

A G E N D A

Planning Committee

Date: **Friday 13 March 2009**

Time: **10.00 am**

Place: **The Shirehall, St Peter's Square,
Hereford**

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

For any further information please contact:

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Regulatory, Tel 01432 260248
E-mail: pmartens@herefordshire.gov.uk*

Herefordshire Council

AGENDA

for the Meeting of the Planning Committee

To: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice-Chairman)

Councillors ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, G Lucas, RI Matthews, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

Pages

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

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4. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman.

5. **DCCW2008/1832/N - CONSTRUCTION AND OPERATION OF AN OPEN WINDROW GREENWASTE COMPOSTING FACILITY: OFFICE/WELFARE FACILITY, STORAGE BUILDING, WEIGHBRIDGE, HARDSTANDING PROCESS AREA, CAR PARKING, ANCILLARY INFRASTRUCTURE AND LANDSCAPING AT UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HEREFORDSHIRE, HR4 8AH** 1 - 36

To consider an application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it contrary to recommendation.

For: Mercia Waste Management Ltd per Axis, 5 Camellia House, 76 Water Lane, Wilmslow, Cheshire, SK9 5BB

Ward: Pontrilas

6. **DCCW2009/0059/CD - CONVERSION OF SCHOOL AND SCHOOL HOUSE INTO TWO RESIDENTIAL DWELLINGS. CONSTRUCTION OF THREE NEW DWELLINGS IN THE GROUNDS AT FORMER PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ** 37 - 46

For: Herefordshire Council and Hereford Diocesan Board of Finance per James Spreckley, MRICS FAAV, Brinsop House, Brinsop, Hereford, Herefordshire, HR4 7AS

To consider an application which has been referred to the Committee because it involves Council premises

Ward: Sutton Walls

7. **DATE OF NEXT MEETING**

3rd April 2009

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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DCCW2008/1832/N - CONSTRUCTION AND OPERATION OF AN OPEN WINDROW GREENWASTE COMPOSTING FACILITY: OFFICE/WELFARE FACILITY, STORAGE BUILDING, WEIGHBRIDGE, HARDSTANDING PROCESS AREA, CAR PARKING, ANCILLARY INFRASTRUCTURE AND LANDSCAPING AT UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HEREFORDSHIRE, HR4 8AH

For: Mercia Waste Management Ltd per Axis, 5 Camellia House, 76 Water Lane, Wilmslow, Cheshire, SK9 5BB

Date Received: 21 July 2008 Wards: Burghill, Holmer & Lyde and Sutton Walls Grid Ref: 49655, 45976

Expiry Date: 20 October 2008

Local Members: Councillors SJ Robertson and KS Guthrie

1. INTRODUCTION

- 1.1 This application was considered by the Central Area Planning Sub-Committee on 3rd December 2008. Members resolved to refuse the application, contrary to the recommendation. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.
- 1.2 During the debate Members expressed their concerns on a number of issues. These included that the technology proposed was dated, the greenfield nature of the application site and the potential for siting elsewhere. Members additionally expressed their concerns about the technical aspects of the application generally, and the perceived health risks in particular. Members also expressed great concerns about both the capacity and safety of the A49(T) road, although this did not form part of the subsequent reasons for refusal.
- 1.3 The Sub-Committee resolved to refuse the application on policy grounds. The first two policy issues relate to the waste policies contained in the UDP (W1 and W3 in particular). The second batch of policy issues relates to employment policies (E11 and E12 in particular), the loss of greenfield land (E15) and potential archaeological harm (ARCH5). Members also considered, albeit in an unspecified way, that the application was contrary to the provisions of PPS7.
- 1.4 The application report assessed the proposal against national policies, the Regional Spatial Strategy and the UDP. The site is on unallocated greenfield land in open countryside and does not entirely accord with some of these policies. This is to be expected, as an application of this type is not directly addressed by the range of policies. In land use terms there are several mitigating circumstances that would support the application:

- There are currently no allocated sites in the County for management of the waste it generates.
 - PPS10 indicates that sites not previously identified should be supported where they are capable of complying with other policies.
 - Green waste composting is not out of place in a rural context.
 - The Environment Agency requires composting sites to be remote from other land uses, and would be the primary regulating body for such a site.
 - The site is not affected by any significant environmental designations.
 - The proposal is relatively sustainable and low key.
 - The site is capable of meeting the requirements of other UDP policies, and does not undermine the general approach and direction of the Plan.
- 1.5 The Head of Planning and Transportation is concerned that a refusal on the basis set out at the meeting may not be sustainable at appeal. There are balances to be had both within and between a range of policies. Similarly, appropriate weight should be given to the many other material considerations that pull in favour of the application. In addition none of the statutory consultees has seen fit to object to the proposal.
- 1.6 Accordingly the Head of Planning and Transportation has referred the application to this Committee for decision.

2. Site Description and Proposal

- 2.1 The application site lies 800m west of the A49 (T), approximately 6 kilometres north of Hereford. It comprises 2.0 hectares of agricultural land at Upper House Farm. The parish boundary between Burghill and Moreton-on-Lugg crosses the site at the point where the proposed access road would enter the development site.
- 2.2 The proposal is to construct an open windrow composting facility for treating garden cuttings collected at the household 'bring' sites currently located in Hereford, Leominster, Bromyard, Ledbury and Ross-on-Wye. No treatment of any other waste types is proposed as part of this application. The capacity of the site would be about 12,000 tonnes per annum and the development would comprise the following:
- Hardstanding process area (approximately 0.6 ha);
 - Portable cabin type office/welfare facility, 9.75m x 3.65m x 2.45m high;
 - Storage building, 20m x 15m x 5.5m high to eaves/7.5m to ridge, 3 roller-shutter doors;
 - Weighbridge;
 - Staff car parking providing about 4 spaces;
 - Ancillary infrastructure including a waste-water lagoon;
 - Landscaping, including two areas of soil mounding, for screening.
- 2.3 Access would be from the A49 (T), along a recently constructed track linked to a permitted sand and gravel extraction site on adjoining land at St. Donats Farm to the west. This now also forms the sole access to Upper House Farm and associated poultry units.
- 2.4 The proposed process is summarised from the submitted details as follows:
- Accumulated material at the Household Waste Sites would be transported to the site in closed vehicles and off-loaded into the reception area on the hardstanding;
 - The raw cuttings would be mechanically shredded and formed into a long pile up to 3 metres high - this is the first 'windrow';

