November 2004)

**2.10 Emerging Development Plan Policy**

Herefordshire Unitary Development Plan (Revised Deposit Draft)

- |              |   |                              |
|--------------|---|------------------------------|
| Policy S.1   | - | Sustainable Development      |
| Policy S.2   | - | Development Requirements     |
| Policy S.4   | - | Employment                   |
| Policy S.6   | - | Transport                    |
| Policy S.7   | - | Natural & Historic Heritage  |
| Policy S.10  | - | Waste                        |
| Policy DR.1  | - | Design                       |
| Policy DR.2  | - | Land Use & Activity          |
| Policy DR.3  | - | Movement                     |
| Policy DR.4  | - | Environment                  |
| Policy DR.6  | - | Water Resources              |
| Policy DR.9  | - | Air Quality                  |
| Policy DR.10 | - | Contaminated Land            |
| Policy DR.13 | - | Noise                        |
| Policy DR.14 | - | Lighting                     |
| Policy E.5   | - | Safeguarding Employment Land |

Policy E.8	-	Design Standards
Policy T.6	-	Walking
Policy T.7	-	Cycling
Policy T.8	-	Road Hierarchy
Policy T.9	-	Road Freight
Policy T.11	-	Parking
Policy T.16	-	Access for All
Policy LA.2	-	Landscape Character
Policy LA.3	-	Setting of Settlements
Policy LA.6	-	Landscaping
Policy NC.1	-	Nature Conservation
Policy NC.5	-	European Protected Species
Policy NC.6	-	Bio-diversity
Policy NC.7	-	Compensation
Policy NC.8	-	Habitat Creation
Policy NC.9	-	Monitoring
Policy Arch 1	-	Archaeological Assessment
Policy Arch 6	-	Recording
Policy W.1	-	Waste Management Facilities
Policy W.3	-	Waste Transportation
Policy W.5	-	Waste Management Licensing
Policy W.9	-	Reclamation
Policy W.11	-	Waste Implications
Policy CF.1	-	Utility Services
Policy CF.2	-	Foul Drainage

2.11 The Inspector's Report into the UDP public local inquiry was published in March 2006. He has recommended changes to some of the policies referred to above and their supporting texts. In particular:

Policy S.10 - Waste. The Inspector has recommended the inclusion of a reference to the need to bring forward a Local Development Document addressing the specific sites for waste recycling, treatment or dispersal following the partial review of the RSS in respect of waste matters. There are no significant changes to the policy itself which specifically includes reference to "Thermal Treatment" as one of the techniques for treating waste and which is expected to be used during the plan period.

Policy E.5: Safeguarding Employment Land. The Inspector commented, at paragraph 6.21.2 of his report:

"The Stoney Street Industrial Estate utilises hangars associated with the disused airfield at Madley. It has become an established employment site and, as such, is safeguarded employment land. However, it is not in a location where new employment development land would normally be encouraged. In any event, a sufficiency of employment land to serve the rural areas has been allocated under the UDP.

"Given the above, there is no justification for allocating a considerable area of agricultural land to the west of the industrial estate. No modification of the Plan is necessary".

In response to another objection the Inspector has recommended a minor adjustment to the boundary of the employment allocation at Madley Airfield, to confirm that the

access is included in the allocation [recommendation 17.23/1]. The application site falls wholly within the allocated land for B1, B2 and B8 uses.

- 2.12 The Inspector has recommended a number of minor drafting changes to some of the policies listed above, but none of these changes has a direct impact on the current application. At the time of drafting this report the Modifications to the UDP policies had been approved by the Council (in July 2006) and were undergoing public consultation (during September 2006) but there are no modifications of any significance to this planning application. The above policies therefore now carry considerable weight and will become part of the statutory the Development Plan upon the anticipated adoption of the UDP in early 2007. It is worth noting that in some recent appeal decisions Inspectors have been giving more weight to unchallenged UDP policies than the older local plan policies because the UDP policies are more recent and, where unchallenged, will shortly become the development plan anyway.

### 3. Planning History

- 3.1 SH891233PF Construction of 9 factory/storage buildings - Granted 26.07.89
- SW2002/0044/F Erection of proposed industrial unit and offices, Use Classes B1 and B8 - Granted 03.04.02

Adjoining land - 23 permissions for industrial or related development have been granted since 1993, including 13 extensions to existing businesses or new industrial buildings and 5 B2 uses or changes of use to B2 uses, and one for an emergency stop-over site for gypsies. Earlier permissions in the 1980s and 1990s include, inter-alia, use of the site as a transport depot and HGV training centre.

- SH733/82 To reclaim waste plastics - Granted 10.11.82
- SH945/84 To reclaim waste plastics - Granted 26.03.85
- SH911337PF Change of Use to from B8 to B2 - Granted 20.11.91
- SH970721PF Change of Use to outside shop - Granted 27.07.97
- SW2000/0775 Change of Use to outside shop - Granted 10.01.01

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Regional Planning Body – has confirmed that the proposed development is in conformity with the Regional Spatial Strategy (which is part of the Development Plan and therefore has statutory status). In particular the Regional Planning Body have concluded that:
- a. The proposal will help meet the Region's targets for recovering value from municipal waste and will reducing the proportion of industrial and commercial waste disposal to landfill
  - b. It will also contribute to the diversification and development of the rural economy

- c. It will not reduce the quality of the Region's environment, but will provide the opportunity to improve the local environment through the building design and use of un-used land
  - d. Although it is transport dependant by road lying 6 miles outside the city centre, it is a major facility located on an industrial estate in a rural area and could integrate into this local setting.
- 4.2 Environment Agency – have submitted a detailed assessment of the case, and have been in contact with the applicant's environmental consultants over the potential pollution aspects of the proposals. In February 2006 they have concluded that "...there would be no significant impacts, from air/odour, with appropriate design controls incorporated into the facility including the UV/ozonation plant." Accordingly they had no objection in principle to the proposal and recommended the imposition of the appropriate conditions if planning permission is granted. Since then they have been in further discussions with the applicants and the Council's Environmental Health Officers and, following the submission of further information, they now consider that:

"Although parts of the submission address some of the concerns we have previously raised regarding Air Quality modelling, it does not address them all. However, the remaining issues are unlikely to have a significant impact on the ultimate conclusion with respect to the air quality impact and reiterate that such matters would be resolved at the permitting stage. Environmentally protective limits on air emissions would form part of any waste management licence issued for such development."

The Environment Agency had also, in February 2006, expressed concern about potential groundwater contamination arising from the previous use of the site as a military airfield. They recommended conditions requiring further site investigations to identify potential contamination which might be discovered during construction. Such investigations were carried out and a "Phase 2 Site Investigation Report" was submitted. Following consideration of that report the EA now comment:

"Based on the information provided we are now satisfied that the development should not pose a significant risk to controlled waters"

They now recommend standard planning conditions to be followed during construction.

The Agency state that the site is not located within the Agency's Indicative Flood Plain and note that sustainable urban drainage techniques should be included and recommend that conditions be imposed on any permission to control surface water drainage for both pollution and flood control reasons.

They also note that a Waste Management Licence would be required for the development in accordance with the Environmental Protection Act 1990. In this regard it is worth noting that, on 14<sup>th</sup> September 2006, the Environment Agency granted a Waste Management Licence for the applicant's other proposed plant at Hartlebury, Worcestershire.

- 4.3 English Nature – Support the principle in the Government Waste Strategy that waste disposal should only be considered when re-use, recycling, energy recovery and composting options have been exhausted and accept that additional facilities will be needed to increase capacity for the re-use and recycling of waste, comment that the Council should use an appraisal framework to determine where such facilities should

be located and that any such locations should optimise use of existing infrastructure and minimise loss of valuable habitat, natural features or harm to the environment.

With respect to the current application they note that:

- the development is not included or adjacent to statutorily protected features of wildlife or geological interest and that the development would not harm the interests of the nearest SSSIs
- that English Nature has no information to suggest that the site is of high value for nature conservation
- that one Great Crested Newt was found on site, endorse the recommendation in the Environmental Statement and recommend that conditions should be imposed requiring a spring survey and the requirement of appropriate mitigation to require a detailed plan for the creation and management of wildlife habitats on site.

4.4 HSE – Note that the proposal would not include special, hazardous or radio-active wastes and would not therefore on health or safety grounds advise against the granting of planning permission.

4.5 BT – Wholesale, do not have any problems in providing network services to a development on this site.

BT – Madley Communications Centre – have no objection to the waste facility itself – request being kept up to date on any variations to that proposed and of the Council's view regarding the suitability of the highways infrastructure and urge that a lower speed limit be considered for this stretch of road.

4.6 Network Rail – have stated orally that they do not wish to comment.

4.7 Dwr Cymru - Welsh Water – confirmed in January 2006 that they have no comment to make on the application.

4.8 Highways Agency comment: “Despite the scale of this proposal and the nature of the net traffic generation there are no operation, capacity or safety issues raised by this proposal. As the A465 is a non-core Trunk Road we are required to be mindful of the views of the successor highway authority. We are not aware of any specific concerns regarding these proposals we would confirm that we would not be making any comments that require any further action on these proposals. A formal TR110 notice has been enclosed confirming this response.”

4.9 CPRE – Wish to conditionally support the proposal. They have concerns about the impact of increased HGV movements locally but feel that with careful conditioning the adverse traffic impact would be more than outweighed by the other far reaching environmental benefits which would occur. Their comments also take account of:

- a) the reduced impact of HGV movements from this county to the current out of county landfill site once the proposed plant is operational,
- b) the potential for an overall reduction of waste and landfill,
- c) the potential savings in operating the current kerbside waste collection services and increased opportunities for recycling,
- d) the relatively minor effects the building housing the plant would have on this industrial estate setting on the wider landscape,

- e) their view, based on knowledge of plants employing similar technology elsewhere, that the process is relatively benign with minimal emissions and limited risk of harm to the environment.

They request that suitable conditions are attached to any permission to protect as far as is possible the residential amenity of persons residing in the locality.

In a second letter they further requested that a condition be imposed to limit the treatment of waste at the plant to material from sources within the county of Herefordshire only in order to minimise the adverse impact on the local highway infrastructure and the consequential effects on residential amenity.

#### 4.10 DEFRA (Waste Processing Policy Unit) comment:

“There are a number of these autoclave systems being marketed in the UK for the treatment of mixed municipal waste.

I can confirm that the material recovery rates claimed for the proposed Estech facility are in line with other suppliers and are based on trials on demonstration units. The figures will no doubt vary according to the feedstock gathered – e.g. the level of bank and kerbside collection activity will change the characteristics of the waste.

Similarly the outlets for the fibre product are all potentially viable and being actively developed by others. Use as a fuel is probably the most secure outlet and may benefit from a premium price if the quality and type of use qualifies it as a renewable energy source which benefits from the Renewable Obligation.

Similarly use in the manufacture of fibreboard and other construction products is a possibility but there may be market perceptions to overcome and the quality of the fibre probably becomes more critical to success.

Some others have claimed that a compost product is viable but I think to be assured of a secure market, the quality would have to be as good as compost produced from segregated green waste. But there are other options such as anaerobic digestion which can provide further opportunities for removing contaminants.

The letter you attached from Estech Europe fairly reflects the claims made by industry based on limited/demo scale plant operational experience. I do not know how many commercial units of this technology are operating in Europe or USA.

I presume that the performance of the plant and the preferred use of the outputs has been checked against your requirements in respect of best value performance targets for Herefordshire and the future requirements to divert bio MSW from landfill.

For our part in Waste Strategy we are pleased to hear of local authorities actively considering new technologies such as autoclaving.”

#### Internal Council Advice

#### Traffic Manager

- 4.11 Has no objection on traffic or highway safety grounds, having updated previous comments made in March 2004. Although recent surveys indicate an increase in traffic on Stoney Street, the traffic impact of the proposal is still considered to be within



capacity. The applicant has agreed to contribute to highways improvement and maintenance works and to restrict the routes used by HGVs servicing the site, through a Section 106 Planning Obligation. Conditions are recommended to control parking, turning, wheel washing, access issues and a Green Travel Plan. More detail of the highway issues is considered in paragraphs 6.27 *et seq.* below.

#### Conservation Manager

- 4.12 Has no objection to the proposal in principle, relying on previous comments made in January 2004 although it is accepted that the proposed landscape and planting scheme would not be of a sufficient scale to screen a building of this size. Suitable alternative specifications are offered, along with observations and suggestions for conditions to mitigate the visual impact of the proposed building

#### Principal Environmental Health Officers (in respect of Air Quality, Noise and Pollution Issues and, separately, Landfill and Contaminated Land)

- 4.13 The consultation sets out a detailed response under 10 headings, and summarised below:
1. Noise from operation of the process/building. His opinion is that noise is unlikely to be a problem based on the remoteness of the site from the nearest housing. Detailed observations are given resulting in a set of recommended conditions.
  2. Noise from on-site HGV deliveries and vehicles. Once again he considers that, principally due to the distance between the site and the nearest dwellings, there should be no statutory nuisance. Conditions are recommended.
  3. Noise from HGV deliveries and vehicles along the highway. He accepts that the "Sound exposure levels" will be "noisy events along rural roads and will disturb people particularly at night... There are a number of properties along the B4352 between Madley and Hereford which will be adversely affected by passing HGV noise". In order to mitigate this he recommends conditions on delivery times to minimise the need for HGV movements at night.
  4. Noise from construction. On a similar basis to the above items a suitable condition is recommended.
  5. Air Quality, Air Emission, Odour and Dust. These have been subject to intense scrutiny and Cassella Stanger, consultant specialists in this particular field, have been engaged to advise the Council. Their conclusion is that the mitigation measures proposed are acceptable and, accordingly, there will be no significant adverse air quality effects. (Further detail of this is dealt with in paragraphs 6.53 *et seq.* below). It is also worth noting that the installation will be regulated through a waste management licence, and that, consequently, there will be further pollution control enforcement measures separate from any planning requirements. (It has subsequently been confirmed that the proposed Estech plant at Hartlebury in Worcestershire, which will use the same process and the same total annual amount of waste does not require an IPPC permit).
  6. Flies and vermin. Provided that waste is not stored externally this is not perceived to be a problem.
  7. Litter. Provided incoming vehicles are suitably sheeted over or otherwise sealed this should not present a problem.
  8. Land Contamination. Significant new survey work has been undertaken and considered during 2006 (as also referred to in the section on the response of the Environment Agency above). In the light of this new material the Head of Environmental Health and Trading Standards does not object to the development subject to the imposition of standard planning conditions.

Economic Regeneration Manager

- 4.14 The Economic Regeneration Manager reports that the development would create around 24 new jobs which would nearly all be sourced locally. He further comments that, "Although the ratio of jobs created to the size of development is quite low, and lower than the ratio we would normally wish to see, the Madley site is currently under-developed and the jobs would be of benefit to the community at large." "On balance we do not have any objection to this planning application and we trust that the operating procedures that would be employed would minimise any impact on the other employers in the area."

**5. Representations**

The application has been advertised in the Hereford Times and the Hereford Journal on various occasions, most recently in August 2006. Site Notices have also been posted at the site entrance and on the roadside to coincide with the newspaper advertisements. In the last round of consultations nearly 500 notification letters were sent out in August 2006. The final date for consultation responses was 21<sup>st</sup> September 2006.

- 5.1 In response to the original submission Madley Parish Council stated:

"The Parish Council strongly objects to this application on 16 grounds, summarised that:

- The Environmental Statement, states that the development "would not have any significant adverse impact on the local road network". The Parish Council believes that it would have a "major significance".
- The increase in the movements of HGV's is unacceptable.
- The stated vehicle movements will not be evenly spaced and would result in convoys of HGVs along the route.
- Although the suggested route is A465 / B4352 / Stoney Street, drivers to the site will undoubtedly use all available routes.
- All available routes to the site are unsuitable and this is explained in detail.
- The increase in the number of HGVs would not only increase the number of accidents but their involvement would make any accident more serious.
- The BT site on Stoney Street is a UK Economic Key Point (category 2). This requires that emergency vehicles have unrestricted access to the site on ALL roads, in the event of an emergency. The increase in traffic and the narrow section near The Comet would have a direct bearing on this access.
- It is anticipated that waste would come from Herefordshire and parts of Worcestershire. It is a concern that in the future, waste would come from even further afield and the traffic increases would be greater.
- The hours of operation of the facility could well increase in the future.
- It is possible that numbers of waste-filled lorries will be waiting for the gates to open at 7.00 a.m.
- The facility would be very close to two schools and to watercourses. There are no guarantees given that dangerous or toxic wastes would not come to the site, and "minor contamination" is a possibility.
- The amount of water needed for the process could well have implications for residents, especially during the increasing periods of low rainfall.
- Villages in the surrounding area have had numerous problems regarding sewerage capacity. The "daily washdown" would only exacerbate this.

- There is no existing facility anywhere to enable a true assessment of the environmental impact of the procedure.
- The criteria used regarding alternative sites are at best, misleading and possibly biased.
- Alternative sites at Rotherwas and Moreton-on-Lugg are far more suitable than the Madley site.
- On December 1<sup>st</sup> 2003, more than 130 people turned up at the Madley Parish Council Meeting, to voice their objections to this application.

The Parish Council has also commissioned a road safety study by TMS Consultants, a consultancy specialising in research and training services in traffic management and road safety. Their report suggests that the roads leading to the site have a number of "High Risk" locations and, in mitigation, their report suggests the following measures:

- Route widening to 7 metres along its whole length
- Clearance of forward visibility splays
- Surfacing and drainage improvements
- Improved signage and road markings
- Improved "Conspicuity" at the junction of Stoney Street and the B4532.

These suggestions are discussed at paragraph 6.40 below.

The Parish Council met on 3<sup>rd</sup> October 2006 to update their comments in the light of the latest information. Their latest response is as follows:

"We would additionally object strongly to the proposal for the following reasons:

- Planning strategies and guidance. This application conflicts with both national and local planning policy. Specifically:
- ODPM 'Planning Policy Statement 10'- 'Planning for sustainable waste management' gives guidance on location criteria which strongly indicates this site is not suitable. The guidance states 'there should be a protection of water sources'. Yet four local springs provide public and private drinking water.
- 'Traffic and access. Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.' This application requires access on both B and C roads.
- 'Air emissions, including dust and odours. Consideration will include the proximity of sensitive receptors.' The site is close to Gelpack and Kingstone School.
- The planning officers have refused to enter into any meaningful discussion on any of the above and have stated they are satisfied with the accuracy of the site comparison in the Environmental Impact Assessment.
- The applicant has listed a number of disadvantages of comparison sites which make them unsuitable. These include:
- Traffic has to pass residential properties to gain access to main transport routes.
- Other sensitive neighbouring uses including firms handling food products and recreational uses.
- The immediate access along the Canon Pyon road is poor.
- The racecourse and the leisure centre are likely to be sensitive to waste use development and the traffic it generates.
- The allocated industrial area adjoins a playing field.

- These are just some examples of disadvantages that should and do apply equally to the Madley site.
- The Madley site has poor vehicle access for over 3 miles from the main Abergavenny road.
- A major employer, Gelpack, dependant on being able to keep pollutants out of its products is adjacent.
- A school complete with playing field and leisure centre are just a few hundred metres away.
- Herefordshire Council's own independent assessment, by Casella Stanger, of the site comparison questions categorising nearby industrial units as 'relatively insensitive' receptors.
- Casella Stanger uses the New Zealand odour guidance 'sensitivity is indeed low for heavy industry areas but it is medium for light industry and high for light commercial'.
- It rates as high sensitivity residential, rural, open space, recreational and educational uses, all of which are found at the Madley site.
- Madley Parish Council does not believe that the site comparison in the Environmental Impact Assessment is accurate or justifiable. Neither have the council officers in recommending approval taken reasonable care to establish the accuracy of this component of the application.
- Furthermore, the stated purpose of this proposal is to divert waste from landfill. However, both Herefordshire and Worcestershire Councils have admitted that there is currently no market for the fibre that Estech will produce from this process. Thus this proposal will not meet the Councils obligations under the BPEO for diversion from landfill.
- It is the contention of the Parish Council that the Environmental Impact Assessment is inadequate and flawed because the proposal will not achieve its stated purpose and the site comparison is inaccurate. The council has not discharged its duty to take reasonable steps to ensure this document is accurate.
- The application is also contrary to 'Planning Policy Statement 10'-'using sound science responsibly'. This states waste authorities should be 'ensuring policy is developed and implemented on the basis of strong scientific evidence whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values'.
- Madley Parish Council believes this application contravenes this policy for the following reasons:
- Most of the emissions data and environmental effects are based on computer models and estimates. There are no actual historical figures or guarantees available.
- The Environment Agency states 'it should not be inferred that our lack of objection to the planning permission represents a view from the Environment Agency that the site does not pose risks, nor does it mean that we will definitely be able to subsequently issue a licence for the activity proposed. We could not reach any such conclusion until we have considered an appropriately detailed application for the relevant Waste Management Licence'.
- The Environment Agency further says 'within the planning process it is for the Council to consult with the Primary Care Trust on health matters relating to a planning application'.
- Despite the fact that the Parish Council has raised numerous queries with Mr Yates and Mr Phillips concerning health questions, the Parish Council were not made aware of the role of the Primary Care Trust until 29<sup>th</sup> September 2006. Hence no dialogue has taken place with the PCT.

- As the applicant Estech has refused to come and discuss their application since 2003, as did Herefordshire Council's Environmental Health Department. The only appraisal of the environmental health effects made available was when the Parish Council applied under the Freedom of Information Act to see the advice provided to Herefordshire Council by its technical advisor Casella Stanger. As this arrived after the closing date for public consultation and is incomplete with more reports to follow this is not adequate.
- If the applicant had been required to apply for a Waste Management Licence first then an element of uncertainty would be removed. This happens in 90% of cases.
- The EU has stated that our use of everyday chemicals is now accepted to be harming our health. The exact details are being researched as we speak, but it is accepted that children are particularly vulnerable to the 'chemical cocktail' that is our modern lives.
- Taking all these factors together we believe that Herefordshire Council is not taking into account scientific uncertainty or behaving in a precautionary manner by recommending an application based almost entirely on estimates, which has not been thoroughly scrutinised by either the PCT or EA and would be sited near to a school site where 1000 children are educated.
- The Parish Council and public do not have a statutory right to be consulted at Waste Management Licence stage. Given the applicant has refused to come and meet the Parish Council to help us understand their proposal, we are naturally not confident that Councillors or the public will receive adequate information at this time. If the applicant refuses to show us documents, where will we be?
- In the Government document 'Delivering sustainable waste management on the ground' (December 2004) the Government 'emphasise the need for early and continuous community involvement'.
- The lack of public consultation and explanation together ensure firstly that the public consultation is flawed and secondly that the Council recommendation has also acted contrary to the Planning Policy Statement by not taking into account 'public attitudes and values'.
- Local Policies. This application contradicts established Council policies by:
- Going against the current local plan which states Stoney Street Industrial Estate is not suitable for developments involving large numbers of HGVs because the roads are not suitable.
- Going against the Council policy for promoting and safeguarding rural jobs. Over 200 jobs will be threatened at Gelpack as well as jobs at Kingstone High School. Many parents have stated they will remove their children from the school if the waste plant goes ahead. The lack of public consultation by the applicant has not helped. If there are fewer children at the school there will be fewer jobs. Gelpack will lose contracts if its customers are not satisfied that Gelpack can guarantee uninterrupted, uncontaminated products. If Estech even has teething problems, Gelpack's customers will go elsewhere.
- Going against the Council strategy to improve road safety and reduce accidents. The TMS Road Safety Risk Assessment explains how the Estech proposal will significantly increase the risk of accidents on the proposed route. The route proposed is not wide enough for two Estech vehicles to safely pass each other at all points along the route. This route has now the highest accident rate of all B roads in the Southern planning area. Please consider the entire contents of the TMS report for Madley Parish Council December 2005 to be part of our objection.

Madley Parish Council reserves the right to submit additional material if new evidence becomes apparent between now and the date of the planning meeting.”

## 5.2 Other Parish Councils

Representations have also been received from the following parish councils:

Belmont Rural, Breinton, Clehonger, Eaton Bishop, Kilpeck Group and Kingstone.

These representations raise the same issues as those raised by Madley Parish Council and reported above. In particular, the following Parish Councils have given the comments below in response to the latest round of consultations:

Kingstone & Thruxton Group Parish Council:

“Our original objections to this proposal were given in our comments dated 29<sup>th</sup> November 2003 on the original Planning Application. The Council feels that these objections remain valid.

We reiterate our concern over the installation of an experimental plant on this scale with two schools and residents nearby, all data has been collated from vastly scaled down models. In addition Councillors are concerned that the plant's main by-product "fibre" will not have commercial value. We would want to see commitment by companies other than Estech that there is a requirement/demand for such processed waste. With land fill charges as they are and the waste product likely to be twice that of the original waste, the charge for disposal is going to be huge.”

Eaton Bishop Parish Council:

“The potential impact of the Estech proposal is not just a 'nimby' matter. This may, sadly, be the ill-formed opinion of the members of the southern Planning committee outside the ward in which the installation is proposed based on their showing when this application was heard in 2004.

The proposed system is untried and its efficiency and as no system like it has been made to work the end product and its potential disposal is unproven other than on paper. It is appreciated that Herefordshire Council is required to reduce its landfill and this - if it worked - would be manna from heaven. However, if it does not work the impact would be upon the whole council tax paying population of the county - the calculations on the output, which are just as valid as those used to show the benefits, indicate that disposing of the product after processing would be even more expensive than disposing of the untreated waste. As you admitted, at Madley on the 2nd October, the cost of Government fines for not achieving landfill targets would end up on Herefordshire Council's desk for the tax payer to cover and not be attributable to the contractor for waste disposal. It is no use keep on saying the waste contract is the problem of the contractor with whom you have a 25 year contract.

Herefordshire Council, of which you are only a part, has a responsibility to its taxpayers to look at the overall impact of any decision and not just to take selected portions of a proposal to see if it is compliant.

It is irresponsible to dismiss the high road traffic accident statistics as irrelevant

because they don't generally involve HGV on the proposed routes when there is currently a relatively low level of HGV traffic and this proposal would impose a constant traffic of some 160 vehicle movements over a concentrated period. The ASDA development is currently blamed for the traffic chaos getting across the bridge but the problem starts much further south with gridlock on the Abbotsmead Tesco roundabout with increasing traffic coming onto that roundabout from the estates both east and west of the roundabout. The proposed increase in HGV traffic can only exacerbate that problem and add to the total traffic nightmare of travelling north/south in this county.

Finally there is the position of Gelpac at Madley to be considered. If the Council is honest in its aim of increasing the economic development of the county why is it not taking the possibility of jeopardizing the whole future of Gelpac in the county into consideration in view of the proposed co-location with a waste processing plant.

Having lost once at Judicial Review and incurred costs which are ultimately paid for by the council tax payers across the county surely this decision and the effect on the people of Hereford is much more than 'just a planning application' to be judged as such as you have stated in public."

#### Other Representations

5.3 The application has been the subject of several rounds of consultation in 2003, 2004, and 2005. Prior to the latest period of formal re-consultation around 1,000 separate letters of objection had been received along with a petition and letters from Friends of the Earth, Age Concern, Hereford Civic Society and the Green Party. Certain themes run through these letters and are focussed on:

- Impact of traffic
- Concern about atmospheric pollution and consequent effect on public health
- Proximity to schools and houses
- Possible water pollution
- The size and appearance of the building
- The experimental and/or untried nature of the process
- The lack of any known market for the fibre
- The reliability of the applicant company
- Effects on value of residential properties in the locality
- Noise and disturbance generally
- Threat to agriculture and local businesses
- The existence of better sites elsewhere in Herefordshire and beyond
- The importation of waste into Herefordshire

The Group "Waste Watchers" have incorporated many of these points into their own objections and amplifies them in great detail with the assistance of their consultants, AERC Ltd.

5.4 The information provided in the application, supporting documentation and background papers addresses those points of objection which are capable of being material planning considerations. Notwithstanding all the new information the latest round of public consultation, in August and September 2006, has resulted in over 200 further representations. Many of these re-state earlier objections and make it clear that the

new information has not re-assured objectors or otherwise reduced their concerns. Some new concerns have emerged in addition, notably:

- Why is the Council re-considering an application after it was “Thrown out” by the High Court?
- In the absence of a known market for the fibre output of the plant is not the development simply going to create a new waste problem?

5.5 The traffic concerns, in particular, are quite detailed and include concern at the use of the roads in and around the site for the HGVs needed to service the development. Residents are particularly concerned about the risk of accidents on the roads between Hereford and the site, through Clehonger and along Stoney Street. Many residents believe that the development will bring HGVs carrying waste south of the river Wye unnecessarily, and there is a lot of concern about the suitability of the road between Madley and Bridge Sollers. The current congestion attributed to the road works associated with the new Asda store has added to their concerns.

5.6 Nearly all these letters are individual letters (rather than a circulated “standard” letter) and predominantly come from addresses in Madley and Kingstone. Two typical examples are:

“My objections include the likely massive increase in heavy vehicular traffic both on the narrow country roads of the area and through the City of Hereford; the problem of it not being a well tried and tested technology; its proximity to the village of Kingstone and the effect such a large industrial plant will have on the general ambience of this lovely rural area.”

and

“We are writing again to object fervently to the waste plant on the grounds of”

- Potentially dangerous emissions
- The danger to wildlife and nature
- The volume of heavy vehicle traffic on our already poor roads
- The site of the plant – down narrow inadequate roads, remote from where most waste is produced, too close to schools and doctors’ surgery
- Health and safety issues associated with waste storage attracting vermin etc.
- Noise and dirt for surrounding areas, including GP’s surgery and school
- Query the competence of Estech to run such a plant

We adamantly do not want this waste plant in Madley. There must be other sites more suitable, and the fact that they could not get permission for their waste plants in USA must say something very significant!”

5.7 Two further representations of particular note have come from the occupier of the adjoining site: Gelpack, and the Governors of Kingstone High School.

Gelpack are concerned at the risks to their business which may arise from odour emissions both from the autoclave process and the traffic on the internal industrial estate roads next to their premises. Their objection in full is:



#### “1. Emissions and Possible Effects on Nearby Receptors

We are mentioned as being at low risk because the prevailing wind is not in our direction. We believe that staking our livelihood on ‘the way the wind blows’ is an unacceptable risk. For example, how do we know what would happen if there were little or no wind or if there was a change of direction of the prevailing wind?

Moreover what assurances can we have when the wind is not prevailing?

#### 2. Odour Checks

The proposal is that there will be ‘olfactory inspection by site staff carried out daily or in response to complaints’.

This appears to indicate that Odour Emission may well be a problem.

#### 3. Food Packaging Status

Although our company is mentioned in several sections of the report no reference is made to our Accreditation Status as a Contact with Food Packaging Supplier. This is a serious omission bearing in mind that on page forty-four of the Revised Environmental Statement one of the alternative sites is dismissed because of its proximity to a food processing company, Sun Valley.

Surely we should be treated in the same way.

#### 4. Analysis of Stack Emissions

This appears to have been based on the pilot plant located at Aldridge and on computer modelling.

We believe it is grossly unfair to subject us to risks from technology that has not been proven under full-scale production for an appropriate period of time.

#### 5. Emissions from Vehicles

The report refers to a distance from us of ‘100 metres from nearest vehicle manoeuvring area’. This does not take into account that the route followed by the vehicles is immediately adjacent to our boundary.

Even if there is no emission from the vehicles the perception of up to eighty garbage carrying vehicles following this route is likely to be very worrying to our customers and the Accreditation inspectors.

Notwithstanding any other objections, the route to the Estech Site should be at all times at least one hundred metres distant from our Site.

Please note that if we lose our Contact with Food Accreditation due to Planning Permission being granted without fully addressing the above concerns, it is a strong possibility that we would be obliged to close our Madley Site.

Moreover, loss of accreditation at the Madley Site would threaten the continuity of both our sites (Madley and Hereford) because the two sites compliment each other’s activities.

We employ a total of one hundred and ninety-nine people on the two sites.

In principle we are not opposed to the Estech project. However, to safeguard the continuity of our operation it is vital that all technical decisions are taken based on proven scientific information and the entire route to and from the Estech site needs to be at least one hundred metres distance from our Site.”

The Board of Governors of Kingstone High School have three major areas they wish to highlight:

“1. Reputation of the school. The reputation of a school is of paramount importance to attracting new students. Parents wanting their children to attend a secondary school outside their catchment area will inevitably raise the proximity of this plant as a justification. Irrespective of any assurances and monitoring to the contrary, rumours will spread about the health and safety and discourage applications to the school.

“2. Access to the school. The roads surrounding the school, particularly in the immediate vicinity of Stoney Street, are narrow and already dangerously overcrowded. In places it is not possible for two cars to pass, let alone school buses and lorries. The proposed addition of 160 lorry movements per day will seriously affect the area making these roads even more dangerous. The school will have no option but to discourage any pupil who wishes to either walk or cycle to school.

The additional volume of heavy traffic will inevitably damage these rural roads requiring a major road widening and construction programme in the near future. This will add huge expense to the local authority and create prolonged chaos in the immediate area of the school.

“3. Health of students and staff. We understand that the company building the recycling facility cannot give assurances that there will not be significant odour generated by the plant. Irrespective of how closely these emissions are monitored, this will cause major concerns within the wider school community regarding the possible impact on health of so many young people”

“While we support the concept of recycling, it cannot be a sensible decision to locate such a facility in an area with poor road communications and no prospect of future rail connection. Placing it in the vicinity of a school with over 600 young people is also perceived to be taking unacceptable risks. I feel very strongly that this application should be rejected and in my position as Chairman of Governors it would be irresponsible not to object to a scheme which may out our children’s health and safety at risk.”

5.8 On 26<sup>th</sup> September 2006 I received a letter from Paul Keetch M.P. highlighting four areas of concern:

“1. I think it would be very helpful, following the publication of your recommendation, for there to be more time given on for consultation on this matter. I am particularly concerned that sufficient time is given for the conclusions of the Highways Officers regarding the impact of the additional 160 HGV movements per day to be responded to by TMS consultants who as you know have been employed by the Parish Councils locally. To this end I would suggest that the application goes to the November meeting of the Southern Area Planning Committee rather than the October meeting.

2. I think it is important for the Council to follow the lead of Worcestershire CC and impose a similar "Grampian" condition ensuring that a market for the end waste product is identified before construction of any plant takes place. Whilst I am aware of the government guidance contained within PPS10 this is only guidance, not direction and since Worcestershire CC clearly felt that the extra condition was necessary, and this has not been challenged by Estech themselves, in the circumstances it would seem the best option to pursue such a condition in Herefordshire.
3. I would like to see assurances given by Estech to the effect that they will limit the total tonnage handled by this site to 100k tonnes as per the application and not seek to extend this capacity to the 150k tonnes highlighted as a potential maximum for this site in the future.
4. This is a very high profile application and as such the extra time granted as above will help ensure that the Government Office for the West Midlands has time to fully assess whether they wish to call in this application for central determination."
- 5.9 Letters of support were also received in response to earlier rounds of consultation, including one from Mercia Waste Management. In summary these letters draw attention to issues relating to the ease with which waste can be treated in built-up areas without nuisance, the advantages of the Council being pro-active in dealing with waste, beneficial local employment and reduced rates, that earlier businesses on site have generated more traffic (from haulage and car boot sales), smells (pig farming, chicken sheds and plastic manufacturing) than the application, that the proposal would form part of the overall management of the County's waste, that the creation of a locally based treatment plant is inherently desirable, that the proximity of the site would not adversely affect respondents' own businesses on the estate and that the benefits outweigh the drawbacks.

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

## **6. Officer's Appraisal**

### **Background to Determining the Application**

- 6.1 For clarification, Members should be aware that the applicants have stated that their intention is to treat Herefordshire's waste supplementing it with waste from Worcestershire until the local waste generation matches the capacity of the plant. Waste collected by the Council is at present dealt with in accordance with the Council's Integrated Waste Management Contract with Worcestershire County Council and their contractors. All the parties to the contract would need to agree to give the applicant access to the waste collected by the two Councils before it could be treated on site. No such agreements are in place. Additionally, if permission were to be granted the applicant would need a Waste Management Licence from the Environment Agency. The Licence would control the kinds of waste and how they are to be treated in order to minimise the risk of pollution. The Agency has discretionary powers to refuse licences, require them to be modified and has powers of prosecution.
- 6.2 In order to operate in accordance with the application proposal therefore, the applicant would need not only planning permission but also a Waste Management Licence from the Environment Agency and a contract to treat the Council's waste. Only if all three

are obtained would the proposal be workable as applied for. Only the application for planning permission is before Members at this meeting.

- 6.3 Any planning permission for the proposal should be limited to the treatment of Municipal Solid Waste (MSW) generated within Herefordshire, with only subordinate supplements of the same material generated from Worcestershire. Supplementary amounts of commercial waste would only be acceptable if such waste were in the non-hazardous category (and can be securely defined as such). The appraisal below is based on these assumptions along with a limitation that the total tonnage of MSW to be processed will not exceed 100,000 tonnes in any one year. These limitations can be controlled through planning conditions.
- 6.4 The decision of the High Court has effectively set down certain principles to be applied in determining this application. This was summarised in the judgment thus:
1. The decision whether a process or activity has significant environmental effects is a matter for the judgement of the planning authority. In making that judgement it must have sufficient details of the nature of the development, of its impact on the environment and of any mitigating measures.
  2. Equally, it is for the planning authority to decide whether it has sufficient information to enable it to make the relevant judgement. It need not have all the material provided it is satisfied it has sufficient to enable a clear decision to be reached.
  3. In making the determination, the planning authority can have regard to the mitigating measures provided that they are sufficiently specific, they are available and there is no real doubt about their effectiveness. However, the more sophisticated the mitigating measures and the more controversy there is about their efficacy, the more difficult it will be for the authority to reach a decision that the effects are not likely to be significant.
  4. If the authority is left uncertain as to the effects, so that it is not sure whether they may be significant or not, it should either seek further information from the developer before reaching a conclusion, or if an Environmental Statement (ES) has already been provided it should require a supplement to the ES which provides the necessary data and information. It cannot seek to regulate any future difficulties merely by the imposition of conditions.
  5. The authority cannot dispense with the need for further information on the basis that it is not sure whether or not there are significant environmental effects, but that even if there are, other enforcement agencies will ensure that steps are taken to prevent improper pollution. However, it should assume that other agencies will act competently and it should not therefore anticipate problems or difficulties on the basis that those agencies may not do so.
- 6.5 To clarify the wide range of issues the application is now considered under the following headings:
- A. The Development Plan
  - B. Other Planning Policy Considerations
  - C. Highways Issues
  - D. Local Environmental effects
  - E. The BPEO concept

### **A. The Development Plan Regional Spatial Strategy**

- 6.6 The most up-to-date element of the Development Plan is the Regional Spatial Strategy for the West Midlands which became effective as part of the Development Plan in 2004. Furthermore, because it has an end date of 2021 it is the only element of the Development Plan which is still within its plan period. Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states:

“If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).”

- 6.7 The Regional Spatial Strategy (RSS) does not allocate this land for Waste Treatment but does include three crucial policies concerning waste management.

#### **RSS Policy WD1 Targets for Waste Management in the Region**

Development Plans should include proposals which will enable the following regional targets to be met:

- i) to recover value from at least 40% of municipal waste by 2005; 45% by 2010; and 67% by 2015
- ii) to recycle or compost at least 25% of household waste by 2005; 30% by 2010; and 33% by 2015; and
- iii) to reduce the proportion of industrial and commercial waste which is disposed of to landfill to at most 85% of the 1998 levels by 2005

#### **RSS Policy WD2 The Need for Waste Management Facilities – by Sub Region**

- A. The type and precise location of waste management and treatment facilities to be provided within the Region in order to meet the National Waste Strategy targets and the future waste management needs of all major waste streams are matters to be determined in development plans and through Waste Management Strategies
- B. Regarding municipal waste produced in the Region, additional facilities will be required to recycle, compost or in other ways recover value from at least 47.9 million tonnes, and landfill capacity will be required for approximately 40 million tonnes between 1998/99 and 2020/21
- C. Landfill capacity with planning permission exists in the West Midlands to satisfy the identified need to dispose of approximately 75 million tonnes of industrial and commercial waste, and 29 million tons of construction and demolition waste between 1998/99 and 2020/21
- D. In preparing development plans, local planning authorities should take into account the needs outlined in table 4 – for waste treatment and landfill capacity generated by each sub-region
- E. Where necessary, and in accordance with the principles of Best Practicable Environmental Option and proximity, local authorities should seek agreement with neighbouring authorities to make provision in their plans to meet these needs (including those in neighbouring regions).

**RSS Policy WD3 Criteria for the Location of Waste Management Facilities**

- A. In their development plans appropriate planning authorities should include policies and proposals for all waste streams to:
  - i) guide the location and siting of waste treatment and recycling facilities to appropriate locations, having regard to the proximity principle and other environmental and amenity principles as identified elsewhere in this guidance;
  - ii) wherever possible and consistent with the principles of Best Practicable Environmental Option and proximity, encourage the use of rail and water transport in preference to road transport; and
  - iii) require the submission of a waste audit and provision for in-house or on-site recycling and treatment of wastes, in the case of major development proposals.
  
- B. Where possible site-specific proposals for new waste management facilities should be included in development plans. Consideration should be given to the potential advantages of making provision for waste management in the form of small-scale facilities which may be more easily integrated into the local setting.
  
- C. Development plans should restrict the granting of planning permission for new sites to landfill to proposals which are necessary to restore despoiled or degraded land, including mineral workings, or which are otherwise necessary to meet local circumstances. The depletion of landfill capacity will be the subject of regular monitoring.

The relevant extract of Table 4 referred to in policy WD2 above is:

Sub Region	MSW – recycling and composting - annual throughput capacity required by 2021 (tonnes)	MSW – recovery – annual throughput capacity required by 2021	Cumulative landfill void capacity required by 2021 – MSW	Cumulative landfill void capacity required by 2021 – Commercial and Industrial
Herefordshire	44,000	45,000	1,227	1,693

- 6.8 The Regional Planning Body have confirmed that, in their opinion, the proposed development is in conformity with the Regional Spatial Strategy, including consideration of the above policies and the other more general policies regarding the impact of development.
  
- 6.9 The above policies are also significant in that two of them refer to the Best Practicable Environmental Option (BPEO). The BPEO has since been dropped from government guidance in PPS10 but it remains in the development plan as a result of the RSS. There is a separate section on BPEO below (paragraphs 6.67 *et seq.*).

### **Hereford and Worcester County Structure Plan**

- 6.10 The next element in the hierarchy of the Development Plan is the Hereford and Worcester County Structure Plan. This has an end date of 2001 and is due to be superseded by the emerging Unitary Development Plan (UDP).
- 6.11 Structure Plan policy WD2 specifically draws attention to the geographical and transportation relationship between the sources of waste and proposed handling and disposal facilities and this itself relates naturally to the more recent concept of the Proximity Principle. The County's Municipal Solid Waste is generated by householders throughout the county and to a lesser extent by the Council collecting industrial and commercial waste, mostly from the market towns. The greatest single source of this waste stream is Hereford City. At present solid waste collections are concentrated at the Council's Waste Transfer Station (WTS) at Leominster and at the WTS and Materials Reclamation Facility (MRF) at Rotherwas (about two-thirds). The greater part of this waste is currently taken via the A49, M50 and M5 to be disposed of by landfill at the Hill and Moor site near Pershore, Worcestershire. This current arrangement is not sustainable in the long term and the current planning application proposals offer significantly better compliance with Structure Plan Policy WD2.
- 6.12 The applicants have submitted details of the existing and proposed HGV traffic flows if permission were to be granted, these demonstrate that on a like for like comparison with 2002/3 that treating the County's waste at the Madley site would create a reduction in waste transportation (in terms of tonne miles) from circa 2.6 million tonnes miles to 1.4 million tonnes miles. This analysis does not include other wastes which might arise over time or be imported from outside the County but it does undoubtedly demonstrate a substantial reduction in traffic movements on the existing position. The proposal would therefore accord with Structure Plan Policy.
- 6.13 The Policy also requires that the need for the facility to be established. The County's current waste treatment methods and its reliance on landfilling an excessively high proportion of that waste does not accord with national and regional policy. Officers are satisfied that the need for this kind of facility is amply demonstrated in the Council's BPEO Strategy for this waste stream and would be entirely in accordance with National Policy and emerging UDP Policy.
- 6.14 Structure Plan Policy CTC.9 (Development Requirements) sets out criteria under which applications should be assessed. Many other policies amplify these. In summary the proposal complies with the specific policies relating to waste management, and compliance with the other general development control policies depends on the appraisal below of the traffic issues and the site-specific environmental effects.