- As this material started to ferment and break down naturally, it would be turned over to create the next windrow parallel to the first. This process aerates the compost, reduces odours and manages the temperature as the composting process produces natural heat.
 - Optimum temperature is maintained through monitoring and turning, in order to encourage microbial activity, eliminate weed seeds and pathogens and sustain the process;
 - The process requires moisture, and in dry conditions water may be added to the active compost;
 - Turning is repeated, creating consecutive windrows as necessary until the core temperature starts to drop, indicating the end of the process. This is estimated to take about 14 to 18 weeks;
 - The composted material would then be screened to remove any unwanted or over-large pieces. Woody material may be put through the system again, to reduce the unusable fraction that would need to be finally disposed of to landfill.
 - Finished compost would be bagged up and transferred back to the Household Waste Sites for sale to the public or other horticultural users as a soil improver;
 - The proposed hardstanding would be engineered to ensure that all run-off would be contained and directed into a sealed waste-water lagoon, constructed to Environment Agency specification and regulated by them as part of the whole site.
 - Roof water would be collected for re-use when required during the process.
- 2.5 The application was given the required publicity by press notice in the Hereford Journal on 30th July 2008; by site notice on 28th July 2008, and written notification of neighbours on 22nd July 2008. Amended proposals for the site layout were received on 14th September 2008, to take account of a 1:1000 year extreme storm event. The Environment Agency and the relevant Parish Councils were re-consulted, and all persons who had been previously notified or had made representation were re-notified, extending the public consultation period to the end of September.
- 2.6 Prior to making the application, the applicants requested a determination as to whether the development would fall within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Council's formal Screening Opinion was issued on 24th August 2007 and stated that a full Environmental Statement (ES) would not be required, since the scale of the proposal would fall below the specified thresholds. Nevertheless the submitted application, and subsequent further information, include full and comprehensive environmental assessments to the same extent and level of detail that would have been required if a formal ES had been necessary.
- 2.7 The applicant company has stated that prior to submission of the application, it held a public meeting and exhibition at Moreton-on-Lugg Village Hall on 16th and 17th May 2008 to explain the proposals and plans and engage in dialogue with neighbours. It went on to report that the event was publicised through local press advertisements and local notices, and between 80 and 100 visitors attended. The applicants undertook further investigations following comments received. This accords with the Council's Statement of Community Involvement.
- 2.8 The Sub-Committee resolved to make a site visit prior to consideration of the proposal and this took place on 19th August 2008.
- 2.9 The Planning Committee undertook its own site visit on 9th March 2009, going on to visit the applicant company's existing green waste composting site at Hill & Moor, Worcestershire on the same day.

3. Policies

3.1 National Planning Policy:

- PPS1 - Delivering Sustainable Development (January 2005)
- PPS7 - Sustainable Development in Rural Areas (August 2004)
- PPS9 - Biodiversity and Geological Conservation (August 2005)
- PPS10 - Sustainable Waste Management (July 2005)
- PPS23 - Planning and Pollution Control (November 2004)

Waste Strategy 2007 as amended from time to time.

3.2 Regional Planning Policy:

West Midlands Regional Spatial Strategy adopted June 2004

- Policy WD3 - Criteria for the Location of Waste Management Facilities

Emerging Policies W5, W6, and W7 in the phase two revision draft preferred options paper December 2007 as yet unadopted

3.3 Herefordshire Unitary Development Plan 2007:

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S6 - Transport
- Policy S7 - Natural and Historic Heritage
- Policy S10 - Waste
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR6 - Water Resources
- Policy DR7 - Flood Risk
- Policy DR9 - Air Quality
- Policy DR11 - Soil Quality
- Policy DR13 - Noise
- Policy DR14 - Lighting
- Policy E8 - Design Standards for Employment Sites
- Policy E11 - Employment in the Smaller Settlements and Open Countryside
- Policy E12 - Farm Diversification
- Policy E15 - Protection of Greenfield Land
- Policy T8 - Road Hierarchy
- Policy T11 - Parking Provision
- Policy LA2 - Landscape Character
- Policy LA3 - Settings of Settlements
- Policy LA5 - Protection of Trees, Woodlands and Hedgerows
- Policy LA6 - Landscaping Schemes
- Policy NC1 - Biodiversity and Development
- Policy NC2 - Sites of International Importance
- Policy NC3 - Sites of National Importance
- Policy NC5 - European and Nationally Protected Species
- Policy NC6 - Biodiversity Action Plan Priority Habitats and Species
- Policy NC7 - Compensation for Loss of Biodiversity

Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy ARCH 1	-	Archaeological Assessments and Field Evaluations
Policy ARCH5	-	Sites of Lesser Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy W1	-	New Waste Management Facilities
Policy W3	-	Waste Transport and Handling
Policy W9	-	Reclamation, Aftercare and After-use

3.4 Other Material Legislation and Policy Documents:

Conservation (Natural Habitats, &c) Regulations 1994 ['The Habitats Regulations']
 Natural Environments and Rural Communities Act 2006 ['The NERC Act']
 DETR Circular 03/99 Planning requirement in respect of the Use of Non-Mains
 Sewerage incorporating Septic Tanks in New Development
 Herefordshire and Worcestershire Joint Waste Management Strategy 2004-2034
 Waste Strategy 2007
 Herefordshire Council Corporate Plan 2008-2011
 Community Strategy for Herefordshire 'A Sustainable Future for the County' –
 Herefordshire Partnership, 2006

4. Planning History

- 4.1 There is no planning history affecting the specific site. However, relevant matters include DCCW2001/3139/M dated 23rd September 2004 for construction of the access road from the A49(T), about 500m of which has been completed (as far as the existing poultry units) and approved by the Highways Agency. This permission is linked to planning permission reference DCCW2001/3140/M to extract sand and gravel at St. Donats Farm, also granted on 23rd September 2004 but not yet commenced.

5. Consultation Summary

Statutory Consultations

- 5.1 Environment Agency: No objection in principle, subject to recommended conditions being imposed. Three response letters from the Agency are summarised as follows:
- Initial response: Further clarification requested on proposed foul drainage for the washing facilities in the proposed building, and flood protection. Groundwater protection measures deemed adequate; confirmation that the site would be regulated through an Environmental Permit issued and controlled by the Agency.
 - On the subsequently submitted Odour Assessment: Noted that no specific risk assessment is actually necessary since there are no 'Sensitive Receptors' within 250m of the site. The report nevertheless addresses the relevant matters and is considered acceptable. Comment that the development would be subject to an Environmental Permit and therefore controlled by other legislation than planning. Proposals for a sealed drainage system and storage lagoon to collect all run-off area are acceptable. 'We are satisfied in principle that significant impacts from an air quality perspective are unlikely to be experienced and that any risks can be satisfactorily mitigated'.
 - On proposals for minor amendments to enlarge the proposed run-off storage lagoon: Noted that the original proposal was perfectly adequate, but the design amendment to accommodate an extreme 1-in-1000-year flood event + climate

change is welcomed. The design of the lagoon and surface water management proposals would prevent any risk of contamination to the water environment including groundwater and the surrounding watercourses which ultimately drain into the River Lugg SSSI/SAC'.

A more detailed examination of the Environment Agency's views and role can be found in paragraphs 7.33 to 7.41 of the appraisal below.

- 5.2 Natural England: Advice given on the requirements of Regulation 48 (1) (a) of the Habitats Regulations, regarding any possible impact on the River Lugg SSSI/SAC. Notes that the site would be engineered to Environment Agency specification and therefore adverse effects are unlikely, especially given the distance and existing barriers between the application and the River Lugg. However, evidence is required as to why an Appropriate Assessment under the Habitats Regulations would be unnecessary. On request for further information, the applicant has provided a Screening Matrix showing how and why there would be no significant impacts. Natural England accepts the findings and therefore has no objection. Further detail on this is given in paragraph 7.32 below.
- 5.3 Highways Agency: 'Although [the development] will result in a slight increase in HGV and agricultural movements we are satisfied that this should not have any further detrimental effect on the free-flow and safety of the A49. The recently improved access meets Highways Agency (HA) standards.' Following comments by objectors that this stretch of the A49 is subject to numerous traffic accidents, the HA was consulted again on highway safety implications with a request to look into the case in more detail. Nevertheless, the original comments of 'no objection' and 'no conditions recommended' are maintained. Paragraph 7.22 refers to this further.
- 5.4 River Lugg Internal Drainage Board: The site lies outside (but adjacent to) the Board's area of jurisdiction, although the development could have an indirect effect. The development should therefore fully comply with the drainage details in the supporting statement of the planning application, to at least the 1:100 year standard + 20% for climate change.
- 5.5 Herefordshire Primary Care Trust: Were consulted in accordance with PPS10, with regard to any possible health risks from the development. The response from Dr. D. Kirrage, Director West Midlands Health Protection Unit, is summarised as follows: '*I have obtained comments from colleagues in the Chemical hazards and Poisons Division, to whom I forwarded the planning application. Their view is that a well run and maintained compost facility would not pose a significant risk to public health from bio-aerosols. This is in line with currently published available research. We also agree on the safe distances of sensitive receptors put forward by the Environment Agency. This application will be subject to Environment Agency control and since the PCT is a statutory consultee in the permit process we will have a further opportunity to comment at that stage*'. No concerns or objections are raised. Paragraphs 7.37 – 7.40 give more details about health issued.

Internal Council Advice

- 5.6 Head of Environmental Health and Trading Standards:

Environmental Services Manager: No objection; submitted noise assessments show the impact would be negligible or lower than current background noise. However, restrictions should be placed on the hours in which deliveries may occur. Odour

impacts are unlikely to be significant enough to warrant objection, given that the nearest residential property is more than 600m away. On airborne microbes, the Environment Agency advises that 250m is a safe distance so can see no reason to object on these grounds. Conditions recommended for a scheme to prevent release of litter, dust and loose material.

Regulatory Services Manager (Animal Health and Welfare): No problem exists with livestock being in the vicinity of this type of facility provided there would be no direct physical contact with the compost or access to the composting area. No objection.

5.7 Drainage Engineer: A suitable programme should ensure regular monitoring of the proposed lagoon to prevent overspill. No objection in principle.

5.8 Traffic Manager: No objections in principle, initial request for further information on wider use of the highway network as a result of the development. On the figures subsequently provided by the applicant, it is clear that there would be a net overall reduction in HGV movements and therefore no objections are raised or conditions recommended. There would be no requirement for a S106 contribution to highway maintenance. The A49(T) is regulated by the Highways Agency.

5.9 Conservation Manager:

Landscape Officer -The applicant has assessed the landscape as dominated by mixed agricultural uses and hedgerows, with a diverse scale and pattern. This site has a capacity to accommodate change and is not affected by any statutory or local designations. The site is only visible in limited middle distance views and there is no immediate public vantage point. Standard landscaping conditions recommended.

Planning Ecologist - Notes that the submitted Ecological Report found no designated sites or protected species would be affected by the proposals. Welcomes the recommendations for mitigation and habitat enhancement. Also notes the Environment Agency is satisfied that adjacent watercourses would not be affected. Discussions with Natural England concluded that the River Lugg/River Wye SSSI/SAC should also not be affected. No objections raised, subject to conditions to secure the proposals made in the application.

County Archaeologist: The archaeological sensitivity of the area is high. The preliminary field evaluation indicates a number of features of archaeological interest, and given the nature and scale of the development the impact is likely to be moderately severe. However, it is possible to mitigate any damaging effects through an investigation prior to and during development works and the employment of an appropriate foundation design. Consequently no objections are raised, subject to suitable conditions being imposed. It is noted that the revision to the proposed lagoon to 1:1000 year + climate change standards would involve less archaeological disturbance.

5.10 Public Rights of Way Manager: The proposal would not appear to affect the two public footpaths closest to the site, BX42 and MU2; the nearest points on these paths being 285m and 585m respectively. Noted that site management would be regulated by the Environment Agency, therefore no objections in this regard.

5.11 Forward Planning Manager: The proposal would:

- Help deliver sustainable development by diverting waste from landfill;

- Start the process of Herefordshire taking responsibility for its waste;
- Contribute to Landfill Directive targets;
- Contribute to the Herefordshire and Worcestershire Waste Strategy 2004-2034, which supports a single centralised composting site. However green waste might also be treated at small-scale community-based sites.
- Possibly conflict with some UDP and emerging RSS policies, requiring further consideration.

5.12 Waste Services Manager: Paragraph 3.10 of the adopted Joint Municipal Waste Management Strategy supports the principle of a single centralised green waste composting site in Herefordshire.

6. Representations

6.1 The Parish Councils of Burghill, Moreton-on-Lugg, Marden, Pipe & Lyde and Wellington were consulted; their responses are summarised as follows:

6.2 Burghill Parish Council: Objection on the following grounds:

- a) Location - this is a green field site; we are not convinced other brownfield sites have been considered.
- b) Visual impact - this is good arable land and the proposal would be contrary to UDP policies.
- c) The lagoon will not be safe or protect watercourses from contamination.
- d) Health & safety - We do not believe bioaerosols would be limited to 250m.
- e) Odour - all the technical evidence given by the applicants means nothing.
- f) Noise - shredding machinery will be heard over a wide area.
- g) Highways - figures given do not take into account peak seasonal green waste refuse, farming activities and the start of quarrying. The A49 is particularly busy and there have been numerous accidents and a fatality.
- h) Tourism - the economy of this small rural area would suffer because of the proposed site's proximity to a caravan and camping site.