### **South Herefordshire District Local Plan.**

- 6.15 The third, and final, element of the Development Plan is the Local Plan. In common with the Structure Plan it has an end-date of 2001 and is also due to be superseded by the UDP. It does, however, have a site-specific policy for Madley airfield which allocates the site for use class B1 and B8 use. In order to assess compliance with this policy it is necessary to consider the precise nature of the proposed use.
- 6.16 The Use Classes Order includes the following definition of "Industrial process":

“a process for or incidental to any of the following purposes:—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals”

In the light of this definition I conclude that the autoclaving process is an industrial process and, within that overall definition, it can reasonably be classified as Use Class B2, general industry, rather than B1, light industry. By comparison a municipal waste site involving the deposit, treating, keeping, storage or disposal place is defined as *sui generis* because it involves more than just the industrial processing itself. In the case of the current application the primary purpose and activity is the processing of waste itself with no on-site disposal. The only on-site storage is ancillary to the processing of the waste. Furthermore a key element of the application proposals is the production of a new material, the homogeneous organic fibre, which itself is intended for other future uses. This amounts to a manufacturing process in its own right. I therefore take the view that the proposal is for a Use Class B2 use. It would be prudent to define this through a planning condition, as a use class B.2 use for the treatment of MSW and limited types of commercial waste. The significance of this for the purposes of the South Herefordshire District Local Plan is that use class B2 falls outside the allocation of Madley Airfield for Use Classes B1 and B8 only. There is, therefore, conflict with one element the of development plan in this specific respect.

6.17 In assessing the conflict with the development plan identified above Members should be aware that permissions have been granted to five use class B.2 uses on the industrial estate and the adjoining site is currently in use for use class B.2 purposes. Furthermore, the emerging UDP allocates the site for a wider range of uses including B.2; an allocation which is supported by the Inspector into the UDP as reported above. It can, therefore, be reasonably concluded that this conflict with an out-of-date part of the current development plan is not sufficient to justify refusal of permission. In the final section of this report the question of possible referral to the Secretary of State as a Departure application is considered.

6.18 Overall, subject to detailed consideration of traffic and local environmental effects, the application proposals accord with the development plan apart from the allocation of the site to B1 and B8 uses through policy ED.2 of the South Herefordshire District Local Plan, (which itself is due to be superseded by the UDP with which the application does conform) and subject to consideration of BPEO as required by the RSS.

## **B. Other Planning Policy Considerations**

### **PPS1 - Planning and Sustainable Development.**

6.19 PPS1 provides overall guidance on planning patterns and, in regard of planning applications, advises that:

“Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the



Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date. The 2004 Act provides that if there is a conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence.

“Material considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation which is to regulate the use of land in the public interest and that when determining applications they must take into account any relevant views ..... however local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.”

**PPS10 - Planning for Sustainable Waste Management**

6.20 PPS10 was published in July 2005. It sets out the Government’s Key Planning Objectives for Sustainable Waste Management thus:-

“Regional planning bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking for disposal as the last option, but one which must be adequately catered for;
- provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;
- [an objective relating to Green Belts]
- ensure the design and layout of new development supports sustainable waste management

6.21 The “Waste Hierarchy” referred to above is normally depicted as a triangle with the following headings, in order of preference:

At the top (i.e. most desirable):	Reduction
Followed by:	Reuse, Recycling and Composting, Energy Recovery, and,
At the base of the triangle (i.e. the least desirable):	Disposal.

6.22 The PPS also contains the following statements of direct relevance to this planning application. Thus:

- paragraph 21 In deciding which sites and areas to identify for waste management facilities, waste planning authorities should:
- (1) assess their suitability for development against each of the following criteria:
    - the extent to which they support the policies in this PPS;
    - the physical and environmental constraints on development, including existing and proposed neighbouring land uses
    - the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion including economic potential;'
    - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.
  - (2) give priority to the re-use of previously developed land, and redundant agricultural and forestry buildings and their curtilages.
- paragraph 22. When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.
- paragraph 26. In considering planning applications for waste management facilities. Waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities
- paragraph 27. ....Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced
- paragraph 29. In considering planning applications for waste management facilities waste planning authorities should consider the likely impacts on the local environment and on amenity (for list see paragraphs 6.42 to 6.66 below) These can also be the concerns of the pollution control authorities and there should be consistency between consents issued under the planning and pollution control regimes.
- paragraph 30. Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public

interest to ensure that the location of proposed development is acceptable and health can be material to such decisions.

- 6.23 The advice in PPS10 distils the relevant European and international obligations regarding waste management relevant to this planning application. PPS10 itself does not make reference to BPEO although there is a companion guide which, in dealing with the application of Sustainability Appraisal (SA) to emerging strategies for dealing with waste, includes advice on the relevance of BPEO. Effectively there is overlap between the two approaches, BPEO and SA, and they are founded on similar principles. The guide includes the advice that "It should be possible from a thorough BPEO assessment to identify consistency with the key planning objectives in PPS10." Additionally the companion guide to PPS10 contains the following advice in respect development for waste management facilities on unallocated sites: "Planning applications that come forward for sites that have not been identified, or are not located in an area identified, in a Development Plan Document as suitable for new or enhanced waste management facilities, may help implement the planning for waste strategy and should not be lost simply because they had not previously been identified. The key test is their consistency with PPS10 and the waste planning authority's core strategy. Where they are consistent they should be treated favourably."
- 6.24 The application proposals comply with the above guidance subject to consideration of the traffic and local environmental effects of the development.

### **PPS 23 - Planning and Pollution Control**

- 6.25 PPS23 was issued in 2004 and deals with the interaction of pollution control with all aspects of planning. The most relevant paragraph is:

paragraph 15. Development control decisions can have a significant effect on the environment, in some cases not only locally but also over considerable distances. LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. This will require close co-operation with the Environment Agency and/or the pollution control authority, and other relevant bodies such as English Nature, Drainage Boards, and water and sewerage undertakers, to ensure that in the case of potentially polluting developments:

- \* the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and
  - \* the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable. LPAs may wish to set out principles and policies to deal with cumulative impacts when drawing up their LDDs.
- Decisions

PPS23 also contains, in an appendix, details of model planning conditions which are recommended for use in cases where further ground investigations may be needed before construction has started and also to account for contamination which is discovered during construction.

PPS23 policy advice has been closely followed in the analysis of traffic and local environmental effects below.

### **Unitary Development Plan**

6.26 The final element of policy advice to consider is the emerging development plan in the form of the Unitary Development Plan. The Inspector's report into the public local inquiry was published in March 2006 and the plan is now expected to proceed to adoption in March 2007. The UDP will replace the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan as part of the Development Plan. The proposed development accords in principle with the policies in the UDP regarding Waste Management and related developments. The key difference between the UDP and the full range of policies and guidance set out above is that there is a site specific policy for Madley Airfield which permits use class B2 use on the application site. The allocation was limited to the 2 hectares of the former airfield which benefits from current or past planning permissions for B1, B2 or B8 uses. The former airfield, as a whole, is much larger than 2 hectares, but the limitation of the allocated area to the extent of existing and past permissions was considered appropriate bearing in mind the road network serving the site. The only objections raised to this allocation at the public local inquiry into the UDP sought to enlarge the boundary of the allocation. These suggested changes were rejected by the Inspector in his recommendations. The current application site remains within the allocated site and this allocation will, therefore, in due course be the development plan policy for the site. The application accords with the Unitary Development Plan policies for the development of this piece of previously developed land for B1, B2 or B8 uses subject to consideration of the traffic and local environmental effects of the development.

### **C. Highways considerations**

6.27 It is acknowledged that the Traffic Assessment provided gives a worst case scenario. In reality it is likely that there would be fewer vehicle movements than indicated due to the use of larger vehicles carrying waste to the proposed site. However, consideration is based on the data as submitted. The applicant estimates that the proposal would generate about 112 HGV movements per day, with a maximum of 160 per day. Over the proposed opening hours for deliveries/removals (07.00 hours to 18.00 hours) this would amount to an average of between 11 and 15 HGV movements per hour at the site, i.e. about one HGV every 4 or 5 minutes Monday to Friday. In practice some traffic movement might take place on Saturday – this is a requirement of the Council's Waste Contractor. The number of vehicles is likely however to be relatively low but would reduce weekday average movements. Sunday movements are likely to be extremely low and would be necessary only in the case of unusual or unforeseen events. The applicant has already offered to agree to a condition limiting movements at weekends to 10 occasions per year with prior approval. This would be reasonable to limit adverse effects whilst retaining operational flexibility for the site operator.

6.28 The applicants estimate that the greater part of waste deliveries (95%) would be via the A465 through Hereford, the B4352 and Stoney Street, with only 5% coming from the Hay-on-Wye direction. Processed material is expected to be distributed in different directions with approximately 20% (mostly recycled metals and plastics) going to Hereford, 20% (waste) to be landfilled at the Hill and Moor site near Pershore, Worcestershire, and about 60% further afield, along the A465, A49 and M50. (The route of vehicles under the control of the applicants can be controlled through the routing agreement in the Section 106 agreement). Only limited markets for treated material are anticipated in the west and movements of treated material in that direction are unlikely to be very high. There will also be occasional HGV movements to remove solids from the waste water treatment plant on the site – but these will not add significantly to the overall level of traffic created by the development. Staff car travel (14 people/shift concentrated in two shifts – 06.00 to 14.00 and 14.00 to 22.00), is likely to be concentrated outside the normal peak hours.

- 6.29 The possible effects of increased traffic movements arising from the development on local amenities and highway safety and congestion on the adjoining road network are a matter of great concern to objectors, very many of whom have commented on the potential seriousness of these effects. The applicant has included assessments of the existing flows, accident records and the effects of the proposal. It should be noted that these were undertaken during school holidays and when the bridge at Bridge Sollers was closed, both of which will have affected the traffic levels and distribution. The Environmental Statement states that “due to the nature of the area it is not considered that the traffic flows measured will be significantly different to the norm.” This is a reasonable statement. The applicants note that the section of Stoney Street to the south-west of the application site is unsuitable and accept that if necessary a routing agreement could be made to avoid this section. Policy Madley Airfield 2 in the Local Plan states inter-alia that “any further developments ... will not normally be permitted until ... the southern end of Stoney Street has been satisfactorily widened and improvements made to the junction of the Class III road from Kingstone.”
- 6.30 Members should be aware that significant further developments have been allowed on the industrial estate since the policy was proposed and the Local Plan has been adopted and that no such widening or improvements have been required of any other applicant. They should also be aware that the above policy is not included in the emerging UDP. It remains nonetheless in the Development Plan and, if permission is granted, it should be on the condition that the operator either makes a routing agreement not to use this section of Stoney Street or makes the necessary improvements.
- 6.31 The application site lies within the established Stoney Street Industrial Estate. The estate has a long history of planning approvals for all types of "B" class land uses within it, some of which are at least as large, if not larger than that proposed. Specific permitted uses on-site have included, or do currently include, road hauliers' yards and an HGV weighing station. Land parcels within the estate, including the application site, could legitimately be proposed for any type of "B" class use, including offices, industry and distribution warehousing. Consequently, the test of this particular application is to set the traffic generation associated with the proposed waste treatment plant against that which could be expected from the various "B" class land uses noted above. This has been undertaken with recourse to the nationally recognised TRICS trip generation database. This process is summarised in the table below with respect to the same floorspace (12,000sqm) as that proposed by the applicants.

<b>Total “Trips” in accordance with the TRICS Database</b>	
<b>Land Use</b>	<b>Daily Trips</b>
B1 - Offices	1,545
B2 - Industrial	911
B8 - Distribution Warehousing	656
Proposed Waste Plant (Maximum Daily Trips)	216

- 6.32 It is immediately evident from the above table that the proposed waste treatment plant would generate significantly fewer vehicle movements than would any of the legitimate alternative uses for this site, either on the basis of a single "B" class use or a mix of "B"

class uses. The proposed waste treatment plant would generate in the worst case a maximum of 160 HGV trips per day. This would constitute some 74% of total trips. Further interrogation of the TRICS database indicates that industrial sites can generate some 30% HGVs, while distribution warehousing sites can generate between 50 and 80% HGVs.

- 6.33 Based on the figures given in the above table, which reflect the same floorspace as proposed for the waste plant, a B2 industrial use could generate up to some 300 HGV trips per day while a B8 distribution warehouse use could generate between 325 and 525 HGV's.

<b>Trips: HGV traffic only</b>	
<b>Land Use</b>	<b>Daily Trips</b>
B1 - Offices	463 (based on 30% of total trips)
B2 - Industrial	300
B8 - Distribution Warehousing	325 to 525
Proposed Waste Plant (Maximum Daily Trips)	160

- 6.34 It is standard practice to multiply by a factor of 2.5 trips made by HGVs of the size proposed to be used by the applicants in order to reflect their equivalent number of car trips. This would result in some 400 "car equivalent" trips to service the proposed waste plant, plus 56 staff trips, giving a total "car equivalent" number of trips of 456. This number is well below the figure noted in the first table above for B1 office use and shows that the trip generation of the proposed waste treatment plant falls below that which could be expected from a site of this size, were it to be put to an alternative, legitimate "B" class land use.

<b>Trips: Car equivalent trips</b>	
<b>Land Use</b>	<b>Daily Trips</b>
B1 - Offices	1272 (based on 70% of total trips)
B2 - Industrial	750
B8 - Distribution Warehousing	813 to 1313
Proposed Waste Plant (Maximum Daily Trips)	456

It can be seen from the above tables that the expected traffic generation of the application proposals is significantly less than would reasonably be expected from other B1, B2 or B8 uses of the allocated site.

- 6.35 As a result of the proposals, it is expected that traffic flows would typically rise by around 25% on Stoney Street, 10% on the B4352 east of the Comet Inn junction less than 3.5% on the A465 at its junction with the B4349 and even less in percentage

terms on Belmont road. It should be noted that traffic flows on Stoney Street are currently very low, which does serve to magnify the likely increase in traffic due to the application proposals when considered on a percentage basis. These percentages are based on traffic figures indicated in the Traffic Assessment.

- 6.36 It has been noted that there have been some concerns regarding the impact of the proposal on Greyfriars Bridge. However, the Highways Agency have raised no objections to the application. Further assessment of traffic information provided by the applicant indicates that there will be a net increase in the order of 10 to 20 HGV trips (2 way) a day. In the context of the current daily flows of approximately 37,200 vehicles (of which around 2,800 are HGVs, i.e. 7.5%) this is not regarded as being significant.

### **Road Safety**

- 6.37 The applicants have provided details of personal injury accidents for the five year period current at the time of the revised Statement (1<sup>st</sup> June 2000 to 31<sup>st</sup> May 2005) for the local road and these are set out in full within the submitted transport assessment. The data reveals the following:
- There have been no personal injury accidents on Stoney Street;
  - There have been five injury accidents at the Comet Inn junction, none of which involved HGVs;
  - On the 2.5 km section of the B4352 between Stoney Street and Clehonger to the east, there were eight accidents recorded, none of which involved HGVs; and
  - There have been 5.6 injury accidents per annum on the 3 km section of the B4349 between Clehonger and the A465. HGVs were not generally involved although in one case, unfortunately a fatal accident at Macintyre's bend, a goods vehicle of less than 3.5 tonnes was involved.

It should be noted that as part the programme of accident remedial measures Herefordshire Council has carried out improvements at Comet crossroads and at "MacIntyres bend" on B4349. These serve to improve the safety of the route intended to be used in connection with this application.

Since the applicants submission, the most recent data (31<sup>st</sup> August 2006) indicates that ten personal injury accidents have occurred during the intervening period. Namely:

- Between June 2005 and September 2005 - five injury accidents on the B4349 in the vicinity of Clehonger Court. One involving a stationary HGV being struck by a skidding car.
- Between January 2006 and August 2006 - Five injury accidents occurred randomly distributed on route between the A465 and Stoney Street. Of these, one accident involved a goods vehicle of less than 3.50 tonnes. (One accident involving a pedestrian could be considered not relevant as it would appear that it was not caused by a road condition and therefore 'untreatable').

Measures were introduced in June 2006 on the B4349 near Clehonger Court to address the problem of the repeatedly occurring accidents. The measures include new surfacing, marker posts, high conspicuity signage and road markings.

### **Mitigation**

- 6.38 The Traffic Manager notes that:

Stoney Street between the site and the junction with the B4352 is typically some 6.0m wide and is capable of allowing two HGV's to pass each other. However, there is a pinch point on Stoney Street, which constitutes a section of road that is some 4.0m wide over a distance of some 100m, rendering it too narrow for two HGVs, or a car and an HGV, to pass. The applicants have indicated a willingness to fund any reasonable improvement at this location. This is a reasonable requirement of any permission and can be financed through a Section 106 Agreement. A unilateral Undertaking under Section 106 of the Act accompanied the planning application in 2004 and, provided that the application is granted planning permission, the Undertaking will continue in effect. The Undertaking makes provision for a contribution of £100,000 to highway works on the roads serving the site, and include a routing agreement so that HGVs serving the site will always to and from the site via Stoney Street north to/from the Comet crossroads, and not southwards from the site down the narrowest section of Stoney Street.

- 6.39 The Traffic Manager's conclusions regarding these effects are that there are no grounds for objection to the proposals on traffic and highways matters. The following conditions are recommended:
- H13 - Access, turning area and parking;
  - H17 - Improvements to the pinch point on Stoney Street to ensure safe flow of traffic;
  - H21 - Wheel washing;
  - H27 - Parking for site operatives; and
  - H29 - Secure cycle parking provision.
  - H30 – Green Travel plan
- 6.40 The Traffic Manager has given careful consideration to the report by TMS Consultants as submitted by Madley Parish Council as described in paragraph 5.1 above. The report is welcomed and its recommendations will assist with detailed consideration of off site improvements funded through the planning contribution to be negotiated with the applicant. However, it should be noted that the Council's prioritisation of safety related highways improvements is based on analysis of the distribution of accidents and in particular identification of accident cluster sites. The Council has already implemented a number of safety improvements on the B4352 and the B4349 (see paragraph 6.37 for further details) which have addressed existing cluster sites. The underlying safety issues at these locations related to inappropriate speeds and loss of control in wet conditions. There is no evidence to suggest a correlation between accident patterns and HGVs. Consequently, in considering further improvements along this route it is likely that certain types of improvement which might facilitate faster speeds would not be appropriate. The Council will consult with the local communities when further detailed assessment of improvements is carried out.
- 6.41 It was noted in the Consultations Section of this report that the Highways Agency do not object.
- 6.42 In conclusion, in respect of highways and traffic issues, there are insufficient grounds to warrant refusal of permission subject to the imposition of appropriate conditions and the applicant entering into a Section 106 Undertaking to make provision for the off-site highway works necessitated by the development proposals.

#### **D. Local Environmental Effects**

- 6.43 PPS10, Annex E, sets out the twelve criteria (a to l) against which waste planning authorities must consider the merits of planning applications for waste processing.



Each heading is considered in turn below, along with the introductory paragraph in the PPS.

#### **a) protection of water resources**

“Considerations will include the proximity of vulnerable surface and groundwater... The suitability of locations subject to flooding will also need particular care.”

6.44 The principal effects on groundwater are likely to arise from two sources:

1. disturbance of the ground during construction, and
2. as a result of drainage from the site.

Disturbance during construction would be the same for any building works on this site. Previous construction works have not revealed any problems, but there is a low risk of hotspots of contamination being discovered when the new building is under construction. The Environmental Statement included a desk study and site investigations. During 2006 further investigations have been carried and, in June 2006, the Environment Agency confirmed that any remaining issues can be covered with standard conditions to cover the construction phase, all in accordance with the advice in PPS23 and related annex.

Surface water and foul sewage from the site will be disposed of via the available drains. The “wash down” water will be collected and treated on site before re-use or release into the sewers. Some of the materials from the wash down water will be removed from site by tanker. The degree of control proposed will be adequate to protect local water resources.

The Environment Agency have examined these issues in detail and do not object to the proposals subject to the imposition of appropriate conditions.

6.45 The site is within flood zone 1 for flood plain purposes. This means that it is in an area with a less than 1 in 100 year flood frequency. No special flood prevention measures are required for a development of this size in these circumstances.

#### **b) land instability**

“Locations that are liable to be affected by land instability will not normally be suitable for waste management facilities.”

6.46 This is not a constraint for this site.

#### **c) Visual intrusion**

“Considerations will include (i) the setting of the proposed location and the potential for design-led solutions to produce acceptable development; (ii) the need to protect landscapes of national importance.”

6.47 The landscape of the area around the industrial estate is described as Principal Settled Farmlands in the Council’s Landscape Character Assessment. The topography is generally flat, roadside hedges are low and do not particularly screen views around the site. The land to the south is very open, rising to the higher land of the Golden Valley

to the south-west, an Area of Great Landscape Value. There are significant settlements and large intensive agricultural units in the adjoining landscape.

- 6.48 The existing buildings on site include modern industrial units and two former aircraft hangars. There are groups of smaller industrial and former intensive agricultural buildings on the Dene Industrial Estate and Webton Business Park. The proposed building would be very large scale and at least the upper part would be visible from the Kingstone – Brampton and particularly the Brampton – Madley roads, and from distant viewpoints such as Brampton Hill. Views from Stoney Street when travelling south are more limited because of intervening bands of woodland and trees.
- 6.49 The development would be seen in the context of existing industrial development from all locations in the vicinity. The Council's Team Leader (Landscape) considers that the existing industrial estate is already a significant visual detractor in this area and that the addition of further building, which is large in terms of footprint, but not in terms of vertical style, would not worsen the situation, providing that substantial planting could be undertaken to screen the site from views from the south and west. Given the limited views of the proposed building from the Area of Great Landscape Value it could not be argued that the proposal would have unacceptably adverse effects on the AGLV. The Council's Team Leader (Landscape) considers that the proposed development would best be mitigated by the establishing a substantial tree screen along the southern boundary. This would be in accordance with Policy 3 of the South Herefordshire District Local Plan Madley Airfield Policies, which states that:

“The Council will strive to achieve further landscaping as screening around the boundaries of the estate wherever appropriate and necessary as opportunities arise.”

The applicants have proposed a siting of the building to enable a tree belt to be planted along the greater part of the southern boundary. This would acceptably mitigate the impact of the proposal given its specific context on an industrial estate with several substantial industrial buildings nearby.

- 6.50 The proposed building itself is largely functional in design, but efforts have been made to reduce its apparent size and scale by use of a curved roof with a break along its length, panels on the side and a different form for its offices. The proposal is acceptable visually and in terms of its impact on both the wider and immediate landscape.

#### **d) nature conservation**

“Consideration will include any adverse effect on a site of national importance for nature conservation or a site with a nationally recognised designation.”

- 6.51 No such sites are directly affected by the development which is, after all, previously developed land on an established industrial estate. However, very extensive work has been undertaken as part of the Environmental Impact Assessment to ensure that protected species have been looked for and their habitats have been properly considered. In particular the applicants found a single Great Crested Newt on the boundary of the application site, on one of five site surveys and other newt species on site. Great Crested Newts are a European Protected Species and neither they or their habitats may be disturbed or damaged without proper licence. In this case, the applicants obtained a suitable licence from DEFRA to move the newts and infill the water tank. In response to objectors' concerns surveys were also undertaken of water

voles on or using the site. No evidence of either was found. The site no longer contains a suitable habitat for either newts or water voles. No evidence has been submitted to suggest that any other protected species might be present on site.

Objectors have drawn attention to other species on or near the site, English Nature are satisfied however that the proposal is more than 2 kms from any SSSIs and would not harm the special interest of the sites and the County Ecologist has assessed the Environmental Statement and undertaken his own site survey and has no objection subject to the imposition of conditions.

**e. historic environment and built heritage.**

“Considerations will include any adverse effect on a site of national importance or a site or building with a nationally recognised designation.”

- 6.52 Detailed discussions have been undertaken between officers and the applicant with regard to what is considered a potentially sensitive site. Desk and on site intrusive evaluations have been made and officers consider that the archaeological value of the site has been adequately and appropriately assessed in the Revised Environmental Statement, that no further assessment or investigation is necessary and that the mitigation proposed is acceptable. Officers would have no objection on archaeological grounds for planning permission to be granted subject to the imposition of the standard (Archaeology) condition D01.

**f. traffic and access**

“Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.”

- 6.53 This has been considered in the previous section of this report on highway issues.

**g. air emissions, including dust.**

“Considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.”

- 6.54 Note that “Odours” are considered separately below.
- 6.55 The issue of Air Quality has been the subject of intense scrutiny since the court decision to quash the earlier grant of permission. The five legal principles set out in paragraph 6.4 above should be born in mind when considering this issue.
- 6.56 Impacts on Air Quality arise from three sources: the autoclave process, the heating plant for the building, and traffic emissions from vehicles serving the site.

The Autoclave process Emissions will occur when the autoclave vessels are opened at the end of the pressurised treatment of the waste. Steam will be released into the relevant part of the main building. Emissions from this source are to be controlled by collecting the steam and passing it through a condenser enabling the steam to be treated and water collected for re-use. Any fugitive emissions escaping from this re-circulatory system will be retained in the building by maintaining the building under

negative air pressure (see also the section on Odour below) and will ultimately pass through a dust abatement plant and odour abatement plant before being emitted to the atmosphere. The information submitted, and scrutinised by the Environment Agency and consultants acting on behalf of the Environmental Health officers, has not revealed a significant likelihood of emissions from the building in excess of any concern thresholds.

Heating Plant.

The autoclave process involves raising steam to 160 degrees centigrade. This will be achieved through the use of two gas fired boilers which will vent exhaust gasses via flues. As with the emissions from the autoclave process extensive calculations have been provided and subject to scrutiny by the Environment Agency and the Council's consultants. Their conclusion is that emissions will fall within acceptable standards.

Traffic emissions

This topic has also been examined in great detail, based on a worst case of 160 HGV movements a day. (For the avoidance of doubt, this figure is made up by assuming that a fleet of 40 HGVs is required to bring waste to the site, and then they must depart. Similarly a further figure of 40 HGVs will be required to travel to the site to collect the resultant treated waste and then depart – making a total of 4 x 40 movements, i.e. 160. In reality it is anticipated that true figure will be much smaller at around 112 movements a day). The same expert advice is that no concern thresholds of vehicle emissions will be exceeded.

6.57 In order to put such expressions as “emissions will fall within acceptable standards” into context one of the submitted tables is reproduced below. This concerns the chemical nitrogen dioxide which has been one of the potential contaminants of greatest concern to the Environment Agency and many objectors.

**Table 1: Modelled levels of nitrogen dioxide**

Location	Statistic	AQ standard	Process contribution	Baseline	Predicted environmental concentration
Denevilla	Annual mean	40 µg/m <sup>3</sup>	0.21 µg/m <sup>3</sup>	9.4 µg/m <sup>3</sup>	9.6 µg/m <sup>3</sup>
	99.8 <sup>th</sup> percentile of hourly means	200 µg/m <sup>3</sup>	6.1 µg/m <sup>3</sup>	18.8 µg/m <sup>3</sup>	24.9 µg/m <sup>3</sup>
	Number of exceedances of hourly mean standard	18 permitted	Not applicable	Not applicable	0 exceedances
Commercial Unit 7b	Annual mean	40 µg/m <sup>3</sup>	0.11 µg/m <sup>3</sup>	9.4 µg/m <sup>3</sup>	9.5 µg/m <sup>3</sup>
	99.8 <sup>th</sup> percentile of hourly means	200 µg/m <sup>3</sup>	4.6 µg/m <sup>3</sup>	18.8 µg/m <sup>3</sup>	23.4 µg/m <sup>3</sup>
	Number of exceedances of hourly mean standard	18 permitted	Not applicable	Not applicable	0 exceedances
Commercial Unit 9	Annual mean	40 µg/m <sup>3</sup>	0.25 µg/m <sup>3</sup>	9.4 µg/m <sup>3</sup>	9.7 µg/m <sup>3</sup>
	99.8 <sup>th</sup> percentile of hourly means	200 µg/m <sup>3</sup>	6.1 µg/m <sup>3</sup>	18.8 µg/m <sup>3</sup>	24.9 µg/m <sup>3</sup>
	Number of exceedances of hourly mean standard	18 permitted	Not applicable	Not applicable	0 exceedances

6.58 The nearest residentially occupied property to the application site is Denevilla. Looking at the top line of the table the baseline figure for Nitrogen Dioxide is 9.4 µg/m<sup>3</sup>

(micrograms per cubic metre) i.e. that is the concentration of nitrogen dioxide present in the atmosphere at this site at present. The AQ (i.e. Air Quality) standard is 40  $\mu\text{g}/\text{m}^3$  – this is the level above which the Environment Agency will be concerned that a significant level of pollution is occurring. The proposed development, once completed and in operation, is expected to add only 0.21  $\mu\text{g}/\text{m}^3$  of Nitrogen Dioxide to the background level. On this basis there is no case for refusal of permission based on adverse effects on air quality caused by the levels of nitrogen dioxide likely to be released into the atmosphere as a result of the proposed development.

- 6.59 The Revised Environmental Statement and subsequently submitted documents cover all the potential contaminants in similar detail and in each case the conclusion is the same – the anticipated increases in levels of known pollutants in the atmosphere fall well below the concern thresholds set down by the Environment Agency. On this basis, the impact on air quality of the development proposals are demonstrably acceptable for the purposes of determining the planning application.
- 6.60 The conclusion above assumes that the submitted processes and procedures for controlling emissions are fully operational at all times during which waste is being treated on site. It is reasonable for this to be required by planning condition.

#### **h. odours**

“Considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment.”

- 6.61 The principle means of controlling odour emissions are the maintenance of the building under negative air pressure and the practice that vehicles will only be loaded and unloaded within the main building. Consequently the odours which will arise from the unloading of untreated waste will all be contained within the main building in the part of it specifically laid out for the purpose. There will be no storage of untreated waste other than in cases of emergency. Considerable work has been done to establish that it is practical to maintain the building under negative air pressure, including the use of rapid opening and closing doors. An example of a building operating on this basis has been inspected by planning and environmental health officers and found to be effective at abating the escape of odours from the building. The air which needs to be expelled from the building to maintain negative air pressure has been accounted for in the submitted calculations and considerations of air quality. Tables similar to the one above have been submitted and checked to confirm that no concern thresholds are exceeded. It is reasonable that a planning condition can require that the plant needed to maintain negative air pressure is fully operational at all times that untreated waste is present in the building. On this basis it is concluded that odours can be adequately controlled.

#### **i. vermin and birds**

“Consideration will include the proximity of sensitive receptors... The primary aim is to guard against new or increased hazards caused by the development.... The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.”

- 6.62 The containment of the process within the main building, and the absence of untreated waste outside the building, will ensure that vermin issues will not arise on the site.

**j. noise and vibration**

“Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise both inside and outside buildings. Intermittent and sustained operating noise may be a problem if not kept to acceptable levels and particularly at night if night-time working is involved.”

- 6.63 The Council’s Principal Environmental Health Officer’s advice is that the applicant’s assessment of noise arising from the use of the process building is unlikely to pose a problem but that conditions could be imposed to limit the maximum night time noise level emitted to 43dBA at the site boundary. On this basis it would be very unlikely that there would be a statutory nuisance to the nearest houses. Further conditions are recommended to limit activities at weekends.
- 6.64 The Principal Environmental Health Officer also advises that vehicles on site are unlikely to cause a statutory noise nuisance and that a condition could be imposed limiting vehicle movements in and out of the building to between 07.00 and 18.00 hours. The Environmental Statement acknowledges that there would be a moderate impact on housing close to the road network. Other properties between Madley and Hereford would also be adversely affected. However the restriction of vehicle movements to the hours recommended above would mitigate those effects to a satisfactory extent.

**k. litter**

“Litter can be a concern at some waste management facilities.”

- 6.65 The containment of loading, unloading and the processing of waste within the main building is such that there is no reason to anticipate a litter problem at the site. However, it would be appropriate to ensure that all vehicles carrying waste to and from the site are suitably enclosed or sealed to ensure no escape of litter (or waste generally) during transit. This can be covered by condition in respect of those vehicles which are under the applicant’s control.

**l. potential land use conflict**

“Likely proposed development in the vicinity of the location under consideration should be taken into account in considering the site suitability and the envisaged waste management facility.”

- 6.66 This issue has largely been covered in the section on development plan policies above, The proposed development would not prevent other parts of the Madley Airfield allocation being developed for class B uses in accordance with the current and emerging development plans.
- 6.67 In conclusion of this section on local environmental effects the development proposals have been assessed against all reasonably anticipated adverse impacts and none have been found which could justify a refusal of planning permission. This conclusion assumes that the plant, equipment and practices as proposed are fully operational whenever waste is present on site and is being treated. It follows, therefore, that the development complies with those elements of development plan policy which are concerned with the environmental effects of development.

## E. BPEO

- 6.68 Best Practicable Environmental Option (BPEO) is still referred to in an up to date element of the development plan, namely the Regional Spatial Strategy for the West Midlands, and in the emerging UDP. It is therefore a material consideration. However, it is no longer part of national Planning Policy and, therefore, the weight to be attached to it is reduced accordingly.
- 6.69 The BPEO concept was first outlined by the Royal Commission on Environmental Pollution (RCEP) in 1976 as an extension of the “Best Practical Means” concept, a principle used in air pollution control since the Alkali Act of 1874.

The RCEP’s 12<sup>th</sup> report 1988 elaborated the BPEO concept and produced the most widely used summary of BPEO as

“the outcome of a systematic, consultative and decision-making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes for a given set of objectives, the option that provides the most benefits or least damage to the environment as a whole, at acceptable cost in the long term as well as the short term”.

- 6.70 Simplified, the concept requires that decisions relating to waste management should minimise damage to the environment as a whole at acceptable cost in both the long and the short term, taking into account what is affordable and practicable. Local environmental, social and economic considerations are important and in practice the BPEO for a particular waste stream may be different in different areas or in the same area at different times. Related principles which must be taken in to account are:
- The **waste hierarchy** - that the most effective environmental solutions are usually to reduce waste generation, then to re-use it, recycle, compost, or recover energy from it and that only if none of these are appropriate should it be disposed of (i.e. to landfill).
  - The **Proximity Principle** – i.e. that waste should ideally be disposed of as close as possible to its point of origin, and
  - **Regional Self-Sufficiency** – that a locale should wherever possible deal with the waste it generates itself.
- 6.71 The report to the Southern Area Planning Sub-Committee on the application in March 2004 included a very lengthy section on BPEO, most of which concerned the issues already covered above. The sections reproduced below deal with the BPEO methodology applied to the planning application as it now stands.
- 6.72 The Council has undertaken a joint BPEO assessment for the Municipal Solid Waste (and other waste) Streams (to 2016) with Worcestershire County Council and has endorsed options for each of these. The BPEO for Herefordshire’s Municipal Solid Waste is to achieve a combined recycling and composting target of 33% and landfill 22%, with the balance (45%) being managed through a form of thermal treatment, and for each county to have local treatment facilities.
- 6.73 The Council also agreed that it will be important to retain an element of flexibility when considering applications for waste management facilities, but that processes or technologies put forward as an alternative to those which comprise the BPEO for a

particular waste stream will have to clearly demonstrate that the impact of that process or technology will be the same or perform better than those which have been modelled for the agreed BPEO.

6.74 Fundamental issues regarding this proposal are therefore:

- Whether it is as good or better than the adopted BPEO for the County's Solid Municipal Waste Stream and
- Whether the specific proposal is the BPEO for this stream at this time

There is guidance on making a BPEO assessment in Waste Strategy 2000 – but no set approach – in essence however the approach should be comprehensive, flexible, iterative and transparent and should take account of local environmental social and economic references. At the strategic level the Council closely followed the guidance in Waste Strategy 2000. In considering this application, Officers emphasise more local factors.

6.75 New technology

An important issue must be the fact that the proposal is of a relatively new kind and that this plant appears to be the first of its kind at this scale. Objectors have drawn particular attention to the potential problems of using relatively new technology. The applicants state that the technology was initially developed in the USA in the mid-1990s, and has since been further developed in the UK. Initially a “proof of concept” plant was transported from the USA and rebuilt at Sheffield. Estech Europe state that they were not party to this plant but that it was operated in accordance with a planning permission and given a Waste Management Licence by the Environment Agency. The plant has ceased operation and been returned to the USA.

A small scale commercial plant (40,000 tonnes p.a.) has been installed at Thygeston Landfill Site at Bridgend. The applicants state that:

“The process operates, but generally only on a demonstration basis. The two autoclaves break down the elements of waste in a similar way to Estech's demonstration plant. The post-processing equipment however is not the same as the Estech process and does not appear to achieve the same quality of separation between the products.”

Officers have discussed the operation of these plants with the responsible sections of the Environment Agency. They have been informed that they were granted and operated in accordance with Waste Management Licences and that there were no significant issues or problems in that respect.

6.76 It is at least reasonable to argue therefore that some evidence that the process works does exist. The comments from DEFRA are particularly pertinent in this regard in confirming that the recovery rates claimed are reasonable. It is also significant that other plants comparable to the proposal have been licensed by the Environment Agency. In particular the proposed autoclave plant at Hartlebury, Worecstershire, to be operated by the same company, has now been granted a Waste Management Licence by the Environment Agency. It is not the function of the planning system to frustrate innovation. DEFRA's comments that “for our part in Waste Strategy we are pleased to hear of local authorities actively considering new technologies such as autoclaving” is important. A demonstration plant has been operated on site and observed by the Council's and Environment Agency staff. Officers consider therefore that it could not



be argued that the concept is so innovative that it could never be the BPEO, or that uncertainties about it were so material that it should be refused permission on the ground that its novelty and inherent uncertainty were overwhelmingly significant. Objectors have widely circulated a "Report on Waste Processing Technology and the Oneida-Herkimer Solid Waste Authority Request for Proposals." (December 2003). Officers have established that the Oneida-Herkimer Solid Waste Authority is "a public benefit corporation, a governmental body established to manage (a) region's waste .... The report was written for (a) Board of Directors, area elected officials, RFP (Request for Proposal) respondents and the general public. (Its) purpose was to discuss (their) evaluations and make conclusions on the waste processing technology proposals put forward (by 3 respondents) as well as (to) outline past and future Authority policy and evaluations of waste processing technologies." The Authority is based in Utila, New York. Summarised, the report assesses 3 possible proposals to treat 50,000 tonnes of waste as an alternative to landfilling. None of the 3 proposals was adopted. One of the proposals was by Estech Rome LLC and was for an autoclave process which would have created a fuel for power generation.

The applicants have issued a statement that:

#### 6.77 "USA Authority RFP (Request for Proposals)

1. Company Synergy: Estech Europe Ltd. (a recycling based company) has no direct relationship with Estech Rome LLC (an energy based company) other than both are independent licensees of the original technology owned by the Slane Company. The trade name Fibrecycle™ used to identify the process is common in name only. Since the licence was granted Estech Europe Ltd. has significantly developed the original technology and taken the Fibrecycle™ process to an advanced proven stage of effectiveness and completeness for the purpose of recycling up to 80% of municipal solid waste. The USA Company is developing the technology for a completely different market, predominantly the recovery of energy from materials market.

The Estech Europe Ltd. Fibrecycle™ Recycling Process has been approved as BAT (Best Available Techniques) for all of Belgium, including Brussels.

2. Basis of the Report: RFP (Request for Proposals) – the report is the result of a 'scatter gun' approach in an attempt to identify alternative solutions and new technologies for reducing landfill in NY (New York). The report states "It is important to note that the RFP was advertised locally (NY) and nationally (USA) twice but only three respondents came forward with proposals." This was not a planning proposal or tender request for a fully operational plant; it was a speculative venture in an attempt to establish what 'new' technology was available – no economically viable outcome could be predicted for the respondents. For this reason, it is quite possible that all three companies, once fully aware of the requirements of the Herkimer County, declined to submit further information beyond some initial presentations."

Officers' advice is that although Members should be aware of the objector's representation and that the American authority chose not to proceed for their own reasons but that beyond this the report has little bearing in terms of the determination of this planning application and should not be given much weight.

#### 6.78 The applicants state that their "Fibrecycle technology has recently been approved under BAT (Best Available Techniques) in Belgium. This accreditation was

commissioned by Estech Europe as part of the development of our process in Belgium. We are presently working with Biffa Belgium as their nominated technology supplier for the Brabant (Incovo) waste management project. Biffa Belgium has been appointed the local authority's Preferred Partner for this large waste management contract.

In Belgium, any process that is to be used for the treatment of waste must first have BAT approval. This approval, once given, allows the technology to be used for the treatment of waste at any site in Belgium subject to planning permissions and permitting. The Belgium authorities will not issue permits for the operation of a waste treatment facility if that facility has not been approved as BAT.

To gain accreditation as BAT, the technology in question must undergo a vigorous examination by a body approved by the Belgium authorities. There is one main body in Belgium which has the ability and approval to carry out these examinations. This acknowledged approval body is known as VITO and it has carried out a study on our technology and submitted its report to a government body known as OVAM. The study was reviewed by OVAM and it has been agreed that our Fibrecycle technology conforms to BAT."

- 6.79 This is a material consideration. Its significance is that Belgium is a member of the EU and it can be assumed therefore that the technology is considered to conform to EU Directives on Waste by the Belgian authorities. Their decisions are not binding on the Council but should be noted and indicate that in contrast to the American example, some reputable organisations do not consider new technology in principle, or this one in particular, unacceptable in terms of EU legislation.

On the assumption therefore that it is at least eligible for consideration, the proposal needs to be further assessed.

- 6.80 Could the proposal be BPEO?

In order to answer this question the application has been assessed against the following questions with the aim of establishing whether the proposal provides the most benefits or least damage to the environment as a whole, at acceptable cost in the long and short term, taking into account what is affordable and practicable, the Waste Hierarchy, Proximity Principle and Regional Self Sufficiency. If it does so it can be considered the Best Practicable Environmental Option and can be granted planning permission.

- How does the proposal contribute to the Strategy, i.e. does the BPEO strategy require additional capacity? - Yes.
- Does the existing capacity meet the strategy requirements? - No.

The current position regarding waste treatment in the two Counties is unsatisfactory. The Council is landfilling far too high a proportion of its waste and is not achieving its own or government targets for recycling/recovery. The Integrated Waste Management Contract and adopted BPEO both identify that new arrangements and facilities for the treatment of municipal waste are needed.

- What is the capacity of the proposed plant? - 100,000 tonnes, this would be adequate for the preferred option.

- Does the proposal provide a sensible contribution to the overall need? - Yes.

It would cover the County's entire MSW output and allow for a reasonable amount of growth over the next 20 odd years.

- Location and the Proximity Principle: Is there an existing facility in the vicinity? - No.

- 6.81 - Where would the proposal receive waste from? – The proposal would receive most of its waste from within the County, and if permission were granted conditions could be imposed to control this.