Following this itemised list, the response continues with 'the safety of these sites is not proven and other sites have been closed, operations suspended and questions asked in Parliament. The Parish Council cannot understand why the Planning Department is not exploring in-vessel management of green refuse at Wharton Bank' [sic].

6.3 Moreton on Lugg Parish Council: Is opposed to this proposal on a number of grounds:

- a) The development is on good quality agricultural land.
- b) There has been no serious attempt to find alternative sites on brownfield land;
- c) The Parish Council objects to the increased traffic generated.
- d) There is a lack of consensus on the effects of bioaerosols. Objections on grounds of pollution from dust, spores and odour.
- e) Ecology -further clarification of the proposed lighting is necessary.
- f) The Parish Council does not agree that the proposals for dealing with stormwater are adequate.
- g) There is a complete lack of risk assessment.

6.4 Marden Parish Council: The Parish Council supports the response submitted by Moreton-on-Lugg Parish Council, adding that the report is complacent about impacts on the local environment and road safety. There should be a condition banning the movement of hgv's through Moreton-on-Lugg towards Marden.

6.5 Pipe & Lyde Parish Council: Unanimously oppose the proposal:

- a) Increased traffic on the A49 – many accidents occur on this section of road.
 - b) Environmental issues – including noise pollution, smells, pollution of watercourses, air contamination from spores, flies, insect and rodents.
 - c) The use of the site for 362 days per year would bring no respite to residents.
 - d) At least 1 hectare of valuable farmland would be lost.
 - e) A more rural and remote site should be found, close to a better road infrastructure.
- 6.6 Wellington Parish Council:
- a) Traffic increase is of paramount concern;
 - b) Possible problems from odour and spores;
 - c) Risks to wildlife and of water pollution;
- 6.7 Holmer & Shelwick Parish Council: strongly objects to this proposal:
- a) Transport movement figures ignore seasonal peaks, farm and quarry traffic;
 - b) The A49 is particularly busy, with numerous accidents and a fatality;
 - c) The proposed extra traffic would increase the risk of accidents.
- 6.8 Fifteen letters of objection from local residents were received after the public exhibition held by the applicants in May 2008 but before the planning application was made. All of these express fears about air quality and smell. Other points raised include concerns about noise, traffic, health risks from spores, and possible effects on wildlife, water supplies and people with respiratory diseases. Suggestions that the site should be elsewhere.
- 6.9 Since the application was made and publicised, 111 letters and emails of objection have been received, including several long and detailed letters. Of these, 25 are duplicates or additional letters from existing objectors. Many people have also sent multiple copies of their objection letters to Bill Wiggin MP, their parish council, senior officers of Herefordshire Council and the Environment Agency. These copies have been forwarded to the planning office. Protest posters were distributed by objectors and a petition collected at Moreton Stores containing 53 names.
- 6.10 Following notification of the submitted amended site layout plan to take account of a 1:1000 year extreme flood event, 40 further letters of objection have been received, mainly from residents who had already made representation. Burghill, Moreton-on-Lugg and Marden Parish Councils have commented but did not wish to raise any new points.
- 6.11 On 31st October 2008 another petition was presented to the Full Council meeting. It contains 593 signatures from people who strongly object to the proposals. No reasons are given for the objection.
- 6.12 The views expressed by all the objectors are generally consistent, mainly expressing concerns relating to traffic/road safety, odour nuisance, health risks from spores, drainage, noise, and the principle of using greenfield agricultural land. The most common points are summarised as follows, in no particular order:

Pollution & health

- Leachate will carry any pollutant into the River Lugg.
- Spores will have a devastating effect on wildlife.
- The spores will spread over a wide area, affecting Hereford and Leominster.
- Investigations into the effects of aspergillus spores are incomplete.
- There would be a significant health risk: Life-threatening respiratory problems are possible.

- Not enough is yet known of the risks to health in the long term.
- The Council has a duty to protect local residents from dangerous pollution.
- Many of these sites have continuous problems with odour.
- The smell, flies and dust will cause breathing problems.
- We already have a lot of flies and the thought of more fills me with dread.
- Concerns about the regular smell and bioaerosols.
- The smell will be intolerable; we will have to stay indoors.
- The prevailing wind will blow any smells towards the village.
- Private water supplies will be affected by pollution.
- The site is too close to residential properties.
- The site will be illuminated; there will be lights blazing for probably 24 hours per day.
- We will be unable to plant apple trees on the field next to the site.

Social/economic impact

- This facility will be detrimental to local businesses.
- This will be close to the largest centre of population between Hereford and Leominster.
- This proposal is not in the best interests of our village.
- The site lies over an Iron Age/Roman settlement.
- The Council has no regard for this county's heritage.
- Tourism will be badly affected.
- The attraction of Moreton Business Park will be decreased.

Traffic

- Traffic noise and danger will worsen.
- There have been four deaths within one mile of the new road access.
- This stretch of the A49 is very dangerous.
- The vehicle movements table shows a total of 28 trips. The truth would be 152 movements per day, close to one traffic movement every 4 minutes.

Strategic and siting principles

- The Council should encourage household composting and reduction of waste;
- There is spare capacity at Wharton Court to process waste under cover.
- This project should be on Rotherwas Industrial Estate.
- The proposal includes bringing waste from Worcester; a site should be found on the boundary of the two counties, at least 1500 metres from any community or work place.
- Sites should be on brownfield land, not open farmland. There has been little or no attempt to find such a site.
- Shocked that the Council would consider spoiling the landscape further when there are dedicated areas to house this sort of facility.
- The site is adjacent to a SSSI.
- Mercia Waste Management have held back on making an application to hold the Council to ransom and force the application through.
- There is no policy to require one large composting facility.
- Open composting is yesterday's technology.
- Outrageous that good farmland would be covered with concrete.
- The current facility for composting green waste at Hill & Moor near Pershore would close within two years.

- 6.13 A number of letters have drawn attention to possible alternative technologies, and sites near Leominster and at Rotherwas. The local planning authority may only consider alternatives to the proposals in exceptional circumstances, when such alternatives can be a material consideration. For the avoidance of doubt these points will be clarified at paragraphs 7.42 – 7.46.
- 6.14 The full texts of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

7. Officer's Appraisal

- 7.1 This proposal also requires an Environmental Permit from the Environment Agency - which could only be granted if the site were capable of complying with the appropriate Regulations. The Agency would control the whole site with full enforcement powers. The applicant has stated that in order to ensure compliance the site would be operated to PAS100 (2005), the publicly available specification for Composted Materials. This sets out standards of operation and monitoring to ensure that the material is safely and adequately treated. The site could not be operated if compliance was not achieved.
- 7.2 On this basis, Committee Members are invited to determine the application entirely on its planning merits. In this regard, the main issues for consideration are:
- Principle of the development;
 - Site choice;
 - Land use policy issues;
 - Access and traffic;
 - Drainage and flood risk;
 - Landscape and visual impact;
 - Lighting and noise;
 - Archaeology;
 - Biodiversity;
 - Environmental Considerations;
 - Alternative sites and other matters raised by objectors.
- 7.3 As with any proposal, this application must be determined in accordance with the provision of the current Development Plan, unless material considerations indicate otherwise. PPS10 is in force and is a key consideration; the waste element of the Regional Spatial Strategy (RSS) is relevant but under review; the Herefordshire Unitary Development Plan 2007 (UDP) remains in force but is also under review with the preparation of the Core Strategy for the Local Development Framework (LDF); the waste section is at a very early stage.

Principle of the development:

- 7.4 The application explains that the Waste Strategy 2007 translates EU legislation into UK requirements, currently seeking significant reductions in the amounts of waste going to landfill in stages, by reducing the amounts sequentially until 2020 using a baseline of 1995 published figures. The regime sets reducing quotas for the amount of biodegradable waste allowed to landfill, and corresponding increases in landfill tax expected to rise to £48 per tonne by 2010. Waste collection and disposal is commonly contracted-out to private companies, but these costs are ultimately borne by the public purse. Although seasonally variable, garden waste is bulky and comprises a high proportion of the annual amount of municipal waste. Therefore there is a strong need to divert this waste from landfill. Some householders manage their own garden waste

through home composting, but demand at household waste sites nevertheless outstrips capacity. Currently Herefordshire's garden waste is transported out of the county, nominally to the applicant's existing composting site at Hill & Moor near Pershore, although excess material is taken under licence to sites at Dymock (Gloucs), and Abergavenny, and some is still landfilled. Through the current national Waste Strategy and the Regional Spatial Strategies, government advice encourages

- Mileage reduction on the wider highway network;
- Counties to be more self-sufficient, and
- Householders to reduce all types of waste generation.

However, particularly since new housing tends to have limited amenity space, officers accept that the likelihood of a zero-requirement for the disposal of garden waste is remote and on balance the proposed development is considered necessary.

- 7.5 The applicant states the site's capacity would be up to 12,000 tonnes of green waste per year. This is approximately double the current production levels, which the applicant estimates will rise to capacity by 2028. The application proposes initially utilising spare capacity by supplementing Herefordshire's garden waste from the nearer areas of Worcestershire. On enquiry, the applicant company has clarified that it *'expects to continue operating the Hill & Moor composting facility until the end of its contract in 2028 or such other time as is negotiated. Present arisings in Herefordshire are some 7,000 tonnes per year, ... estimated to grow to around 12,000 tonnes per year by 2027. In the early years MWM may wish to divert some green waste from Worcestershire to make use of the surplus capacity and relieve pressure on Hill & Moor'*.
- 7.6 The applicant has supplemented the details given in the application on the chosen process type, stating: *'Open Windrow Composting (OWC) is the UK's most proven and widely used technology (by an enormous order of magnitude) for the management of green [garden] waste. The most realistic [other technologies] are Anaerobic Digestion (AD), In-Vessel Composting (IVC) and Landfill. Of these, Landfill is no longer an option. AD requires high moisture and is better suited to process food/kitchen waste and sewage sludge. It is not suitable for the exclusive treatment of green garden waste and therefore such an installation would require the additional importation of other waste types [and] significant investment in built infrastructure and equipment'*. The applicant believes that IVC would require specific segregated wastes in a form not currently collected in Herefordshire, necessitating strategic changes which would affect Herefordshire and Worcestershire's joint arrangements. The applicant points out that the household 'bring sites' already accept suitable green waste so no new infrastructure investment would be necessary at those sites. With different techniques this would not be the case, and significant investment would be necessary at the source/collection sites as well as the treatment site. Officers accept the arguments put forward by the applicant as valid and reasonable. OWC is a traditional, sustainable, well-proven, low-key technique with relatively little resource demand. The process is natural and organic and does not require sophisticated chemical or physical support to ensure air quality.
- 7.7 PPS10 explicitly dropped the concept of Best Practical Environmental Option (BPEO), although it survives to some extent in the Companion Guide, under the term 'Sustainability Appraisal'. RSS policy WD3 and UDP Policy S10 refer to it but PPS10 postdates them. In the interests of clarity, the applicant has on request assessed the extent to which the proposal would accord with the three principles that would have applied under BPEO, namely the Waste Hierarchy, the Proximity Principle and the contribution to regional/local self-sufficiency. The assessment states that the site scores well on all counts, as follows:

- It would contribute to waste reduction, recycling, and diversion from landfill.
- It would be central in the county, close to a major road, and between the main population centres of Leominster and Hereford.
- It also scores well in the context of current shipping arrangements to sites at Hill & Moor, Abergavenny and Dymock.
- It would assist Herefordshire's progress towards self-sufficiency on waste.

7.8 In relation to the principle of the development proposed, your officers consider that this matter is satisfactorily addressed by the application.

Site choice:

7.9 Consideration is focussed on four elements:

- a) Whether there should be one centralised site or several smaller more local ones;
- b) Alternatives considered and reasons for their rejection;
- c) Special site requirements, including the need to be remote from other land users;
- d) Characteristics of the chosen site.

(a): Supported by the current Joint Waste Management Strategy, the applicant company is committed to the provision of a single site in this county for treating collected green garden waste in accordance with European, national and regional requirements to reduce landfill. On the merits or otherwise of preferring a series of smaller local sites, the applicant company has argued on economies of scale, in terms of delivering a public service where value for money is a prime consideration. The applicant points out that current and emerging waste management legislation supports a single site as the only practical solution. In the applicant's view, multiple sites would each generate exponential overhead costs in terms of planning requirements, Environmental Permit fees, transport, and investment in plant and equipment. Each site would have to satisfy locational, operational and environmental requirements. Such multiple sites would all need to be available and operational simultaneously. Officers agree that the long-term difficulties expressed by the applicant in the search for one suitable (and available) site suggest that the likelihood of success would be remote. In addition, the applicant company has expressed serious concerns about the feasibility of sub-contracting site management to third parties such as Parish Councils, given the responsibility to operate to very strict environmental standards and the licensing requirements of the Environment Agency.