Municipal Waste arisings within the county are likely to grow to 100,000 tonnes per annum over the period of the Council's Integrated Waste Management Contract and officers believe it is sensible to develop facilities which could cater for this.

At present the Council's Household MSW arisings are about 61,000 tonnes per annum (plus a 2,000 tonnes per annum from Tenbury). The applicants anticipate eventually transporting up to 20,000 tonnes per annum of treated Waste to Hill and Moor (Worcestershire) and argue that whilst there is such a shortfall in treatment facilities in the region that it would be sensible to carry the same volume in return loads for processing at Madley – whilst the site has capacity, rather than return empty. It is possible that about 7,500 tonnes (rising over time) of waste from Herefordshire's "Bring" sites could also be processed at Madley (subject to improved on-site separation). The net total of "Herefordshire" Waste processed at the site at the outset could therefore be about 68,500 tonnes. In order to run the plant at capacity (100,000 tonnes) they need therefore to import about 40,000 tonnes of waste per annum until the supply from the Herefordshire "Bring" sites is established. This would reduce to about 33,000 tonnes per annum if the "Bring" sites material is used. As Herefordshire's own waste increased this importation would need to progressively reduce. Not to allow this waste to be processed, whilst Worcestershire does not have adequate facilities of its own, would mean that this waste would probably be landfilled at Hill and Moor. This would be undesirable itself and because valuable landfill space on which Herefordshire itself depends would be unnecessarily used up.

It is in accordance with the general principles of Regional Self-Sufficiency and the Proximity Principle to allow these imports. It is essential however that if permission were to be granted those principles require that conditions should be imposed to limit imports of waste to a maximum of 40,000 tonnes at commencement, reducing to 20,000 tonnes after 10 years and that such waste should only come from Worcestershire.

- 6.82 - Is there an appropriate area having regard to the final disposal of residual materials? - This is dealt with in more detail under the heading "What is the end product?" but in summary some of the product could be dealt with locally, some could be landfilled at Hill and Moor, as most of the County's waste is currently. There is no suggestion that products need to be dealt with in any specific or distant a location which would so influence the decision as to justify the refusal of planning permission at this site.
- 6.83 - How would the facility contribute to the Strategy? i.e. what does it propose to take? - All of the County's Municipal Solid Waste, with a supplement from

outside, possibly Worcestershire, to ensure full plant operating capacity is achieved.

- 6.84 - What is the recovery rate? - The applicants' proposals that recovery is as good as the BPEO for this waste stream is considered reasonable by DEFRA.
- 6.85 - What is the end product and is there a possible market for it? - The applicants state that these are:
- "a) Ferrous and non-ferrous metals. The metals market is already well-established and the company will sell the material into this market. As there is continuous demand for metal, there is no requirement to enter contracts with any users of these materials. It is likely that ferrous metals will be supplied to businesses in the Hereford area, while non-ferrous metals will be taken further afield as more specialist plants are required, e.g. in South Wales.
  - b) Plastics. Like the metals market, the market for plastics is also well-established and this applies to specific types of plastics and mixed plastics. Our process currently produces a mixed plastic with no further separation. We will continually monitor prices for individual types of separated plastics and, should it prove commercially worthwhile, will consider installing additional equipment to separate the mixed plastics. However, to provide more detail, we have the opportunity to supply two companies with our mixed plastics. The main opportunity is with a company based in Dorset who can use the materials to manufacture "timber-like" products including decking, joists, boarding and many other product that can be utilised in the building industry.
  - c) Fibre. There are a number of markets for the fibre. This provides the advantage that we are not subject to the vagaries of one particular outlet. These include using the fibre in the building products sector, composting, or as a biomass fuel source possibly through anaerobic digestion. The fibre may be used as a composting base material. Tests have already been undertaken that show the fibre to comply with the standards set by the Composting Association. The only area where improvements are required to fully meet the standards is in relation to small amounts of contras (glass and plastics). The only reason for this is that the air-classifier in the demonstration plant is less than 1 metre long which does not allow these contras to be adequately separated and removed. The air-classifier on a commercial plant will be 5 metres long and will allow the contras to fall out of suspension first, thus ensuring that the fibre will then comply fully to the standard. Subsequent anaerobic digestion, if undertaken, would enhance the product still further."

The compost market is large but is dependant upon the quality of product produced and, in the case of the DIY market, public perception. Compost can be sold into the following markets (in order of value):-

- DIY market
- Horticultural market
- Agricultural market

As Herefordshire is a largely rural county, the fibre, as a compost or soil additive, could be readily disposed of within the horticultural and agricultural markets.

However, the preferred market for the fibre will be in building products. There are opportunities for it to be used in fibreboard, the market for which is considerable (50 million m<sup>3</sup> per annum or 30 million tonnes per annum are produced throughout Europe). Estech have been in negotiations to supply a major European producer of fibreboard with fibre.

In addition, the company has been working with Ecobond, the manufacturers of a non-carcinogenic resin to utilise the fibre in the making of tiles, bricks, slabs, kerbstones and other building products. They have stated, "Samples have already been manufactured and shown at our mobile plant demonstrations and the proposed markets are substantial. As a safe 'fallback' or 'base' position, the company has secured a contract with a major coal factor who wish to use the fibre as a biomass fuel to be co-combusted with coal. The volumes required for this market are very substantial. For this purpose the fibre could go to any number of coal fired power stations as near to Hereford as possible.....I would re-emphasise that this is only intended as a short-term solution whilst we establish the fibre into the recycling markets"

The absence of a clear final 'end use' for the fibre counts against the proposal in a BPEO sense in the short term. Members must be aware however that it is not the role of the planning system to better the market economy. Even if a specific end user were proposed by the applicants it would not be reasonable to condition this, insist that specific contracts are entered into or to maintain contracts by condition. Several objectors have drawn attention to a condition imposed by Worcestershire County Council in granting planning permission for an Autoclave facility near Hartlebury, Worcestershire. The condition requires that Worcestershire County Council be satisfied with the contract(s) for the use or disposal of the fibre output of the autoclave process. Such a condition falls outside the advice on conditions contained in Department of Environment Circular 11/95 and also runs contrary to the advice PPS10 paragraph 22 quoted in paragraph 6.22 of this report above. Such a condition is not, therefore, recommended below.

The range of uses proposed has the potential to offer great and valuable flexibility. In a BPEO sense this is important in the long term. A balance has to be struck, the idea of practicability has to be borne in mind and the proposed end products and possible uses seem practicable.

Members should also be aware however the Council can use its Integrated Waste Management contract to impose further controls on the end use and will be advised by DEFRA in this regard.

6.86 Is there significant diversion from landfill? - This is a very important question for three reasons:

1. The submitted Revised Environmental Statement (RES) is predicated on finding a use for the fibre; consequently if the fibre merely goes to landfill as waste then the RES itself can be called into question and with it the basis for the planning application proposals,
2. Compliance with RSS Policies WD1 and WD2 will be put in jeopardy without significant diversion from landfill,

3. In order to demonstrate BPEO for this waste stream it is vital that a significant percentage of the output of the autoclave process is diverted away from landfill as waste.

Consequently it is reasonable that a diversion away from landfill as waste can be required by a planning condition. Such a condition will be “Negative” in the sense of merely specifying what will *not* happen to the waste – it is not necessary for compliance with development plan policies or BPEO to be prescriptive as to what specific market or end use is found for the fibre or, indeed, for the local planning authority to be in the position of vetting contracts for such markets/uses. An appropriate condition is included in the recommendation below as condition no.6.

- 6.87 Is there another comparable plant? - Nothing currently operational on this scale although, of course, a similar plant by the same applicant for the same process and the same annual amount (100,000 tonnes) has planning permission and a waste management licence at a site at Hartlebury in Worcestershire.
- 6.88 What are the environmental effects? - Members should note that the assessment of environmental effects in determining the BPEO for a specific proposal is not the same as that required for an Environment Statement or, in the way that these matters are usually assessed, for a planning applications. Here an important issue is that there appear to be significant differences between the environmental impacts from what is proposed and those technologies examined in the BPEO study for the Municipal Solid Waste stream. The study identifies thermal treatment as a preferred option. Thermal treatment could include incineration as well as autoclaving. Some of these technologies are established. It would be fair to point out that, in general, forms of incineration have not proved popular and are widely viewed as polluting (albeit to an extent that would be regulated to an acceptable degree). It is possible that other innovative technologies may be developed which may be both environmentally benign and more popular. The proposal claims to produce minimal harmful emissions to air and water and to provide appropriately treated waste. It is for the Environment Agency and Health and Safety Executive to regulate waste treatment facilities but neither has suggested that the proposal would be “worse” environmentally than the “thermal treatment” proposed in the BPEO for the waste stream.
- 6.89 The applicant has submitted the evaluation of the methodology undertaken for the Belgian Best Available Technique accreditation body. The evaluation compares the applicant’s technology with incineration in a grate furnace (a ‘thermal’ processing) and other mechanical-biological pre-treatment technologies with thermal processing of the remainder in a fluidised bed furnace. In summary, the evaluation found that in terms of a combination of “less environmental impact, avoided emissions, less disposal, more material recovery and cheapness” the applicants’ technology scored equal or better than the other technologies. Only in terms of energy recovery was it worse. In combination the process was found to be equal or better than the technologies to which it was compared. The study itself notes that practical industrial scale experience with the process is lacking and that the analysis is mainly based on theoretical calculations and that there were uncertainties regarding it.

The report assessment itself notes the need for caution as a result, but it is important to note that it states “However in general there does not seem to be major obstacles in the process management that would pose serious risks of ..... failure in the whole process” and the conclusions as a whole seem reasonable. It is reasonable therefore for this Council to accept that the technology is at least as environmentally ‘good’ as thermal treatment, apart from in energy recovery terms.

## 6.90 Location

Aside from the question of whether the technology is acceptable, Members also need to consider whether the location of the site is BPEO. The Development Plan does not specifically identify sites for this kind of proposal. The Deposit Draft UDP sets out the criteria to be used when considering new waste management facilities and the proposal complies with these. The applicants have undertaken their own assessment of 10 sites. They conclude that the Madley site is the best. Objectors have questioned both the methodology and its application. Any scoring system is subjective and it must be an important factor that there are no grounds within the existing Development Plans or emerging UDP to state that Madley could not be the best location. However, whilst the objectors' criticisms of the submitted Siting Study have some validity it is not the case that other sites are shown to be better. Objectors have particularly focussed on the idea that better sites might exist at Moreton Camp and Rotherwas. The applicants have submitted a letter in response, stating that:

"The Environmental Statement acknowledges that Moreton-on-Lugg enjoys better access than the application site and that Rotherwas Industrial Estate enjoys marginally better access than the application site. However, these two sites had other constraints which led to the application site being most suitable overall. In relation to one issue both the Rotherwas Industrial Estate and Moreton-on-Lugg have particular constraints, namely the floodplain.

Following comment made by a number of objectors regarding floodplain issues, the Environment Agency has confirmed that both the locations lie within the Indicative Floodplain. In addition they state that "any site which is located in or within close proximity to the floodplain is considered at high risk of flooding". This was one of the main reasons why these sites were not considered to be as suitable as Stoney Street. Members may also be aware that the access into the Moreton Camp site is currently considered inadequate by the Highways Agency and these are reasons why officers would not score these sites as high as either the applicants or objectors do. It could not therefore be argued that there are grounds for asserting that any other site in the County is a better practicable option for this proposal than the application site.

6.91 In the light of the above arguments it is concluded that that this proposal is the BPEO.

## 7. The procedure for Departures from the Development Plan

7.1 Advice on Departure Applications is given in Circular 07/99. The planning application has been advertised as a departure from the development plan due to the conflict between the proposed land use, B2, and the allocation in the South Herefordshire District Local Plan for B1 or B8 use. If the proposal goes ahead it will prevent either B1 or B8 use going ahead on this particular site within the land use allocation. Before granting permission members must therefore consider whether this departure is so significant that the application should be referred to the Secretary of State who will then have the option of calling it in for a public local inquiry. In order to assist local authorities in determining whether to refer to departures to the Secretary of State the circular sets out a variety of cases which might significantly prejudice the implementation of the development plan's policies and proposals. Those examples include applications of more than local significance, applications involving waste treatment and applications which have been the subject of an Environmental Impact Assessment. However, the legal requirement set out in Section 38 (5) of the Planning and Compulsory Purchase Act 2004 (quoted in paragraph 6.6 above) is that, in the

case of conflict between two development plan policies, the latest element of the development plan should prevail. The proposal complies with the latest element of the Development Plan, namely the RSS, and also complies with the unchallenged policy for the site in the emerging UDP which will supersede the South Herefordshire District Local Plan in the foreseeable future. The objections which have been received following the publication of the site notice (which referred to the departure from the development plan) have been concerned with traffic and environmental issues rather than the old District Local Plan policy. Consequently the Committee is recommended to use its discretion and proceed to determine the planning application without referral to the Secretary of State as a departure.

## **8. Conclusion**

- 8.1 The application has been assessed against the Development Plan which is comprised of the RSS, the Structure Plan and the South Herefordshire District Local Plan. It accords with the policies regarding development for waste treatment and will help to implement regional and national waste strategies. It also complies with national planning policies and the emerging UDP. The traffic and local environmental effects have been thoroughly assessed and do not give rise to compelling reasons for refusal. The development therefore complies with all aspects of the development plan with the exception of the site specific policy for B1 and B8 use in the South Herefordshire District Local Plan. This policy will be replaced in the foreseeable future by a UDP policy which will allow for B2 use of the site. The site has also been assessed against the principles of BPEO which, despite no longer being part of national planning policy, is none-the-less a material planning consideration. The proposal accords with BPEO principles. The application is therefore recommended for approval subject to appropriate planning conditions, along with the Section 106 planning obligation (which is already in place) in respect of off-site highway works and routing arrangements for HGVs serving the site.

## **RECOMMENDATION:**

**That**

- (i) it be recorded, pursuant to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (SI 1999 No 293), Regulation 3(2) that the Herefordshire Council have taken the environmental information into consideration when making their decision. "Environmental Information" is defined by Regulation 2(1) as "the environmental statement, including any further information, any representations made by any body required by those Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development:" and**
- (ii) that the application be approved 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. The premises shall be used for waste treatment using the autoclave processes described in the submitted Environmental Statement along with the sorting and despatch of recyclable materials and residues and for no other purposes including any other purposes in Use Class B.2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** To restrict the use of the site to that proposed and described in the submitted Environment Statement, in the interests of the amenities of the site and surrounding area, and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

3. Not more than 100,000 tonnes of waste shall be processed on site in any 12 month period.

**Reason:** To limit the scale of the operation and to ensure that the permission is operated in accordance with the principles of Best Practicable Environmental Option, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, to safeguard the amenities of the locality and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

4. No material shall be processed by the steam autoclave process on site other than Municipal Solid Waste and non-hazardous Commercial Waste collected by or on behalf of, or for disposal by, the County of Herefordshire District Council or the local authorities of Worcestershire (including both the County Council and the local authority districts in Worcestershire). For the purposes of this condition the definition of "non-hazardous Commercial Waste" is:

Waste which is collected by, or on behalf of, local authorities from non-domestic properties and which is none of the following:

Hazardous Waste (as defined in the Special Waste Regulations 1996),  
Clinical Waste (as defined in the Controlled Waste Regulations 1992), or  
material falling within the provisions of the Waste and Electronic and  
Electrical Equipment Directive.

**Reason:** In order to define the permission and to ensure that the permission is operated in accordance with the principles of Best Practicable Environmental Option, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, to safeguard the amenities of the locality and to comply with Policies GD.1 and C.47 of the South Herefordshire District Local Plan.

5. Not more than 40% of the material processed on site in any 12 month period shall originate from outside of the county of Herefordshire and not more than 20% of the material processed on site in any 12 month period shall originate from outside of the county of Herefordshire after 10 years of the date of commencement of processing.

**Reason:** In order to define the permission and to ensure that the permission is operated in accordance with the principles of Best Practicable Environmental Option, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, to safeguard the amenities of the locality and to comply with Policies GD.1 and C.47 of the South Herefordshire District Local Plan.

6. None of the “Fibre” produced by the waste treatment operations at the site shall be disposed of to landfill as waste. For the purposes of this condition the term “Fibre” is a reference to Homogeneous Organic Fibre as described in Section 2.2.1.(ii) of the Revised Environmental Statement dated October 2005.

**Reason:** To ensure compliance with policies WD.1 and WD.2 of the Regional Spatial Strategy for the West Midlands, to ensure consistency with the assumptions in the submitted Revised Environmental Statement and to ensure compliance with the principles of Best Practicable Environmental Option.

7. No treated or untreated waste shall be stored on site other than within the main building.

**Reason:** To protect the appearance of the locality, the amenities of local people and to prevent pollution and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

8. All doors and building openings on the eastern elevation of the main building (i.e. in the direction of Kingstone) shall be kept closed during the periods after 2300 hours and before 0700 hours on any day and all doors to the process building shall be kept closed when not in use.

**Reason:** To protect the interests of residential amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

9. The submitted means of preventing detrimental impacts on air quality outside the main building, including the maintenance of negative air pressure within the building and other controls over emissions from the building as specified in the application and supporting documents, shall be maintained fully operational at all times during which waste treatment is taking place on the site.

**Reason:** To safeguard residential amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

10. All vehicles which are within the control of the operator of the site and are carrying waste shall be sheeted over or otherwise sealed or contained sufficiently to prevent spillage or escape of waste from those vehicles when they are outside the main building.

**Reason:** To safeguard the amenities of nearby residential properties and nearby businesses and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

11. The arrival and departure of Service Delivery Vehicles to and from the site shall not take place outside the hours of 0700 hours to 1800 hours Mondays to Fridays, and 0800 hours to 1300 hours on Saturdays, and shall not take place at all on Sundays and the public holidays for Christmas Day, Boxing Day and New Years Day. Exceptionally, on up to ten occasions per annum, vehicle movements for deliveries or despatches to and from the site may take place outside the permitted hours subject to the prior written agreement of the local planning authority.

**Reason:** To safeguard the amenities of the locality and to allow the operator flexibility if necessary to cater for unforeseen events without excessive adverse effects on the locality, and to comply with Policy GD.1 of the South Herefordshire District Local plan.

12. The level of noise emitted from the proposed development shall not exceed 43dB  $L_{Aeq, 1h}$  after 2300 hours or before 0700 hours on any day, as measured at a distance of 25m from the building, in a south easterly direction in a direct line towards Dene Villa. All measurements are to be taken in accordance with BS 4142, 1997.

**Reason:** To protect the interests of residential amenity and to comply with Policies GD.1 and C.47 of the South Herefordshire District Local Plan.

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Reason:** to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

14. No development approved by this permission shall be commenced until a surface water scheme, including the provision and implementation of surface water run-off limitation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details, including Figure 2.6 (Drainage Layout) submitted with the planning application.

**Reason:** to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

15. Foul drainage from the facility shall be connected to the mains public foul sewer, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

16. All process cleansing water shall be disposed of to the on site water treatment system, for containment prior to adequate, safe, off site disposal, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

17. Prior to any remediation works on site in respect of potential ground contamination a Method Statement detailing the remediation requirements shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement will use the information obtained from the submitted site investigation report and related documents and shall detail measures to minimise the impact on risks to human health, ground and surface waters.

Reason: To ensure that the proposed remediation will not cause risks to human health or pollution of Controlled Waters and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the site investigation. This addendum shall include details on how the contaminants would be remediated (to be set out in a Method Statement) and shall thereafter be carried out in accordance with those details.

Reason: To ensure that the proposed remediation will not cause risks to human health or pollution of Controlled Waters and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

19. Upon completion of the remediation detailed in any Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect human health and Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

20. D01 (Site investigation – archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with Policy C.34 of the South Herefordshire District Local Plan.

21. G.13(Landscape design proposals)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

22. G14 (Soft landscaping works)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

23. G15 (Landscaping implementation)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

**24. G27 (Landscape maintenance arrangements)**

**Reason:** In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

**25. G33 (Details of walls/fences)**

**Reason:** In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

**26. The nesting boxes intended for use by Barn Owls and shown on the submitted plans shall be provided before the autoclaves are first brought into use.**

**Reason:** In order not to deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981, and to comply with Policy C.15 of the South Herefordshire District Local Plan.

**27. F32 (Details of floodlighting/external lighting)**

**Reason:** To safeguard local amenities and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

**28. H13 - Access, turning area and parking;**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to comply with Policy T.3 of the South Herefordshire District Local Plan.

**29. H17 – Improvements to the pinch point on Stoney Street to ensure safe flow of traffic.**

**Reason:** To ensure the safe and free flow of traffic on the highway and to comply with Policy T.3 of the South Herefordshire District Local Plan.

**30. H21 - Wheel washing;**

**Reason:** To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to comply with Policy T.3 of the South Herefordshire District Local Plan.

**31. H27 - Parking for site operatives; and**

**Reason:** To prevent indiscriminate parking in the interests of highway safety and to comply with Policy T.3 of the South Herefordshire District Local Plan.

**32. 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 Policy T.1A of the South Herefordshire District Local Plan.

**33. H.30 – Green Transport Plan**

**Reason: To minimise adverse impacts of the development on the local highway network and to comply with Policy T.1A of the South Herefordshire District Local Plan.**

**34. F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents and to comply with Policy GD.1 of the South Herefordshire District Local Plan.**

**35. No material shall be processed on site unless and until one week's notice of the date of commencement is given in advance in writing to the local planning authority.**

**Reason: In order to define the date of commencement and to enable the permission to be monitored in accordance with the conditions imposed on it in the interests of nature conservation, pollution control, the amenities of local people and Policy GD.1 of the South Herefordshire District Local Plan.**

**Informative(s)**

- 1. The decision to grant planning permission has been taken having regard to the provisions of the Development Plan, in particular policies WD.1, WD.2 and WD.3 of the Regional Spatial Strategy for the West Midlands, the relevant policies in the Hereford and Worcester Structure Plan and the South Herefordshire District Local Plan concerning waste treatment and highways and amenity issues generally, along with the relevant national planning policy guidance, especially PPS10 and PPS23, and the emerging Unitary Development Plan. The local planning authority has also had regard to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Waste Strategy 2000 and the practice of Best Practicable Environmental Option as commended in the Development Plan. The Local Planning Authority has concluded that the benefits of the development, especially in regard to the implementation of the above policies, outweigh potential adverse impacts on the amenities of the locality and effects on the highway network including consideration of highway safety, highway capacity and environmental effects of traffic serving the site. The local planning authority has also concluded on the basis of all the submitted material there would be insufficient adverse environmental effects generally (including potential for pollution) from the proposed development to justify refusal of planning permission.**
- 2. Further details explaining the decision pursuant to Regulation 21 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 are available for public inspection at Blueschool House, Blueschool Street, Hereford (telephone 01432-260342).**
- 3. N19 - Avoidance of doubt**
- 4. HN4 - Private apparatus within the highway;**
- 5. HN5 - Works within the highway;**
- 6. HN7 - Section 278 Agreement.**

**7. HN25 - Green Travel Plan**

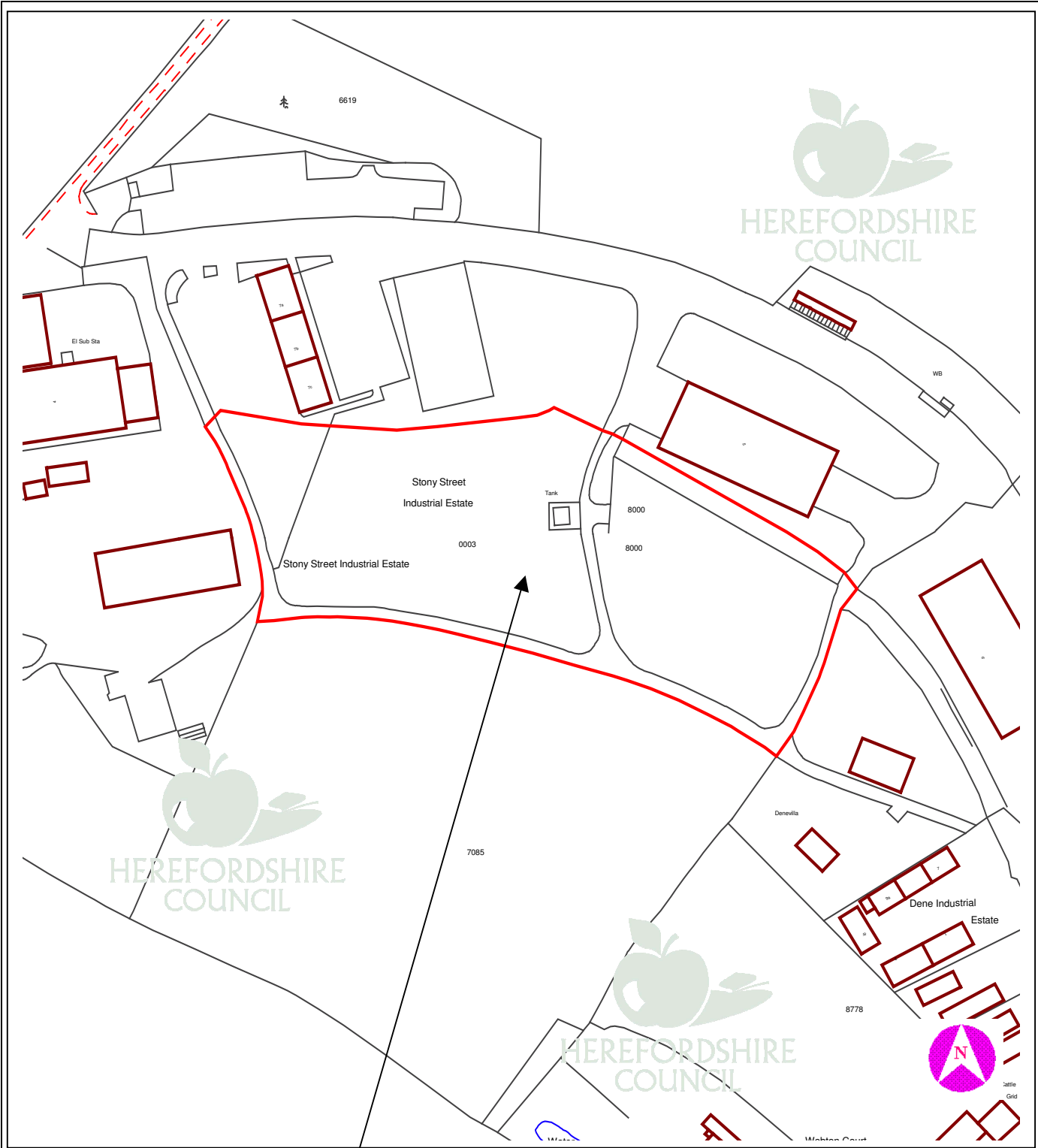
Decision: .....

Notes: .....

.....

**Background Papers**

Submitted Environmental Statement and associated submissions  
Internal consultation replies and related documents



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**APPLICATION NO:** DCSW2003/3281/N

**SCALE :** 1 : 2500

**SITE ADDRESS :** Stoney Street Industrial Estate, Madley, Hereford, HR2 9NQ

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**REVISED SUPPORTING  
STATEMENT  
TO ACCOMPANY  
THE  
PLANNING APPLICATION  
FOR A WASTE TREATMENT AND  
RECYCLING FACILITY  
AT  
STONEY STREET INDUSTRIAL  
ESTATE  
MADLEY  
HEREFORD**

HEREFORDSHIRE COUNCIL  
PLANNING SERVICES  
DEVELOPMENT CONTROL  
11 AUG 2006  
To: .....  
Ack'd: ..... Files: .....



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2. THE APPLICANT
3. THE TREATMENT PROCESS
4. OPERATIONS
5. SUMMARY

## APPENDICES

- Appendix 1. Statement by Enviros Consulting reference the scaling of emissions (3<sup>rd</sup> April 2006)**
- Appendix 2. Letter from DSTL reference land quality assessment (20<sup>th</sup> June 2006)**
- Appendix 3. Additional information from Enviros reference Air Quality (13<sup>th</sup> July 2006)**
- Appendix 4. Radiological Survey, factual report, plan and laboratory tests**



## 1. Introduction.

This planning application is submitted by Estech Europe Limited which is based at Beecham Business Park, Northgate, Aldridge, West Midlands, WS9 8TZ.

The application is to develop a waste treatment and recycling facility capable of handling 100,000 tonnes of municipal solid waste per annum.

The application is supported by a full Revised Environmental Impact Assessment, which was undertaken by independent consultants, Enviros who are based at Enviros House, Shrewsbury Business Park, Shrewsbury and which replaces the original Environmental Statement. For further detailed information regarding any aspects contained within this summary, reference should be made to the Revised Environmental Statement.

In addition to the Revised Environmental Statement, other documents are also relevant to this application. These include the application form and certificates, Appendices to the Revised Environmental Statement, a revised non-technical summary, a unilateral undertaking and certain correspondence clarifying additional issues raised. In respect to the last point, four items of the correspondence are included in the appendices to this statement referring to the scaling of emissions, DSTL response regarding land quality, additional information regarding air quality and the radiological survey.

## 2. The Applicant.

Estech Europe Limited was formed in June 2001 and has been specifically established to market, develop and operate a system known as the Fibrecycle™ Process. This system has the capability of treating and recycling waste materials, particularly municipal solid waste, and has the potential to recycle up to 80% of the waste materials accepted.

The Company's shareholders have extensive experience in the waste management and engineering industries and also have the financial strength to construct and operate the treatment system which is the subject of this application.

The individual members of the management team also have extensive experience in the waste management and engineering industries and a proven track record for delivering major new projects.

## 3. The Treatment Process.

The Fibrecycle™ process is a proven method of treatment and recycling for mixed or pre-sorted municipal solid waste (MSW) by means of saturated steam at about 160° Centigrade at low pressure in a rotating autoclave system with very low emissions. After treatment, the wastes have been totally sanitised and all the pathogens neutralised. The volume of the waste is reduced by a nominal 60%. The processed waste is then treated by a series of screens and recovery systems, e.g. debris roll screen, overband magnet, eddy current separator and air classifier, to achieve secondary recycling and separation of the products.





The technology was initially developed in the USA in the mid-1990s by The Slane Company and has been further developed in the UK over the last three years with a Proof of Concept plant in Sheffield, a commercial plant in South Wales and a 5,000 tpa mobile demonstration plant.

The Fibrecycle™ process separates the MSW input into three parts:

- Sanitised products such as ferrous metals, aluminium and mixed plastics for recycling (~20%).
- A homogenous fibre comprising the putrescible, cellulose and lignin elements of the waste stream (>60%).
- Treated and stabilised residual waste for landfill (<20%).

The metals and plastic recyclates would add to Herefordshire's overall recycling achievements. These would find a ready market because of the clean condition of the products from the Fibrecycle™ process. Less than 20% of the treated waste would go to landfill as a sanitised material which would immediately meet the biodegradable diversion targets of the EU Landfill Directive. We would envisage a process of Continuous Improvement to reduce the proportion of the wastes sent to landfill. As new technologies for separating the residue wastes to be landfilled become available, we would envisage the landfill proportion reducing to less than 10%.

After treatment, the wastes have been totally sanitised and all the pathogens neutralised. Our consultant's consideration of the process has led them to the conclusion that the proposed waste treatment would, to all intents and purposes, sterilise the waste and kill off virtually all micro-organisms such as bacteria, fungi, protozoa and viruses. The process would also produce a highly significant attenuation of the BSE and other prions by a factor expected to be of at least 500. The removal of any concerns on micro-biological issues is a positive benefit for the handling and re-use of the fibre.

It will be noted that the Fibrecycle™ process operates with or without doorstep recycling. It complements doorstep recycling initiatives in areas of low householder participation rates.

In the development of our technology we have maintained a close liaison with the waste regulation officers of the Environment Agency. Our discussions have included the regime under which our process, which we believe is best described as waste treatment and recycling, would be operated. As a result of these deliberations, the Midlands Region have now confirmed – after due consultation with the Agency's National headquarters at Aztec West, Bristol – that our process would be licensed under the existing waste management licensing regime and not the Pollution Prevention and Control (PPC) permit regulations which cover processes that may be likely to pollute. This has been further confirmed by the fact that a waste management licence for Estech's Fibrecycle™ process at Hartlebury Industrial Estate, Worcestershire should be issued in August/September 2006. In our view, this decision by the Agency confirms our belief that the proposed technology is a relatively benign process with limited emissions and very limited risk of harm to public health or danger to the environment. The Revised Environmental Impact Assessment has





addressed emissions in detail and confirms that emissions will be well within permitted limits.

Since late 2002, Estech Europe has focused its efforts on establishing recycling markets for the organic fibre. Our ultimate aim is to recycle the fibre into products such that 80% of the output from the Fibrecycle™ process facility is recycled. In order to achieve this, a number of markets have been explored. The proposed uses include the fibre being used as:-

- Compost type materials and/or soil enhancers;
- Composite wood replacement products, when used with waste plastics and extruded to make items such as decking, street furniture;
- Building products such as fibre board, kerbstones, slabs, tiles etc when mixed with a resin;
- Other lower grade products which would normally use fibre from, for example, virgin or recovered timber.

As an alternative, although not the intended route for the fibre produced at Stoney Street Industrial estate, fibre can be used as a feedstock for anaerobic digestion or gasification.

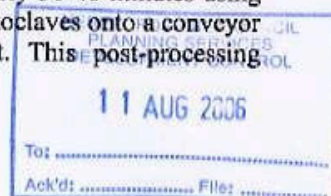
In brief the overall system represents an innovative but proven technology for the treatment of waste, in that:

- Over 60% is recovered as an organic fibre for use as a recyclate,
- Approximately 20% of the material consists of metals and plastics which are recovered for recycling and glass which can be recovered as an aggregate.
- A significant reduction in the need for landfill can be achieved,
- The small proportion of residue that will be sent to landfill will comply with the Landfill Directive as it will have been pre-treated prior to landfill,
- The process can operate unsorted MSW or compliment and enhance segregated collection systems.

The process itself gives rise to very limited emissions. Emissions to air will be the exhaust from the natural gas boiler; this type of gas fired boiler is commonly installed in schools and public buildings. Emissions from the process, including odour and dust, are not considered to be a problem within this type of process and the Revised Environmental Impact assessment has confirmed that emissions are well within permitted limits. The building will incorporate a negative air pressure system to retain any such odours or dust within the building and, in addition, dust capture and odour abatement systems will be installed to ensure that these elements are not released to atmosphere.

#### 4. Operations.

Waste is delivered and unloaded into a dedicated reception area within the building. From this, acceptable waste is conveyed to two feed hoppers prior to being discharged into the two autoclaves. The waste is treated for approximately 30-40 minutes using steam at low pressure. The waste is then emptied from the autoclaves onto a conveyor on which it is transported to post-processing equipment.



equipment includes debris-roll screens, air classifier, overband magnets, and eddy current separators. This separates all the fractions into the materials referred to above.

Additional equipment includes baling plants, containers and mobile plant to load the materials.

All processes and storage will take place within the building.

The operation will treat 100,000 tonnes per annum, five days per week. Whilst the application requests permission to treat and recycle 24 hours per day over six days per week this is to allow for essential maintenance and flexibility for peaks in demand. Treatment and processing will normally be limited to 16 hours per day and the aforementioned five days per week.

Heavy goods vehicle movements will be limited from 0700 to 1800 hours. This includes both deliveries and exports of materials. The anticipated average daily movements of heavy goods vehicles will be 160 (based on 80 delivery and 80 export movements).

The process will provide direct employment for approximately 26 people on a full time basis. Indirect employment will include hauliers and users of the recycling materials and fibre.

The recyclates (plastics and metals) will be baled and then transported to a reprocessor for recycling.

The fibre will be transported to a user of the material and the small amount of residue will be transported to a suitably licensed facility for final disposal.

## 5. Summary.

The process subject of this application will provide the following benefits:

- A sustainable waste solution which will maximise the opportunity to recycle and re-use waste materials, reducing the need to utilise primary resources.
- Enable the Local Authority to meet its recycling and recovery targets.
- The minimisation of waste disposed of at landfill facilities, thus preserving this finite reserve.
- The residue will have been treated, providing compliance with the Landfill Directive.
- The location of the process will assist in reducing vehicle movements, particularly when markets for recyclates are available locally.
- The process will provide direct employment for approximately 26 local people and indirect employment for others.



**DCCE2006/3117/F - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 13 NO. TWO BED APARTMENTS WITH ASSOCIATED EXTERNAL WORKS. AMENDMENT TO ACCESS ROAD PREVIOUSLY APPROVED (DCCE2005/0977//F) MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD (PHASE 2)**

**For: Mill Court Developments Ltd, Hitchman Stone Partnership, 14 Market Place, Warwick, CV34 4SL**

**Date Received: 29th September, 2006    Ward: Tupsley    Grid Ref: 51905, 39866**

**Expiry Date: 29th December, 2006**

Local Members: Councillors Mrs M. Lloyd-Hayes, Mrs E.A. Taylor, W.J. Walling

## **1. Site Description and Proposal**

- 1.1 This application seeks planning permission for the erection of 13 residential units on land off Ledbury Road, Hereford. The 0.21 hectare site is located on the northern side of Ledbury Road and adjoining Eign Brook, the railway line, Mill Court, the rear boundaries of 23-31 Ledbury Road and 31a Ledbury Road (an existing backland plot). The site is also adjacent to an area utilised as allotment gardens. Access to the site is via an existing driveway from Ledbury Road serving 31a Mill Court and parking courts. The application site is immediately adjacent to a recently approved development of 19 units (DCCE2006/0977/F). The proposal whilst comprising a separate area of land to the already approved development adjacent is intended to reflect the character and appearance of the previous development and shares the access road previously approved for this scheme, albeit in an upgraded format.
- 1.2 The proposal involves the demolition of the existing dwelling on site, number 31a, and the erection of a single three-storey block of flats consisting of 13 two bedroom units. The proposal is arranged in a broadly 'L' shaped configuration with a vehicular access point passing through the development to a shared parking area to the rear. Parking at a level of one space per unit is proposed, together with a disabled persons reserved parking space and secure cycle parking for 13 cycles. A shared private amenity space is also proposed.
- 1.3 A Section 106 Agreement is currently being prepared in association with this proposal and a Draft Heads of Terms is attached at Appendix 1.

## **2. Policies**

### **2.1 Planning Policy Guidance:**

PPG1	-	General policy and principles
PPG3	-	Housing
PPG13	-	Transport



## 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S3	-	Housing
DR1	-	Design
DR7	-	Flood risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H9	-	Affordable housing
T11	-	Parking provision
T7	-	Cycling
H15	-	Density
H16	-	Car parking

## 3. Planning History

- 3.1 HC870250POE - Erection of 3 bungalows with garages and one additional garage. Refused 30th July, 1987. Appeal dismissed 24th March, 1988.
- 3.2 HC880232PO - Erection of two dwellings with garages and one additional garage. Permitted 4th August, 1988.
- 3.3 HC910256PO - Erection of two dwellings with garages and one additional garage (amendment to HC880232PO). Permitted 13th August, 1991.
- 3.4 HC970346PO - Site for erection of two dwelling with garages and one additional garage. Deemed invalid 23rd September, 1997.
- 3.5 CE2000/0744/O - Scheme for residential development. Permitted 3rd November, 2000.
- 3.6 CE2002/0444/F - Proposed development to provide 23 mixed residential units consisting of 2 bed flats. 3 bed town houses and 2 bed mews cottages. Refused 10th January, 2003.
- 3.7 DCCE2004/0026/F - Proposed development to provide 19 residential units. Approved 23rd April, 2004.
- 3.8 DCCE2005/0977/F - Proposed development to provide 19 residential units. Approved 15th July, 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Network Rail: No objection.
- 4.2 Environment Agency: Confirmed the requirement for a Flood Risk Assessment.
- 4.3 Welsh Water: No objection subject to conditions.



Internal Council Advice

- 4.4 Traffic Manager: Advised that the road layout as submitted is unacceptable and requires revision. Confirmed requirements for financial contribution of £1500 per unit towards sustainable transport improvements.
- 4.5 Conservation Manager:
- Landscape Officer: No objection subject to conditions.
  - County Archaeologist: No objection.
  - Ecologist: Confirmed the requirement for an ecological investigation prior to the determination of this application.
- 4.7 Parks, Countryside and Leisure Development Manager: Confirmed requirement for a financial contribution of £500 per dwelling towards improving the Portfields site.
- 4.8 Environmental Health and Trading Standards Manager: No response.
- 4.9 Director of Childrens' Services: advised of a requirement for a financial contribution of £2000 per dwelling to enable the upgrading of facilities at Aylestone High School and St James Primary School.

**5. Representations**

- 5.1 Hereford City Council: No objection.
- 5.2 Local residents: No response received.

**6. Officers Appraisal**

- 6.1 The main issues associated with this application are considered to be:
- The Principle of Residential Development
  - Design and Scale
  - Residential and Visual Amenities
  - Highway Issues
  - Provision of Affordable Housing

Principle

- 6.2 The application site lies within an Established Residential Area as defined in the Herefordshire Unitary Development Plan (Revised Deposit Draft). Policies S3 and H1 permit new residential development within the Established Residential Areas and, as such, the proposal is considered appropriate as a matter of principle. Of further note is the permission on the adjacent site (DCCE2005/0977/F). It is considered that this permission has clearly established the principle of development in this location.

Design and Scale

- 6.3 As originally submitted this application failed to relate acceptably to the adjacent scheme currently under construction. A revised scheme was requested and received which now takes important design queues from the adjacent development. The use of

rendered panels and the general roof and layout arrangements reflect the approach taken with the adjacent scheme and this will allow this proposal to integrate effectively into this location. The scale is reflective of the locality and in view of the existence of existing buildings and mature landscaping along its boundaries it is considered that the proposal will have no adverse impact on the wider area.

#### Residential and Visual Amenities

- 6.4 The dwellings fronting Ledbury Road are considered to be a sufficient distance away to ensure that privacy will be maintained at an acceptable level. The adjacent Mill Court terrace has no openings in the end elevation facing the proposal. The separation distance between the proposed development and the scheme currently under construction on the adjacent site is of note. However, the overall layout is reflective of a modern higher density development and this relationship is considered acceptable in this context. The impact on existing properties adjacent to the site has been addressed through the design and layout such that there will be no harm to existing occupiers. Having regard to the design approach proposed it is considered that the visual amenities of the site and wider area will be preserved through this development. The development will relate well to the adjacent development creating a single comprehensive and integrated development of this area.

#### Highway Issues

- 6.5 This application requires revisions and enhancements to the approved road layout for this site to ensure acceptability from a highway perspective. The requirements of the Traffic Manager have been discussed and can be achieved although at the time of writing the recommendation is subject to the receipt of an appropriately revised access and road layout.
- 6.6 In other respects adequate parking is provided (minimum of one space per unit) in accordance with Development Plan requirements and secure cycle parking is identified. This is considered appropriate having regard to the 2-bed format of accommodation proposed.

#### Affordable Housing

- 6.7 This application seeks planning permission for 13 dwellings on a site under 0.5 hectares. The scheme therefore falls below the level at which affordable housing can be secured through the relevant policy in the Herefordshire Unitary Development Plan. Notwithstanding this, the relationship of this proposal to the adjacent development under construction is of note, as is the description of this scheme as 'Phase 2'. Furthermore, the adjacent larger development of 22 units was approved without an affordable element on the basis that it was considered under the Hereford Local Plan wherein 25 units was the 'trigger' for the provision of affordable dwellings. The Developer has, however, confirmed that this development cannot be linked with the adjacent development in the sense that when this scheme secured planning permission, this application site was not available for development. On this basis whilst your officers have discussed the provision of a proportion of affordable housing, ultimately, it is considered unreasonable to pursue such provision in this instance.