(b): Section 3.14 of the applicant's Supporting Statement pays particular attention to the fact that the search for a suitable composting site started in 1998, when the strategic commitment to open windrow composting on one site was established. The applicant has investigated 21 other sites since that time, setting criteria as to site requirements including nearby sensitive receptors, flood plain/drainage, landscape, heritage, biodiversity, viability, availability, access, and general proximity to Hereford as the main source of green waste (within about 16 km). This is the first site considered that the applicant has deemed suitable and available. Although committed to one site and to this type of composting, the applicant company has set out its considerations and offered sound reasons why other alternatives were not pursued. For information, the applicant's submitted search criteria and details of sites considered are appended at the end of this report.

- (c): The Environment Agency (EA) would be the regulating body, and therefore responsible for controlling air quality and health issues. However in land-use terms, the local planning authority needs to be satisfied that there would be no adverse environmental effects. The Agency only requires a full Risk Assessment if a composting facility is proposed within 250 metres of other land users ('sensitive receptors', i.e. dwellings and workplaces). Whilst not prohibiting lesser distances, a sound preference for greater separation is implied. The proposal is well in excess of 250m from any sensitive receptors. These points are considered further in paragraphs 7.37 to 7.40 below.
- d): In the applicant's view, the site fulfils a number of specific criteria; in particular that it is situated centrally in the county between the two main population centres of Hereford and Leominster; it is close to the A49(T) with an approved and existing new access, but not visible from it; it lies well beyond 250m of any other land users; it is not in a flood plain or affected by any designations; and it is not overlooked by any other property except from a minimum distance of 650m.

7.10 In relation to site choice and related criteria, your officers consider that this matter is satisfactorily addressed by the application.

Land use and policy issues:

- 7.11 The site comprises previously undeveloped agricultural land in open countryside. However, land-use considerations in this case are far from simple. Section 3 of this report gives details of a long list of relevant policies. Some are currently either under review or outdated, and the relationships between land use types and the definitions of waste and treatment processes are indistinct. Given these circumstances a detailed analysis of the most important policy considerations is set out below.
- 7.12 **PPS10: Sustainable Waste Management**, is a key consideration for this application, and the requirements of this national policy are also dealt with in other sections in this report, notably those on the principle of the development and environmental considerations. In particular, Paragraph 5 of PPS10 stresses that in determining planning applications local authorities should:

- Note that controls under planning and pollution control regimes should complement each other and avoid conflicting conditions;
- Work effectively with pollution control authorities;
- (Crucially) regard the policies in this PPS as material considerations which may supersede local development plan policies where these have not yet been reviewed to reflect PPS10.
- Avoid refusal of planning permission on grounds of prematurity.

The Companion Guide to PPS10 makes it clear that proposals on sites not previously allocated for waste management facilities should not be lost on that basis, provided they can comply with PPS10 and current local policies. PPS10 therefore requires a favourable consideration where proposals accord with policy, taking into account:

- The extent of policy support;
- Physical and environmental constraints;
- Cumulative effects including any significant adverse impacts on environmental quality, social cohesion and economic potential;
- The capacity of infrastructure to accommodate the movement of waste;
- Prioritisation of the re-use of previously developed land.

This last point depends upon issues of availability and suitability, bearing in mind the particular circumstances of any proposal. In this case, the site-search points highlighted in section 7.9 above are relevant, along with the table in the appendix. PPS10 makes it clear that a well-managed site should pose little risk to human health; this site, if approved, would be fully regulated by the Environment Agency and could not operate without the Agency's support. On pollution control, paragraph 32 of PPS 10 states: *'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where [it] requires a permit from the pollution control authority. In some cases however, it may be appropriate to use planning conditions to control other aspects of the development.'* Where appropriate therefore, such planning conditions are recommended, bearing in mind the need to avoid duplication.

7.13 **PPS7: Sustainable development in rural areas**, is also relevant to the determination of the application. Its key principles for development in rural areas are mainly concerned with buildings and conventional uses, focussing on sustainability and an integrated approach, including social inclusion, environmental protection, prudent resource use and economic growth. In the wider context, the proposal would be supported by several of these points; in terms of improving sustainable waste management for the community as a whole, the fact that operation of this type of composting site does not require major resource input, and because the process would be subject to very strict environmental controls. Objectors have raised concerns that the proposal would harm the existing local economy and tourism, including the camp site at Cuckoos Corner. Their concerns are expressed in terms of visual impact, health and air quality issues, noise and traffic implications which, in their view, would deter potential customers. They have also criticised the use of previously undeveloped agricultural land. These points will be considered separately in the following paragraphs, however PPS7 recognises the need to use agricultural land for other purposes in certain circumstances, provided the lowest grade available is chosen and any adverse effects can be minimised.

7.14 **Regional Spatial Strategy (RSS):** Members will be aware that the RSS is currently under review. However Policy WD3 – 'Criteria for the location of waste management facilities', is currently the principal relevant regional policy. Paragraph A includes a requirement for development plan policies and proposals to:

1. 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.....
2. Wherever possible be consistent with the principles of Best Practicable Environmental Option (BPEO).....

As noted above in paragraph 7.7, the BPEO principle has since been superseded in PPS10 but it has nevertheless been applied to the proposal and found supportive. On proximity, the applicant states that the site would be closer to the main sources of garden waste than either the current destination near Pershore or the overflow facilities in Wales and Gloucestershire, with easy access to the county's primary highway. Paragraph B of RSS policy WD3 includes the requirement that *'consideration should be given to the potential advantages of making provision for waste management in the form of small scale facilities that may be more integrated into the local setting'*. However, this policy does not explicitly give precedence to this so, provided the applicant has considered multiple sites as an option, the principle of one site for Herefordshire may be acceptable. The applicant has explained why

numerous smaller sites would be inappropriate in this case (see paragraph 7.9 above, and appendix). From a regional strategic perspective, the proposal site would be on a smaller scale and would increase the site count compared with the single existing Worcestershire facility serving both counties. Policies emerging from the RSS review process may introduce more specific requirements but cannot be relied upon at this stage. However a review of draft policies W5, W6 and W7 suggest that the proposal would be capable of compliance.