Other Issues

- 6.8 The Council's Ecologist has advised of the requirement of an appropriate ecological investigation and associated report. This has been requested and the recommendation is subject to the acceptability of this upon receipt. Similarly, the Environment Agency advised of the requirement of a Flood Risk Assessment (FRA). This has also been requested and again the recommendation is subject to the acceptability of this upon receipt.
- 6.9 It should be stressed that this report has been prepared with the assurance that the additional information will be submitted in advance of the Committee meeting. Accordingly its content and any feedback will be reported verbally.

Conclusion

- 6.10 This application represents an evolution of the extant permission on the adjacent site. The application has addressed the issues noted in the previous development proposals for this site and remains acceptable in relation to design, scale, residential and visual amenity, and highway issues. For these reasons, approval, is recommended subject to the conditions set out below.

**RECOMMENDATION**

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 by the 22<sup>nd</sup> December, 2006 in accordance with the Heads of Terms set out in Appendix 1 to this report and any additional matters and terms as he considers appropriate.**
- 2) **Upon the completion of the aforementioned planning obligation, and subject to there being no objection from the Environment Agency, the Traffic Manager, and the Conservation Manager in respect of the outstanding matters that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 **B01 (Samples of external materials )**  
**Reason: To ensure that the materials harmonise with the surroundings.**
  - 3 **F16 (Restriction of hours during construction )**  
**Reason: To protect the amenity of local residents.**
  - 4 **F48 (Details of slab levels )**  
**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

**5 G01 (Details of boundary treatments )**

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

**6 G02 (Landscaping scheme (housing development) )**

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

**7 G03 (Landscaping scheme (housing development) - implementation )**

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

**8 G09 (Retention of trees/hedgerows )**

**Reason: To safeguard the amenity of the area.**

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

**a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5 metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.**

**b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.**

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

**INFORMATIVES:**

**1 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.**

**2 N03 - Adjoining property rights**

**3 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**

**4 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats**

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

**6 N19 - Avoidance of doubt**

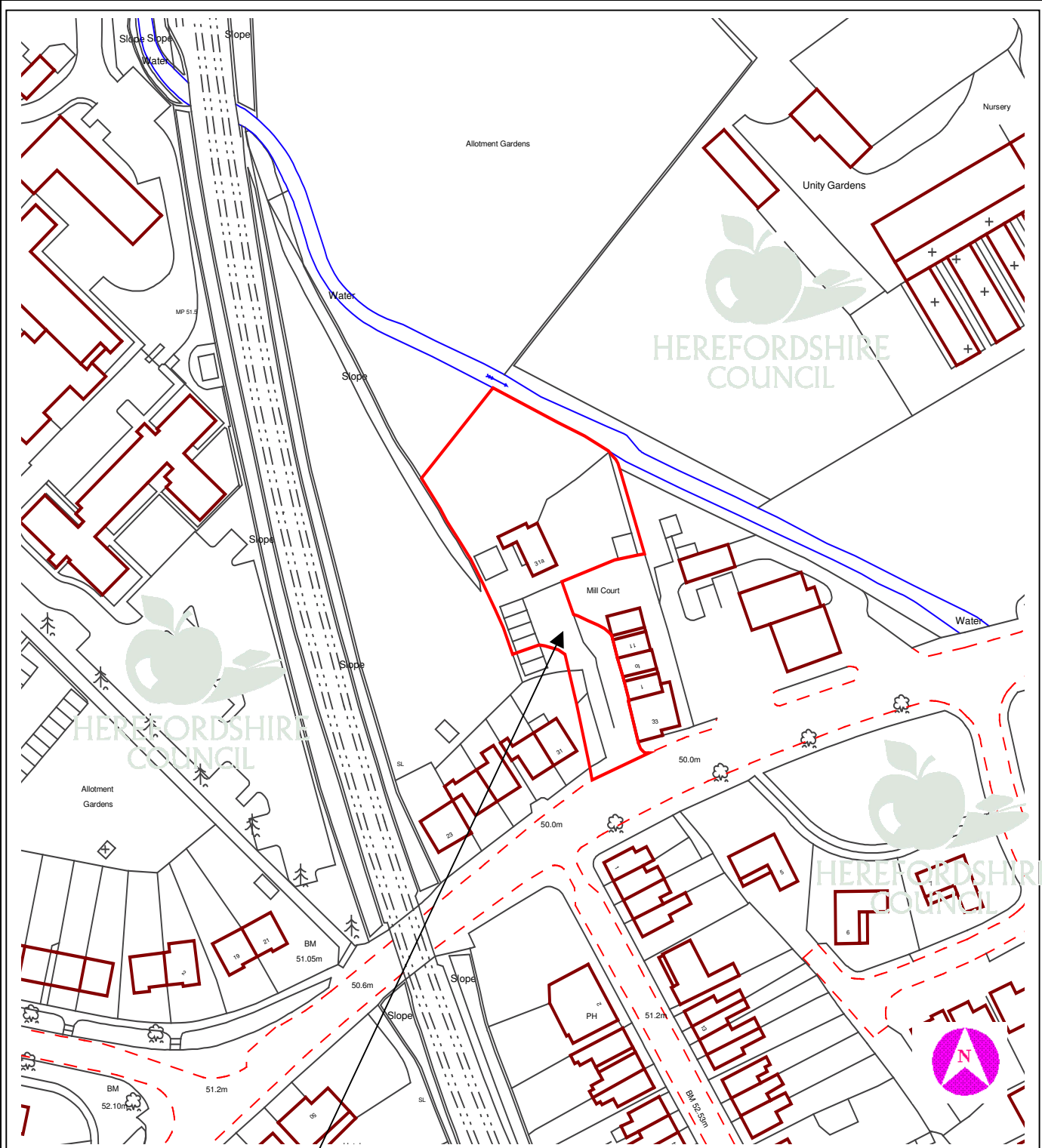
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/3117/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Mill Court Village, Ledbury Road, Hereford (Phase 2)

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**DRAFT HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

- Planning Application – DCCE2006/3117/F
  - Residential development of 13 No. two bedroom residential units
  - Mill Court Village, Ledbury Road, Hereford.
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £26,000 (ratio of £2000 per two bed unit) to provide enhanced educational infrastructure/facilities for the nursery, primary and secondary schools within the catchment area of the application site which sum shall be paid on or before the commencement of the development.
  2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10000 for public art in the locality of the application sites which sum shall be paid on or before the commencement of the development.
  3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £19500 (ratio of £1500 per unit) to provide for sustainable transport improvements which sum shall be paid on or before the commencement of the development.
  4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,500 to provide for the cost of improving and maintaining the 'Portfields' open space and local play facilities which sum shall be paid on or before the commencement of the development.
  5. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, and 4 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
  6. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
  7. The developer shall complete the Agreement within 12 weeks and 5 days of the date the application was registered as valid otherwise the application will be registered as deemed refused.

Adam Sheppard - Senior Planning Officer  
Peter Yates - Development Control manager

18<sup>th</sup> October 2006





## ANNUAL MONITORING REPORT 2005-2006

### Forward Planning Manager

#### Wards

Countywide

#### Purpose

1. To consider the second Annual Monitoring Report 2005-2006.

#### Financial Implications

2. None, although the submission of a satisfactory Annual Monitoring Report will be a consideration in the allocation of Planning Delivery Grant.

#### Introduction

3. The Planning and Compulsory Purchase Act 2004 introduced new provisions and requirements for development planning. The regular review and monitoring of development plans through mandatory Annual Monitoring Reports (AMR's) is a fundamental feature of the new planning system. AMR's are to be based on a period running from 1<sup>st</sup> April to 31<sup>st</sup> March and submitted to the Secretary of State no later than the following 31<sup>st</sup> December.

4. Annual Monitoring Reports are 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 Council's second AMR prepared to meet the requirements of the new planning system and the full AMR is attached in Appendix 1 to this report. This second AMR will assess the extent to which the objectives of UDP policies are being achieved and contains a comparator with last years AMR.

5. The development of AMR's will be used to cover, in a single document, all annual monitoring study findings. This will enable a holistic approach to be formulated, which will allow for a more coherent and consistent approach to be taken in the assessment of the extent to which policies within Local Development Documents are being achieved.

#### Structure and Content of the AMR 2005-2006

6. In establishing the content of this second AMR, the aim has been to continue with the methodology set out last year to maintain consistency with the guidance provided in the ODPM publication 'Local Development Framework Monitoring: A Good Practice Guide', which outlines an *objectives-policies-targets-indicators* approach to the monitoring of development plan documents. Improvements have been made in line with requests from government and examples of best practice have been implemented where appropriate.

7. To set the scene for subsequent information detailed in the report, a contextual section has been included, which provides the background of regional planning guidance (the Regional Spatial Strategy). It also provides statistical information that establishes a profile for Herefordshire with quantified descriptions of the wider socio-economic, environmental and demographic characteristics of the County.
8. The AMR largely follows the thematic division of the chapters in the UDP. It is divided into core subjects such as housing, employment, retail etc, for which there is available monitoring data. Objectives for each topic areas are identified and appropriate policies linked to these are set out. Where the UDP expresses a specific requirement to be met, this is identified as a target against which progress can be measured.
9. There are a number of instances where it has not been possible to identify specific targets against which to measure how policies of the UDP are being implemented. This is because certain objectives do not lend themselves to target setting in the context of the UDP alone. In many cases the Plan is one means of helping to achieve wider social or environmental aims and the application of a specific target is neither appropriate nor informative.
10. Core and local indicators are used to measure the performance of policy aims against a target, or where there is no identified target; performance is measured against an objective. Each indicator is cross-referenced with those relevant policies of the UDP that are the key tools used to achieve the objectives and targets.
11. Throughout the report, where appropriate, there are sections of analysis that interpret the monitoring results and compares the results of the AMR 04-05 with these latest findings. Over time it is anticipated that the trends data will give a more accurate, meaningful overall assessment as to how the UDP policies are performing. It also provides additional comments on areas where data is currently lacking, an update on monitoring achievements to date and identifies where future monitoring could be enhanced to improve measurements of policy implementation.

## **AMR Findings**

12. The overall assessment on whether the UDP objectives are being met in respect of the topic areas are provided in an executive summary in Appendix 1. Although the monitoring results provide useful data for an annual assessment to be made, in many instances it has only been possible to produce information on trends over since 2004. This is not a large enough sample to draw conclusive findings on with enough certainty, particularly since the UDP has not yet been adopted. It is anticipated that subsequent AMR's will enable more accurate assessments to be made, which will be used to develop future planning policies. However, in respect of housing and employment detailed monitoring has been undertaken over many years and clear trends in both topic areas are apparent.

## **Key Findings**

13. Housing – between 01-02 and 04-05 completions had been below that anticipated due to a delay in releasing a number of large housing allocations included within the UDP and subject to objection. However recent releases of

some of these sites has resulted in a slight increase beyond that anticipated. Once the Plan is adopted it is expected that the rate of housing completions will increase further. The *percentage* of housing completions on previously developed land (brownfield) has remained consistent, however the *number* of brownfield completions has increased on 04-05 figures, exceeding both regional and national targets. In terms of affordable housing, although 05-06 has seen a considerable increase in gains since 00-01 there has still been a net loss of 168 affordable homes over the 6 years since government re-organisation in 1998, mainly due to the national "Right to Buy" policy.

14. Employment - The amount of land developed for employment uses over the monitoring period was 8.58 ha, 2.05 ha more than last year. This is above the annual County average of 5.36 ha per annum that has been recorded since the mid 1980's. However, in achieving this target, approximately 8ha of the employment land completions has taken place on greenfield land, an increase of almost 50% on the previous year and the most recorded since 1999-2000. However, the majority of this "greenfield" development involved the change of use of agricultural buildings that is in accordance with the policies contained within the UDP.
15. In the remaining areas of transport, town centres and retail, recreational and leisure, minerals, waste, development requirements, natural historic heritage and renewable energy, findings generally show that targets are being met or there has been progress towards meeting targets or monitoring requirements during the 05-06 monitoring period.

## RECOMMENDATION

**THAT the Committee endorse the Annual Monitoring Report 2005-2006 and recommend its approval to Cabinet by the Cabinet Member (Environment).**



Appendix 1

Herefordshire Local Development Framework

## **ANNUAL MONITORING REPORT 2005-2006**

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## EXECUTIVE SUMMARY

This is the second Unitary Development Plan Annual Monitoring Report (AMR) produced for Herefordshire, in accordance with the Planning and Compulsory Purchase Act 2004. The AMR includes:

- contextual information for Herefordshire,
- an update on the progress of the implementation of the Local Development Scheme,
- an assessment on the extent to which policies in the Revised Deposit Draft UDP are being achieved,
- a comparative study from last years AMR 04-05,
- updates on previous monitoring limitations, and
- identified new or continuing monitoring limitations and actions required.

The report covers the period 1<sup>st</sup> April 2005 to 31<sup>st</sup> March 2006.

The key monitoring findings for the UDP objectives of this AMR 2005 – 2006 report are set out below:

**Key:** ● = Policy achieving the target ○ = policy not achieving the target ◐ = policy making good progress on achieving the target

UDP Objective	Description	Progress towards the relevant policies	
		05/06 AMR results	04/05 trend
H(1)	To fulfil the requirements for additional dwellings to satisfy local household growth, including those needing affordable housing, as well as migration into Herefordshire, collectively forming the allocation set out in Regional Planning Guidance (RPG11)	●	○
H(2)	To provide the re-use of previously developed land and buildings for housing purposes, in preference to the use of Greenfield land	●	●
H(3)	To promote the more efficient use of land for residential developments	◐	○
H(4)	To fulfil the needs for additional affordable dwellings in the county	◐	○
H(5)	To promote a sustainable pattern of development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and the larger rural settlements	●	●



E(1)	To ensure a balance of employment opportunities throughout the county, through the provision of a portfolio of employment sites to reflect the differing development needs of businesses and to give a choice in terms of size, location, quality and use class	●	●
E(2)	To encourage the use of previously developed land for employment purposes in preference to greenfield land	○	●
E(3)	To avoid the loss of existing employment land and premises to other uses	●	●
T(1)	To promote a sustainable pattern of residential development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and larger rural settlements, taking account of relative accessibility by public transport and the availability of services	◐	New Indicator – no data for 04/05
TCR(1)	To ensure that central shopping and commercial areas continue as the main focus of shopping, employment, services and facilities in Hereford and the market towns, where they are well served by public transport and readily accessible by the community as a whole by means other than the private car. To safeguard and improve local village centres that are readily accessible by walking and cycling	◐	○
RL(1)	To promote opportunities for new and improved recreation, leisure and sports facilities in sustainable locations	◐	◐
M(1)	To ensure the continued supply of primary extraction aggregates for the local construction industry and to satisfy the wider aggregate needs arising in the region	●	●
M(2)	To ensure the use of secondary aggregates and recycling	◐	◐
W(1)	To achieve a more sustainable waste management process by using the BPEO methodology and taking into account the principles of the waste hierarchy, the proximity principle and regional self-sufficiency	●	●
NHH(1)	To conserve and enhance the natural heritage of the county and avoid, wherever possible, adverse environmental impacts of development. To minimise any unavoidable adverse environmental impacts by means of measures to mitigate or compensate for any loss or damage, including restoration or enhancement, provision of replacement features and future management	◐	◐

## Section 1: INTRODUCTION

### Legislative Requirement for Production of Annual Monitoring Reports

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced a new system of development plans, which at local level requires local planning authorities to replace Unitary Development Plans (UDP's) (or local plans) with Local Development Frameworks (LDF's).
- 1.2 Paragraph 4.45 of Planning Policy Statement 12 (PPS12) states that the regular review and monitoring of development plans is a fundamental feature of the Government's plan, monitor and manage approach to the new planning system. The introduction of mandatory Annual Monitoring Reports (AMR's) was thus brought about through the requirements of Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004. From 2005 it is a legal requirement for local authorities to produce an AMR each year, based on a period running from 1<sup>st</sup> April to 31<sup>st</sup> March. Each AMR must be submitted to the Secretary of State no later than the following 31<sup>st</sup> December.
- 1.3 AMR's are required to assess:
  - (a) the implementation of the Local Development Scheme (LDS); and
  - (b) the extent to which policies in the Local Development Documents are being achieved.

### Herefordshire AMR 2006

- 1.4 This is the second AMR produced by Herefordshire and is likely to vary somewhat from future reports produced in subsequent years, as the LDF progresses through the early stages of preparation into implementation. A revised Local Development Scheme has been completed, which updates the list of documents to be included in the LDF and revises the timetable for their production. Progress towards the implementation of this timetable can therefore be gauged. However, since no LDF policies are yet in place, this AMR is concerned with the assessment of policies contained in the emerging UDP.
- 1.5 The emerging UDP is now in its latter stages of preparation and it is expected that it will be formally adopted in Spring 2007. The Council is committed to completing this Plan under legislation referred to as 'transitional arrangements'. Once adopted, the UDP will be saved for a three year period while the authority moves over to the new LDF planning system.
- 1.6 The emerging UDP policies (Revised Deposit Draft 2004) are monitored in this Annual Monitoring Report rather than those contained in the adopted structure and local plans covering the County. This is due to the housing and employment targets contained within the adopted plans only covering the period up to 2001. In addition, some of the policies within the plans are no longer consistent with national or regional guidance. Therefore, there would be little benefit in assessing their implementation. Although it is recognised that the UDP is not yet a statutory development plan, the policies do carry

significant weight now that the Deposit Draft policies have undergone scrutiny through a Public Inquiry and an Inspector's Report has been received. Consequently the emerging UDP is now deemed to be a material consideration under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). Subsequent AMR's will also be monitoring the 'saved' UDP policies during the transition to the new LDF system; it is therefore prudent to adopt a consistent approach to the preparation of AMR's from the outset. This AMR follows the same format as last year with minor changes incorporating best practice such as less repetitiveness and tables replacing the written word as in the new executive summary.

## **Content and Format of this Annual Monitoring Report**

- 1.7 In this AMR the aim has been to use, as far as possible, the guidance provided on the structure of such reports in the ODPM (now DCLG) document 'Local Development Framework Monitoring: A Good Practice Guide' and subsequent emerging best practice guidance. The preferred method outlined follows the *objectives-policies-targets-indicators* approach used to monitor regional planning guidance (now Regional Spatial Strategies) and to apply this to LDF monitoring. This requires the setting out of clear objectives, policies, targets and indicators within LDF's to facilitate implementation, monitoring and review.
- 1.8 Although the objectives-policies-targets-indicators method is an approach that can readily be utilised in monitoring of forthcoming LDF documents, this second AMR has to be undertaken in the context of existing UDP policies, which are not set out in the ideal format for following this methodology. Consequently the AMR will utilise elements of the Revised Deposit UDP's "Part II Topic Area Aims and Objectives" to set out the objectives component of the report and use targets set out in policies where available.
- 1.9 In order to present a setting for subsequent information detailed in the report, a number of *contextual indicators* have been identified. These establish a profile for Herefordshire and provide a quantified description of the wider socio-economic, environmental and demographic background against which planning policies and strategies are operating.
- 1.10 The report follows broadly the thematic division of the chapters in the UDP. It is divided into core subjects such as housing, employment, retail etc, for which there is available data. Once the *objectives* of each topic area are identified, the appropriate policies linked to each of the objectives are set out.
- 1.11 Where the UDP policies express a specific requirement to be met, this is identified as a *target* within the report, against which progress can be measured. Where appropriate, national and regional targets are referred to, as well as local ones.
- 1.12 There are a number of instances where it is not possible to identify specific targets against which to measure how policies of the UDP are being implemented. This is because certain objectives do not lend themselves to target setting in the context of the UDP alone. In many cases the Plan is one means of helping to achieve wider social or environmental aims and the application of specific targets have not been set through the UDP, however the new planning system will be seeking to address this through Sustainability Appraisal and Strategic Environmental Assessment.

- 1.13 The report sets out a number of *core* and *local indicators*. These are used to measure performance of policy aims against a target, or where there is no identified target; performance is measured against an objective. Each indicator is cross-referenced with those relevant policies of the UDP that are the key tools used to achieve the objectives and targets.
- 1.14 Throughout the report there are sections of analyse which interpret the monitoring results and provide additional comment on areas where data is lacking or where future monitoring could be enhanced to improve the measurement of policy implementation.

### **Limitations of the Annual Monitoring Report**

- 1.15 Annual monitoring of various kinds is an essential and major undertaking for the Council. The number of topics that could potentially be monitored is almost limitless in an ideal world. Nonetheless, the authority has a restricted resource base from which to undertake such exercises and accordingly, within the AMR, prioritisation has taken place over which elements of the UDP are to be monitored. Previously, several annual monitoring projects were carried out in respect of land use planning matters. The AMR now brings these monitoring exercises together requiring additional monitoring in other areas. Statistics and facts on individual planning applications from the Council's IT system, together with results of annual housing, employment and retail monitoring studies (amongst others) make up the bulk of data used to compile this AMR.
- 1.16 Throughout this report updates have been given on the identified data gaps reported in last years AMR. It continues to be apparent that there are deficiencies in the monitoring information currently gathered and available. Where such gaps in data are identified, the AMR continues to set out steps that could be taken to improve future data collection and provide a more comprehensive approach to the monitoring of the effectiveness of development plan policies. Some improvements may be possible in the short term and others may require a longer term approach due to a combination of the necessity for increased resource input than is currently available, improvements in computer or other work systems and staff training requirements.

## **Section 2: HEREFORDSHIRE'S PROFILE**

### **Setting the Context for Policies of the UDP: Contextual Indicators**

#### **Regional Context**

- 2.1 The UDP has been prepared in the context of the West Midlands Regional Spatial Strategy (formerly Regional Planning Guidance – RPG11). The West Midlands Regional Spatial Strategy (RSS) is part of the national planning system. Its main purpose is to provide a long term land use and transport planning framework for the Region. It determines (amongst other things) the scale and distribution of housing and economic development across the Region, investment priorities for transport and sets out policies for enhancing the environment. Also incorporated into the RSS is the Regional Transport Strategy.
- 2.2 The RSS has statutory status and all local development plan documents (including LDF's) must conform to its principles, policies and proposals. The RSS was published in June 2004 by the ODPM. In approving the document, the Secretary of State identified a number of policy issues that need to be addressed in future revisions of the document. These revisions are now being brought forward on a multi-track basis. The first phase, focusing on a 'Black Country Sub-Regional Study' was submitted to the Secretary of State at the end of May 2006. Phase 2 commenced in November 2005 and includes housing figures, employment land, transport and waste. Options for Phase 2 are likely to emerge early in 2007. Work on Phase 3 will begin in 2007 and will be looking at: critical rural services, recreational provision, regionally significant environmental issues and provision of a framework for Gypsy and Traveller sites.
- 2.3 The Regional Economic Strategy (RES) produced in 1999 jointly by Advantage West Midlands (AWM) and the West Midlands Regional Assembly offers a 10 year vision for economic development, which is set within the overall framework of the RSS (formerly RPG11). The Strategy recognises the challenges and opportunities represented by areas such as Herefordshire and identifies actions such as workspace and infrastructure as key elements of local economic development. The RES is currently undergoing a review and an update on its progress will be provided in next years AMR.
- 2.4 Herefordshire's economic vulnerability is reflected in and recognised by its inclusion in a wide range of European, national and local funding and other initiatives. These include EU Objective 2, UK Government, Single Regeneration Budget and Countryside Agency's Market Towns Initiative and AWM Regeneration Zone and Rural Development Programme. The UDP's overall development strategy has been developed alongside the strategic approach being taken through Objective 2 and the Rural Regeneration Zone. Regeneration activity is to be concentrated in key locations with the greatest potential to create sustainable employment growth and maximise employment opportunities, to the benefit of the wider rural areas.

- 2.5 A Regional Housing Strategy was submitted to ODPM (now DCLG) in June 2005. It covers the period 2005-2021. Two primary aims of the strategy are; to give confidence to developers that the West Midlands is committed to develop and support vibrant housing markets within the context of the Urban and Rural Renaissance policies of the RSS; and to develop sustainable housing and sustainable communities. Both the UDP and the Council's Housing Investment Strategy 2000/2003 have been developed against a background of joint working at Regional level, including the Regional Housing Partnership, the GOWM and Herefordshire Council's annual Regional Housing Statement.

## Geography

- 2.6 Area of Herefordshire: 217,973 ha (square miles).
- 2.7 The main geographical feature of the County is the River Wye, which enters Herefordshire near the Welsh town of Hay-on-Wye, flows east to Hereford and then southwards, leaving the County at the Wye Gorge, downstream of Ross-on-Wye. Most parts of the County are drained by the Wye river system, although parts of the east and south east are in the Severn Valley and the north is drained by the River Teme, a tributary of the Severn.
- 2.8 The County's landscape is one of rolling hills and wide river valleys interspersed with small villages. The eastern edge of the County borders with Worcestershire that runs along the line of the Malvern Hills, which rise to over 400 metres above sea level. The Black Mountains in the south west of the County form another elevated area.
- 2.9 The City of Hereford is the major centre for civil and ecclesiastical administration, health, education and leisure facilities, shopping and employment. Five market towns surround the City at about 10-15 miles distant: Leominster to the north, Bromyard to the north east, Ledbury to the east, Ross-on-Wye to the south east and Kington to the west.

## Population

- 2.10 Herefordshire has a total population of approximately 178,800 (*ONS Mid-Year Estimate 2005*), an increase of 1,000 since last years mid-year AMR reported estimate. The county is sparsely populated, with the fourth lowest county population density in England. Just below one-third of the population lives in Hereford City, about a fifth in the market towns and almost half in rural areas.
- 2.11 The following table shows a breakdown of the County's population figures showing those living in Hereford and the market towns, based on the 2001 Census information.

**Figure 1: Herefordshire's Urban Population**

Hereford	Leominster	Ross-on-Wye	Ledbury	Bromyard	Kington
54,850	11,100	10,100	8,850	4,150	2,600

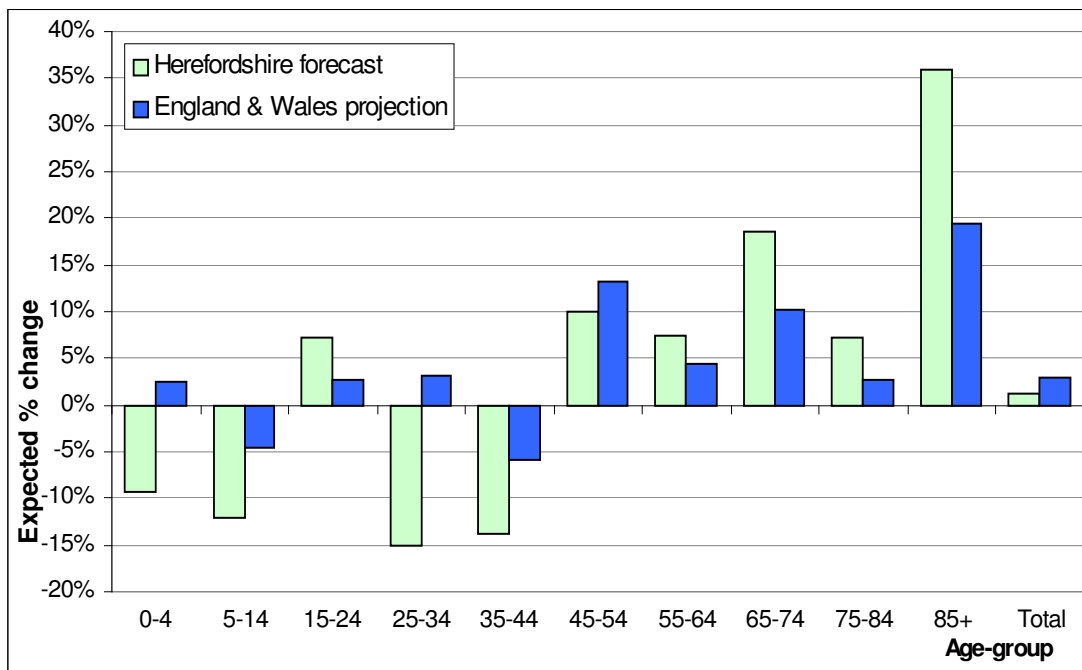
(Source: 2001 Census)

- 2.12 The number of deaths per annum is currently about 1,900, whilst the annual number of births is lower at about 1,600. In 2002 Herefordshire's birth rate

was about 1.6 children per woman, which is slightly below the rate for England and Wales of 1.65 and further below the West Midlands regional rate of 1.75. Between 1998 and 2005 the population increased by 5.0%, entirely due to net inward migration into the county, mainly from neighbouring English counties and the South East. This rate of growth was faster than that experienced by the rest of the West Midlands (1.9%) and England and Wales (3.6%).

- 2.13 The county's population has a considerably older age profile than that for England and Wales. 23.4% of the population is over retirement age, compared with 18.7% nationally, and there are fewer persons of working age (58.3% compared with 62.0%).

**Figure 2: Expected Population Change from 2005-2011 in Herefordshire (forecast) and England and Wales (projected)**



(Source: GAD & Research Team, Herefordshire Council using ONS Mid-Year Estimates)

- 2.15 Figure 2 above provides an overview of the expected population changes from 2005-2011. Herefordshire Council's Research Team produces population forecasts for the County, which take into account future housing provision anticipated through the UDP. The current forecasts (as at August 2006) are based on the 2004 mid-year estimate of population published by the Office for National Statistics (ONS). As a consequence of more restrictive planning policies, between 2005 and 2011 the population is forecast to grow by 1.1%, which is about the same as the national projection for England & Wales (2004-based projections, GAD). However, the number of under 16s is expected to fall by 10.6% (national fall 2.7%); the number of working age residents to fall by 1.6% (2.6% growth nationally); and the number who are of retirement age and above to grow by 17.3% (10.4% nationally).

- 2.16 Most dramatically, the number of people aged 85 and over is expected to rise by a further 35.9%, to 5,980 residents, compared with a national increase of 19.4%.

## Employment

- 2.17 The Labour Force Survey measures the number of residents in an area who are employed both within and outside the County. The number of Herefordshire residents in employment in 2003/2004 was 87,000 (reported in last years AMR in error as 81,000). This comprised 78.6% of the population of working age, higher both in the West Midlands region (73.4%) and nationally (74.3%), and also higher than most neighbouring counties. *(Source: Herefordshire Economic Assessment 2005-2007)*
- 2.18 The narrow economic base inherited from pre-industrial times largely persists in Herefordshire. Whilst it can be argued that Herefordshire still has a dependency on food production and processing and rural resource management, where previously administrative services and tourism have also been evident, the potential economic vulnerability has indeed resulted in a decrease in these areas. With continued diversification in Hereford and the market towns into more specialised manufacturing and service sectors (including wholesale retail and repair services and health and social work) these are now the sectors employing the most people in Herefordshire.
- 2.19 Outside agriculture, more employment is in declining sectors and less in growth sectors than the national economy, partly reflecting the prevalence of small-scale farming. The business size profile is characterised by a few large employers, mainly in the food processing sector, very few medium sized enterprises and a great number of small firms.
- 2.20 Figure 3 shows a breakdown of employment by sector using Annual Business Inquiry (ABI) data, the latest for which was 2004, released in 2005. Due to the way that this data is collected the table excludes information on the self-employed. The wholesale, retail and repair trades sector employs the most people in Herefordshire (20% of all employees, followed by manufacturing (17%) and health and social work (14%). These three sectors account for 51% of employees. This pattern is broadly similar to that in the West Midlands region, which used to employ most people in manufacturing, but which has seen a change over recent years.
- 2.21 As previously stated, the data collected does not include self-employed people. At the time of the 2001 census there were 17,119 people self-employed in Herefordshire (20% of the working population), an important factor in Herefordshire since more people are self-employed here than in other areas. Furthermore, the ABI underestimates the number of employees working in the agriculture and fishing sector as farmers are classed as proprietors (self-employed) rather than employees.
- 2.22 The sectors with the largest increase in employees since last years AMR 2004-2005 were education and transport, storage and communication, (18% and 17% respectively). Agriculture, construction and health and social work employee numbers have also increased. In contrast a decrease of 1,000 employees (20%) in the hotel and restaurant sector and a decrease of 500 employees (19%) in the public administration and defence sector has been observed. *(Source: Herefordshire Partnership February QER 2006)*
- 2.23 Statistics collected for the purposes of the Herefordshire Economic Assessment 2005-2007 and the quarterly economic report 2005 show that unemployment rates in Herefordshire increased by 7% from 1,459 in October



2004 to 1,563 in October 2005. Both the West Midlands (16%) and Great Britain (8%) saw increases in October 2005 from October 2004 figures. Herefordshire's unemployment remains lower than the region (by 1.5%) and nationally (by 2.3%) and has overall been falling steadily over the last five years or so, in line with regional and national trends.

**Figure 3: Employment by Sector (excluding self employed)**

Industry	Herefordshire		West Midlands	England
	No.	%	%	%
Agriculture, hunting and forestry	4,091	5.9	0.8	0.8
Electricity, gas & water supply (primary)	100*	0.1	0.5	0.4
Mining & quarrying (primary)	100*	0.1	0.1	0.1
Manufacturing industries	11,685	17.0	16.6	11.9
Construction	4,136	6.0	4.3	4.4
Transport, storage & communications (distribution, transport etc.)	2,794	4.1	5.4	6.0
Wholesale and retail trade and repair trades (distribution, transport etc.)	13,679	19.9	18.5	18.1
Hotels & restaurants	4,164	6.0	6.2	6.8
Real estate, renting & business activities	6,671	9.7	14.2	16.5
Financial intermediation (business & other services)	813	1.2	3.0	4.1
Other community, social & personal service activities (business & other services)	2,829	4.1	4.5	5.1
Education (public sector)	6,103	8.9	9.6	9.1
Health & social work (public sector)	9,512	13.8	11.3	11.3
Public administration & defence; compulsory social security (public sector)	2,204	3.2	4.9	5.3
<b>Total employees</b>	<b>68,906</b>			

\*Figures are rounded to the nearest 100. (Source: ABI 2004 full & part-time employees)

2.24 Further data from the Herefordshire Partnership November Quarterly Economic Report 2005 indicates that Herefordshire has an annual gross median earnings of £19,355, lower than the region by £1,778 (8%) and nationally by £3462 (15%). In addition, employees in the County work longer hours than their regional and national counterparts.

## Housing

2.25 The 2001 Census classified housing tenure into four categories: owned outright, buying, rented privately and rented from local authority/housing association. Figure 4 shows the percentage of households with different types of tenure in the County as compared to the region and to England and Wales. Herefordshire has a higher proportion of houses which are owned outright – this would be expected to follow from the County's age distribution, with its higher than average number of older people (particularly the over 60's) who are likely to have paid off a mortgage.

2.26 The proportion of socially rented properties in Herefordshire is lower than the average. Since November 2003 when the Council transferred its housing stock, all the socially rented units are rented from Registered Social Landlords (RSL's) (housing associations). Although 26 RSL's have a presence in the County it is primarily 6 RSL's, whom between them, own the bulk of Herefordshire's social housing. Most social housing is found in Hereford and the market towns, but four rural parishes (Colwall, Kingstone, Credenhill and Weobley) had over 100 units of social housing (in 2001) and 51 parishes had 20 units or more. (Source: *Herefordshire Economic Assessment 05-07*)

**Figure 4: Housing Tenure**

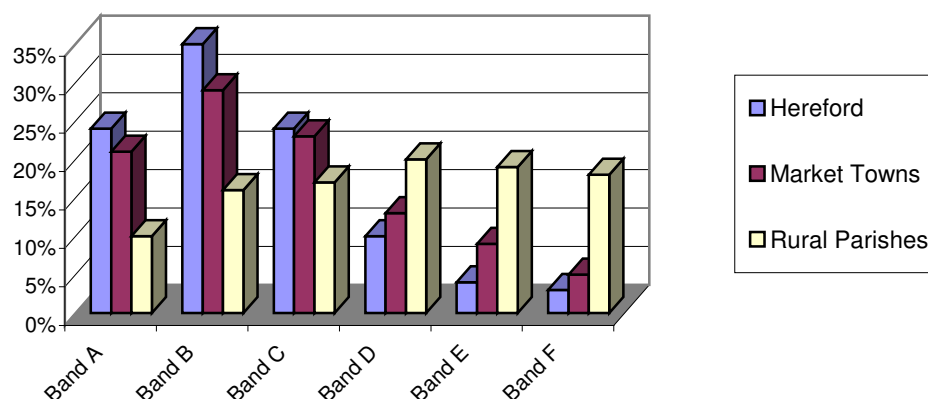
Tenure	Herefordshire	West Midlands Region	England & Wales
Owned outright	36%	30%	29%
Owned with a mortgage or loan	35%	39%	39%
Shared ownership (i.e. part rent / part mortgage)	0.86%	0.67%	0.64%
Socially rented from a Housing Association or from the Council	15%	21%	19%
Privately rented or 'other' (includes tied homes)	13%	10%	12%

(Source: 2001 Census)

2.27 The Herefordshire Partnership November Quarterly Economic Report November 2005 (covering July – October 2005) contains data on housing affordability, obtained from a Joseph Rowntree Foundation (JRF) study. The study focuses on working households between the ages of 20 and 39, as these are more likely to be first time buyers and experience property affordability issues. Out of 375 authorities in England and Wales, 37 authorities have a ratio of average property price to median income of over 5.5. Herefordshire is one of 2 authorities in the West Midlands with low incomes and very high house prices, making it particularly difficult to afford to buy here, the other being South Shropshire coming out as less affordable. This is further supported by the fact that house prices have increased by 12.7% overall between 2004 and 2005 whilst average earnings have only increased by 3.2%. (Source: *State of Herefordshire Report 2006*)

2.28 The distribution of Council Tax Bands was not available for 2005/2006, however this contextual indicator will be reported in next years AMR. The data shown below is that from last years AMR 2004/2005, however the distribution has largely remained unchanged from last year to this, according to the Council Tax department of Herefordshire Council. Figure 5 illustrates the variations for the 04/05 AMR.

**Figure 5: Distribution of Council Tax Bands in Herefordshire**



(Source: Herefordshire Council 2004)

## Skills

2.29 Figure 6 and 7 provide data on levels of literacy and numeracy in Herefordshire compared with regional and national statistics. The results are grouped into low, lower and very low. These categorisations are those used by the Basic Skills Agency. 'Low' means on the borderline of functional literacy and numeracy. Those falling within this category may need little, if any instruction to reach the national average. 'Lower' denotes those who have some skills, although these may be weak. This group of adults may have difficulties in coping with at least some of the everyday literacy and numeracy requirements. 'Very Low' – most adults in this group need intensive instruction to bring them up to the basic level.

2.30 In Herefordshire the five wards with the highest levels of poor numeracy are Belmont (42%), St. Martins (35.3%), Leominster North (30.2%), Hinton (29.6%) and Holmer (28.6%). (Source: Herefordshire Economic Assessment 2005-2007)

**Figure 6: Estimated Numeracy Levels Locally, Regionally and Nationally**

	Low %	Lower %	Very Low %	Total %
Herefordshire	10.3	7.5	6.0	23.8
West Midlands	13.7	8.6	7.4	29.7
England	12.0	7.0	5.0	24.0

(Source: Basic Skills Agency 2001)

2.31 In Herefordshire the five areas with the highest levels of poor literacy are Belmont (36%), Merbach and Castle (both 35%), St. Martins (32.5%) and Golden Cross (31.7%). According to the West Midlands Household Survey 2002, 93% of respondents in Herefordshire have neither numeracy nor a literacy deficiency. This compares favourably with the average for the region, which was 89%. (Source: Herefordshire Economic Assessment 2005-2007)

**Figure 7: Estimated Literacy Levels Locally, Regionally and Nationally**

	Low %	Lower %	Very Low %	Total %
Herefordshire	17.7	3.5	4.2	25.5
West Midlands	15.8	5.9	6.1	27.9
England	15.0	5.0	4.0	24.0

*(Source: Basic Skills Agency 2001)*

### Deprivation

- 2.32 The ODPM (now DCLG) produced an Index of Multiple Deprivation in 2004. This combines data for several indices of deprivation; income, employment, education, health, access to suitable housing, geographical isolation, living environment and crime.
- 2.33 There are seventeen deprivation hotspot areas in Herefordshire, including Hereford City Centre, South Wye area, south of the river and Leominster (Ridgemoor area) that fall into the 25% most deprived areas in England.
- 2.34 Nine areas in Herefordshire fall within the 25% most deprived in England for employment; six of these are in Hereford City (one of these falling within the 10% most deprived nationally), two in Leominster and one in Bromyard. In terms of income, ten areas of the County fall within the 25% most deprived in England, with two areas also in the 10% most deprived. Eight of these ten areas are in Hereford City, one in Bromyard and one in Leominster. A large proportion of rural Herefordshire is very deprived in terms of geographical access to services. *(Source: State of Herefordshire Report, 2006)*

### Environment

- 2.35 Herefordshire contains a wealth of listed buildings, registered parks and gardens, scheduled ancient monuments and conservation areas. These add to the special built quality and environmental character of many areas of the County and their protection and enhancement is recognised as an important ingredient for economic and neighbourhood renewal. Figure 8 provides a breakdown of the numbers of such historic environments.

**Figure 8: Herefordshire's Historic Environment**

Listed Buildings (Grades I, II & II*)	Registered Parks & Gardens	Scheduled Ancient Monuments	Conservation Areas
*5,918	24	262	64

*(Source: \*English Heritage & Herefordshire Council)*

- 2.36 Herefordshire is considered to be the West Midlands' most rural county and boasts a quality of landscape that is nationally acclaimed. Herefordshire has two landscape areas of national significance, the Wye Valley Area of

Outstanding Natural Beauty (AONB) in the south and Malvern Hills AONB in the east. Both are supported by management plans, which seek to conserve landscape character through various forms of land management. The UDP, through its policies, looks to complement the management plans, reconcile development needs and visitor pressure with the conservation of the AONB's landscape and natural resources, and restore vulnerable and degraded landscapes when opportunities arise.

2.37 The UDP policies have been informed by a systematic assessment of landscape character, rather than reliance on local designations to give added protection to important areas of landscape not covered by national designations. The countywide Landscape Character Assessment undertaken by Herefordshire Council will be instrumental in the determination of development proposals. Policies ensure that development proposals throughout the County will need to clearly demonstrate that their design and layout incorporate opportunities to conserve, restore and enhance distinctive landscape character and, where necessary and appropriate, any prominent landscape features. Proposals must also pursue environmental and maintenance arrangements to ensure environmental benefits are maintained over time.

2.38 The County is host to many important habitats and species. The importance of the nature conservation and geological resources is reflected in the number and variety of international, national, and local designated sites. Figure 9 identifies the types and numbers of such designations across Herefordshire. An additional designation that was not reported in last years AMR is that for Sites of Importance for Nature Conservation (SINCs). These have the same level of protection as Special Wildlife Sites (SWSs) and as such was felt that these should also be included.

**Figure 9: Conservation Designations in Herefordshire**

Special Areas of Conservation (SAC's)	Sites of Special Scientific Interest (SSSI's)	National Nature Reserves (NNR's)	Special Wildlife Sites (SWS's)	Sites of Importance for Nature Conservation (SINCs)	Local Nature Reserves (LNR's)	Regionally Important Geological Sites (RIGS)
4	77	3	709	56	7	87*

*(Source: Herefordshire Council Biological Records Centre, \* Earth Heritage Trust)*

2.39 In addition to the aforementioned sites, a further 20 sites are under review for designation as RIGS and results of this should be available for the next AMR. Herefordshire also contains areas of archaeological importance. It is recognised that archaeological remains are a valuable but fragile part of our heritage; once destroyed they can never be replaced. Maintaining this resource is an important part of the Council's commitment to conservation. The UDP's policies aim to protect and enhance archaeological sites and their wider settings. In addition to a large number of nationally designated Scheduled Ancient Monuments, the County also contains non-scheduled but nationally important archaeological sites and those of regional and local importance. Such areas are afforded protection through UDP policies.