7.15 Herefordshire Unitary Development Plan 2007 Policy S10: Waste, requires proposals to conform to BPEO. As noted above, the proposal would be compliant. The rest of this policy relates to adequate mitigation, reclamation of the site and sustainability. The appraisal that follows will assess these matters.

7.16 Herefordshire Unitary Development Plan 2007 Policy W1, New Waste Management Facilities, qualifies the type of development that it covers as: 'Planning applications for new waste management facilities which do not fall into Class B1 or B2.....'. A composting place involving vegetable matter is considered to be B2, as are almost all waste treatment processes. W1 is the only policy specific to waste treatment, which means that, apart from Policy S10 the UDP's waste policies would not generally apply to waste treatment proposals. Waste transfer would however be caught by policy W1 as this is regarded as separate activity (*sui generis*) and not B2. The proposal is for a combination of treatment and transfer and thus can be assessed against policy W1 to some extent. This policy uses a complex process of sequential primary and secondary constraints; the preamble states:

- (Paragraph 12.4.4) '*planning applications for waste management facilities affected by any one of the [primary] constraints will not be permitted whilst there is still other less-constrained land available ... unless the specialised nature of the facility constitutes a material consideration sufficient to override the constraint*'.
- (Paragraph 12.4.6) '*other than in the exceptional circumstances set out in policy W1, planning applications ... incurring two or more ... secondary constraints will not be permitted unless any adverse environmental, economic or social impacts can be satisfactorily mitigated*'.

It remarks that where just two secondary constraints apply, then both the exception clauses noted above also apply. In this case, Natural England have said that the River Lugg SSSI/SAC would not be affected by the proposal due to the site design and separation distance, and the site is thus not affected any of the listed Primary Constraints. Two Secondary Constraints apply:

(a) *4. Archaeological sites of lesser Regional or Local Importance;*

The initial archaeological investigation indicates good Romano-British settlement evidence, however the Archaeological Advisor is satisfied that it is not so important or rare that it should be preserved in situ, and that mitigation in the form of a structured scheme of investigation would be acceptable since it would increase local knowledge of historic occupation layers. This is discussed in more detail in section 7.30 below.

(b) *7. Best and most versatile agricultural land (BMV land)*

The application identifies the site as nominally Grade 2 land based on the 1966 MAFF classification maps (revised guidance issued 1988). Cranfield University National Soil Resources Institute's more detailed 1999 study indicated that local soils would be highly unlikely to achieve grade 2, due to impeded drainage on Herefordshire clays. The MAFF maps are not intended to be site-specific, and it is for developers to demonstrate individual site quality through surveys. Objectors

have challenged the proposed use of quality farmland so, to avoid further speculation, the applicant was asked to undertake a physical survey of the site to establish the precise soil quality grade. Reading Agricultural Consultants' subsequent report dated 18 September 2008 describes 4 samples taken in accordance with approved guidelines, concluding a predominance of '*slowly permeable and seasonally waterlogged ... brown clay and silty clay topsoils*'. It concludes that the entire site of 2 ha is grade 2 type but restricted to grade 3a due to impeded workability caused by the clays. It should be noted that if the waste management contract changed, or if composting were to permanently cease, the site could be restored and returned to agricultural use and therefore not be permanently lost.

Objectors have suggested there would be conflict with a third W1 secondary constraint, on visual impact. However the wording of this constraint specifically refers to possible impact on the established landscape character of the area rather than individual perceptions of visual impact. This point will be considered further under paragraphs 7.24 - 7.26 below. Notwithstanding the above, officers feel that the specific site requirements, the special circumstances, the lack of suitable alternative sites, and the fact that the site would be regulated by the Environment Agency under stringent environmental legislation, would in any case override policy W1 since both exception clauses would apply.

- 7.17 **Herefordshire Unitary Development Plan 2007, Policy E11 Employment in the smaller settlements and open countryside:** Waste management proposals not covered by policy W1 are considered as for any other B2 industrial proposal, although in this case officers regard W1 as partially relevant. Policy E11 is primarily concerned with conventional, industrial, employment-generating proposals in rural areas. The specialised nature of the proposal and the pressure from European and national legislation to reduce waste going to landfill and reduce greenhouse gas emissions, combined with the specific site requirements (including essential isolation from neighbours), are considered material considerations that override this policy. Policy E11 also refers to Policy E12, Farm Diversification, and officers consider that the proposal would accord with E12 because the farm would remain operational as an agricultural unit.
- 7.18 **Herefordshire Unitary Development Plan 2007, Policy E15 Protection of greenfield land:** The preamble states that greenfield land '*should not be developed before opportunities have been assessed ... on previously developed land and on land within the boundaries of urban areas*'. The policy presumes against development of such land but allows for flexibility if (a) no suitable brownfield/urban sites exist, or (b) there is an established need to develop agricultural land and the poorest possible quality is chosen. The applicant's efforts to identify other suitable sites for a centralised composting facility have been considered in paragraph 7.9, whilst agricultural land quality policies and principles have been considered in paragraph 7.16. The need for separation from other users suggests that the likelihood of finding a suitable, available, remote, urban brownfield site that would fulfil other requirements (including access and proximity) is extremely doubtful. Officers do not consider that the loss of 2 ha of land would be strategically significant, and the Environment Agency and the Council's Animal Health and Environmental Health Officers have confirmed their view that the development would not jeopardise the use of adjoining land. The applicant suggests that composting is a process 'akin to agriculture' not out of place in an agricultural setting; that the project would need to be located on open land away from homes and workplaces; and that the lowest quality land available has been chosen. Therefore in your officers' view there would be no conflict with Policy E15.

7.19 Whilst some policies do not entirely support the proposal, officers feel there is no outright conflict and recognise that the special site requirements dictate a need for open land more than 250m away from existing dwellings, settlements and businesses. The proposal site does not conflict with UDP Policies S10, E15 or W1, and the combination of adequate mitigation, need and exceptional circumstances mean that UDP policies can be complied with or are overridden by other material considerations. As noted in paragraph 6.12, PPS10 takes precedence where regional and/or local policies are open to debate or subject to review. National and Regional strategic policy support the principle of green waste composting provided environmental and other matters can be accommodated, which will now be considered.