- 2.40 The archaeological importance of Hereford city centre was recognised by the designation in 1983 of a large part of the central area as an Area of Archaeological Importance (AAI). Designation confers on developers and their agents the duty of giving prior notification of new proposals to Herefordshire Council, which has a statutory right to enter the site to make records concerning all development.
- 2.41 In addition to the above, the Council are also striving to improve geological diversity, known as geodiversity, through developing a Geodiversity Action Plan (GAP). A consultation document is currently under preparation and due to go out on consultation in November of this year. It is hoped that following funding approval in early 2007 that the final draft document and implementation of the GAP will take place later in the year. An update on this will be provided in the next AMR. *(Source: Earth Heritage Trust).*

## **Section 3: LOCAL DEVELOPMENT FRAMEWORK PREPARATION**

### **Monitoring the Local Development Scheme**

#### **Introduction**

- 3.1 This section reports on progress in achieving the timetable and milestones set out in the Council's Local Development Scheme (LDS). The LDS is a project plan setting out the planning policy documents that the Council intends to prepare over a three year period. The relevant version of the Scheme is that operative from January 2006.
- 3.2 Each proposed Local Development Document identified in the LDS is listed below, with a brief review of progress in meeting the milestones and timetable in the reporting period. Progress on the Unitary Development Plan is also reported. Where slippage in the original timetable is identified, this is explained and an indication of the revised timetable given. Timetable revisions will be incorporated in a formal review and roll forward of the LDS in the early part of next year.

#### **Unitary Development Plan**

- 3.3 In 2005-6 work continued to progress the Unitary Development Plan to adoption, forming the main priority focus for staff and other resources. The Public Inquiry closed in June 2005. The Inspector's Report was received in March 2006 and Proposed Modifications were placed on public deposit in September. The Plan remains scheduled for adoption in April 2007.

#### **Statement of Community Involvement**

- 3.4 The Statement of Community Involvement has been prepared in line with the LDS timetable, with public participation on the draft statement, taking place as planned in January 2006. The Council is on target to meet the remaining milestones, with submission to the Secretary of State and pre-examination consideration of representations having been completed.

#### **Core Strategy**

- 3.5 The LDS proposes that work should have commenced on the Core Strategy in November 2005. Commencement was delayed however by the need to continue to give priority to work on the UDP, including factual checking of the Inspector's Report and work on the Proposed Modifications, as well as calls on limited staff resources by other projects, notably the preparation of formal advice to the Regional Assembly as part of the current review of the Regional Spatial Strategy (RSS).
- 3.6 The timetable of the RSS review has itself been revised by the Regional Assembly during the year. This was in order to allow the further consideration of household projections published by Government in April, further discussions with the strategic authorities on their submitted advice, greater alignment with the review of the Regional Economic Strategy, and completion of a number of technical studies. As a consequence, the options stage of the

RSS review was delayed from September 2006 to January 2007, with submission to the Secretary of State postponed from June to December 2007.

- 3.7 The LDS is to be reviewed to ensure alignment between the new RSS review timetable and that proposed for the Core Strategy. This is in order to ensure that proper account can be taken of the RSS review in developing the Core Strategy. Work on the Core Strategy commenced in September 2006.

### **Whitecross High School SPD**

- 3.8 Work commenced on this SPD in July 2005 with public participation in October. In response to concerns raised, a scoping Transport Assessment was carried out and discussed at a public meeting in January 2006. Adoption was delayed beyond the LDS date of March 2006 by the consideration of implications arising from the UDP Inspector's Report. The SPD was adopted in June 2006.

### **Edgar Street Grid SPD**

- 3.9 This SPD is to provide further guidance for the Edgar Street Grid (ESG) area of Hereford, proposed as a focus for regeneration in the UDP following a masterplan for the area prepared by the Council and Advantage West Midlands. A separate company, ESG Herefordshire Ltd, has been established by the funding partners to lead the regeneration.
- 3.10 The LDS envisaged that preparation of the SPD would commence in October 2005 with public participation in May 2006, leading to adoption in March 2007. It has been necessary to revise this timetable. This reflects the priority given to continuing work on the UDP and consideration of the UDP Inspector's Report. In addition, further work has been commissioned by ESG Herefordshire Ltd, to review the original masterplan for the area, provide further urban design guidance, and undertake retail analysis. Further consideration is also to be given to transport, flooding and archaeology aspects. These studies are now underway, and it will be necessary to ensure through appropriate programming that their conclusions are properly reflected within the SPD.
- 3.11 The SPD commenced in June 2006 and is on target for adoption in October 2007. The LDS will be reviewed to reflect the revised timetable.

### **Planning obligations SPD**

- 3.12 Commencement of work on this document was delayed from November 2005 to April 2006, again due to the need to direct resources to the UDP. However, a consultation on options was undertaken in August. A revised timetable will be included in the LDS.

### **Shobdon Development Brief SPD**

- 3.13 Work commenced on this SPD in January 2006 and the document has been prepared in accordance with the targets and milestones set out in the LDS. The SPD was adopted in September 2006.



## **Sustainability Appraisal**

- 3.14 Finally, towards the end of the reporting period work commenced on the production of an overall scoping report for the Sustainability Appraisal of the Local Development Framework. Details of this process and the intended timetable will be included within the revised LDS.

## Section 4: HOUSING

### Objective H(1)

To fulfil the requirements for additional dwellings to satisfy local household growth, including those needing affordable housing, as well as migration into Herefordshire, collectively forming the allocation set out in Regional Planning Guidance (RPG11).

#### 4.1 UDP Policies relating to Objective H(1)

- S3 Housing (strategic policy setting out the housing provision figures and general aims and objectives of housing policies)
- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H9 Affordable housing
- H10 Rural exception housing

#### 4.2 Target H(1)

Meet UDP requirement of 12,200 dwellings to be provided within the period 1996-2011 (as proposed to be modified, September 2006).

#### 4.3 Core Indicators H(1)

Housing trajectory showing;

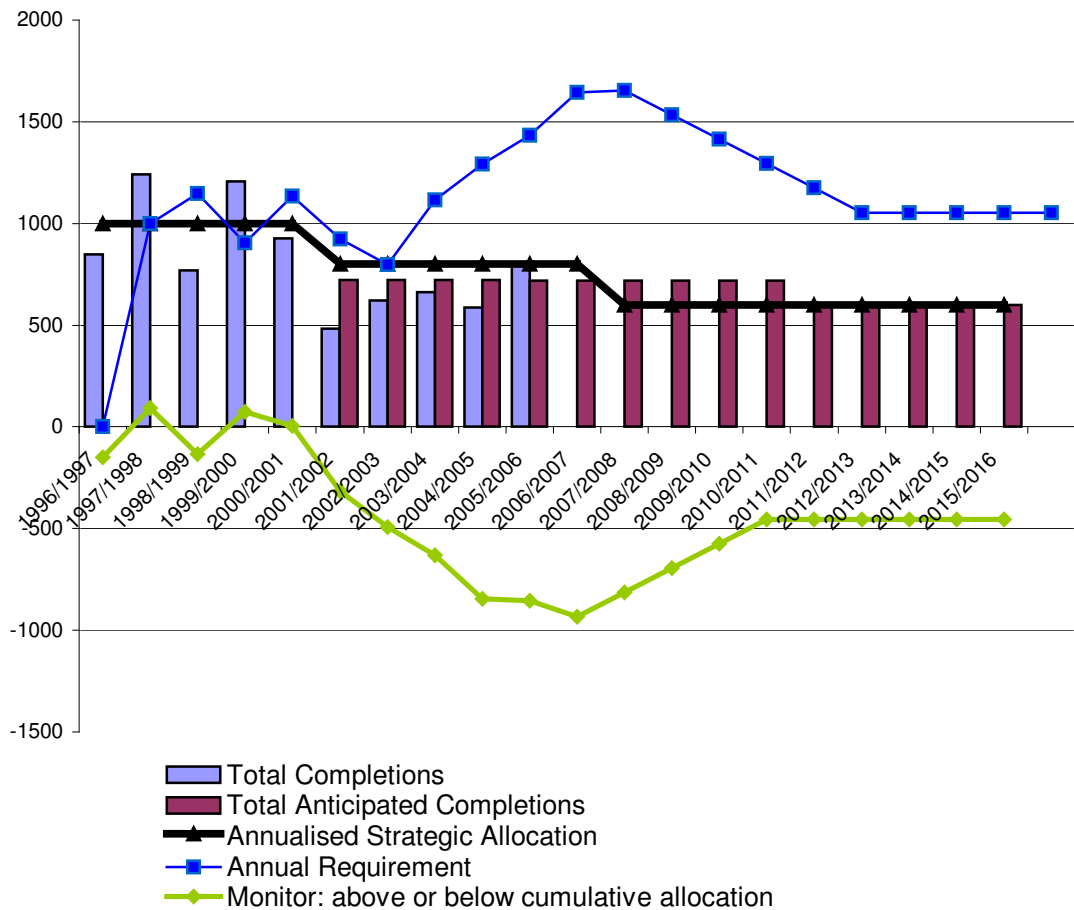
- net additional dwellings since the start of the UDP period (1996)
- net additional dwellings for the current year
- projected net additional dwellings over a 10 year period from anticipated UDP adoption
- the annual net additional dwelling requirement
- annual average number of net additional dwellings needed to meet overall housing requirements, having regard to performance in previous years.

4.4 A large amount of information is already collected on an annual basis on housing land availability and other features of housing supply and characteristics of new residential development. Each year the Forward Planning Team prepares a Housing Land Study report. These provide important aids in the monitoring of Regional Planning Guidance (and now the Regional Spatial Strategy) requirements and help in the formulation of assumptions for the emerging development plan documents. The data available through the Housing Land Studies has been used to collect information for this AMR and will continue to be a valuable information source in the future.

4.5 Figure 10 shows the housing trajectory as at the beginning of April 2006. It shows the actual housing completions that have taken place during the UDP period between beginning of April 1996 and end of March 2006. The graph also shows the annualised strategic allocation up to 2016. This rate is based upon the annual average rate of housing provision for Herefordshire as set out in Table 1 of the Regional Spatial Strategy (RPG11, June 2004).

4.6 The graph shows that the rate of housing completions between 2001/2 and 2004/5 was below that required to achieve UDP housing targets, however, this was largely due to the delay in releasing a number of larger housing allocations included within the UDP and subject to objection. The recent release of a number of these sites resulted in an increase in the rate of housing completions in the County during 2005/6 (791 completions) as can be seen in Figure 10 below. In addition the housing requirement for Herefordshire in the RSS is set as a maxima.

**Figure 10: Housing Trajectory 1996-2016**



(Source: Herefordshire Council 2006)

## Objective H(2)

To promote the re-use of previously developed land and buildings for housing purposes, in preference to the use of greenfield land.

### 4.7 UDP Policies relating to Objective H(2)

- S3 Housing (strategic policy setting out the housing provision figures and general aims and objectives of housing policies)
- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H8 Agricultural & forestry dwellings and dwellings associated with rural businesses
- H14 Re-using previously developed land and buildings

### 4.8 Targets H(2)

There is a UDP target, in line with that contained in the Regional Spatial Strategy, to aim to achieve 68% of new dwellings on previously developed land and buildings over the period 2001-2011 (policy S3 Proposed Modifications, September 2006). In addition there is a national target to achieve 60% of new housing on previously developed land by 2008 (PPG3).

### 4.9 Core Indicator H(2)

The percentage of new and converted dwellings on previously developed land.

4.10 Figure 11 provides a breakdown of this year's housing completions, indicating those on previously developed land. It shows that the proportion of new dwellings built on previously developed land is higher than that required by national targets (60% of new housing on previously developed land).

**Figure 11: Housing Completions**

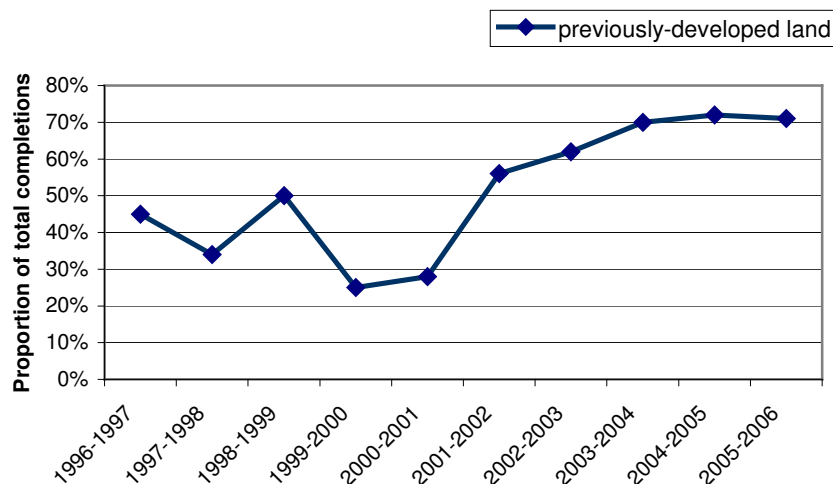
	<b>Actual Completions 05-06</b>	<b>Proportion of Total 05-06</b>	Actual completions 04-05	Proportion of Total 04-05
Former Residential	162	20%	202	34%
Former Employment	141	18%	93	16%
Other Brownfield	261	33%	130	22%
<b>Total Previously developed</b>	<b>564</b>	<b>71%</b>	<b>425</b>	<b>72%</b>
<i>Greenfield</i>	<i>227</i>	<i>29%</i>	<i>162</i>	<i>28%</i>
<b>Total Completions</b>	<b>791</b>	<b>100%</b>	<b>587</b>	<b>100%</b>

(Source: Herefordshire Council Housing Land monitoring 2006)

#### 4.11 Local Indicator H(2)

The annual percentage of total completions occurring on previously developed land since the commencement of the UDP period (1996).

**Figure 12: Percentage of Completions on Previously Developed Land (1996-2006)**



(Source: Housing Land monitoring 2006)

4.12 Figure 12 shows that although the growth in the proportion of dwellings completed on previously developed land has increased significantly since 1996, it has not always been consistent. The rapid development of significant greenfield housing sites in Hereford and Ledbury resulted in the decline in the percentage of housing built on previously developed land between 1999 and 2001. There was a gradual and consistent increase in the percentage of housing built on previously developed land after 2001 and the Council has exceeded the Government's target since 2002-3 and, for the last three years, has achieved the Regional target. In addition to those dwellings completed within the County of the 2261 outstanding planning permissions in the County 1664 (74%) are located on previously developed land.

#### **Objective H(3)**

To promote the more efficient use of land for residential developments.

#### 4.13 UDP Policies relating to Objective H(3)

- S3 Housing (strategic policy setting out the housing provision figures and general aims and objectives of housing policies)
- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H13 Sustainable residential design
- H15 Density

#### 4.14 Targets H(3)

The UDP, in policy H15 (Proposed Modifications, September 2006), provides the following guideline for minimum new site densities for sites of 1ha or over in Hereford and the market towns:

- Town centre and adjacent sites, between 30 and 50 dwellings per hectare;
- Other sites, at least 30 dwellings per hectare.

#### 4.15 Core Indicator H(3)

The percentage of new dwellings completed at:

- (i) less than 30 dwellings per hectare;
- (ii) between 30 and 50 dwellings per hectare; and
- (iii) above 50 dwellings per hectare

4.16 PPG3 requires local authorities to avoid the inefficient use of land. The monitoring of densities of new developments can help the review and refinement of relevant policies or build up a picture of what is being achieved in order to develop future policies.

4.17 Figure 13 sets out the average density of completions for development in all areas across the County over last two years. It can be seen that the percentage of dwellings built below 30 dwellings per hectare has declined, however, at 37% this remains significant. In respect of the target set in policy H15, there have only been 113 dwellings completed over the reporting period on sites over 1 ha in the urban areas of Hereford and the market towns. These were built at an average density of 34 per hectare, thus meaning that the UDP target is being achieved. There were no completions on sites of over 1 hectare in size in any of the County's town centres during 2005/6.

**Figure 13: Density of Completions**

	2004-5		2005-6	
	Number	Proportion of Total	Number	Proportion of Total
Less than 30 dwellings/ha	258	44%	295	37%
30-50 dwellings/ha	135	23%	305	39%
Over 50 dwellings/ha	194	33%	191	24%
<b>Total</b>	<b>578</b>	<b>100%</b>	<b>791</b>	<b>100</b>

*(Source: Herefordshire Council Housing Land monitoring 2006)*

#### **Objective H(4)**

To fulfil the needs for additional affordable dwellings in the County.

#### 4.18 UDP Policies relating to Objective H(4)

- S3 Housing (strategic policy setting out the housing provision figures and general aims and objectives of housing policies)

- H2 Hereford & the market towns: housing land allocations
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H9 Affordable dwellings
- H10 Rural Exception housing

4.19 Target H(4)

The UDP, in strategic housing policy S3, sets an approximate figure of 2,300 affordable dwellings to be provided within the County over the Plan period.

4.20 Core Indicator H(4)

The number of affordable housing completions during the reporting period.

4.21 Figure 14 sets out the 2005/6 affordable housing completions broken down into housing association/local authority dwellings and low cost private homes. In order to gain a clearer understanding of overall UDP affordable housing provision in relation to the target, it is necessary to ascertain the numbers of affordable housing completions that have occurred since the start of the Plan period. The Herefordshire Council's Housing Land Studies indicate that between 1996 and 2005/6, 961 affordable homes have been completed. Therefore at the current average rate of 96.1 completions per year, the UDP target will not be met by 2011. However, it must be recognised that the UDP has not yet been adopted and the UDP's affordable housing policies are not yet being fully implemented. It is anticipated that post adoption, the number of affordable housing schemes coming forward each year will increase. However, the provision of affordable housing in both urban and rural areas of the County is an issue of concern and will be subject to continued monitoring.

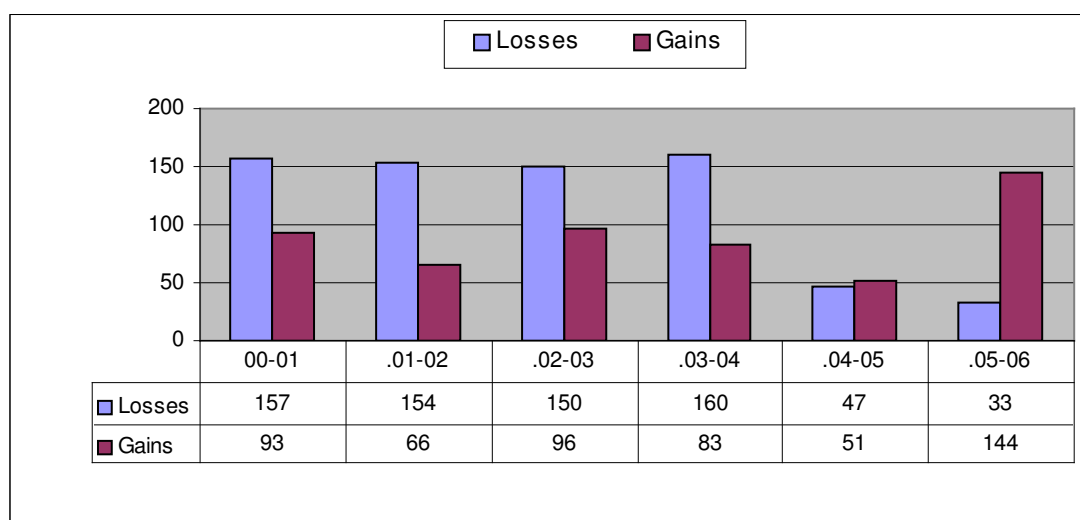
**Figure 14: Affordable Housing Completions (05-06)**

	<b>Number</b>
Social Rented	55
Intermediate	59
<b>Total</b>	<b>114</b>

*(Source: Herefordshire Council Housing Land monitoring 2006)*

4.22 The national 'Right to Buy' policy has had an effect on affordable housing numbers in the years since local government reorganisation in 1998. Figure 15 covers available information over the past five year period and shows that the total losses of affordable homes amounts to 701, with total gains standing at 533. This equates to a net loss of 168 affordable homes in six years (2000-2006), averaging at a loss of 28 affordable homes per year. However, in the last two years the gains have outnumbered the losses.

**Figure 15: Affordable Homes – Losses and Gains 2000-2006**



(Source: Housing Strategy Statistical Appendix 2003/04, HFR 2002/03, Strategic Housing Finance Officer and RSL's)

Note:

LA/Stock Transfer Company losses in 02/03 include demolition of 15 properties.

RSL gains include both rented and shared ownership properties.

### Objective H(5)

To promote a sustainable pattern of development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and the larger rural settlements.

#### 4.23 UDP Policies relating to Objective H(5)

- S3 Housing (strategic policy setting out the housing provision figures and general aims and objectives of housing policies)
- H1 Hereford & the market towns: settlement boundaries & established residential areas
- H2 Hereford & the market towns: housing land allocations
- H4 Main villages: settlement boundaries
- H5 Main villages: housing land allocations
- H6 Housing in smaller settlements
- H7 Housing in the countryside outside settlements

#### 4.24 Target H(5)

Most housing provision (57%) will be concentrated in Hereford and the market towns, then a lesser amount (26%) in the more sustainable main villages, with the third tier of the housing strategy catering for rural housing needs (17%) (policy S3).

#### 4.25 Local Indicator H(5)

The numbers and proportion of housing completions since 1996 in the various locations set out in the UDP settlement strategy.

4.26 Figure 16 provides data on the numbers and proportion of residential completions since the beginning of the UDP period (1996) up to the current



reporting period. This indicates whether the distribution of new housing thus far is commensurate with the targets as set out in strategic policy S3 of the Plan.

4.27 The table in Figure 16 shows that over the first 10 years of the UDP period, the distribution of housing completions is close to that anticipated in policy S3 for the whole of the 15 year Plan period. Housing completions in Hereford and the market towns are 3% lower than the target, with slightly higher proportions being completed in the main villages and the wider rural area. Since all residential land allocations in the UDP are within Hereford, the market towns and main villages, it is anticipated that once the UDP is adopted the proportions of completions will become closer to the targets set out in policy S3.

4.28 The first 10 years of the Plan period have seen planning permissions granted primarily in accordance with the policies of the existing adopted structure and district local plans covering Herefordshire, rather than the UDP. The Plan proposes a target of 12,200 dwellings for the fifteen years up to 2011. Figure 16 shows that during the first 10 years (1996 - 2006) 8,136 completions were achieved, equating to 67% of the total requirement.

**Figure 16: Completions (1996-2006) based on the UDP Settlement Strategy**

Location	Actual Completions 1996-2006	Percentage of Total Completions	1996-2011 UDP Target (Policy S3)
<b>Hereford City</b>	<b>1952</b>	<b>24%</b>	<b>----</b>
Leominster	465	6%	----
Ross-on-Wye	453	6%	----
Ledbury	1006	12%	----
Bromyard	370	4.5%	----
Kington	123	1.5%	----
<b>Market Towns Total</b>	<b>2,417</b>	<b>30%</b>	<b>----</b>
<b>Combined Hereford City &amp; Market Town</b>	<b>4,369</b>	<b>54%</b>	<b>57%</b>
<b>Main Villages Total</b>	<b>2235</b>	<b>27%</b>	<b>26%</b>
<b>Smaller Settlements</b>	<b>541</b>	<b>7%</b>	<b>----</b>
<b>Other Rural Areas</b>	<b>991</b>	<b>12%</b>	<b>----</b>
<b>Combined Smaller Settlements &amp; Other Rural Areas</b>	<b>1532</b>	<b>19%</b>	<b>17%</b>
<b>County Total</b>	<b>8136</b>	<b>100%</b>	<b>100%</b>

*(Source: Herefordshire Council Housing Land monitoring)*

## **Shortfalls in Housing Information**

- 4.28 There are various improvements that could be made to develop the efficiency of data collection and thereby progress the assessment of development plan policies. Resolving these issues is likely in the medium term, depending to some extent upon the availability of resources. An update on this matter will be provided in subsequent AMR's.

## Section 5: EMPLOYMENT

### Objective E(1)

To ensure a balance of employment opportunities throughout the County, through the provision of a portfolio of employment sites to reflect the differing development needs of businesses and to give a choice in terms of size, location, quality and Use Class.

#### 5.1 UDP Policies relating to Objective E(1)

Although most policies in the employment chapter of the UDP could be said to contribute to the achievement of this overarching objective, the following policies are considered to be those most relevant:

- S4 Employment
- E1 Rotherwas Industrial Estate
- E2 Moreton-on-Lugg Depot
- E3 Other employment land allocations
- E7 Other employment proposals within and around Hereford & the Market Towns
- E10 Employment proposals within or adjacent to main villages
- E11 Employment proposals in the smaller settlements & open countryside

#### 5.2 Target E(1)

Provide 150ha of land for Part B employment development in a range of locations throughout the County. (The target has been subsequently reduced to 100ha in the Proposed Modifications to the UDP, September 2006).

#### 5.3 Core Indicators E(1)

- (i) the amount of land developed for employment by type;
- (ii) the amount of land developed for employment, by type, which is in development and/or regeneration areas defined in the development plan; and
- (iii) employment land supply by type.

5.4 A regular assessment of the availability of employment land in the County is already undertaken by the Forward Planning Team, in conjunction with the Council's Economic Development Section, and reported annually as part of the West Midlands Regional Employment Land Study. The data contained in these studies is used as a source of information for this report.

5.5 Figure 17 shows the amount of land developed for employment use in the monitoring period 2005-2006, and also provides a breakdown by use class type. The total area of employment land completions in Herefordshire in this reporting period is 8.58ha and of this the total floorspace is 14,586m<sup>2</sup> (1.46ha). This is comparable with the previous monitoring year and is higher than the annual average of 5.36 ha per annum (calculated over the past 20 years).

**Figure 17: Employment Completions 2005-2006 by Type**

	B1a	B1c	B2	B8	Other employment uses	TOTAL
<b>Floorspace (m<sup>2</sup>) of Completions 2005-2006</b>	1,615	1,072	6,685	5,214	0	14,586m <sup>2</sup> (8.58ha total area of employment land completions)

(Source: Herefordshire Employment Land monitoring 2006)

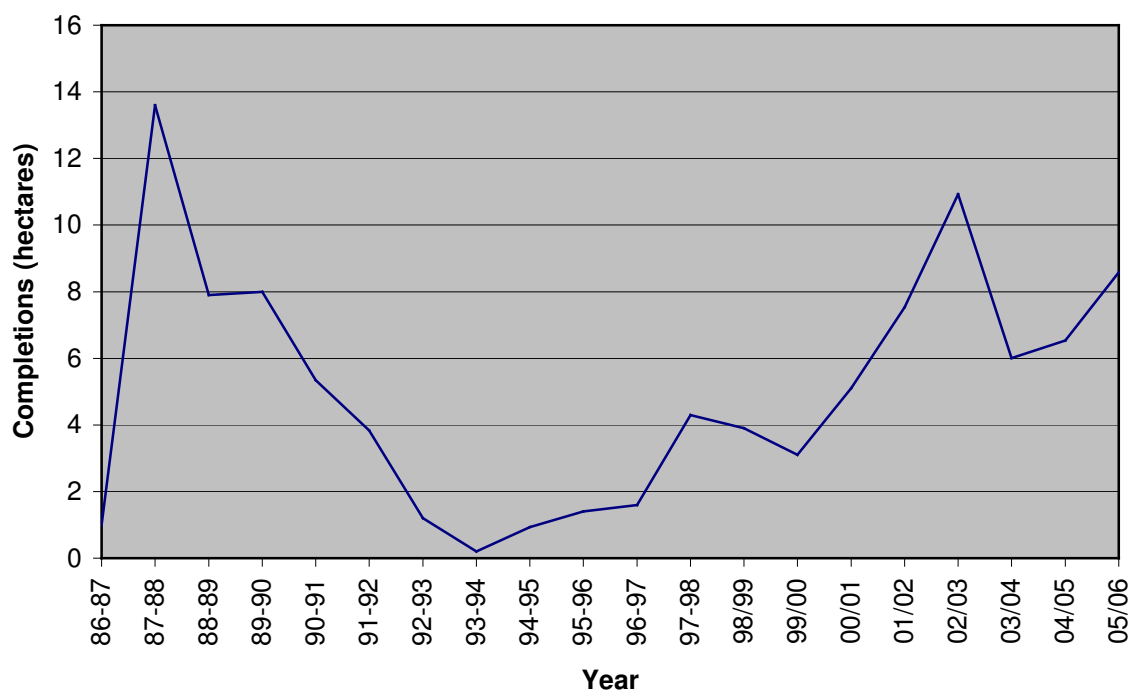
**5.7 Local Indicators E(1)**

The following local indicators can provide some additional background data that is useful when assessing the way that employment developments have taken place across the County historically and can also be used in the future to compare trends and changes over the later phases of the UDP period.

- (i) Employment completions 1986-2006;
- (ii) Geographical distribution of employment land completions.
- (iii) Current supply of employment land (not by type).

5.8 Figure 18 traces the rate of employment completions since the mid-1980's when monitoring commenced. Although it is difficult to explain the fluctuations in the overall rate, it appears that the nature of employment development in Herefordshire is cyclical.

**Figure 18: Completions of Employment Land 1986-2006**



(Source: Herefordshire Employment Land Study 2006)

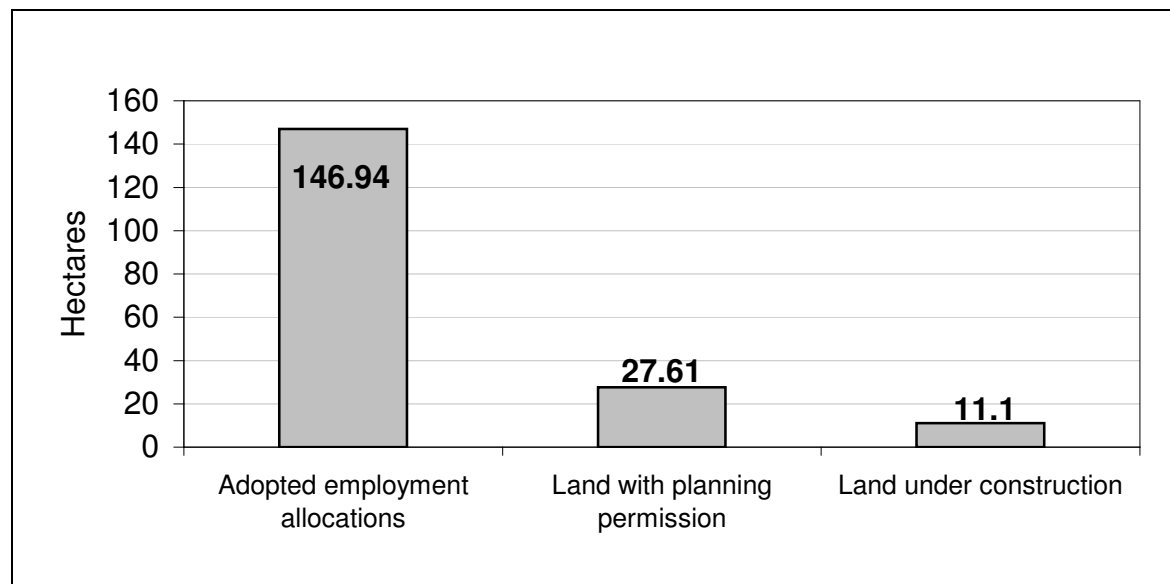
5.9 Records of the distribution of completions across the County indicate that there is a concentration of development in Hereford and a broad distribution across the wider rural area.

- 5.10 The Plan's overall development strategy has been developed alongside the strategic approaches being undertaken through Objective 2 and the Rural Regeneration Zone. Through these programmes, regeneration activity will be concentrated in key locations with the greatest potential to create sustainable employment growth and maximise employment opportunities, to the benefit of the wider rural areas. There have been a total of 8.58 ha (100%) of completions in the Rural Regeneration Zone (RRZ) as identified in RPG11 (the RRZ covers most of the County, apart from the urban area of Hereford).
- 5.11 The initial target (150ha) of employment land that was considered unlikely to be achieved over the Plan period in last year's AMR, due to variations in local circumstances across the County and differing take up rates of employment land, has been altered by the Inspector. The Inspector in his report acknowledged Hereford as a sub-regional foci, however considered that 150 hectares of employment land allocations was more than required and recommended reducing this allocation to 100 hectares. The council accepted his recommendation and this was reflected in the Proposed Modifications, September 2006.

### Supply

- 5.12 Herefordshire currently has some 185.65 ha of land available for employment use on 128 sites. This land is either allocated for employment uses within the adopted local plans (146.94 ha), benefits from unimplemented planning permissions (27.61 ha) or is currently under construction (11.10 ha). Figure 19 illustrates these findings.

**Figure 19: Current Supply of Employment Land**



*(Source: Herefordshire Employment Land monitoring 2006)*

- 5.13 Figure 20 represents a breakdown by use class type, however as many planning permissions are for mixed use developments these are also shown.

**Figure 20: Total Supply of Employment Land by Use Class**

B1	1.07 ha
B1/B2	39.11 ha
B1/B2/B8	86.90 ha
B1/B8	28.96 ha
B1a	9.73 ha
B1a/c	1.62 ha
B1c	4.96 ha
B2	2.54 ha
B2/B8	2.14 ha
B8	8.62 ha
<b>Total</b>	<b>185.65 ha</b>

(Source: Herefordshire Employment Land monitoring 2006)

### **Objective E(2)**

To encourage the use of previously developed land for employment purposes in preference to greenfield land.

#### 5.14 UDP Policies relating to Objective E(2)

- S4 Employment
- E1 Rotherwas Industrial Estate
- E2 Moreton-on-Lugg Depot
- E3 Other employment land allocations
- E7 Other employment proposals within and around Hereford & the Market Towns
- E10 Employment proposals within or adjacent to main villages
- E11 Employment proposals in the smaller settlements & open countryside
- E15 Protection of greenfield land

#### 5.15 Targets E(2)

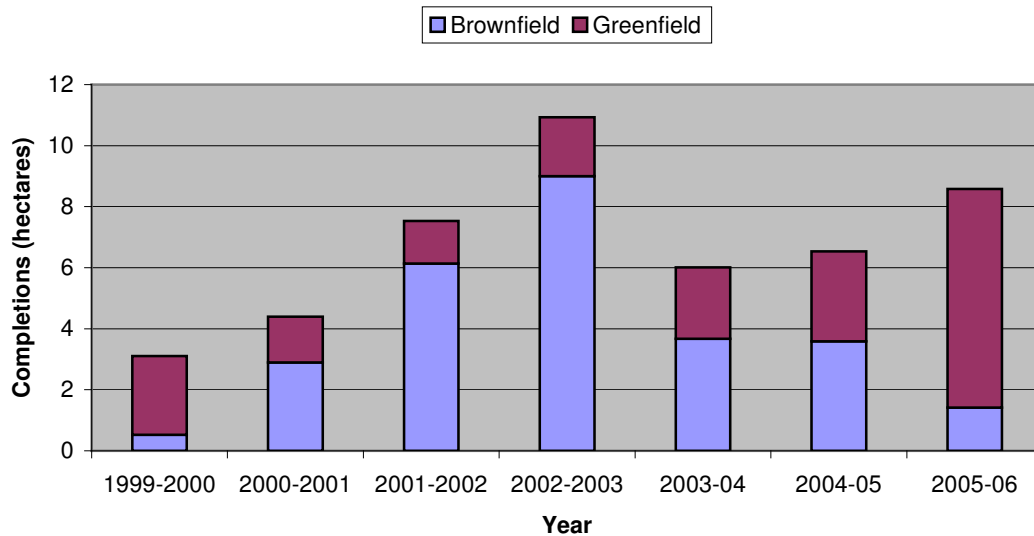
There are no specific targets set out in the UDP for the amount of employment land to be developed on previously developed sites, however re-using previously developed land before greenfield land is central to the aims of sustainable development.

#### 5.16 Core Indicator E(2)

The percentage of land developed for employment use by type, which is on previously developed land.

- 5.17 There is no data on the amount of employment *by type* on previously developed land for this monitoring period, however information on overall completions is available. 16.5% of all completed employment development over the past year was on previously developed land as shown in Figure 21. It is anticipated that future AMR's will include a breakdown by type.

**Figure 21: Previous Uses of Employment Land Completions**



(Source: Herefordshire Employment Land monitoring 2006)

### Objective E(3)

To avoid the loss of existing employment land and premises to other uses.

#### 5.18 UDP Policies relating to Objective E(3)

S4 Employment

E5 Safeguarding employment land and buildings

#### 5.19 Targets E(3)

There are no specific targets set out in the UDP for acceptable amounts of employment land that can or cannot be lost to other uses. However, it is recognised that it is important that both the existing and proposed supply of land and buildings for employment uses is protected for such purposes if the UDP is to successfully maintain and enhance employment opportunities throughout the County.

#### 5.20 Core Indicators E(3)

(i) The losses of employment land in development/regeneration areas and local authority areas.

(ii) The amount of employment land lost to residential development.

5.21 0.34ha of employment land were granted planning permission for other uses during the monitoring period, last years AMR 04/05 reported a higher figure of 3.34ha, a decrease of 3ha.

5.22 Of the 0.34ha total employment land lost to other uses; 0.1ha was from within the Rural Regeneration Zone and 0.1ha were from Hereford City (outside the Rural Regeneration Zone area). 0.14ha of the total loss were reallocated to residential uses.

## Section 6: TRANSPORT

### Objective T(1)

To promote a sustainable pattern of residential development by ensuring that sufficient new housing is made available in sustainable locations primarily within urban areas and larger rural settlements, taking account of relative accessibility by public transport and the availability of services.

#### 6.1 UDP Policies relating to Objective T(1)

- S3 Housing
- H1 Hereford & the market towns: settlement boundaries & established residential areas
- H2 Hereford & the market towns: housing land allocations
- H4 Main villages: settlement boundaries
- H5 Main villages: housing land allocations

#### 6.2 Targets T(1)

As set out in the UDP, the anticipated proportions of total dwellings anticipated in the various areas of the County between 1996 and 2011 are:

Hereford City:	29%
Market Towns:	28%
Main Villages:	26%
Rural Areas:	17%

#### 6.3 Core Indicators T(1)

The percentage of new residential development within 30 minutes public transport time of a GP, hospital, primary and secondary school, employment and a major health centre.

- 6.4 The UDP housing strategy is centred on the desire to provide new housing in the most sustainable areas of the County. The Plan's general housing policy S3 defines the strategic distribution of the additional housing in the County within the Plan period. A key feature is the determination of a hierarchy of settlements in accordance with the overall development strategy of the Plan. Hereford is the central hub of the County and provides a good range of facilities, followed by the market towns and then the main villages. This latter group was identified according to their size, the availability of public transport links to nearby towns and the number of facilities within these larger villages.

- 6.5 Whilst information on the precise criteria as set out in the core indicator T(1) may not be gathered, in terms of 30 minutes from a GP etc, it is accepted that the major centres of Herefordshire (Hereford, Leominster, Ledbury, Kington, Ross and Bromyard) provide essential services and new development within the 30 minute rule of these locations, will therefore satisfy the indicator. However, it is also recognised that due to the rural nature of Herefordshire that many primary schools, GPs and other essential services are situated in very rural locations outside of the 30 minute public transport rule of the main



centres and therefore do provide some of the essential services that the more isolated communities require.

- 6.6 The following data has been collected in relation to the hierarchical settlement housing strategy as set out in the Plan and is considered to be similar in its aims of considering how well the development plan polices are achieving sustainable development patterns. Figure 21 provides a mapped representation of completions during the reporting period over a GIS layer of public bus and rail services within 30 minutes of one or more of the main centres of Herefordshire.
- 6.7 The housing chapter of this report and figure 22 reveals that the wider rural areas are continuing to accommodate more new housing developments than anticipated, being 4% more than the expected proportion between 1996-2011. This can be shown by the applications appearing outside of the shaded area of the map and outside of Hereford and the 5 market towns. As this is the first time that this method has been used to assess the indicator and the effectiveness of the relevant UDP policies, it can only be tentatively suggested that in the majority of cases new residential development is being located in the most sustainable locations in terms of links with public transport routes.

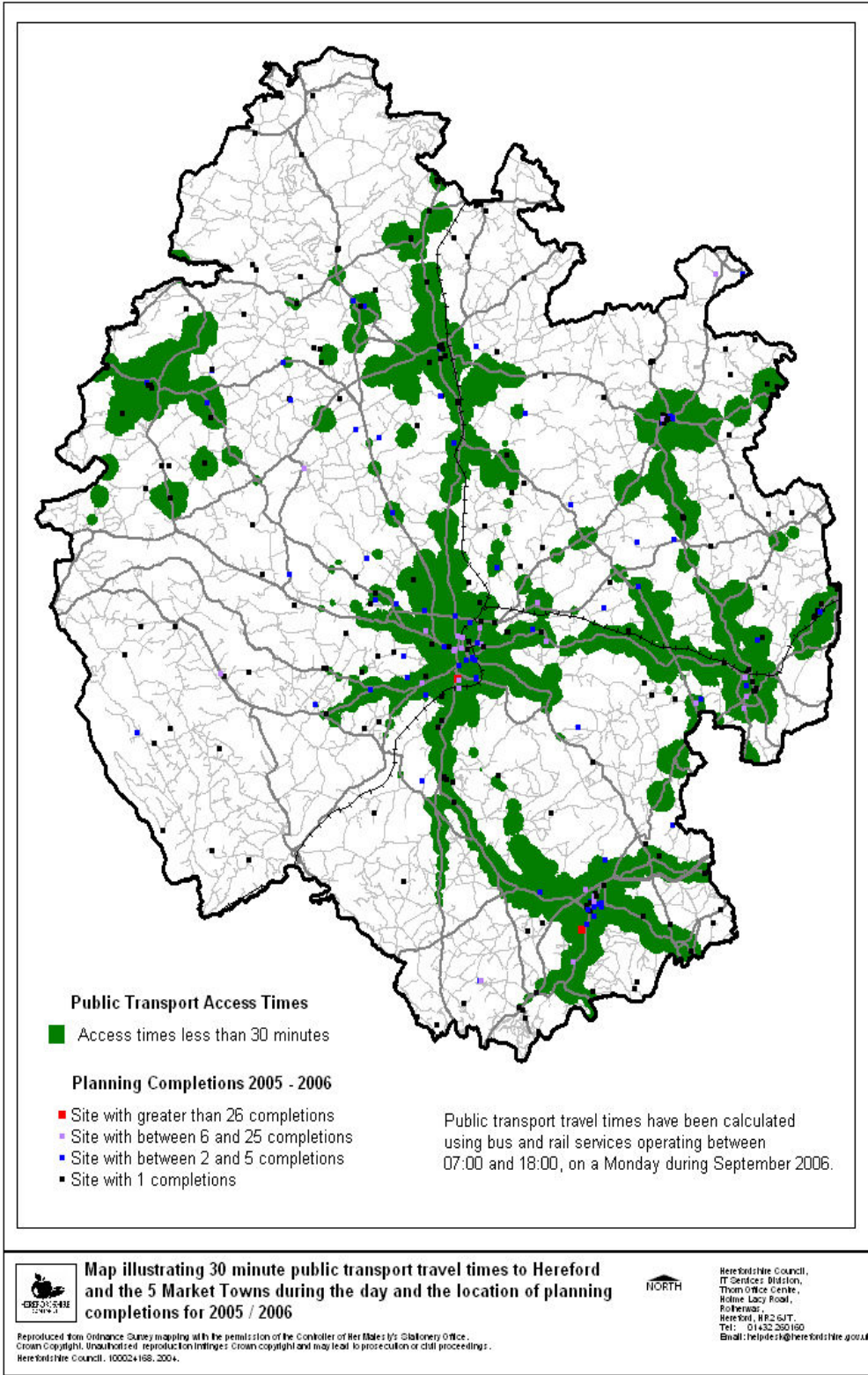
### **Limitations**

- 6.8 Limitations of the data mainly lie with the public transport routes changing year on year and as such it may be that dwellings reported in this years AMR as being located within sustainable locations, may not be next year. These differences and variations are not proposed to be monitored in future AMRs. Policies contained within the UDP regarding location of development must not therefore rely on the proximity of public transport routes as the sole reason for locating development in a particular area. It is acknowledged that appropriate locations will often have multiple sustainable attributes.

### **Shortfalls in Transportation Information**

- 6.9 A core indicator suggested in the formal guidance for undertaking AMR's was to calculate the percentage of completed non-residential development complying with car parking standards set out in the development plan. Whilst restricted data availability limits reporting on this indicator, this issue is being addressed and it is anticipated that data collection will be improved in the medium term for forthcoming AMR's.

**Figure 22: Dwelling Completions for 05/06 Within 30 Minute Public Transport Time to Hereford and the 5 Market Towns**



## Section 7: TOWN CENTRES AND RETAIL

### Objectives TCR(1)

To ensure that central shopping and commercial areas continue as the main focus of shopping, employment, services and facilities in Hereford and the market towns, where they are well served by public transport and readily accessible by the community as a whole by means other than the private car.

To safeguard and improve local village centres that are readily accessible by walking and cycling.

#### 7.1 UDP Policies relating to Objective TCR(1)

S5	Town centres and retail
TCR1	Central shopping and commercial areas
TCR2	Vitality and viability
TCR3	Primary shopping frontages
TCR4	Secondary shopping frontages
TCR5	Uses outside Class A of the Use Classes Order
TCR6	Non-retail uses
TCR8	Small scale retail development
TCR9	Large scale retail & leisure development outside shopping & commercial areas
TCR10	Office development
TCR11	Loss of existing offices
TCR13	Local and neighbourhood shopping centres
TCR14	Village commercial facilities

#### 7.2 Targets TCR(1)

Although no specific targets are set out in the UDP, its policies are in line with national policy guidance, RPG11 and support the Herefordshire Partnership's Economic Development Strategy. It adopts a strategy to protect and enhance the vitality and viability and maintain the retail and general facilities hierarchy within the County: Hereford, the market towns and local, neighbourhood and village centres. The Plan's guiding principles look to enhance the role of settlements as service centres, improve opportunities for access to services and guide new developments to locations that offer a choice of transport modes.

#### 7.3 Core Indicators TCR(1)

- (i) The amount of completed retail and office development completed within the monitoring period.
- (ii) The percentage of completed retail and office development in town centres.

7.4 Figure 23 provides the schedule of completed retail developments within Herefordshire for the current monitoring year. The threshold for inclusion of developments is 1,000m<sup>2</sup> gross floorspace. Retail completions within this threshold have only been in the A1 Use Class, with a total of 10,010m<sup>2</sup> gross floorspace. There were no developments within class A2.

7.5 The percentage of retail developments over 1000m<sup>2</sup> gross floorspace that were completed within the town centres as defined by the UDP equated to 23%, all other developments were located on the edge or out of centre (freestanding) locations.

**Figure 23: Schedule of Completed Retail Developments 2005-2006**

LOCATION	In Centre (1) Edge of Centre (2) Freestanding (3)	RETAIL FLOORSPACE		OPERATION		
		GROSS m <sup>2</sup>	NET m <sup>2</sup>	USE CLASS ORDER	OPERATOR	TRADE
Denco Holdings, Holmer Road, Hereford HR1 9SJ	3 Freestanding	7710		A1	B&Q	DIY
51,52,52A & 52B Commercial Street & 3A, 3B & 3C Union Street, Hereford	1 Established Centre	1200		A1	H&M	Clothing
51,52,52A & 52B Commercial Street & 3A, 3B & 3C Union Street, Hereford	1 Established Centre	1100		A1	Virgin Megastore	Other

(Source: Herefordshire Retail Land Survey 2006)

7.6 There were no Class A office development completed in the County.

### Shortfalls in Retail and Class A Office Development Information

7.7 It has not been possible to provide data on retail or office completions below the current thresholds applied. As a result information on smaller village and local neighbourhood shopping facilities or small-scale office developments is not available. The need for such low level monitoring will be dictated, to some extent, by the decisions made at the West Midlands Regional Assembly and whether they feel further information is required to meet the guidance on Strategic Environmental Assessments and Sustainability Appraisals. If changes are reported as being needed these will be integrated into future AMR's as appropriate.

## Section 8: Recreation and Leisure

### Objective RL(1)

To promote opportunities for new and improved recreation, leisure and sports facilities in sustainable locations.

#### 8.1 UDP Policies relating to Objective RL(1)

S8	Recreation, sport and tourism
RST1	Criteria for recreation, sport and tourism development
RST5	New open space in/adjacent to settlements
RST6	Countryside access
RST10	Major sports facilities

#### 8.2 Targets RL(1)

There are no specific UDP targets for this type of development, however the Plan acknowledges that recreation, leisure and sports opportunities can contribute to the quality of life of residents and visitors; support local economies and community regeneration, and help the diversification of work opportunities in both urban and rural areas. In providing such facilities the Plan states the importance of balancing the benefits with any adverse effects on local communities, amenity and the environment.

#### 8.3 Core Indicators RL(1)

- (i) Amount of completed leisure development 2005-2006.
- (ii) Percentage of completed leisure development in town centres 2005-2006.
- (iii) Percentage of eligible open spaces managed to green flag award status.

8.4 Each year a survey is undertaken of leisure developments across the County as part of the annual Hotel and Leisure Regional Monitoring Study. These will provide information for AMR's, however certain thresholds mean that only the larger developments of this kind are monitored. Only data on leisure permissions on or over 1,000m<sup>2</sup> gross built development is monitored, thus all smaller scale developments are not picked up. At this time it is not clear when there will be any change to the current methods of surveying. The need for change will be dictated by the decisions of the West Midlands Regional Assembly and whether they feel further information is required to meet the guidance on Strategic Environmental Assessments and Sustainability Appraisals. If changes are reported as being needed these will be integrated into future AMR's as appropriate.

8.5 There were no hotel and leisure completions in Herefordshire (within the aforementioned threshold) during this monitoring period.

8.6 Herefordshire Council has completed its initial Open Spaces Audit, in line with PPG17 and is now considering the findings. A working group has been set up to take forward these findings into improving the quality and accessibility of open space, sports and recreation facilities across the county.

- 8.7 Herefordshire was split into 9 geographical areas for the audit. Within each of these areas, open space, sports and recreation provision has been assessed in terms of quantity and quality, focusing on the settlements as defined in the hierarchical approach set out in the UDP, along with strategic facilities, such as Queenswood Country Park.
- 8.8 The main findings of the audit concern quality and accessibility of the existing provision. Deficiencies in the different types of provision vary across the 9 areas. These findings are anticipated to be taken forward with 'action plans' and 'strategic priorities' identified both on a countywide level, and also in regards to the 9 geographical areas used in the audit, although specific details are yet to be confirmed.
- 8.9 Herefordshire Council uses the Green Flag standards as a method of rating its sites. In the audit, Green Flag standards were incorporated into the methodology used by the auditors. The data is currently being scrutinised, although of the site appraisals analysed, 13 of the 66 (20%) of facilities classified as 'Natural or semi natural greenspaces' in the PPG17 methodology, met or exceeded the Green Flag standard, 24 of the 37 (65%) facilities classed as 'Parks' in the PPG17 methodology inspected for quality, met or were above the Green Flag standard.
- 8.10 The audit of open space, sport and recreation will allow for better and more appropriate use of resources, and inform issues such as planning gain and section 106 agreements. Development briefs, where appropriate can also take into account these findings and incorporate appropriate open space and facilities. The information will also form the basis for the monitoring and review of open space and facility provision in terms of quality and quantity, in addition to informing existing and future planning policies.

### **Shortfalls in Recreation and Leisure Information**

- 8.11 It has not been possible to do a comparative study on the available data for open spaces between last years AMR and this as the data sets were not complete and as such likely to be inaccurate. A full data set is expected to be available shortly and will be reported on in next years AMR 06/07.

## Section 9: MINERALS

### Objective M(1)

To ensure the continued supply of primary extraction aggregates for the local construction industry and to satisfy the wider aggregate needs arising in the region.

#### 9.1 UDP Policies relating to Objective M(1)

S9 Minerals

M3 Criteria for new aggregate mineral workings

M5 Safeguarding mineral reserves

#### 9.2 Targets M(1)

Government policy for aggregates provision is essentially that an adequate and regular supply of minerals must be provided, subject to environmental and sustainability considerations. A landbank of permitted reserves of sand and gravel sufficient to meet 7 years production should be maintained; more may be needed for crushed rock.

9.3 The guidelines are that provision should be made in the West Midlands for the production of 162 million tonnes (mt) of sand and gravel and 93mt of crushed rock over the period 2001 to 2016. West Midlands Regional Aggregates Working Party (WMRAWP) policies require that appropriate provision should be made in the region for the supply of nationally and regionally significant minerals.

9.4 The WMRAWP recommends the following sub-regional apportionment for Herefordshire:

Sand & Gravel: 28% of regional production (0.283mt pa for 2001-2016)

Crushed Rock: 7.3% of regional production (0.424mt pa for 2001-2016)

#### 9.5 Core Indicators M(1)

Production of primary land won aggregates.

9.6 The 2004 Regional Annual Survey forms were delayed last year following concerns of the Quarry Products Association (QPA) on Freedom Of Information and Environmental Information Regulations. A new procedure was established for handling the commercially sensitive information, and as a result last years AMR was only able to report on 2003 figures. This AMR, acknowledged also to be a year in arrears on this monitoring period, can now report on the aggregate 2004 survey results from the WMRAWP Annual Report 2004.

9.7 The regional report highlights that response to the survey was varied for the West Midlands region and that the form format used from previous years had proved difficult. Production and landbank data were also estimated in the report using previous reports and advice from individual Mineral Planning Authorities.

- 9.8 Since the agreements of 2004, further agreement has been reached between the Regional Aggregates Working Party, Department for Communities and Local Government (DCLG, formerly ODPM), local government and the British Geological Survey (commissioned to undertake the national aggregates survey 2005 this year) in working together to ensure confidentiality of information voluntarily submitted by quarries and wharfs. The Quarry Products Association (QPA) and British Aggregates Association (BAA) have both supported the 2005 survey and have agreed the arrangement for the protection of commercially sensitive information.
- 9.9 This agreement has led to a 100% response rate in Herefordshire for 2005 and should continue to enable a consistent level of monitoring of the industry in future years. The results of this survey will be published in next year's AMR on completion of the WMRAWP Annual Report 2005. The information reported on in the AMR will be at the regional level to protect commercial sensitivity and comply with the confidentiality agreement. DCLG and the Regional Mineral and Waste Officers Group are likely to continue to monitor the situation and improve data availability and accuracy for future monitoring returns.
- 9.10 Information on primary aggregate production for Mineral Planning Authorities (MPA's) is collected annually by each MPA from operating companies on behalf of the WMRAWP. This information is:
- requested annually (by calendar year)
  - in arrears (the most recent figures available are 04/05, most recent request was for production in 2005 and is to be reported in 06/07)
  - provided on a confidential and voluntary basis. All returns are collected by MPA's and forwarded to the RAWP Secretary for agglomeration, in a way that protects commercial sensitivity, for subsequent publication in the RAWP annual reports (most recent report, 2004).
- 9.11 Primary extraction aggregates for Herefordshire for the period 04/05, i.e. sales of:
- |                 |                |
|-----------------|----------------|
| ▪ Sand & Gravel | 250,000 tonnes |
| ▪ Crushed Rock  | 460,000 tonnes |
| ▪ Total         | 710,000 tonnes |
- (Source: WMRAWP Annual Report 2004)*
- 9.12 As sales of primary extraction aggregates in the County are relatively stable, follow national trends and have not been affected by any significant local developments, there is no reason to believe that the 2005 figures will be significantly different from those stated above. The RAWP allocation for the period 2001-2016 is that Herefordshire County should be capable of producing:
- |                 |                     |
|-----------------|---------------------|
| ▪ Sand & Gravel | 283,000 tonnes p.a. |
| ▪ Crushed Rock  | 424,000 tonnes p.a. |

The Revised Deposit UDP is based upon Herefordshire's ability to produce these amounts for the significant future (and is based on the current landbanks of up to 2025 for sand and gravel and until 2044 for crushed rock).



## Objective M(2)

To encourage the use of secondary aggregates and recycling.

### 9.13 UDP Policies relating to Objective M(2)

S9 Minerals

M6 Secondary aggregates and recycling

### 9.14 Targets M(2)

There are no specific targets set out in the UDP for the use of alternatives to naturally occurring aggregates or other minerals, however, policy M6 states that proposals for the production, processing, treatment and storage of such alternatives should be encouraged.

### 9.15 Core Indicators M(2)

Production of secondary/recycled aggregates.

### 9.16 Secondary/recycled aggregates are produced in two general ways:

- at sites with specific planning permissions for such production; and
- at 'other' sites where processing takes place in association with other recycling activities.

9.17 Last years AMR reported that in Herefordshire, two sites (Leinthall Earls Quarry and Wellington Gravel Pit) had specific planning permissions. The Council requests details of production through the RAWP process, as described above. However, the Regional Government Office no longer monitor this indicator due to the inconsistent and unreliable nature of the information available. In terms of Herefordshire county level monitoring, no monitoring has been done for the reporting period due to a lack of staff resources. The information reported here is that from last years AMR and all of the previous comments in paragraph 9.8. The most up to date figures available are for 1<sup>st</sup> January to 31<sup>st</sup> December 2004:

- Secondary/Recycled Aggregates 3,000 tonnes

*(Source: Herefordshire Council officer estimate - based on discussions with industry)*

9.18 In reality, production is likely to be much larger from the 'other' sites. These include:

- (a) On-site production of recycled materials from demolition contractors who now routinely clear previously developed land, crush hard materials on site and re-use them as foundations or sell them. Such activity may be permitted development under the General Permitted Development Order 1995 28-day rule or as part of the implementation of a planning permission. The local planning authority has no power to compel demolition contractors to provide information from such activities. The issue is further complicated by the fact that crushing plants are mobile, move quickly from site to site and are licensed by the Environmental Health Office in the company's 'home' base, which could be anywhere. At the time of the last AMR the Federation of Demolition Contractors contributed to the WMRAWP but was unable to provide regional production figures let alone local ones. It

continues to be the case that in future it might be possible to calculate average volumes of material from average redevelopment sites. There is no available information on which to base this at present.

- (b) Production at site with specific permission for waste treatment. The local planning authority could impose a condition requiring the submission of such information. None of the existing sites have any such conditions. In practice, compliance would probably only be achieved through enforcement by the local planning authority. However, all such activity could be monitored by the Environment Agency through Waste Management Licenses (WML's) and Waste Transfer Notes. Specific liaison arrangements will need to be set up to achieve this.
- (c) There is no basis for any calculation of production from such paragraph (b) sites. As an example, the Council is aware that specific Waste Transfer Stations do crush materials on site and that their sites have a maximum permitted levels of activity in their WMLs. There is no basis for assessing what proportion of their throughput is recycled into aggregates, however officer knowledge of a site existed where 2,000 tonnes of recycled aggregates had been produced at Bradbury Estate.
- (d) For some time these matters have been issues of concern for the WMRAWP, West Midlands Regional Technical Advisory Body (WMRTAB) and ODPM (now DCLG), DCLG have commissioned research. An update on the results of this research was unavailable at the time of writing this report; any updates on minerals and specifically the monitoring of secondary and recycled aggregates will be reported in subsequent AMRs.

### **Limitations in Minerals Information**

- 9.19 Limitations in the monitoring of this objective are hoped to be addressed in the medium term through the implementation of the LDF. It is proposed in the draft Core Strategy that is still under preparation, that the county will reduce the dependency of waste being sent to landfill through the promotion and introduction of waste minimisation techniques and improved energy efficiency in waste management. The Environment Agency WMLs will form part of the evidence base to represent the amount of secondary or recycled aggregate. It could also be used in the monitoring of the next objectives indicator.

## Section 10: WASTE

### Objective W(1)

To achieve a more sustainable waste management process by using the BPEO methodology and taking into account the principles of the waste hierarchy, the proximity principle and regional self-sufficiency.

10.1 The aforementioned objective is broad and overarching, relating to all policies within the waste chapter of the Plan. The UDP sets out a number of additional more specific objectives:

- to reduce the amount of waste produced in the County;
- to make the best use of waste produced, to increase re-use and recovery;
- to achieve a more sustainable waste management process by using the BPEO methodology and taking into account the principles of waste hierarchy, the proximity principle and regional self-sufficiency;
- to provide for new waste management enterprises to be established;
- to ensure that waste management is considered in all development proposals;
- to protect the environment from the adverse impact of waste development and where possible improve environmental quality;
- to make the most efficient use of land by re-using previously developed, industrial land and existing waste management sites in preference to greenfield sites;
- to minimise the environmental impacts of transporting waste; and
- to provide clear guidance on the location criteria that must be met to enable planning permission to be granted and to set out policies on planning conditions, obligations, monitoring and enforcement.

10.2 UDP Policies relating to Objective W(1)

- S10 Waste
- W1 New waste management facilities
- W2 Landfilling or landraising
- W3 Waste transportation and handling
- W7 Landfill gas utilisation
- W8 Waste disposal for land improvement
- W11 Development – waste implications

10.3 Targets W(1)

No specific targets are set in the UDP for the production, treatment or disposal of waste. However, the specific objectives outlined in paragraph 10.1 above provide an overview of how it is intended for waste management to be carried out over the Plan period.

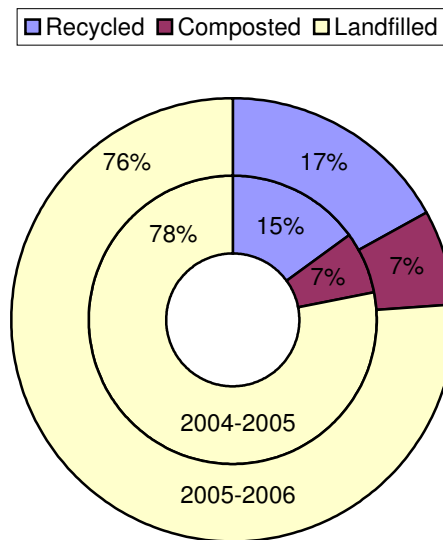
10.4 Core Indicators W(1)

- (i) Capacity of new waste management facilities by type; and
- (ii) Amount of municipal waste arising, and management type, and the percentage each management type represents of the waste managed.

- 10.5 (i) Capacity of new waste management facilities by type:
- (a) on the basis of new planning permissions granted April 2005 - March 2006, the following *additional* capacity is now in place and has commenced:
- 400 tonnes waste transfer station (agricultural plastic waste), (Kinsham Farm, Presteigne)
  - 1500 tonnes waste transfer station (street cleansing arisings), (Unit 3, Rotherwas Industrial Estate)
  - 1900 tonnes biofuel power generator (waste vegetable oil), (The Yeld, Kington)
  - 1800 tonnes biofuel processing plant, refuelling station, power generation (waste vegetable oil), (Unit 5b, Rotherwas Industrial Estate)
- (b) Not included are;
- sewage treatment works and related permissions. These are traditionally considered a separate aspect of waste treatment
  - permissions that make temporary activities permanent
  - storage of glass (which is subsequently recycled under an existing permission) or works necessary to comply with revised consent levels
  - permitted development works
  - farm slurry treatment
  - facilities which renew existing planning permissions
- (c) The above have been identified from particular development control officer knowledge. Last years AMR considered that it would be more appropriate to liaise with the Waste Management Section of the Council and the Environment Agency in Cardiff to discuss what new Waste Management Licenses (WMLs) have been issued and commenced, for future AMRs. As a result the Environment Agency have been used as the source of information on establishing the number of WMLs in Herefordshire for 2005/2006 as an improvement on last year, the results are shown below.
- (d) The Environment Agency revealed that one WML was issued during the reporting period in February 2006 for a Metal recycling site (vehicle dismantler) with an annual throughput of 25,000 tonnes. (UK Bus Dismantlers Ltd, Streamhall Garage, Worcester Road, Linton Trading Estate, Bromyard, Grid Reference SO 66915 54070). (*Source: Environment Agency, St. Melons Office*)
- (e) Although only one has been received by the Environment Agency during this reporting period, it is intended that this new additional approach will be informative, as some waste treatment facilities may have been created on the basis of existing planning permissions and that the Environment Agency may have granted new WMLs on the basis of those existing planning permissions. Therefore, overall this indicator is providing a more accurate assessment of the performance of the waste policies.
- 10.6 (ii) Amount of municipal waste arising, management type and the percentage each management type represents of the waste managed:

- (a) Figure 24 represents the percentages of municipal waste, by waste management type in the County over the current monitoring period. Municipal waste recycled has increased on last year by 2,173t from 14,058t to 16,231t; composting has marginally decreased (129t) from 6,277t to 6,148t; and landfilled municipal waste has reduced by 2,472t from 73,075t to 70,602t. The policies, in these early stages of monitoring, could tentatively be seen to be making an improvement to the waste issues in Herefordshire. (Source: Herefordshire Council Waste Management Section)

**Figure 24: Percentage trends of Municipal Waste by Management Type 2004-2006**



### Shortfalls in Waste Information

10.10 Shortfalls in data collection have been addressed between last years AMR and this years. It was previously identified that improvements over the short and medium term with regards to the efficiency and accuracy of monitoring were required. The inclusion for the first time of additional information from the Environment Agency will provide greater accuracy, and efficiency will be achieved through further AMRs repeating and comparing the data received over time. An update on this will be provided in subsequent AMRs.

## Section 11: DEVELOPMENT REQUIREMENTS

### Flood Protection & Water Quality

- 11.1 Local Development Framework Monitoring: A Good Practice Guide suggests that a core indicator for this topic would be an assessment of the number of planning permissions granted contrary to the advice of the Environment Agency on either flood defence grounds or water quality. This would provide a proxy measure of (i) inappropriate development in the flood plain and (ii) development that adversely affects water quality.
- 11.2 For the current monitoring year, one planning permission granted, contrary to Environment Agency advice.
- 11.3 Until recently data has not been collected by the Council's Planning Department on a consistent basis. The above information has been obtained through Development Control officer knowledge, however; a new monitoring system is currently being set up and is on target to provide a full year's dataset for 2006/7 monitoring period and subsequent AMRs.

## Section 12: NATURAL AND HISTORIC HERITAGE

### Objective NHH (1)

To conserve and enhance the natural heritage of the County and avoid, wherever possible, adverse environmental impacts of development.

To minimise any unavoidable adverse environmental impacts by means of measures to mitigate or compensate for any loss or damage, including restoration or enhancement, provision of replacement features and future management.

#### 12.1 UDP Policies relating to Objective NHH (1)

- S7 Natural and historic heritage
- LA5 Protection of trees, woodlands and hedgerows
- NC1 Biodiversity and development
- NC2 Sites of international importance
- NC3 Sites of national importance
- NC4 Sites of local importance
- NC5 European and nationally protected species
- NC6 Biodiversity Action Plan (BAP) priority habitats and species
- NC7 Compensation for loss of biodiversity
- NC8 Habitat creation, restoration and enhancement
- NC9 Management of features of the landscape important for flora & fauna

#### 12.2 Targets NHH (1)

Although there are no specific targets set out in the UDP, the following sets out more specific objectives of biodiversity policies:

- safeguard international, national and local protected areas of nature conservation and geological importance, and species listed in the UK and local BAP from inappropriate and unnecessary development;
- ensure no net loss of either the quality nor quantity of biodiversity in the County;
- help meet the aims of the BAP for Herefordshire; and
- encourage the provision of features of value to wildlife in all development schemes.

#### 12.3 Core Indicators NHH (1)

Change in areas and populations of biodiversity importance, including:

- (i) change in priority habitats and species (by type); and
- (ii) change in areas designated for their intrinsic environmental value including sites of international, national, regional, sub-regional or local significance.

#### **Core Indicator NHH (1) (i)**

12.4 There are 21 UK BAP priority habitats in the County; this figure now incorporates the traditional orchard (recommended in May 2005, although still awaits final review and adoption which is expected in November 2006). Last years AMR recorded an incorrect figure and this has been rectified in the data for 05-06. It should be noted that in addition Fens Priority Habitat type was

omitted from the original source data for AMR 04/05, that the above figure is derived from and hence the reporting error, that has now been corrected. (Herefordshire Biological Records Centre 2006)

- 12.5 It is difficult to get an accurate picture of Priority Habitats as they can potentially occur on hundreds of sites, or fragments of remnant habitat within sites. There is some data held by the Herefordshire Biological Records Centre (HBRC) on individual sites containing Priority Habitats, however crude analysis of these data suggest that only around 38% of these data relate to SSSIs. HBRC recommend, "specific funded projects re-assess and verify these data undertaken prior to mapping on the Council's MVM system, as incorrectly verified data may prompt inappropriate consultations with Herefordshire Council Officers. Once mapped, some assessment of change as a result of completed development management programmes and planning agreements may be undertaken although this does not occur at present." (Herefordshire Biological Records Centre 2006)
- 12.6 Figure 25 sets out the available data for the current reporting period on changes in priority habitats, however due to the existing shortfalls in information collection, this table should not be considered as complete. Details of how monitoring is currently carried out and how it could be improved for subsequent AMR's is set out later in this chapter.

**Figure 25: Change in Priority Habitats in Herefordshire 2005-2006**

Priority habitat or species	Reference	State of Planning	Habitat or species loss by type
Eutrophic Water	DCSW2005/0720/F, Whitehouse Farm, Kingstone, Erection of 24 houses	Planning permission approved May 2005	Pond 25m x 25m (625m <sup>2</sup> )
<b>Total Eutrophic Water</b>			<b>25m x 25m (625m<sup>2</sup>)</b>
Ancient and/or species rich hedgerow	DCNW2005/2314/F, Fairview, Richards Castle, Erection of garage	Planning permission approved September 2005	20m
<b>Total Ancient and/or species rich hedgerow</b>			<b>20m</b>

(Source: Herefordshire Council Conservation Section)

- 12.7 There continue to be 156 Priority Species in the Local BAP. The Council's 04-05 AMR reported that of these; 59 are also UK BAP priorities and that approximately 18 of these are also legally protected under European and national law, a review of this data was not available for this monitoring period. (Herefordshire Biological Records Centre 2006)
- 12.8 HBRC have some Priority Species data and have provided this to the Herefordshire Council Ecologists. However, this has not been mapped onto the MVM or GIS system at this stage. Reporting on changes in Priority Species is difficult without robust records-keeping and systems to monitor what impacts – positive and negative – that any completed development management programmes or planning agreements have on the locality of species occurrences. Records may not be current and species may no longer exist at the development site; the influences of development will affect



some species more than others, and this factor is not restricted to whether a species is mobile or not, but is likely to include more subtle effects such as changes in soil or water chemistry, habitat connectivity and habitat structure; and where interpretation of the content of a completed development management programme and planning agreement is limited, actual effects on biodiversity may be zero for some types of programme. (*Herefordshire Biological Records Centre 2006*)

- 12.9 The current method of consultation on ecology issues for planning applications concerning development affecting Priority Species and Habitat types is to consult the Council's designated planning ecologist. However, there is no system in place for monitoring whether or not advice from such consultations is followed when determinations are made. Information on commencement of developments would also be useful to assess whether or not policies of the Plan are being implemented. An update on the progress in this area is expected for the next AMR. (*Herefordshire Biological Records Centre 2006*)
- 12.10 Figure 26 lists the additional monitoring requirements for priority habitats and species and what actions are necessary to complete the gaps and/or verify the information. These actions are fairly onerous in the light of resource availability, although a full time Planning Ecologist has now been appointed to replace a part time post since the last AMR. Obtaining the data necessary to complete the AMRs will continue to be a medium to long-term project. Figure 26 also provides an update on the actions for the requirements reported in last years AMR. The tasks in figure 26 are as they were for the 04-05 AMR and these will be updated next year.

**Figure 26: Additional Monitoring Requirements for Priority Habitats and Species**

Tasks	Action & Timescale
Council Conservation Section and HBRC to gather, analyse and extract all existing available data on priority habitats and species. Some of this work could be facilitated through the ongoing development of the HBRC.	Council to review HBRC Development Plan, staff resource review and timescales and report by 2007.
Council Conservation Section and HBRC in liaison with partners including Natural England (formerly English Nature) and Herefordshire Nature Trust to produce and implement plan to gather new priority habitat and species data through survey.	Review resources required and produce plan for subsequent implementation by 2007.
Council GIS, Conservation Section and HBRC to ensure that priority habitat and selected species data, when available, is plotted onto the Council's IT systems.	Ongoing.
Council to promote existence of Biodiversity Supplementary Planning Guidance (to be updated November 2005).	SPG was updated in September 2005 with the production of an interim report. Promotion strategy is now in place. Training sessions for development control officers in the use and application of the Interim Biodiversity SPG is to be organised, late 06 early 07. A standard presentation will be

	developed and this will also be adapted for communication to groups outside the council.
Council to request that planning applicant provides information concerning any predicted change to priority habitats and species through submission of an ecological survey/assessment and actual change through submission of a monitoring plan.	System now in place through the appointment of the Planning Ecologist. Council requests this information on an ongoing basis as required.
Planning Department to devise a form for Planning Officer to complete and send to Conservation Section when a planning permission is granted that will result in a loss to a priority habitat or species and/or when planning conditions specified by Conservation Section to protect these features are not applied.	Due to a lack of staff resources a system was unable to be put in place in 2006. It is now proposed for 2007.
Investigate possibility of devising a procedure for information on when development commences on sites containing priority habitats and species to be forwarded to Planning Ecologist.  2006 task update - Review current procedure for consultation to include priority habitats and species not already included during 2007.	System not fully in place, partially so through the appointment of the Planning Ecologist. Bat site information now available to DC planning registration.
Planning Department to consider option for amending current planning application form to request information concerning priority habitats and species from applicant.	Planning application form under review nationally, implementation and review locally when guidance available.
Council to review ecological staffing resource required to monitor this indicator. This includes monitoring if protection, mitigation and compensation measures as required by condition are achieved on site. If these measures are not achieved information gathered on the extent of the damage and any change in area.	Full time Planning Ecologist in post since April 2006; review of consultations and responses to take place end of April 2007.

(Source: Herefordshire Council Conservation Section)

### Core Indicator NHH (1) (ii)

12.11 Change in areas designated for their intrinsic environmental value including sites of international, national, regional, sub-regional or local significance. Figure 27 shows all those designated sites with their relevant hectares and site numbers in the County.

**Figure 27: Sites Designated for their Intrinsic Environmental Value**

Designated sites in Herefordshire	Hectares	Count of sites	04/05 Count of sites
Special Areas of Conservation (SAC's)	1,119	4	4
Sites of Special Scientific Interest (SSSI's)	5,060	77	75
National Nature Reserves (NNR's)	216	3	3
Special Wildlife Sites (SWS's)	18,862	709	750
Sites of Importance for Nature Conservation (SINC's)	88	56	Likely that SINC's where inc in SWS figure for 04/05
Local Nature Reserves (LNR's)	243	7	8
<b>Totals</b>	<b>25,588</b>	<b>858</b>	<b>840</b>

(Herefordshire Biological Records Centre 2006)

- 12.12 All of the above 858 (25,588ha) designated sites (an overall increase of approx. 18 sites on 04/05) are recorded on the Council's GIS and MVM systems, and this information is used as a trigger for consultations on planning applications. There has been no recorded loss of Priority Habitats or Species in this reporting period. (*Herefordshire Biological Records Centre 2006*)
- 12.13 However, the Inspector in his Report on the UDP revised deposit draft recommended removing the SINC designation at Broomy Hill, Hereford of 1.6ha. The Council subsequently accepted this loss through the proposed modifications stage. This loss will be reported in next years AMR following adoption of the UDP.
- 12.14 Annual change to areas designated could be readily monitored for sites of international and national significance e.g. SAC's, SSSI's and NNR's with the assistance of Natural England (formerly English Nature). However, the Council must continue to have regard to its duty as a Section 28G authority in relation to SSSI's and consultation with Natural England. Annual change to LNR's, which are mostly Council owned and managed, could in future be undertaken with the assistance of the Parks and Countryside Service.
- 12.15 Calculating annual change to areas designated of local significance e.g. SWS's and SINC's is more problematic. SWS's were identified and designated in 1990 and 1993. SINC's were identified and designated in 1993. These data sets are now in need of review and update, as since designation some sites have been lost to intensive agriculture and development and a few potential new SWS's have been located through a County Habitat Survey. It is intended that a comprehensive review of such sites, including selection criteria, be undertaken by the Council in conjunction with the Herefordshire Biological Records Centre, Herefordshire Nature Trust and partners, subject to securing appropriate funding.
- 12.16 There are currently no monitoring systems in place which survey the commencement of new developments that affect designated areas, and assess whether or not biodiversity features are protected throughout the construction period and whether any mitigation or compensation procedures, as required by condition, are undertaken. Figure 28 outlines actions that would considerably improve the amount of data currently collected on the changes in areas designated for their intrinsic environmental value. Progress on these will depend primarily on resource availability and subsequent AMR's will monitor this.

**Figure 28: Recommendations for Monitoring Improvements**

<b>Task</b>	<b>Action and timescale</b>
Council Conservation Section and registration to review planning application consultation procedures in relation to designated sites on at least an annual basis to ensure effectiveness.	Annual review. First review to take place in 2007.
Council Conservation Section to liaise with Natural England (formerly English Nature) on an annual basis to gather required monitoring data relating to designated international and national sites.	Annual liaison at end of March with Natural England, from 2007 onwards.
Council Planning Department to have regard to its duties as a S28G authority in relation to its consultations with Natural England (formerly English Nature) over applications affecting SSSI's.	Ongoing.
Council to seek information from Parks and Countryside Service	Annual liaison at end of

on an annual basis in relation to LNR's.	March with Parks and Countryside Service, from 2007 onwards
<p>Council to seek resources to lead on a county review of SWS's and SINC's.</p> <p>Update - A preliminary desktop assessment of the extent of phase one habitat types within SWSs is currently taking place. The findings will be used to generate a report as a basis for future lobbying and funding applications to enable a review to take place.</p>	Completion by 2012 in distinct phases at an estimated total cost of £200,000.
Council to promote existence of Biodiversity Supplementary Planning Guidance (update – Interim September 2005).	Training sessions for DC Officers on the use and application of the interim Biodiversity SPG is to be organised by the Conservation Section late 06 early 07. A standard presentation will be developed and this will also be adapted for communication to groups outside the council.

*(Source: Herefordshire Council Conservation Section)*

## Section 13: RENEWABLE ENERGY

### Renewable Energy Development Monitoring

- 13.1 The UDP recognises the increasingly important role that the development of renewable energy sources has to play in seeking to reduce carbon emissions, both locally and globally. Historically there has been limited progress in developing renewable energy projects on any substantial scale within the County. Policy CF4 of the Plan seeks to provide guidance on the considerations that will be applied to development proposals of this kind.
- 13.2 Officer knowledge has revealed that one application was received for a wind turbine at Whitecross School, Hereford. The application granted approval for a 15m tower with 9m diameter blades that are capable of producing 15 Kilowatts of energy and providing the school with 6% of the energy it uses, however the wind turbine has yet to become operational.
- 13.3 In terms of monitoring, current information on renewable energy planning applications is not inputted into the Council's MVM system separately from other types. It is therefore not possible at this time to gather data. The MVM system does, however, allow for such information to be collected and it is anticipated that changes can be made to ensure that future monitoring of renewable energy developments can be carried out effectively. An update will be provided on progress towards this aim in subsequent AMR's.

## Glossary

**The Act:** the Planning and Compulsory Purchase Act 2004.

**Annual monitoring report:** part of the local development framework, the annual monitoring report will assess the implementation of the local development scheme and the extent to which policies in local development documents are being successfully implemented.

**Contextual indicators:** measure changes in the wider social, economic, and environmental background against which policies operate. As such, they help to relate policy outputs to the local area.

**Core strategy:** sets out the long term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. The core strategy will have the status of a development plan document.

**Development plan:** as set out in Section 38 of the Act, an authority's development plan consists of the relevant regional spatial strategy and the development plan documents contained within its local development framework.

**Development plan documents:** spatial planning documents that are subject to independent examination, and together with the relevant regional spatial strategy, will form the development plan for a local authority area for the purposes of the Act. They can include a core strategy, site specific allocations of land, and area action plans (where needed). Other development plan documents, including generic development control policies, can be produced. They will all be shown geographically on an adopted proposals map.

**Evidence base:** information gathered by a planning authority to support the preparation of local development documents. Includes quantitative and qualitative data.

**Housing trajectories:** means of showing past and future housing performance by identifying the predicted provision of housing over the lifespan of the local development framework.

**Local development document:** the collective term in the Act for development plan documents, supplementary planning documents and the statement of community involvement.

**Local development order:** allows local planning authorities to introduce local permitted developments rights.

**Local development framework:** the name for the portfolio of local development documents and related documents. It consists of development plan documents, supplementary planning documents, a statement of community involvement, the local development scheme and annual monitoring reports. It may also include local development orders and simplified planning zone schemes. Together all these documents will provide the framework for delivering the spatial planning strategy for a local authority area.

**Local development scheme:** sets out the programme for preparing local development documents. All authorities must submit a scheme to the Secretary of State for approval within six months of commencement of the Act.

**Monitoring:** regular and systematic collection and analysis of information to measure policy implementation.

**Outcomes:** macro-level real world changes which are influenced to some degree by local development framework outputs.

**Outputs:** the direct effects of a policy e.g. number of housing completions, amount of employment floorspace etc.

**Output indicators:** measure the direct effect of a policy. Used to assess whether policy targets are being achieved in reality using available information.

**Plan, Monitor and Manage:** means of measuring and reviewing policy, involving the adjustment of policy through monitoring if necessary.

**Policy implementation:** assessment of the effectiveness of policies in terms of achieving their targets. Measured by use of output and contextual indicators.

**Use Class:** The Use Class describes the use of each property according to the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Regional Spatial Strategy:** sets out the region's policies in relation to the development and use of land and forms part of the development plan. Planning Policy Statement 11 "Regional Spatial Strategies" provides detailed guidance on the function and preparation of regional spatial strategies.

**Saved policies and plans:** existing adopted development plans are saved for three years from the date of commencement of the Act. Any policies in old style development plans adopted after commencement of the Act will become saved policies for three years from their adoption or approval. The local development scheme should explain the authority's approach to saved policies.

**SEA Directive:** European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

**Sustainability appraisal:** generic term used in this guidance to describe the form of assessment that considers social, environmental and economic effects that fully incorporates the requirements of the SEA Directive.

**Targets:** thresholds that identify the scale of change to be derived from policies over a specific time period (e.g. number of affordable homes to be built by a set date).





## **LOCAL DEVELOPMENT SCHEME**

**Report By: Forward Planning Manager**

### **Wards**

Countywide

### **Purpose**

1. To consider the second review of the Council's Local Development Scheme.

### **Financial Implications**

2. None

### **Introduction**

3. The Planning and Compulsory Purchase Act 2004 introduced new provisions and requirements for development planning. One of the requirements placed on local planning authorities is to publish a statement of how their forward planning work will be organised over a three year period – known as the Local Development Scheme. The Scheme must be revised as necessary.
4. This Committee considered the first Scheme in 2004 and a first review in November 2005. Following approval by Cabinet this came into effect in January 2006.
5. The Scheme has been reviewed in response to a number of factors and a copy of the revised document is attached for Committee's initial consideration.

### **The revised Scheme**

6. The revised Scheme has been prepared to reflect the following factors:
  - The need to roll the Scheme forward a year and include proposals for additional local development documents.
  - The current timetable for the review of parts of the Regional Spatial Strategy (RSS), including housing and employment land provision. The Regional Assembly (Regional Planning Body) is undertaking this review to a timetable which has slipped during the year. The new timetable sees submission of a preferred option to Government in December 2007 (was June 2007) and final approval in early 2009 (was autumn 2008).

- The likely UDP timetable, with adoption expected in April 2007.
  - The need to consider recommendations made by the Inspector following the UDP Inquiry.
  - The need to reflect current timetables for Supplementary Planning Documents (SPD) which are to be prepared in parallel to the final stages of the UDP.
7. The revised Scheme includes the following principal amendments:
- Core Strategy: the timetable for the Core Strategy has been revised to align with the new timetable for the RSS revisions, so that the Core Strategy can be prepared on the basis of the most up to date regional policies;
  - DPD's: following the Core Strategy, programmes are now established for the preparation of documents setting out development control policies and dealing with site allocations for housing, employment and other uses such as retail.
  - SPD's: timetables have been reviewed and established for new SPD's including those for Edgar Street Grid, planning obligations, archaeology and development and historic landscapes.
8. Following approval by Cabinet, the revised Scheme must be submitted to Government Office with a four week period for comment before it can come into effect.

### **RECOMMENDATION**

**THAT the Committee endorse the Local Development Scheme and recommend its approval to Cabinet by the Cabinet Member (Environment).**



**Herefordshire Council**

## **LOCAL DEVELOPMENT SCHEME**

Second Review · **January 2007**

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# 1. Introduction

## *The Local Development Scheme*

This is the Council's Local Development Scheme - an accessible guide to the documents setting out the Council's planning policies. The Scheme is part of the system of development planning introduced by Government in 2004. Planning policies are to be set out in a portfolio of documents which together make up the Local Development Framework for an area.

Over the next few years, the Council's planning policies - presently set out in the Structure Plan, Local Plans and the emerging Unitary Development Plan, together with supporting Supplementary Planning Guidance - will be reviewed and taken forward into the new system.

This Scheme explains how the Council will organise and manage its forward planning work over the next three years as it continues to establish a Local Development Framework for Herefordshire.

The Scheme will be kept up to date through regular reviews as these are required and to maintain a three year forward programme. This edition of the Scheme replaces that published in January 2006. Changes have been made to reflect the changing regional context, particularly the timetable for the partial review of the Regional Spatial Strategy; to take on board the current Unitary Development Plan timetable, and address recommendations made by the Inspector following the UDP Public Inquiry in 2005; and to reflect other changes arising through experience in introducing the new planning system.

## *What's in the Scheme*

In the Scheme you'll find:

- A section explaining some of the terms used in the Local Development Framework system (section 2);
- A section setting out all the documents which form or will form part of the Local Development Framework in the period covered by this Scheme (section 3). Existing adopted Plans have been 'saved' as part of the Framework for a transitional period. This means they will continue to be used to determine planning applications. The emerging Unitary Development Plan will similarly form part of the Framework when it is adopted. A number of new local development documents are proposed. For these, the Scheme includes a schedule and profiles setting out the main stages in their preparation, including the arrangements for community involvement;
- A section dealing with Supplementary Planning Guidance, explaining how this will be treated in the transition to the Local Development Framework (section 4); and
- A supporting statement, which explains how all these documents work together and how the Council will manage their preparation (section 5).

## *National, regional and local contexts*

The Council's planning policies have been developed within a well-established context at national, regional and local levels.

At national level, the Government's Planning Policy Statements set out policies on key land use matters.

The Government announced in October 2006 that Hereford is to have New Growth Point status. This comprises a partnership between local authorities and Government in delivering proposals for sustainable growth, and will be delivered through existing regional and local plans.

At regional level, the Regional Spatial Strategy was published as Regional Planning Guidance for the West Midlands (RPG11) in June 2004. The Regional Spatial Strategy forms part of the statutory 'development plan' and runs to 2021.

Other regional policy documents, such as the Regional Housing and Economic Strategies have spatial dimensions and will need to be taken into account. The Regional Sustainable Development Framework provides an overall context for the consideration of sustainability issues in plan making.

The framework of regional strategies is subject to review and the Council's programme of Local Development Documents needs to reflect this. In particular, the Regional Spatial Strategy is subject to a partial review which is proceeding in phases. Phase 2 of the Review, which will include housing, employment and transport aspects, is timetabled to run from November 2005 to early 2009. The Regional Economic Strategy is also under review.

At local level, the Council's planning policies need to reflect and influence the Community Strategy, as well as other local plans and strategies including the Local Transport Plan and the Economic Development and Housing Strategies.

## 2. The Local Development Framework

This section is a brief guide to some of the main terms used in this Scheme.

The Local Development Framework (LDF) provides for the Council to prepare a series of Local Development Documents (LDDs).

There are several types of LDDs. The most important are Development Plan Documents (DPDs), with a key role in the determination of planning applications. Supplementary Planning Documents (SPDs) offer further detail in support of DPD policies and proposals. Finally, there is the Statement of Community Involvement (SCI), which sets out how the Council will involve the community.

These and other terms are explained below.

AMR	Annual Monitoring Report		The Council's annual report to Government on progress in preparing the documents set out in the LDS, and on how far planning policies are being achieved.
-	Community Strategy		Drawn up by local partnerships to show how local areas will address social, economic and environmental issues. The Herefordshire Community Strategy was published in June 2006.
DPD	Development Document	Plan	The most important documents within the Local Development Framework, subject to independent examination and with 'development plan' status in the determination of planning applications. DPDs can include: <ul style="list-style-type: none"> <li>• Core Strategy</li> <li>• Site specific allocations of land</li> <li>• Area Action plans</li> <li>• Proposals maps</li> </ul>
LDF	Local Framework	Development	A portfolio of LDDs which collectively set out the spatial strategy for the Council's area, balancing land use pressures arising from economic, social and environmental demands.
LDD	Local Document	Development	DPDs, SPDs and the SCI are all Local Development Documents, collectively forming the LDF.
LDS	Local Scheme	Development	The Scheme sets out a 3 year programme for preparing LDDs.
RSS	Regional Spatial Strategy		Provides a spatial framework to inform the preparation of LDDs and Local Transport Plans by local authorities, and of other strategies and programmes that have a bearing on land use, in order to deliver a coherent framework for regional development.
SA	Sustainability Appraisal		An assessment of the economic, social and environmental impacts of the policies and proposals in LDDs.
SCI	Statement of Community Involvement		Explains to local communities and other stakeholders how and when they will be involved in the preparation of LDDs. Subject to independent examination.

SEA	Strategic Assessment	Environmental	An assessment of the environmental impacts of the policies and proposals in LDDs.
SPD	Supplementary Document	Planning	These give more detail about the policies and proposals in DPDs. As a Local Development Document, they form part of the Framework, but do not have the status of DPDs.
SPG	Supplementary Guidance	Planning	Prepared to offer more detailed guidance to Local Plans and the Unitary Development Plan, either by the Council itself or by local communities in the form of Village Design Statements/Parish Plans. Will be superseded by SPDs as the Local Development Framework system is introduced.

More details can found from the Department for Communities and Local Government at [www.communities.gov.uk](http://www.communities.gov.uk).



### 3. Local Development Documents

#### *Saved plans*

The following 'old style' Plans form part of the Framework until they are superseded by adoption of the Herefordshire Unitary Development Plan. They have the status of Development Plan Documents. They are:

- Hereford and Worcester County Structure Plan 1993
- The County of Hereford and Worcester Minerals Local Plan 1997
- Malvern Hills District Local Plan 1998
- Hereford Local Plan 1996
- South Herefordshire District Local Plan 1999
- Leominster District Local Plan (Herefordshire) 1998

#### *Herefordshire Unitary Development Plan*

The Herefordshire Unitary Development Plan (UDP) is in the process of being prepared and will when adopted replace the six Plans listed above. The Plan is being progressed under the 'old style' procedures. Objections to the Plan were considered at a public local inquiry in 2005. The Inspector's Report was received in March 2006 and Proposed Modifications were published in September 2006. Adoption of the Plan is anticipated in April 2007.

The UDP has been prepared to ensure consistency with emerging Government Planning Policy Statements and with the Regional Spatial Strategy, RPG11. UDP policies and proposals have been developed to be consistent with those in the Regional Spatial Strategy for the period up to 2011 (the end date of the UDP). This particularly applies to the provision of housing overall and the Plan's housing strategy; to the Plan's employment policies, intended to help achieve rural renaissance, and to Plan housing, city centre and transport proposals designed to support and reflect Hereford's role within the Strategy as a sub-regional foci. Similarly the Plan's general policies on matters such as design, transport and the environment reflect principles set out in the Strategy. Throughout, the UDP has a strong emphasis on the delivery of sustainable development in the County, reflecting both the Regional Spatial Strategy and the Community Strategy for Herefordshire.

When adopted, the UDP will have the status of a Development Plan Document. It will be operative as part of the Framework for a three year period from the date of adoption. Discussions will be held with the Government Office as to whether the life of selected UDP policies can be extended beyond the three year period, taking into account the close links that exist between UDP policies and the Regional Spatial Strategy and the Community Strategy. These policies will be identified through a future review of this Scheme.

This Scheme includes proposals for the preparation of a new Core Strategy, and this will replace the UDP's Part I policies when it is adopted. The Core Strategy will have particular regard to the emerging review of the Regional Spatial Strategy.

#### *Progress on Local Development Documents*

In tandem with the completion of work on the UDP, the Council has also been seeking to put in place aspects of the Local Development Framework. A full review of progress is included within the Annual Monitoring Report, together with an indication of where it is necessary to amend some of the timetables for the preparation of LDDs set out in the previous Scheme. In summary:

- Statement of Community Involvement prepared in line with the published timetable and on target to meet the remaining milestones.
- Core Strategy delayed by work on the UDP and the RSS review. The RSS review timetable itself has been revised by the Regional Assembly during 2006. As a consequence, the timetable for the Core Strategy has been reviewed in order to

ensure that proper account can be taken of the RSS review in developing the Strategy. An amended timetable is included in this Scheme.

- Development briefs for two sites proposed for development in the UDP were completed as SPD.
- Other SPD work for Edgar Street Grid and planning obligations delayed by calls on resources by the UDP. In the case of the Edgar Street Grid document, further studies are underway and it is necessary to ensure that their conclusions are properly reflected in the SPD itself. The programme of work for both documents have been reviewed and amended timetables are included in this Scheme.

Proposals for an SPD setting out the procedures for dealing with planning applications, included within the previous Scheme, have been deleted following clarification of advice from Government Office.

#### *Local Development Documents recommended by the UDP Inquiry Inspector*

In considering objections to UDP policies and proposals, the Inspector identified or supported a number of areas of work to be taken forward within the Local Development Framework, as Development Plan Documents, rather than as part of the UDP. This reflected his conclusions on necessary work to be undertaken in the future as part of the Framework, together with his concern that the inclusion in the Plan of new proposals at this late stage could attract objections and delay adoption of the Plan, which would not necessarily be in the public interest.

The areas of work recommended by the Inspector are as follows:

- Carry out a detailed assessment of the quantitative and qualitative need for employment land in Hereford
- Consider bringing forward a local development document addressing the need for specific sites for waste recycling, treatment and disposal following the partial review of the RSS in respect of waste matters
- Review the settlement boundary of Hereford and the established residential area in the vicinity of Kings Acre Road in an early development plan document
- Review the settlement boundary of Bromyard in the vicinity of the junction of Panniers Lane and Leominster Road in an early development plan document
- Allocate the following sites at Hereford for housing purposes in a development plan document: Broomy Hill (36 dwellings); The Greyfriars (22 dwellings); Land off Yazor Road and north of Whitecross School (148 dwellings); and Land at Whitecross Road (47 dwellings).
- Allocate land at Merrivale, Ross-on-Wye (21 dwellings) for housing purposes in a development plan document
- Review the settlement boundaries of Almeley (in the vicinity of Almeley Manor) and Staunton-on-Wye (in the vicinity of Bliss House) in an early development plan document
- Address the accommodation needs of Gypsies and Travellers in the preparation of new development plan documents
- Re-examine employment allocations in Kington in a development plan document that examines the potential of land at Hatton Gardens

All these recommendations of the Inspector have been accepted by the Council with the exception of that in relation to the review of the settlement boundary at Kings Acre Road, Hereford. In this case, the Council considers that the decision to commit to a review should be undertaken in a wider re-appraisal of the overall settlement boundary for Hereford, within the context of the Local Development Framework when dwelling requirements are known.

The Inspector's recommendations are subject to the priorities of the Council in preparing development plan documents as part of the Local Development Framework. The proposed Core Strategy will allow the Inspector's recommendations on employment land and Gypsy

and Traveller accommodation to be addressed. The Development Allocations DPD will deal with the Inspector's recommendations on housing and employment allocations and reflect necessary settlement boundary amendments. The Inspector's recommendation in respect of a Waste DPD is considered further below, see *Future work*.

#### *Three year programme for Local Development Documents*

The programme of forward planning work for the next three years from April 2007 is listed below. The Council's proposals for each of these Local Development Documents are set out in detail in the Schedule, Programme and Profiles which follow overleaf. The programme assumes that the UDP will be adopted in March 2007, and that the Regional Assembly's work on the RSS review, essential to establishing a strategic context for the Council's Core Strategy, proceeds as proposed.

#### *Local Development Documents in preparation*

- Statement of Community Involvement
- Core Strategy
- Edgar Street Grid SPD
- Planning Obligations SPD

#### *New Local Development Documents*

- Development control policies DPD
- Development allocations DPD
- Archaeology and Development SPD
- Historic Landscapes SPD

#### *Local Development Documents supporting the UDP*

A range of further guidance is identified in the UDP including topic studies and site development briefs and these will be brought forward as Supplementary Planning Documents. In some cases it may be necessary to commence work on such Documents in advance of their inclusion in the Scheme. In such cases they will be incorporated in the Scheme on future review.

#### *Proposals Map*

Initially, the Proposals Map comprises those Maps in the saved Plans, to be replaced on adoption by the UDP Proposals Maps. The Map will be updated over time as new Local Development Documents are adopted.

#### *Parish Plans*

Parish Plans add value to planning at local level by setting out a greater level of detail than the Council might wish to include in Development Plan Documents. Prior to the advent of the new system, local community statements produced as Parish Plans or Village Design Statements were adopted as Supplementary Planning Guidance to either the Local Plans in the County, or to the UDP. The new system has introduced additional requirements which must be met if the land use and spatial planning components of such documents are to form part of the Local Development Framework as Supplementary Planning Documents. These relate to the conformity requirements of the new system and to the need for requisite community involvement and sustainability appraisal. Certain of these steps must be undertaken by the Council itself as local planning authority, rather than the group preparing the Plan.

This Scheme does not identify any Parish Plan for progression as a Supplementary Planning Document. Rather, Parish Plans are now recognised by the Council through adoption of their planning elements as further planning guidance to the emerging UDP and as an expression of local distinctiveness and community participation. The Council will work with Parish

Councils and others in moving Parish Plans forward and will offer further guidance and advice as to the best way to proceed as the new system is developed.

Details of Parish Plans and Village Design Statements completed to date in the County can be found in section 4.

#### *Joint working*

It is not envisaged that any joint working with other local planning authorities in the preparation of local development documents will be required. Liaison with the Brecon Beacons National Park Authority will continue in respect of cross boundary planning issues arising at Hay-on-Wye/Cusop. Due regard will be paid to emerging LDFs for adjoining authority areas and to the Wales Spatial Plan in drawing up local development documents.

#### *Future work*

The UDP Inspector recommended that the Council consider bringing forward a local development document addressing the need for specific sites for waste recycling, treatment and disposal. This would follow on from the approval and publication of the partial review of the RSS in respect of waste matters, incorporating a Regional Waste Strategy. This is timetabled for early 2009. The Council has accepted this recommendation of the Inspector and the UDP is proposed to be modified accordingly.

Accordingly, the need for a local development document dealing with specific sites for waste recycling, treatment and disposal will be kept under review as the RSS partial review proceeds, and proposals included within a future review of the Scheme.

Document title	Status	Description	Chain of conformity	Consultation	Public participation	Submission to S of S	Adoption
Statement of Community Involvement	Local development document, subject to independent examination	Sets out standards and approach to involving the community in the production of the LDF	Must be in conformity with regulations	October - November 2005	February – March 2006	June 2006	May 2007
Core Strategy	Development Plan Document (DPD)	Sets out the vision and objectives for the LDF, together with spatial strategy.	Must be in general conformity with RSS	September – October 2007	September – October 2008	June 2009	May 2010
Planning obligations	Supplementary Planning Document (SPD)	Provides guidance on the requirements and mechanisms for contributions from development for infrastructure and other related provision.	Unitary Development Plan	August 2006	February/March 2007	N/A	July 2007
Edgar Street Grid	Supplementary Planning Document (SPD)	Provides further planning guidance for the Edgar Street Grid area of Hereford.	Unitary Development Plan	November 2006	May/June 2007	N/A	October 2007
Development Control Policies	Development Plan Document (DPD)	Sets out detailed development control policies	Core Strategy	January – February 2008	January – February 2009	January 2010	November 2010
Development Allocations	Development Plan Document (DPD)	Sets out site allocations for housing, employment and other land uses	Core Strategy	February – March 2009	To be confirmed in future Scheme	To be confirmed in future Scheme	To be confirmed in future Scheme
Archaeology and Development	Supplementary Planning Document (SPD)	Provides further planning guidance on the treatment of archaeological considerations in the planning process.	Unitary Development Plan	March 2007	September-October 2007	N/A	February 2008
Historic Landscapes	Supplementary Planning Document (SPD)	Provides further planning guidance on the treatment of historic landscapes in the planning process.	Unitary Development Plan	March 2007	September-October 2007	N/A	February 2008

## Schedule of Local Development Documents

	2006/07												2007/08												2008/09												2009/10											
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
<b>Statement of Community Involvement</b>																																																
Preparation of submission document	█																																															
Submission	█																																															
Public consultation	█																																															
Examination																																								█								
Receipt of report																																								█								
Adoption																																								█								
<b>Core Strategy</b>																																																
Evidence gathering and option drafting	█												█																																			
Issues and Options consultation																																								█								
Preparation of preferred options																																								█								
Public participation on preferred options																																								█								
Preparation of submission DPD																																								█								
Submission																																								█								
Public consultation																																								█								
Examination																																								█								
Receipt of report																																								█								
Adoption May 2010																																								█								

### Statement of Community Involvement/Core Strategy programme

	2006/07												2007/08												2008/09												2009/10												
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	
<b>Development Control Policies DPD</b>																																																	
Evidence gathering and option drafting																																																	
Issues and options consultation																																																	
Preparation of preferred options																																																	
Public participation on preferred options																																																	
Preparation of submission DPD																																																	
Submission																																																	
Public consultation																																																	
Examination June 2010, receipt of report September 2010, adoption November 2010																																																	
<b>Development Allocations DPD</b>																																																	
Evidence gathering and option drafting																																																	
Issues and options consultation																																																	
Preparation of preferred options																																																	
Timetable for remaining stages to be confirmed in future Scheme																																																	

### Development Control Policies DPD and Development Allocations DPD programme

	2006/07												2007/08												2008/09												2009/10											
	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
<b>Planning obligations SPD</b>																																																
Preparation of draft document	■																																															
Public participation													■																																			
Finalise document													■																																			
Adoption													■																																			
<b>Edgar Street Grid SPD</b>																																																
Preparation of draft document	■												■																																			
Public participation													■																																			
Finalise document													■																																			
Adoption													■																																			
<b>Archaeology and Development SPD</b>																																																
Preparation of draft document													■												■																							
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Adoption																									■																							
<b>Historic Landscapes SPD</b>																																																
Preparation of draft document													■												■																							
Public participation																									■																							
Finalise document																									■																							
Adoption																									■																							

**Supplementary Planning Documents programme**



## Local Development Document profiles

### Statement of Community Involvement

#### Document details

Role and subject	Sets out the Council's standards and approach for the involvement of the community and stakeholders in the production of the Local Development Framework
Geographic coverage	County wide - and involves stakeholders outside Herefordshire
Status	Local development document, subject to independent examination
Chain of conformity	Must be in conformity with regulations

#### Timetable

Commencement, scoping and initial drafting	June – September 2005
Pre-submission consultation	October – November 2005
Preparation of draft document	December 2005 – February 2006
Pre-submission public participation	February – March 2006
Preparation of submission document	April – June 2006
Submission to Secretary of State	June 2006
Public consultation on submitted Statement	June – July 2006
Examination	January 2007
Receipt of report	March 2007
Adoption	May 2007

#### Arrangements for production

Lead service	Forward Planning, Planning Services
<b>Management arrangements</b>	Council to approve submission SCI and to adopt, following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant.
Involving stakeholders and the community	The SCI will build on existing consultation work undertaken by the Council and will be set within the framework provided by the Strategy for Community Involvement. In addition the SCI will link to work with partners in the Herefordshire Partnership, providing links to community planning processes and hard to reach groups through the Community Development Strategy.

## Core Strategy

### Document details

Role and subject	Sets out the vision and objectives for the Local Development Framework, together with a spatial strategy, illustrated on a key diagram, for the period up to 2026 (in line with the current review of the Regional Spatial Strategy).
Geographic coverage	County wide
Status	Development Plan Document
Chain of conformity	Must be in general conformity with the Regional Spatial Strategy

### Timetable

Commencement and evidence gathering	September 2006 – August 2007 Evidence base subject to review and updating
Issues and options consultation	September – October 2007
Preparation of preferred options	November 2007 – August 2008
Public participation on preferred options	September – October 2008
Preparation of submission DPD	November 2008 – May 2009
Submission to Secretary of State	June 2009
Public consultation on submitted DPD	June – July 2009
Examination	December 2009
Receipt of report	March 2010
Adoption	May 2010

### Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Council to approve Preferred Options consultation document; submission DPD, including consideration of representations arising from the Preferred Options consultation; and to adopt, all following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant. Consultancy support in developing aspects of the evidence base.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

## Planning obligations Supplementary Planning Document

### Document details

Role and subject	Provides guidance on the requirements and mechanisms for contributions from development towards infrastructure and other related provision.
Geographic coverage	County wide
Status	Supplementary Planning Document
Chain of conformity	Unitary Development Plan

### Timetable

Preparation of draft SPD	April 2006 – January 2007
Public participation	February 2007 – March 2007
Consider representations and finalise SPD	April 2007 – June 2007
Adoption	July 2007

### Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Executive
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

## Edgar Street Grid Supplementary Planning Document

### Document details

Role and subject	Provides further planning guidance for development proposals in the area. The SPD, together with the UDP, will be used for development control purposes in determining relevant planning applications.
Geographic coverage	Edgar Street Grid, Hereford
Status	Supplementary Planning Document
Chain of conformity	Unitary Development Plan

### Timetable

Preparation of draft SPD	June 2006 – April 2007
Public participation	May – June 2007
Consider representations and finalise SPD	July 2007 – September 2007
Adoption	October 2007

### Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Executive
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

## Development control policies DPD

### Document details

Role and subject	Sets out detailed development control policies.
Geographic coverage	County wide
Status	Development Plan Document
Chain of conformity	Core Strategy

### Timetable

Commencement and evidence gathering	April – December 2007
Issues and options consultation	January – February 2008
Preparation of preferred options	March – December 2008
Public participation on preferred options	January – February 2009
Preparation of submission DPD	March – December 2009
Submission to Secretary of State	January 2010
Public consultation on submitted DPD	January – February 2010
Examination	June 2010
Receipt of report	September 2010
Adoption	November 2010

### Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Council to approve Preferred Options consultation document; submission DPD, including consideration of representations arising from the Preferred Options consultation; and to adopt, all following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

## Development allocations DPD

### Document details

Role and subject	Sets out site allocations for housing, employment and other development.
Geographic coverage	County wide
Status	Development Plan Document
Chain of conformity	Core Strategy

### Timetable

Commencement and evidence gathering	April 2008 – January 2009
Issues and options consultation	February – March 2009
Preparation of preferred options	April 2009 – March 2010
Timetable for remaining stages to be confirmed in future Scheme	

### Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Council to approve Preferred Options consultation document; submission DPD, including consideration of representations arising from the Preferred Options consultation; and to adopt, all following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

## Archaeology and Development Supplementary Planning Document

### Document details

Role and subject	Provides further planning guidance on the treatment of archaeological considerations in the planning process.
Geographic coverage	County wide
Status	Supplementary Planning Document
Chain of conformity	Unitary Development Plan

### Timetable

Preparation of draft SPD	January – August 2007
Public participation	September – October 2007
Consider representations and finalise SPD	November 2007 – January 2008
Adoption	February 2008

### Arrangements for production

Lead service	Conservation/Forward Planning, Planning Services
Management arrangements	Executive
Resources	In house resources and existing budgets.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

## Historic Landscapes Supplementary Planning Document

### Document details

Role and subject	Provides further planning guidance on the treatment of historic landscapes in the planning process.
Geographic coverage	County wide
Status	Supplementary Planning Document
Chain of conformity	Unitary Development Plan

### Timetable

Preparation of draft SPD	January – August 2007
Public participation	September – October 2007
Consider representations and finalise SPD	November 2007 – January 2008
Adoption	February 2008

### Arrangements for production

Lead service	Conservation/Forward Planning, Planning Services
Management arrangements	Executive
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement



## 4. Supplementary Planning Guidance

### *Supplementary Planning Guidance to the Local Plans*

The Council has published a number of documents which provide supplementary guidance to planning policies in the existing Local Plans. These are:

- Reuse and adaptation of traditional rural buildings SPG (October 2000)
- Provision of affordable housing SPG (March 2001, updated 2004)
- Moreton on Lugg Development Brief (April 1999)
- Leominster Industrial Estate Development Brief (May 1999)
- Village Design Statements for Colwall, Cradley and Storridge, Leintwardine and Much Marcle.

These documents do not form part of the Local Development Framework and it is not intended that they will be converted to Supplementary Planning Documents. They will remain as SPG to the relevant 'saved' Plan which they supplement. All have benefited from a range of consultation processes, which are detailed within them.

### *Supplementary Planning Guidance to the UDP*

Other documents were published in July 2004 as interim SPG to planning policies in the UDP. They are:

- Design and development requirements SPG
- Reuse and adaptation of rural buildings SPG
- Biodiversity SPG
- Landscape Character Assessment SPG

Local communities have brought forward Village Design Statements and Parish Plans for adoption as interim SPG to the UDP:

- Village Design Statement for Ewyas Harold
- Parish Plans for Belmont Rural, Bishopstone Group Parish, Middleton on the Hill and Leysters, Pembridge and the Border Group of Parishes, Weobley and Wellington.

Parish Plans are now recognised through adoption of their planning elements as further planning guidance to the emerging Unitary Development Plan and as an expression of local distinctiveness and community participation. Parish Plans for Burghill (January 2006) and Kings Cople (June 2006) have recently been endorsed in this way. A number of parishes are working on Parish Plans within Herefordshire.

Site development briefs for UDP proposal sites have been produced as follows: land opposite Sutton St Nicholas Primary School; Frome Valley Haulage Depot, Bishops Frome; and Tanyard Lane, Ross-on-Wye.

The above documents do not form part of the Local Development Framework and it is not intended that they will be converted to Supplementary Planning Documents. They will continue to be used to provide guidance to further UDP policies and proposals. They have benefited from a range of consultation processes, which are detailed within them.

## 5. Supporting statement

### *How the Local Development Documents work together*

The diagram overleaf illustrates how the various documents discussed in this Scheme will work together to provide a Local Development Framework for Herefordshire.

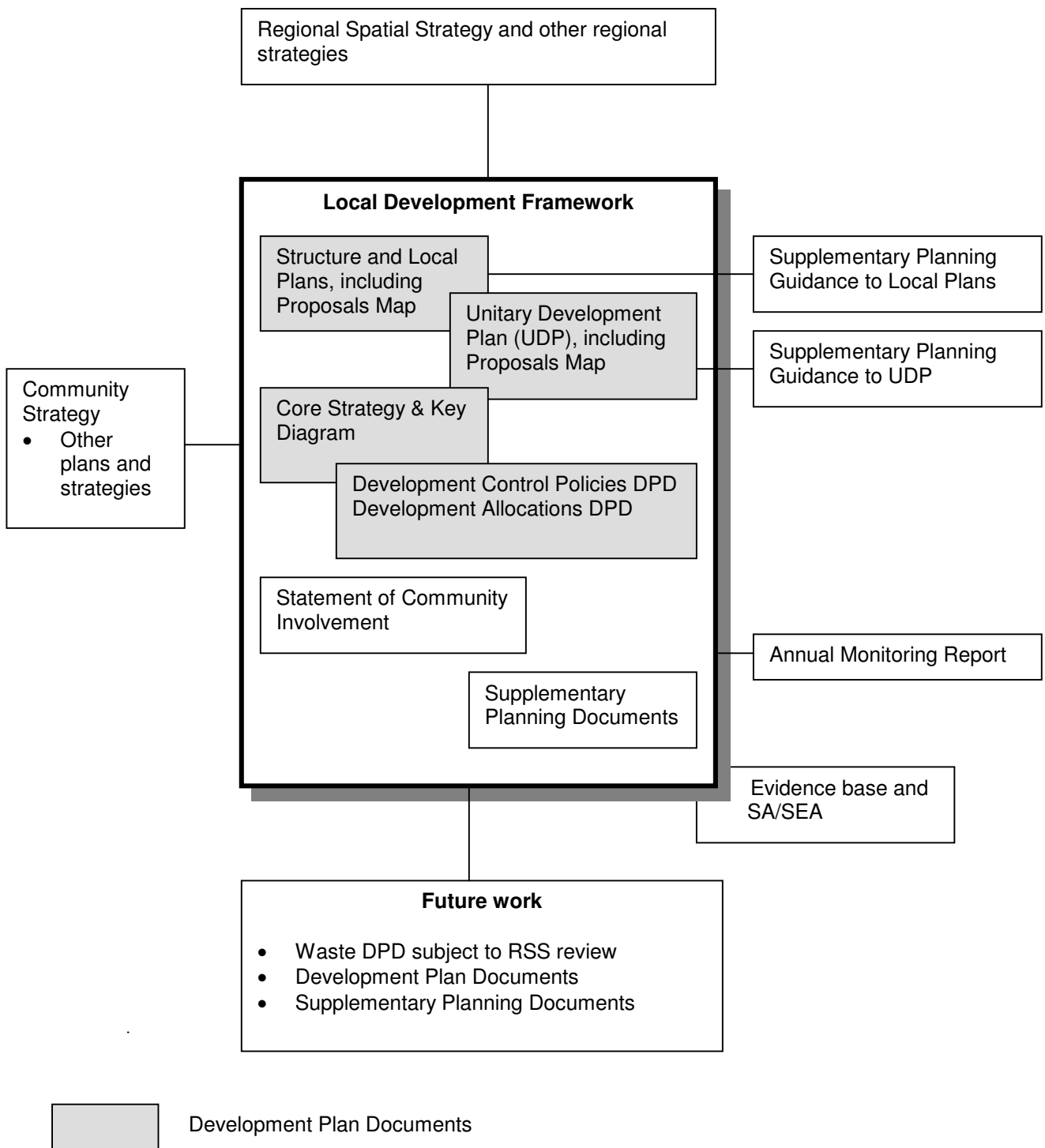
### *Evidence base*

The Council has a well established evidence base to use in developing its Framework. Much of this has been developed in drawing up the UDP and has been published as background papers during the UDP process. The evidence base has been further developed in responding to monitoring requirements on the Regional Spatial Strategy, and comprises the following resources and technical studies:

<b>Title</b>	<b>Current edition</b>	<b>How the evidence base will be managed</b>
Housing Land Study	2005-2006 study	Annual review
Housing Needs Studies	County wide study 2005. Studies for individual settlements as resources permit	Rolling programme of studies based on settlements
Urban capacity study	2004 review of original study in 2001	Monitored through Housing Land Study
National Land Use Database (NLUD)	2006 submission to national database	Annual review
Employment Land Study	2005-2006 study	Annual review
Open space study (PPG17)	Study in preparation using consultants	Periodic review
Annual Monitoring Report	2006	Annual review
Regional monitoring of offices, retail, hotels/leisure, minerals and waste	Regional Planning Guidance Annual Monitoring report, 2006	Annual return to Regional Planning Body

The evidence base is being reviewed as part of work on the Core Strategy and further studies will be undertaken or commissioned as required.

The evidence base feeds into and is supplemented by information collected for other Council and Herefordshire Partnership Strategies, including the Housing Strategy and the Economic Development Strategy.



**The Local Development Framework for Herefordshire**

### *Sustainability appraisal, strategic environmental assessment and appropriate assessment*

Local Development Documents have to be prepared with a view to contributing to the achievement of sustainable development – the simple idea of seeking a better quality of life for everyone, now and for future generations. Planning authorities also have to meet the requirements of the European Union Directive on strategic environmental assessment (SEA). Sustainability appraisal (SA) is a systematic and iterative appraisal process, incorporating the requirements of the SEA Directive. The appraisal process has an important role to play in the production of Local Development Documents, ensuring that policies reflect sustainable development principles by providing information on the potential social, environmental and economic effects of policies.

To ensure that a consistent approach is taken to SA throughout the Local Development Framework process, the Council has prepared a General Scoping Report which defines an overall framework for sustainability appraisal. This will be used as a baseline in all subsequent appraisals to be conducted on Local Development Documents.

SA is an integral part of the production of both DPDs and SPDs from the outset. At specific stages in the process of producing these documents appraisal reports will be produced, for instance, to accompany the submission of DPDs to the Secretary of State.

In addition to SA and to meet the requirements of the European Habitats Directive, the Council will undertake an Appropriate Assessment of DPDs and SPDs where it is determined that they are likely to have significant effects upon the conservation objectives of a site designated as a European site of nature conservation interest (Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)). While recognising that SA and Appropriate Assessment are two distinctively separate processes, the Council will undertake them in conjunction with one another in accordance with Government guidance. In accordance with this guidance, outputs for Appropriate Assessment will be clearly distinguishable and reported on separately.

The Unitary Development Plan has been subject to SA at each stage of its production, with the most recent report comprising an appraisal of the Proposed Modifications in 2006. The SEA Directive applies to the UDP. However, the Council has considered the practicalities of carrying out a retrospective SEA on the Plan. It has concluded under the SEA Directive that such an exercise, given the advanced stage that the UDP has reached, would not be feasible.

### *Delivering the Framework*

The planning policies set out in the Local Development Framework will be delivered in many ways. The refusal or grant of planning permission, and the use of planning conditions and obligations, will remain one of the most important means by which the Council's planning policies are implemented. However the new emphasis on a spatial planning approach - which seeks to reconcile competing demands for land in a planned way – means that working with others has become more important.

Here, the link between the documents comprising the LDF and the Community Strategy is all important. The Framework is a key mechanism for delivering the land use aspects of the Plan, but also provides a long term spatial context within which the Herefordshire Plan can be progressed.

The need to recognise the link between land use planning policy and the Community Strategy has long been recognised in Herefordshire. The UDP is already set firmly within the overall Community Strategy approach. These close links will be continued and strengthened as the LDF is established. The SCI for instance builds on existing community consultations undertaken by the Herefordshire Partnership.

### *Council procedures for approval*

The Local Development Framework forms part of the Council's overall Policy Framework as defined in the Constitution, including the Unitary Development Plan. The Executive (Cabinet including the Leader of the Council) has responsibility for proposing elements of the Policy Framework to Council, with the Cabinet Member (Environment) having responsibility for planning and land use matters (excluding development control, which is reserved to Planning Committee and the Area Planning Sub-Committees). The following responsibilities for approving documents within the new system reflect the conformity arrangements applying to different documents within the Framework, and the fact that documents differ both in the extent to which they define policy and are used by Planning Committee/Area Planning Sub-Committees in the determination of planning applications.

Development Plan Documents: Council, following proposal by Cabinet

Supplementary Planning Documents: Cabinet Member, following consultation with Planning Committee.

Statement of Community Involvement: Council to approve submission SCI and to adopt, following proposal by Cabinet.

Local Development Scheme: Cabinet, following consultation with Planning Committee.

### *Monitoring and review*

The Local Development Framework system incorporates an Annual Monitoring Report – the AMR. This must be compiled on a financial year basis and submitted to the Government Office by the end of the calendar year. The AMR tracks progress against the targets and milestones set out in this scheme for producing LDDs, and the extent to which policies in LDDs are being achieved.

The Council has produced annual reports on housing and employment land availability for a number of years and these will be developed over time to meet the requirements of the new system. Each year a report will be submitted to the Council's Cabinet via the Planning Committee that will:

- Specify to what extent the timescales set out in the LDS for the production of LDDs are being met
- Review the extent to which policies within LDDs are being achieved, focussing initially on key policy areas where information is available and where national, regional or local targets have been set.
- In particular, to reflect the Government's Sustainable Communities Plan, the AMR will report on the number of dwellings built in Herefordshire during the period covered by the Report and relate this to relevant LDD policies
- Consider whether any policies need amendment because they are not working as intended or are not achieving sustainable development objectives and, if so, suggest ways to achieve this
- Provide an up to date report on the status of 'saved' Structure and Local Plans and the Unitary Development Plan
- Consider the need to review the LDS in the light of the AMR. The Scheme will be revised each time the list of Local Development Documents changes, either by addition of a new proposed Document or through significant revision to the timetable for the preparation of a Local Development Document.

Monitoring is undertaken within the Forward Planning section of the Council. The Herefordshire Partnership carry out a monitoring exercise against the ambitions and aims of the Community Strategy which is published as a regular 'State of Herefordshire' Report. Over time, the monitoring of planning policies set out in the AMR will need to be aligned with that carried out on the Community Strategy, reflecting the role of the LDF as the key delivery mechanism for those Strategy ambitions with a spatial dimension.



## CUSOP PARISH PLAN

**Report By: Forward Planning Manager**

### Wards Affected

Golden Valley North

### Purpose

To consider land use elements of the Cusop 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 guidance.

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.

The adoption of Parish Plans as further planning guidance, will confirm their status in the Council's overall planning policy framework and is in line with Government, Countryside Agency and Herefordshire Partnership guidance and UDP policy.

This Parish Plan is the thirteenth to be presented to Members for consideration as further planning guidance.

### **Cusop Parish Plan**

The Cusop 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 Parish Plan Steering Group carried out two main consultations with the community. An initial three-day Drop in Event in June 2004 helped to define the important issues for the people of Cusop. Following on from this event, every household was sent a summary of the issues raised providing an additional opportunity for those unable to attend the initial event to comment. In May 2005 a parish wide survey took place with two questionnaires designed for both adults (16 and over) and children. The final version of the Parish Plan has been produced following consultations with the Herefordshire Council's key contacts .

The main objectives of the Cusop Parish Plan are to:

- Identify key facilities, services and problems.
- Demonstrate how distinctive features and character can be preserved.
- Identify the residents local concerns and aspirations for the parish
- Assist service providers, statutory bodies and the voluntary sector with the requirements of the parish.

The Plan is based on a series of different themes and '*Meet Cusop's accommodation needs, future planned development*' (pg. 17 & 18) addresses the part of the plan dealing specifically with land use planning issues. This section identifies the main issues surrounding housing need and the views expressed by local people. Its purpose is to show how the policies of the Herefordshire UDP can best be applied to Cusop parish. Whilst the section mainly addresses issues on housing, views on large commercial or storage facilities, office space, workshops, windfarms and individual turbines are also highlighted (pg. 18).

The other part of the plan addressing planning issues is an action plan entitled '*Future Planned Development*' (pg. 27). This section summarises the main issues identified on page 17 & 18. The action plan includes a timescale and the relevant body responsible for the actions identified.

It is primarily these two sections which should be considered for adoption as further planning guidance to the UDP by the Herefordshire Council.

The Housing Development and Planning section of the Cusop 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 Cusop Parish Plan be adopted as further planning guidance as an expression of local distinctiveness and community participation.**

**Background paper**  
Cusop Parish Plan





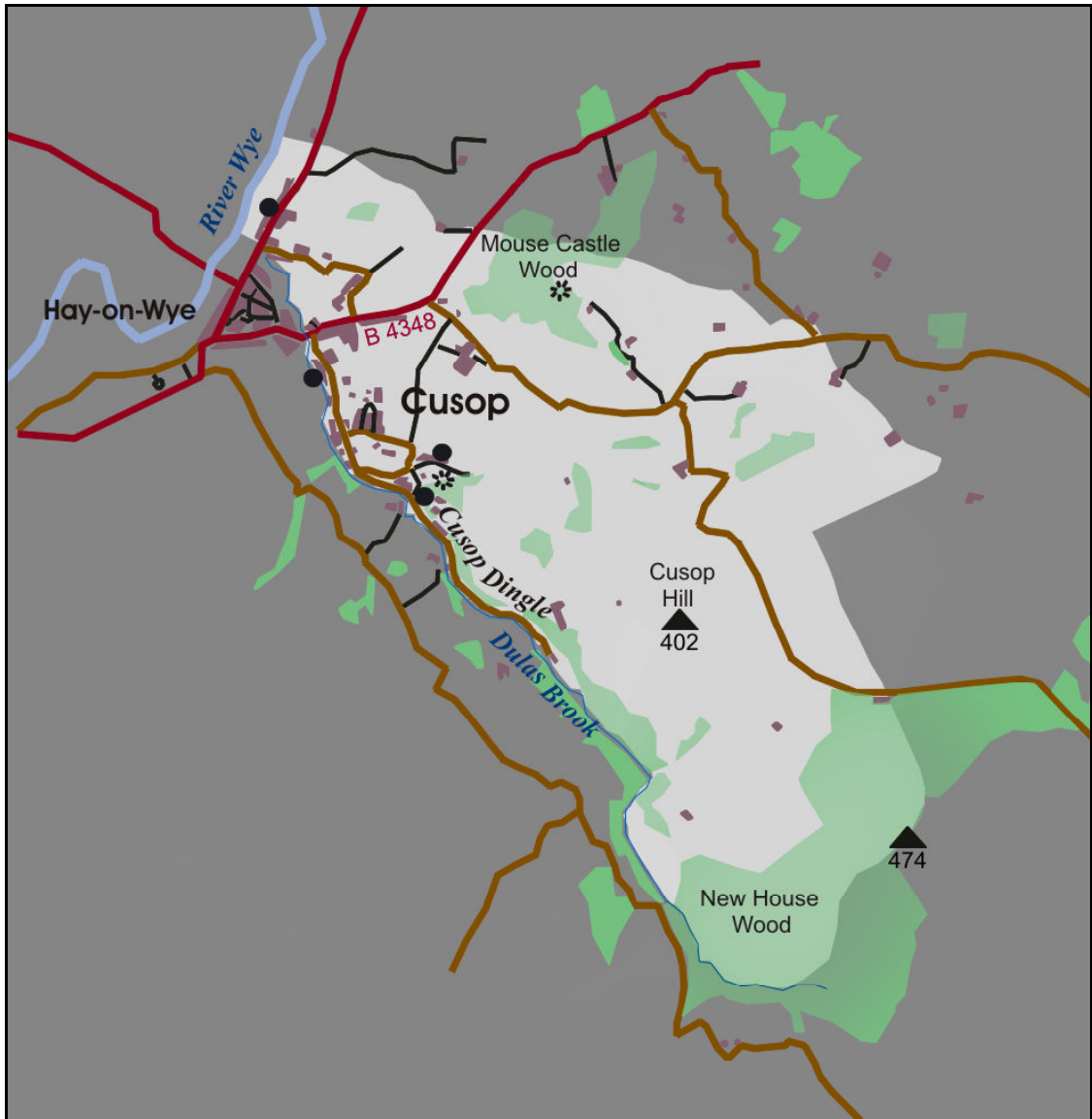


# Cusop Parish Plan 2006

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# **Introduction**

## **Map of Cusop Parish**



## **Introduction**

### **Cusop - A brief tour**

Cusop is located in the far west corner of Herefordshire some 20 miles from Hereford. It is on the edge of the small town of Hay-on-Wye, with the River Wye forming part of its north-west border. The much smaller Dulas Brook forms a long western boundary with Wales. The dwellings of Cusop merge with those of Hay-on-Wye along the connecting roads, and the proximity of the principality is reflected in numerous Welsh names of properties and natural features in the parish.

Cusop Parish is approximately 5.5 km by 2.5 km (about 3.5 miles by 1.5 miles) at its extremities, and has an area of 931 hectares. The terrain is largely pastoral, but there are retail premises at the northern fringe, a large block of forestry at the southern end, and several areas of woodland. The highest point in the parish is in New House Wood (474m). There are 2 lower but more prominent hills, these being the wooded Mouse Castle (260m) and Cusop Hill (402m).

Housing is mainly located in the north-western part of the parish.

There are several fine old houses, and an attractive 12<sup>th</sup> Century Norman church still containing a Norman font. There are 4 yew trees in the churchyard that could be as much as two thousand years old, and the sites of two castles may be seen in the parish.

There are 2 classified roads through the parish – the B4350 which runs between Hay and Whitney, and the B4348 which runs between Hay and Peterchurch. Public transport is limited to the bus service on the Brecon-Hereford route, which has six buses in each direction on weekdays, and two or three on Sundays.

The main recreational land is in New House Wood, where Tilhill Forestry **(1)** allow access, and Mouse Castle Wood owned by the Woodland Trust **(2)**. There are 19km (12 miles) of public footpaths, but no bridleways. There is a small children's play area located off the lower end of Cusop Dingle.

A section of the Wye Valley Walk recreational trail passes through Cusop, and the Offa's Dyke Path national trail passes very close to the parish boundary.

### **Cusop Past**

Cusop has changed dramatically in the past two centuries, having once been a hive of industrial activity. It had five working mills driven by the Dulas, up to eight stone quarries, and was home to a myriad of artisans. There were limekilns above the Dulas Brook (the remains are still visible) with a tramway in Cusop Dingle for moving the limestone. Bricks and tiles were also manufactured at the end of Cusop Dingle. There was a host of small farms, the ruins of which are still visible along the sides of Cusop Hill, and apple orchards abounded in the lower reaches of the parish.

From 1864 until the 1960s, Cusop had a railway service, with Hay Station actually being situated in Cusop Parish.

In 1901 the population of the parish was 12% higher than it is today, but they were crammed into half as many dwellings!

The parish once had an inn, a cider house and a school - all, sadly, long gone.

## **Introduction**

### **Cusop Present**

The UK Census of 2001(3) tells us much about “the state of Cusop”. The population according to the 2001 census was 377 people, living in 167 households. 63.1% of people aged 16–74 years were “economically active” (i.e. are in work or are students), and 19.5% of these worked mainly from home. No one used public transport to get to and from work.

Whilst the proportion of children is lower than the county and national average, the percentage of people over 65 is considerably higher than the county average and much higher than the national average. The proportion of people aged from 18 to 44 is also below the county average, possibly a reflection of job prospects in the area and housing costs.

There are few employment opportunities in Cusop itself, apart from the retail outlets at Hay and Brecon Farmers, the Co-op supermarket, and F.J.Williams builders merchants, but various opportunities exist in nearby Hay-on-Wye. Four family farms farm most of the land in the parish. There are several bed and breakfast establishments, and several people either work from home or run small businesses on their premises.

In recent years many people have moved into the parish to retire or work from home, partly triggered by the popularity of Hay as a tourist town. One effect of the latter has been to considerably push up the price of houses in the village.

There is no public house, school, community centre, or sports facility in the parish, but it does have access to good retail facilities on the Newport Road. However, most of the amenities absent from Cusop are available a short distance away in Hay-on-Wye, along with a substantial variety of shops. Many parishioners also use the medical and dental facilities in Hay. The nearest Herefordshire police station is in Peterchurch. There is a nearer station in Hay but, as a general rule, they cannot deal with matters relating to Cusop and will merely forward any enquiries to West Mercia Police.

Similarly, the nearest ambulance station is over the border at Bronllys, again nearer than that in Hereford.

**In broad terms the people of Cusop are better educated than the county and national average, and slightly healthier (even taking into account the high proportion of elderly people). There are more owner occupiers, more professional people, and less unemployed people (due in part to the high levels of home-based, small businesses in the parish). The population density is even lower than the average for Herefordshire, which is itself one of the most sparsely populated counties in England. Add to this some of the finest countryside in the UK and its proximity to one of the most famous and picturesque towns in Wales, and you have a parish that has a great deal to commend it.**

**All of these positive aspects are reflected in this plan. To some extent the Parish Plan’s approach is an acknowledgement that you don’t fix something that “ain’t broke.” The emphasis instead is directed towards making the most of what we have.**

## **Introduction**

### **What is the Cusop Parish Plan?**

The Parish Plan is a detailed document looking at the Parish as it is today and, using residents' views, looking at what improvements can be made to make it a better place to live in the future.

In identifying key facilities, services and problems and demonstrating how distinctive features and character can be preserved, the Plan should assist service providers, statutory bodies and the voluntary sector to know what is required within the Parish, and, hopefully, they will be able to include identified works within their budgets or use the information to assist with applications for grant funding.

### **Who is the Plan for?**

The Parish Plan expresses the major issues deemed of greatest concern to residents at the present time. Traffic & transport, environmental issues, leisure and recreation opportunities, housing and planning are all addressed. The plan is therefore of value to:

- Residents as an expression of their views, concerns and aspirations for the Parish.
- The Parish Council **(4)** to help guide its members in representing the views of parishioners when dealing with other external agencies and when making decisions about services and developments likely to affect the Parish and its residents.
- Developers, their architects and designers to explain what the village expects to see in new and altered buildings.
- Independent bodies, agents and agencies involved in Local Government and the provision of community services , allocation of funding etc .
- Herefordshire Council, who will adopt Parish Plans as “further planning guidance” to the Unitary Development Plan. “Further Planning Guidance” could help in the determination of planning applications.

### **Who was involved?**

In November 2003, following a Government initiative, Cusop Parish Council decided to investigate the possibility of undertaking a parish appraisal to determine how residents of the parish feel about local issues such as housing, environment, traffic, roads etc and what changes (if any) they would like to see. A public meeting was arranged to which a representative of Herefordshire Association of Local Councils **(5)** was invited to explain the concept of Parish Plans to the community. The meeting was well attended and volunteers were sought to form a Steering Group to take the idea forward.

In January/February 2004 a committee of eight members was formed: namely, Sandra Sheldon, Jane Weaver, John Wilks, Ian Jardin, John Theaker, Rod Jones, Sandy Sandaver and Chris Playford. Help was given by Ashley Gillespie-Horne who represented the youth of Cusop and assisted in compiling the Youth Survey **(6)** . Claire Milner was very helpful in taking minutes of the meetings.

A grant was obtained from the Countryside Agency **(7)** to enable the plan to be devised and printed and a contribution was also made by Cusop Parish Council.

## **Introduction**

### **How did we consult the Parish?**

#### **CPP Background.**

This plan is largely based on a parish-wide survey carried out in May 2005 (8).

However, a number of surveys were conducted prior to May 2005 which have helped to define what issues were important to parishioners and therefore what the survey of May 2005 should focus on.

Some aspects of these older surveys have been useful in putting together this report and will be referred to where appropriate.

#### **Drop-in Event – Cusop Parish Room – 11<sup>th</sup> – 13<sup>th</sup> June 2004.**

129 parishioners attended this event over the 3 days, representing 34% of the total population. Attendance was broadly representative of gender, age and location across the parish.

Visitors were able to write comments on sheets pinned to the walls of the Room and headed by subject. Additionally comments could be endorsed or opposed by means of stickers, green or red respectively.

Every household was sent a summary of the issues raised to enable them to add further comments if desired, and to ensure that those unable to attend the event were able to have their say.

To obtain a copy of the feedback from the 3-day event see (9) on the back page.

Analysis of the feedback helped the committee to establish a clearer picture of what was important to the people of the parish and redefine some of the subject headings and content of the later survey of May 2005 (8).

#### **Cusop Parish Survey – 2005**

In May 2005 the survey was distributed by the Parish Committee to all households in Cusop.

A questionnaire was provided for each adult (16 and over) and a separate questionnaire for each younger person. Freepost return envelopes were also provided to enable the completed questionnaires to be returned to the Research Team at Herefordshire Council.

To obtain a copy of the full results of the adult survey and the younger person's survey see (8) & (6) respectively on Page 29.

Of the total of 320 adult questionnaires distributed, 169 were completed and returned. This represents a very encouraging 53% return. And of the 52 younger person's questionnaires distributed, 23 were returned, representing a commendable response rate of 44%.

### **What are the major concerns and needs?**

Many respondents to this survey made it clear that they are happy to live in the parish of Cusop and do not see a need for major change. There was support for limited housing development that met local needs and was appropriate in appearance and location.

There was a range of opinions expressed about traffic and road safety, environmental issues, the upkeep and cleanliness of the parish, facilities for the young and the future of the Parish Room.

There was considerable support for initiatives already underway such as the introduction of a parish "lengthsman" to keep the verges, drainage systems and road signage in good order, and the production of a footpaths guide.

**The rest of this report focuses on the above issues and many others, and offers a plan of action to address them.**



## ***Reduce isolation by developing Cusop's transport and infrastructure***

### **SERVICES & TRANSPORT**

#### **What do we know?**

Although Hay-on-Wye is in a different Country, its proximity to the Parish enables Cusop's residents to benefit from services not readily available to more isolated communities. On the other hand the National Boundary does cause some confusion regarding access and entitlement to services; for example, which Police Station to contact for non-emergencies.

The Police service for Cusop is provided by West Mercia Police, operating from the new police station at Peterchurch. The Ambulance and Fire Services are provided by Herefordshire, who will at times ask for assistance from Powys.

Medical cover is available from Herefordshire and Powys, both with their own pharmacists and also a prescribing chemist in Hay.

Dial-a-Ride in Hay (10) provides essential transport for any member of the public with personal mobility difficulties or citizens who do not have access to appropriate alternative means of

#### **What are the issues?**

The majority of residents surveyed had not used the police, fire, ambulance or out-of-hours medical services, but of those who had, very few had encountered difficulties. Access to doctors and to hospitals was also considered to be good, although a small minority had problems finding a dentist.

Most residents said they rarely or never use the public telephone box but would like it kept for emergencies.

89% use the post boxes and 80% or more are happy with where they are located and the collection times although some people thought that an additional box at the Co-operative Supermarket would be very useful.

Parking is becoming an increasing problem, especially in the Lower Dingle and Victoria Terrace areas as many of the houses were built without parking facilities and the occupants therefore need to park on the road. However although 35% said they would like additional provision, only 17% said they had problems. Parking on the pavement along the Dingle was of concern to a small number and was mentioned at the Drop-in-Event, as it forced pedestrians to walk in the road.

41% of residents surveyed said that the local bus service is essential or important to them, with 33% wanting to see improvements to timetabling, especially frequency. At the drop-in event it was apparent that a bus shelter at Lower Mead for schoolchildren and other residents would be welcome.

#### **What can be done?**

1. Investigate the provision of a post box at the Co-op
2. Provide a bus shelter at Lower Mead, Hardwicke Road.
3. Improve the Bus service by establishing a User Group and carrying out a feasibility study.
4. Provide a leaflet for new residents containing telephone numbers for essential services.

#### **What's the plan?**

A full action plan can be found on Page 20 including the provision of a new post box, a new bus shelter, improving bus provision and an information leaflet for new residents.

## ***Develop Cusop as an active and enjoyable place to be*** **RECREATION PLAYING FIELDS & SEATING**

### **What do we know?**

The main recreational assets of Cusop are its open spaces and views, accessed via its network of public roads and footpaths. Hay-on-Wye provides access to many other recreational facilities. The Parish does, however, have its own small playing field, but it possesses little in the way of facilities.

Cusop has a fine and historic church and church grounds (See Page 11)

There are also a number of public seats in the churchyard and adjacent to roadsides and paths across the Parish.

Issues related to the current Parish Room and the proposed new Village Hall are dealt with on Pages 9 & 10.

### **What are the issues?**

The current playing field's lease is up for renewal and a large majority of survey respondents want it to be renewed.

There was also strong support for the provision of better facilities such as football and netball posts, more seats, a picnic area/green space and play equipment for under-10s. These findings are

supported by the young persons survey **(6)**, with 48% of under-16s saying they currently use the playing field for cricket, football or general play. They support the adult list of requirements for the site but would also like a skateboarding area.

Over a third of residents would like to see more public seating provided in the parish, especially along Cusop Dingle.

### **What can be done?**

1. Renewal of the playing field's lease.
2. The establishment of a volunteer group to run the playing fields and organize its usage and facilities.
3. Provide more public seating.

### **What's the plan?**

A full action plan can be found on page 21 regarding the renewal of the playing field lease, the establishment of a playing field volunteer group, and the provision of additional public seating.

## ***Develop Cusop as an active and enjoyable place to be***

### **RECREATION: THE VILLAGE HALL**

#### **What do we know?**

The Parish Room was built in 1909 and has in recent years been treated as a community building. It is however a consecrated church building with limits placed on its use for secular purposes. Attempts were made to purchase the building for the community at a time when no site could be found for a new hall and more recently as a contingency against failure to raise sufficient funds for a new hall.

These attempts have all failed and the church has now sold the premises on the open market. Following seven years of successful fundraising the Village Hall Committee **(11)** is now a registered charity. It has purchased a  $\frac{3}{4}$  acre site at the rear of Lower Mead and obtained planning permission for a new hall. Progress will depend on a successful bid for a lottery grant. If the project is not completed within the next 4 years the Moor Estate can re-purchase the land at the original selling price.

Most fundraising has been obtained by charging for car parking during the Hay Festival, (though the re-siting of the Festival last year greatly reduced this source of income) and from the recycling site at the Co-op which raises £5,000 per year.

#### **What are the issues?**

In preparation for the lottery grant application a questionnaire was distributed to households throughout the Parish in March 2004. This sought to establish what parishioners required from a new hall. The results of the 2004 Village Hall Survey **(12)** supported a wide range of activities, the most popular being films, live entertainment, hobbies/interest clubs and physical exercise. Other suggestions receiving significant support included jumble sales, training courses, amateur dramatics, a social club, groups for the elderly, luncheon clubs and whist drives. There was also support for youth group activities from the younger respondents.

Some of the issues raised under transport relate to the need for local facilities, particularly for the young, the less able and the elderly.

Along with St Mary's Church, the old Parish Room has served as the centre of the community for more than 3 generations, in spite of some restrictions on its usage. It is envisaged that the new Village Hall, with its modern facilities, access for those with disabilities, and its freedom to embrace both secular and faith requirements, will enhance and broaden the sense of community within the Parish.

#### **What can be done?**

1. Provide a new Village Hall on land already purchased at Lower Mead.
2. Continue and expand fundraising.
3. Prepare and submit Lottery Grant application.
4. Keep residents informed of progress with the new village hall.
5. Encourage local involvement in the new village hall project.

## **What's the plan?**

A full action plan can be found on Page 21 regarding building the new village hall, fundraising, grant application, and publicity.

## ***Develop Cusop as an active and enjoyable place to be***

### **THE PARISH CHURCH**

#### **What do we know?**

St Mary's Church dates from Norman times, but its original dedication was to St. Cewydd, a fifth century Celtic saint. Its churchyard is large and contains a fine collection of both evergreen and deciduous trees, including some splendid veteran yews. This rich resource of architectural, social and natural history is one of Cusop's main heritage assets. It is also a point of "pilgrimage" for literary devotees of Kilvert and his diaries.

In recent years it has become increasingly difficult to manage the churchyard. As a result, Cusop PCC became involved with "Caring for God's Acre" (13), and a public meeting was held in April 2005. The meeting was well attended and a number of parishioners expressed interest in the project. A sub-committee of the PCC (14), have met and would like to form a group with other interested local people.

An archaeological survey and a tree survey were completed in September 2005.

#### **What are the issues?**

The survey showed that 61% supported the community taking a more active part in preserving the church building.

22% were prepared to help maintain the church and church grounds with a similar percentage prepared to offer financial support.

The most popular suggestion for the future management of the churchyard was to set aside an area as a wild flower meadow.

#### **What can be done?**

1. Develop a management plan, in order to make the church and churchyard a safe and attractive place for local people and visitors.
2. Consult about how to use and celebrate this heritage site in the village.
3. Establish a series of talks and visits to encourage local involvement, including archaeology, history, trees, plants and wildlife in the churchyard.
4. Set up an exhibition about the church and churchyard.
5. Institute a visitor survey to find out who visits the church and churchyard and why.

#### **What's the plan?**

A full action plan can be found on page 22, including the establishment of a sub-committee and management plan, liaison with "God's Acre", organising talks, visits and an exhibition, and carrying out a visitor survey.

## ***Develop Cusop as an active and enjoyable place to be*** **FOOTPATHS**

### **What do we know?**

Cusop has an extensive network of footpaths that require ongoing maintenance and definition. They form an important part of the infrastructure of the parish in terms of access and recreation. There is also good evidence of high usage by visitors to the area, offering actual and potential income to the local community through walkers' accommodation and guides.

The network requires a considerable amount of upkeep in terms of access (stiles, gates, etc.) and robust signage. This has been emphasized by a recent spate of vandalism that saw the removal or damage to 13 signposts in January 2005.

Considerable work has already been done to put waymarks (discs with yellow arrows) along the line of every path to indicate its exact route. Where paths cross large open areas, however, there is a need for posts to support additional waymark discs.

### **What are the issues?**

Survey results show that the footpath network is well known, well used and appreciated by residents.

Although the majority of survey respondents were satisfied with access and upkeep, a significant minority wanted to see easier stiles or stiles replaced by kissing gates, more dog gates, clearer route markings and more frequent checks of undergrowth.

There was also very strong support for the production of a printed guide of local walks **(15)**.

### **What can be done?**

1. Enhancing footpath accessibility by improvement to stiles; e.g. adding a second step, introducing a latched top rail, installing kissing gates, etc.
2. Production of a printed guide of local walks **(15)**. Costs to be met from the Parish Paths Partnerships Grant .
3. Additional posts supporting waymarks to indicate routes across large open areas.
4. A review of the route markings on the whole network to ensure quality and accuracy of signage information.

### **What's the plan?**

A full action plan can be found on page 23, including improvements to stiles, production of a printed guide, additional signage, and a review of route markings.

## ***Protect and enhance Cusop's Distinctive Environment.***

### **WASTE**

#### **What do we know?**

Cusop Village Hall Management Committee (11) runs its own Waste Management outlet at the Co-op site in Newport Street through re-cycling provided by Powys County Council. The Facility includes separate waste disposal containers for textiles, cans, paper, cardboard, glass bottles, plastic and garden refuse. Revenue generated from the site is around £5000 per year which goes towards funding the new Village Hall project. Hereford Council do not run a re-cycling waste disposal service in Cusop. There have not been any cases of industrial waste problems. The sewage treatment plant for Cusop and Hay is situated in Cusop, adjacent to the River Wye, with the pumping station on the Hay side of the Dulas Brook. Residents in outlying areas have their own septic tanks.

The environmental impact of waste has become a major political concern, with the cost of landfill in the UK set to more than double in the next few years. Herefordshire Council currently has to ship all of its landfill waste out of the county.

#### **What are the issues?**

Generally "environmental issues" are a significant concern to respondents in the youth survey. Some residents would like to see a doorstep re-cycling service introduced but at the present time Herefordshire Council do not have any plans for such a service in this area. Some concerns were expressed about black bin liners being left out for collection, and the contents being spilled and blown about, with wheelie bins being suggested as a solution. There was also concern regarding fly-tipping. Although only two incidents have been reported (in Cusop Dingle and on the corner of the turning to Mousecastle), there has been a problem of people dumping items at the recycling site. Herefordshire Council will clear fly-tipping on request.

#### **What can be done?**

In the absence of a doorstep re-cycling scheme being introduced in the near future, encourage local residents to use the existing Parish re-cycling facility.

#### **What's the plan?**

A full action plan can be found on page 24 regarding recycling and management of litter.

## ***Protect and enhance Cusop's Distinctive Environment.***

### **LITTER & POLLUTION**

#### **What do we know?**

Work by the "Tidy Britain Group" suggests that litter attracts litter and so a clean environment tends to stay cleaner longer.

At present there are 8 litter bins in the Parish, all situated on the Dingle and at the church. There is a long-standing arrangement for Herefordshire Council's local refuse collectors to empty the parish's litter bins if they are seen to be full, although there is some evidence that this does not always happen.

Whilst some litter is dropped by people on foot or from cars, generally people dispose of their litter responsibly. The bigger problem is on the main road passing through Cusop into Hay, and to some extent, the road running from Clifford to Hay.

Not only is dog fouling unpleasant for walkers whether on pavements or grassed areas, it is a health hazard for humans (especially children) and for sheep and other stock.

There is currently no money available to provide bins specifically for dog litter or for its collection. Although street lighting is an asset from a safety and security perspective, some residents consider it causes light pollution.

#### **What are the issues?**

The survey (8) uncovered a number of concerns related to litter and pollution.

Selecting from a list, 58% of respondents identified bonfires as a problem, 44% light pollution, 39% aircraft noise, 36% litter/dumping, and 34% other noise pollution such as chainsaws and mowers.

There was also a significant level of concern expressed regarding dog mess in the parish, although only 31% would support a dog watch scheme. It was perceived as a general problem on pavements and footpaths, but the Dingle and Hardwicke Road received special mention.

Although litter was not seen as a major issue, many respondents thought there was a problem around the Co-op and adjacent businesses. The area around the church was also mentioned.

Although only 15% thought that street lighting could be better maintained, some concerns were expressed about its quality, efficiency and intrusiveness.

#### **What can be done?**

1. Herefordshire Council to be reminded of their responsibility for emptying litter bins.
2. Parish Council to seek advice from Herefordshire Council's lighting engineer on possible modifications to street lighting to reduce light pollution.

#### **What's the plan?**

A full action plan can be found on page 24, including the emptying of litter bins, doorstep recycling, the promotion of the Parish recycling facility at the Co-op. site, and consulting on the reduction of light pollution.



## ***Protect and enhance Cusop's Distinctive Environment.***

### **ROADS, VERGES, HEDGES & DITCHES**

#### **What do we know?**

Cusop has 9 miles of minor roads, the maintenance of which is the responsibility of the County Council. But the road itself is only part of the story. Fences, hedges, verges, ditches, bridges, culverts and drains alongside the road also require a great deal of upkeep. It is clear that where Parish ditches and drains have become blocked the road surface quickly deteriorates. Most of this maintenance work has been centralised and mechanised over the past 50 years but there is now a move to devolve some of the work back to locally employed contractors, traditionally known as lengthsman. Their job is to keep the verges and drainage systems in good order, removal of storm debris and litter, winter maintenance of salting, and the cleaning of non-illuminated traffic signs.

Many roadside hedgerows in the Parish have developed gaps and become bare at the base. These require better management if we are to restore and improve the quantity and diversity of flowers, insects, birds and animals. This equally applies to agricultural hedgerows away from the highway.

Some of the roads and tracks in the Parish may qualify for "Quiet Lane" or "Greenway" status (16), which can attract grants. "Quiet lanes" are minor roads with low car usage suitable for walkers, cyclists and horse traffic. "Greenways" are broadly defined as tracks free of cars which link to other networks such as footpaths.

#### **What are the issues?**

Verge damage is considered to be the biggest environmental problem in Cusop, followed closely by litter.

Surface water drains and ditches/drainage were highlighted amongst the top four items requiring better maintenance, road surfaces and pavements being the top two.

Of the respondents who answered the question "Would you like to see a lengthsman employed in Cusop, nearly 53% said "Yes".

#### **What can be done?**

- 1) Employment of a part-time lengthsman to keep the verges, drainage systems and road signage in good order.
- 2) The lengthsman will also submit an annual report to the Parish Council on the state of road surfaces.
- 3) Parish Council to encourage good hedgerow & verge management by adopting a code of practice.
- 4) The Parish Council to investigate whether any of the Parish's roads and tracks qualify for the Quiet Lane or Greenways initiative (16).

#### **What's the plan?**

A full action plan can be found on page 25. This includes details of the Parish Council's successful bid for funding from Herefordshire Council to employ a part-time lengthsman. It also includes plans to develop a code of practice for the management of hedges and verges, and for the pursuit of Quiet Lane and Greenway status for some of our quieter byways.

## ***Make Cusop a safer place.***

### **SAFETY & SECURITY**

#### **What do we know?**

It is generally accepted that Cusop is a very safe place to live with extremely low levels of crime. This is confirmed by the West Mercia police who advise that in 2004 there were less than 10 crimes reported.

From the survey (8) it is evident that speeding traffic is the major cause for concern with 76% of respondents indicating that they feel traffic travels too fast in virtually all parts of the Parish. However, the incidence of accidents related to speeding is so low that it is unlikely that requests for major traffic calming would be successful.

#### **What are the issues?**

There appears to be some confusion amongst residents as to who is responsible for policing Cusop. Because of Cusop's proximity to Hay some residents seek assistance from Powys Police rather than West Mercia.

Although Hay police station will accept an enquiry they will then pass it on to West Mercia.

Emergency calls (999) are routed directly to West Mercia Police.

Although the majority of people surveyed said they were not concerned about local crime or anti-social behaviour, a significant 25% said that they were. The main immediate worries are associated with joy riding, especially in the vicinity of Cusop Church, and with speeding traffic.

Joy riding is a concern shared by 35% of respondents to the Youth Survey. Some feedback suggests that the problem is at least in part being exported from Hay, but the Youth Survey also lists "boredom" and "having nothing to do" as the biggest problem for this age group.

In spite of low concern about crime in general, 57% of residents surveyed said they would like to see a Neighbourhood Watch scheme introduced, although only 37% said they would be prepared to be involved.

#### **What can be done?**

1. Investigate measures to reduce speeding in the parish.
2. Discourage joy-riding.
3. Neighbourhood watch scheme to be further investigated by the Parish Council.

#### **What's the plan?**

A full action plan can be found on page 26, covering liaison with the police on speeding and joy-riding issues, and the feasibility of a local Neighbourhood Watch scheme.

## ***Meet Cusop's accommodation needs***

### **FUTURE PLANNED DEVELOPMENT**

Cusop is a thinly populated rural parish, typical of the Marches. In the 20<sup>th</sup> century the population fell but it is now almost back to its Edwardian peak at 377 in 2001 and is still growing. Based on the 2001 census information (3), the percentage of children is slightly lower (17.2%) than the County average (19.5%), and the proportion of retired people (21.3%) is higher than the average (16.1%) for what is already perceived to be a "retirement county". Over 71.2% of households are owner occupied, just below the average for Herefordshire at 71.6%.

Although the level of rented accommodation is on a par with Herefordshire, homes available for social rent are half the level of the county, the balance being made up by private landlord and tied accommodation. Private houses in the parish are generally good sized, detached properties and therefore command a high price. Smaller, cheaper property is hard to find. Housing development is, at present, controlled by the South Herefordshire District Plan. This is soon to be replaced by the Herefordshire Unitary Development Plan (UDP) (17). The UDP will be operative as part of the Local Development Framework for a 3 year period from the date of adoption.

### **What are the issues?**

New houses are probably the most sensitive issue facing the Parish. Individual sites will always be controversial for some, but there is also a general concern that new housing could destroy the distinctive tranquil character of the parish. 43% of the respondents to the plan questionnaire (8) were opposed to any new houses at all, but a limited amount of new housing was favoured by 52% if it addressed local needs and was appropriate in location and appearance.

Cusop already has a high proportion of large private houses that sell at high prices on the open market, and only 15% of respondents favoured building more of these.

The majority of respondents wanted a mix of affordable and small open market homes to enable local people on lower incomes to stay in the area. There was also significant support for small and/or sheltered housing that can house the growing number of elderly residents and release more houses for families.

The Herefordshire Housing Needs Study 2001 identified a requirement within the parish for about 10 new affordable homes. Results from the Parish Plan questionnaire indicated that community opinions on local housing have not changed significantly since the study was undertaken. If new homes are to be built, Herefordshire Council's UDP proposals for developing the greenfield site near the Co-op and for infill housing within the village boundary (UDP Policies H4 and H5) are favoured by the great majority of the community. Even so, not every plot may be suitable for development: consideration should be given to impact on neighbours, village-scape, parking and traffic in accordance with UDP Policy DR1.

Building elsewhere by selecting other greenfield sites or stretching the village boundary are not considered appropriate.

The visual character of Cusop - which it shares with Hay - is dominated by traditional designs predominantly in the local grey sandstone.

Residents are anxious that this character should be maintained by adopting traditional forms and detailing in any new construction, in accordance with UDP Policy DR1/1. Stone should generally be used, although other traditional materials such as brick or render may be acceptable if it suits certain sites.

The importance of eco-friendly design is recognized but will need to meet UDP principles for new build with regard to type of development and location.

Only a tiny percentage of people saw any need for large commercial or storage facilities in the Parish. However 20% felt a need for small office space and 35% felt that the provision of small workshops was appropriate where a clear need can be demonstrated.

The Cusop landscape is not an appropriate location for commercial wind farms: Cusop Hill and the neighbouring ridges are visible for many miles around and form the visual setting for the town

of Hay which is a very important tourist destination. The economic as well as landscape damage of a windfarm would be unacceptable and would be contrary to UDP Policy LA2. The most prominent unlisted building in the parish is the old Parish Room and the majority of residents responding to the questionnaire would like it to be retained in accordance with UDP policy HBA8 even if its use changes.

### **What can be done?**

Ensure that Herefordshire Council is aware of and takes into account the views of Cusop residents with regard to the accommodation needs and building requirements as expressed in the Parish Plan Survey.

In particular that:-

1. A limited amount of new housing should be permitted provided that it addresses local needs and respects the character of the parish.
2. Affordable housing should form a substantial element of any new housing.
3. New housing should be restricted to the green-field site near the Co-op and to infill housing within the current village boundary, and individual proposals should be acceptable in terms of impact on neighbours, on village-scape and on traffic and parking.
4. New housing should concentrate on smaller family and "starter" homes, whether detached, semi-detached or possibly terraced, and also on sheltered housing and bungalows for the elderly.
5. New construction should adopt traditional forms, detailing and materials, in particular the use of local grey sandstone. Exceptions may be made for other traditional materials such as brick or render if it suits certain sites and for other approaches if they are unobtrusive and justified by ecological principles.
6. Some small-scale business accommodation, whether new-build or conversion, may be permitted if there is a clear local need, but Cusop is not an appropriate location for large office or industrial developments or for storage units.
7. Cusop is not an appropriate location for commercial wind farms, although individual wind turbines may be acceptable where there is a local need and the location is unobtrusive.
8. The most valued unlisted building in the parish is the old Parish Room which should be retained even if its use changes.

### **What's the plan?**

The Parish Council will advise Herefordshire Council to adopt the above recommendations in its planning policies and to follow those policies in determining individual applications for development within the parish. This has been added to the action plan to be found on page 27.

## ***Encourage Cusopians to shape the future of Cusop.***

### **COMMUNITY & COMMUNICATIONS**

#### **What do we know?**

Support for and response to the Parish Plan survey (8) was very high, an indication of a strong sense of community within the Parish.

The influence of Hay-on-Wye on community cohesion can be seen as both a strength and a weakness. Parishioners of all ages are able to meet and take advantage of Hay's sports and social facilities in a way that more isolated parishes cannot. It is probable, however, that these alternative attractions diminish the amount of community activity generated within the Parish.

The Cusop Parish Room which was the location of religious, social and fund raising activities has been sold by the Parochial Church Council and the financing and building of the new Village Hall is still some way off. (See Pages 9 & 10).

There is, therefore, no secular community facility currently available in Cusop. As a result maintaining and enhancing a sense of community in the Parish has become even more challenging. The absence of a village hall for the foreseeable future makes it even more important to focus on the ways and means of communicating within the Parish.

Currently Cusop has 3 noticeboards which are updated by the Parish Council.

The Church produces the "Link" magazine, which also contains valuable information about the Parish. The Parish Council produces a quarterly newsletter and a Parish website is currently being developed.

#### **What are the issues?**

With regard to communication, the Parish Plan survey indicated that a large proportion of respondents knew some or all of their parish councillors, knew where at least one noticeboard was situated and read the information placed there.

The Link magazine produced by the Church was well subscribed to and widely read.

More than half the respondents have internet access but opinion was divided on whether a parish website was needed or would be used.

It was also clear that residents would like to see more consultation between Cusop Parish Council and Hay Town Council.

The Youth Survey (6) showed that respondents were concerned at the lack of facilities and activities in the Parish and saw the proposed new village hall as one of the main solutions to the problem.

#### **What can be done?**

1. Continue to produce quarterly newsletters
2. Develop a website along with local volunteers over the next 2 years.
3. Provide a "Welcome" letter and details of local organizations for all new residents
4. Develop a closer association with Hay-on-Wye as an on-going policy.

#### **What's the plan?**

A full action plan can be found on page 28, including details of involving local organisations and residents in communications initiatives, the development of a parish website, and a welcome pack for newcomers.

Reduce isolation by developing Cusop's transport and infrastructure

<b>SERVICES &amp; TRANSPORT</b>	(See page 7)
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Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Provide additional postbox.	Investigate the provision of a post box at the Co-op	Within 6 months.	Parish Council. Post Office. Co-op.	PC.	None	Postbox conveniently sited for local shoppers.
Provide bus shelter.	Herefordshire Council to be approached regarding the provision of a bus shelter at Lower Mead, Hardwicke Road.	Within 12 months.	PC. Hereford Council. Bus Company. Local residents who may be affected.	PC.	Possible cost of £2-3,000	Shelter available for schoolchildren and other residents.
Improve bus service.	Feasibility study to be carried out by user group (made up of local residents) to ascertain times and frequencies required, prior to approaching relevant bodies regarding possible changes.	Within 12 months.	PC. Volunteers. Local Transport Planning Officer at Hereford Council. Bus company	PC	None	A bus service more suited to residents needs. Reduce reliance on private motor vehicles
Produce a leaflet for new residents containing telephone numbers for essential services	Cusop Parish Council have already done this - see third action point on page 28.	Done	PC	PC	None	Clarify which services are applicable to Cusop

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Develop Cusop as an active and enjoyable place to be.

<b>RECREATION Playing Fields, Seating &amp; the Village Hall</b>						(See pages 8,9 & 10)
Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Renew playing field lease and develop the area to provide facilities for young people and a pleasant green area for the use of all residents	Lease in process of being renewed at a peppercorn rent from Hereford Council. Funds will be sought with the help and support of the Herefordshire Regeneration Coordinator. A Volunteer group has been formed to manage the project.	2 years	PC. Herefordshire Regeneration Coordinator. Volunteer Group.	Volunteer Group	Possible £30000 needed for new playground equipment.	A pleasant, landscaped and well equipped area for the enjoyment of young people and other residents.
Provide more public seating	New seat recently donated and situated near to Trewern on Church Lane. Further seating to be considered on an annual basis. PC to promote sponsorship.	Ongoing	Parish Council	PC	£250 to £1000 per seat	More places for residents and visitors to rest and enjoy the beauty of the area.
Provide a new village hall on land already purchased at Lower Mead	This project is already well established. It now remains to identify sources of funding and make the necessary applications.	4 years	Village Hall Management Committee. Local community.	VHMC	Funding of approx. £350,000 required.	A modern, attractive hall with good facilities and parking which will be a centre for local activities and provide a focal point for the community.
Keep residents informed of progress of new village hall.	Parish Council newsletter will report progress every quarter	Ongoing	VHMC PC	VHMC		Residents will be aware of progress at every stage and be able to volunteer.
Encourage involvement of local people in new village hall project.	Various events to be organised in 2006 for social and fundraising purposes.	12 months	VHMC. Residents	VHMC		Generate a feeling of ownership and involvement in this ambitious project..

*Develop Cusop as an active and enjoyable place to be.*

## THE PARISH CHURCH

(See page 11)

Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Develop a management plan.	A new group to be formed (comprising sub-committee of Cusop Parochial Church Committee and any interested local people) to meet with representatives from "God's Acre".	Early 2006	Cusop PCC. Local volunteers. God's Acre.	Cusop PCC sub-committee.	To be assessed.	Make the church and churchyard a safe and attractive place for local people and visitors.
Consult on how to use and celebrate the church and churchyard.	New group to meet with representatives of God's Acre to develop and promote the heritage site.	Early 2006	New Group God's Acre.	New Group.	To be assessed.	Improve use and appreciation of church and churchyard by local people and visitors.
Establish a series of talks and visits.	New group to arrange a series of talks on archaeology, history, trees, plants and wildlife in the churchyard, using a range of interesting speakers and specialists.	2006 onwards.	New Group. Appropriate organisations and individuals.	New Group.	To be assessed.	Encourage local involvement and interest in the church and churchyard.
An exhibition about the church and churchyard.	The new group, in conjunction with specialist and local people who have shown an interest in the talks and visits, to help with setting up the exhibition.	Late 2006/early 2007	New Group. Local interested parties and specialists.	New Group.	To be assessed.	Encourage local involvement and interest in the church and churchyard.
Set up a visitor's survey.	Devise a visitor's survey to find out who visits and why.	2006	New Group.	New Group.	To be assessed.	Results of survey to be incorporated into the management plan.



*Develop Cusop as an active and enjoyable place to be.*

## FOOTPATHS

(See page 12)

Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Improve stiles	Difficult -to-use stiles to be identified and appropriate action recommended.	12 months	Cusop Footpaths Officer. Hereford Rights of Way Officer.	CFO	Minimal	Easier to access footpaths with more user friendly stiles.
Provide a written guide to Cusop walks	Already produced and available from local outlets and Tourist Office in Hay-on-Wye. Price £3.50.	Done	CFO Parish clerk.	CFO	Small grant obtained to enable the guides to be published.	Ten different walks described in detail promoting the area to tourists and providing useful information for locals.
Install additional posts supporting waymarks to indicate route over open areas	With the agreement of landowners additional posts are now in place in New House Wood, above Ty-Coch and on Cusop Hill.	Done	CFO	CFO	Minimal	Easier to follow routes.
Review route markings on the whole network	All footpaths to be reviewed and route markings checked.	12 months	CFO	CFO	None	Easier to follow routes with clear signage

Protect and enhance Cusop's distinctive environment.

<b>WASTE, LITTER &amp; POLLUTION</b>				(See pages 13 & 14)		
Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Doorstep re-cycling.	Although many people would like to see this introduced is it not presently being considered by Hereford Council due to cost constraints.	Not known.	Hereford Council.	HC	Very costly to implement and manage.	A re-cycling facility is available at the Co-op and residents should use this whenever possible. Profits from re-cycling are being used towards the cost of the new village hall.
Stop dog fouling on pavements and verges	Although this appears to be a problem in some parts of the parish there is no enthusiasm for a dog watch scheme. Dog mess litter bins are not available due to the cost of emptying. Owners should be encouraged to clean up after their dogs.	Ongoing	Dog owners	Dog owners.	Nil	Clearing up by owners would make walking on the pavements a more pleasant experience for pedestrians, and play areas safer for children.
Reduce light pollution.	Parish Council to consult with Hereford lighting engineer to ascertain what can be accomplished in terms of light modification for existing street lamps and request that any replacement lamps use directional luminaires to direct light downwards.	6 months.	PC. Hereford Council Lighting Dept.	PC.	Cost to be determined.	Street lamps to direct light downwards, thereby reducing glare.
Litter.	Whilst litter is not a major problem it is evident that some litter bins are not emptied every week. Parish council to remind Hereford Council of their responsibility to empty all bins.	Immediate.	PC. Hereford Council.	PC.	None.	No overflow of litter onto pavements and verges, keeping the local environment clean & tidy

Protect and enhance Cusop's distinctive environment.

## ROADS, VERGES, HEDGES & DITCHES

(See page 15)

Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Employ Lengthsman to help keep Cusop attractive and tidy.	Cusop Parish Council have been successful in obtaining funding for the post of lengthsman to commence 1/1/2006	Jan. 2006	Cusop PC. Hereford Council.	Cusop PC.	Funding obtained from Hereford Council.	Verges, hedgerows and ditches will be kept in good order. The state of road surfaces will be reported to the Parish Council on an annual basis.
Develop, publish and distribute a code of practice for the maintenance of verges and hedges.	Parish Council to apply for funding from the Local Heritage initiative in association with the Countryside Agency.	12 months.	PC. Countryside Agency. Herefordshire Regeneration Officer. Local volunteers.	PC	Possible cost £2000	Increase in growth of wild flowers. Protection of wildlife. New hedges planted. Farmers and landowners supported to encourage good management of existing hedges. Quality of landscape maintained
Investigate whether Cusop qualifies for Quiet Lane or Greenways initiative	Parish Council to make contact with the Countryside Agency to determine feasibility. If successful apply for grant in association with local community from Local Heritage initiative.	12-18 months	PC. Countryside Agency. Herefordshire Council Re-generation Co-ordinator. Local volunteers.	PC	Possible cost - £5000	Heritage and history associated with Cusop roads and greenways can be explained by booklet and heritage signing on routes.

*Make Cusop a safer place.*


<b>SAFETY &amp; SECURITY</b>	(See page 16)
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Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Reduce speeding traffic.	30mph speed limit now in place on Hardwicke Road but there are no resources available to monitor compliance. Parish Council to liaise with Hereford Council and constabulary to discuss other measures to reduce speeds.	12-18 months	PC. HC. Police.	PC.	Not known.	A safer environment for all road users.
Discourage joy riding.	After intervention by police this appears to have ceased. Residents should report any future incidents to the police.	Ongoing	Residents. Police.	Residents	None	Safer roads.
Set up an active Neighbourhood Watch Scheme.	Full details to be obtained by Parish Clerk and a meeting of interested residents to be held early in 2006.	12 months	Parish Council. Residents. Police.	Residents	None	Discourage possible criminal elements and keep the crime rate at its present low levels.

Meet Cusop's accommodation needs.

## FUTURE PLANNED DEVELOPMENT

(See pages 17 & 18)

Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
<b>The Parish Council will ask Herefordshire Council to adopt the following recommendations as 'Further Planning Guidance' and to take them into account as material considerations in development control decisions within the parish.</b>	The following recommendations to be submitted for adoption:- 	2006 and ongoing	PC. HC.	HC	None	The views of local residents are taken into account when all building changes and developments within the parish are being considered.
A limited amount of new housing should be permitted provided that it addresses local needs and respects the character of the parish.						
<b>Affordable housing should form a substantial element of any new housing.</b>						
New housing should be restricted to the green-field site near the Co-op and to infill housing within the current village boundary, and individual proposals should be acceptable in terms of impact on neighbours, on village-scape and on traffic and parking.						
<b>New housing should concentrate on smaller family and "starter" homes, whether detached, semi-detached or possibly terraced, and also on sheltered housing and bungalows for the elderly.</b>						
New construction should adopt traditional forms, detailing and materials, in particular the use of local grey sandstone. Exceptions may be made for other traditional materials such as brick or render if it suits certain sites and for other approaches if they are unobtrusive and justified by ecological principles.						
<b>Some small-scale business accommodation, whether new-build or conversion, may be permitted if there is a clear local need, but Cusop is not an appropriate location for large office or industrial developments or for storage units.</b>						
<b>Cusop is not an appropriate location for commercial wind farms, although individual wind turbines may be acceptable where there is a local need and the location is unobtrusive.</b>						
The most valued unlisted building in the parish is the old Parish Room which should be retained even if its use changes.						

Encourage Cusopians to shape the future of Cusop

## COMMUNICATIONS & COMMUNITY

(See page 19)

Action	How it will be tackled	Timescale	Partners	Lead	Cost	Outcome
Produce quarterly newsletter	Parish Council have initiated, and begun production & distribution of a newsletter to all households containing up to date information on parish matters	Done	PC	PC	Minimal	Residents will be better informed on matters relating to the parish and able to contribute to the newsletter if they wish.
Develop a parish website with the help of volunteer(s)	A web-site has been established and is in the early stages of development. It can be found at <a href="http://www.thelocalchannel.co.uk/cusop">www.thelocalchannel.co.uk/cusop</a> Volunteer now needed to help develop and maintain the site.	Ongoing	PC Parish Clerk IT literate volunteers	Volunteers Parish clerk	Minimal	Residents who prefer to obtain information via the internet will be able to do so.
Organise a Welcome letter for newcomers.	The Parish Council has produced a welcome letter listing local organisations, useful telephone numbers etc to be delivered to new residents when they move into Cusop.	Done	PC Parish Clerk	Parish clerk	Minimal	Newcomers made to feel welcome and part of the community.
Encourage close association with Hay-on-Wye	Parish Council Chairman to keep in close contact with the Chairman of Hay Town Council	Ongoing	PC	PC	None	Residents made aware of matters relating to Hay which also affect Cusop.

## Footnotes

- (1) **Tilhill Forestry.** Tel: 1786 435000 Email: info@upm-tilhill.com  
Website: <http://www.upm-tilhill.com/>
- (2) **Woodland Trust.** Website: <http://www.woodland-trust.org.uk/>
- (3) **Extract from UK Census 2001. See Additional Information below.**
- (4) *The Parish Council.* **Contact the Parish Clerk, John Wilkes - 01497 821401**
- (5) **Herefordshire Association of Local Councils** Tel: 01432 353492  
E-mail: [halchereford@btconnect.com](mailto:halchereford@btconnect.com).
- (6) **Cusop Youth Survey 2005 See Additional Information below.**
- (7) **Countryside Agency.** West Midlands Region Tel: 0121 233 9399  
E-mail: [info.westmids@countryside.gov.uk](mailto:info.westmids@countryside.gov.uk)
- (8) **Parish-wide survey carried out in May 2005. For full results see Additional Information below.**
- (9) *Feedback from the 3-day event.* See additional Information below.
- (10) **Dial-a-Ride in Hay.** Tel: 01497 8 21616
- (11) *Village Hall Committee* **Contact John Wilkes - 01497 821401**
- (12) *Results of Village Hall Survey 2004* See additional Information below.
- (13) *"Caring for God's Acre".* **Contact Sue Cooper Tel: 01568 611154**  
E-mail: [cfgauk@hotmail.com](mailto:cfgauk@hotmail.com)
- (14) **Sub-committee of the PCC** to look at use of the church and churchyard.  
Contact Mrs. Celia Cundale - 01497 820396
- (15) Printed guide of **local walks.** Copies from the Tourist Information Centre or  
Pemberton's Bookshop in Hay-on-Wye.
- (16) **Quite Lane or Greenways initiative** Details from John Theaker - 01497 821972
- (17) **Herefordshire Unitary Development Plan (UDP)**  
Copies from Siobhan O'Dwyer 01432 260142

## Additional Information

*The information and results from all the surveys used in this Parish Plan are available as an Additional Information Pack.  
Packs can be borrowed from the libraries at Hay-on-Wye and Hereford or from the Parish Clerk (John Wilkes- 01497 821401).*

### Other useful contacts:

Parish Footpath Officer - Mr Chris Playford - 01497 820074  
Parish Tree Warden - Mr Philip Ferguson - 01497 821180  
Lengthsman Scheme - Councillor Tommy Williams - 01497 821251  
Green Lanes/Quiet Roads - Councillor John Theaker - 01497 821972  
"Caring for God's Acre" - Mrs Celia Cundale 01497 820396