Access and traffic:

7.20 The A49 trunk road falls under the jurisdiction of the Highways Agency, not the local authority. The application explains that the new access and junction with the A49(T) meets Highways Agency (HA) specifications. It relates to an unconnected planning permission to extract gravel on land at St. Donats Farm to the west, which has not yet begun. The proposed composting site would be immediately adjacent to the gravel pit and, under licence, would use the same access - which also now serves Upper House Farm and its poultry units and replacing the previous farm access where visibility was less clear. The projected traffic figures given in the application are based on capacity use at peak periods in late summer and therefore may be regarded as a likely maximum. Daily trip generation is predicted at up to 14 in and 14 out, whilst at other seasons the movements would be substantially fewer. Data provided from the DfT traffic monitoring points at Holmer and Wellington indicate (2007/8) existing average daily vehicle flows of between 10,000 and 13,000 vehicles, of which about 7-10% are HGVs, i.e. approximately 1,000 per day. The projected maximum traffic to be generated by the proposal would thus represent very broadly about 0.28% increase on the total traffic and 2.8% increase on HGV traffic. The Traffic Manager requested that the applicant provide a breakdown of the likely effects of the proposed development on the wider highway network beyond the A49(T). The applicant's response points out that in detail the movement and management of green waste is dynamic and not fixed, therefore all figures are indicative. However Table 1 shows the applicant's comparison of the recorded 2007 tonnage, load numbers and vehicle mileage with (a) the actual position of taking the material to different destinations, (i.e. a combination of Hill & Moor, Leominster, Dymock and Abergavenny), (b) the default scenario of taking it all to Hill & Moor, and (c) the future scenario of delivering it to Upper House Farm if permission is granted. The results indicate a variable but significant saving of mileage and benefit to the wider highway network.

7.21 **Table 1:** The applicant's submitted actual and projected total mileages as applied to the 2007 figures:

<i>Destination/s</i>	<i>Tonnes</i>	<i>No of Loads</i>	<i>Miles</i>	<i>Difference compared with the proposal</i>
(a) 2007 actual figures	6896	741	19,935	2,178.8 more miles than the proposal
(b) Default – if all delivered to Hill & Moor	6896	741	53,733	35,977.0 more miles than the proposal
(c) Upper House Farm (projected)	6896	741	17,756	

7.22 In response to the concerns of many objectors about road safety issues on the relevant stretch of the A49(T), the Highways Agency was consulted again, and asked to look at the case in more detail, taking into account the cumulative use of the access.

The Agency's further response states that:

- A recent study shows a speed restriction at Moreton on Lugg would not be appropriate and could not be justified;
- This stretch of road has not been highlighted in the Area Annual Accident Cluster Site Report;
- The nearest accident incidents were at Wellington and Lyde;
- The new junction has been safety-audited.

Further details on accident records were also obtained from the Traffic Manager: these show that in data-searching a stretch of the A49 700m either side of the new access, 6 'injury collisions' were recorded between 2004 and 2007, one of which occurred in Moreton-on-Lugg village and thus off the A49. The Police Accident Reports categorise all of the injuries as 'slight'. The Traffic Manager has confirmed that according to the details no fatalities have been recorded within the search area in recent years; historical data shows one fatality in 1984 and another in 2002. Based on the available evidence, no objections are raised or conditions recommended by either the Highways Agency or the Traffic Manager.

7.23 Officers do not believe it would be reasonable (or lawful) to prevent the legitimate use of the public highway. The applicant has nevertheless volunteered to ensure there would be no use of minor roads, since all vehicles would be travelling to and from the fixed points established by the Household Waste Sites around the county. The estimated additional maximum 28 daily vehicle movements generated by the proposal would represent a small increase in the context of A49 traffic, however the new junction accords with the Highways Agency's requirements for this level of traffic. The applicant has confirmed that all waste transported in connection with this proposal would be contained in sealed vehicles and a condition is proposed to secure this, in order to prevent any risk of danger to other road users from the transport of the waste. On the basis of the submitted evidence, further details, and consultee responses, officers are satisfied that on this aspect the application is acceptable and would not conflict with Policies DR3, W3 and T8 of the Herefordshire Unitary Development Plan 2007.

Landscape and visual impact;

- 7.24 The application refers to national and local landscape character assessments. At national level the site is said to be within 'Herefordshire Lowlands', and in the Herefordshire Landscape Character Assessment (adopted 2004) as within 'Principal Settled Farmlands', typified by dynamic mixed farming with a variety of vegetation and field types and subject to change. Paragraph 9.2.14 (page 99) of the submitted Supporting Statement describes the site as flat, low-lying arable land bounded by hedgerows and trees, with perimeter drainage ditches. The proposal would occupy a substantial part of an existing field. To the south and west the ground rises gently, while to the northwest it rises distantly but more steeply towards Canon Pylon. The valley of the River Lugg lies to the east.
- 7.25 The application assesses the visual context through the limited number of receptors, concluding that most views towards the site would be entirely or partially screened by the topography and existing trees. The site is well away from the A49 but would be visible from two public footpaths. Otherwise it would be only distantly visible from a few viewpoints, notably the houses in Moreton Road and at Portway, the road to Cuckoos Corner campsite, and the elevated position at St. Donats Farm almost 1 km away. The concrete hardstanding would be raised on the west by about 1 metre to ensure adequate drainage into the lagoon. The stockpiles and windrows would be up to 3 metres high. On the north and south of the site, earth bunding would provide some screening. On the west a strip of unaffected ground between the site's edge and the field boundary, would be outside the applicant's control but left alone to encourage biodiversity. On the east would be the wastewater lagoon, up to 3 m deep, and a modest agricultural-style building to house an office, washroom, weighbridge and secure storage facilities for equipment, tools and materials. This side of the site is already screened from view. Page 73 of the Supporting Statement lists the proposed measures to ensure visual impact would be minimal, including limiting the numbers, heights and colours of buildings.
- 7.26 The Conservation Manager has pointed out that the indicative maps for the Council's adopted Landscape Character Assessment are small-scale in terms of specific site analysis. He agrees however that this site is of a Principal Settled Farmlands and Wet Pasture Meadow type and that it is capable of tolerating change. Officers take the view that from the distances that residents and the public would be able to see the site, it would not be visually dominant when compared with agricultural activities in the vicinity. In this context, there is an existing permission for an extensive gravel quarry on adjoining land to the north, at a higher level and covering a considerably larger area that would be much more visible from many more viewpoints. The application site has been chosen so as to be unobtrusive, taking into account the general character of the area and the distance from receptors. Objections on visual impact grounds are not therefore supported by your officers; no conflicts with Policies LA2 and LA3 of the Herefordshire Unitary Development Plan 2007 are indicated. The character of the landscape has been taken into account by the applicant and the Conservation Manager is not of the opinion that a further secondary constraint in policy W1 would be affected (see paragraph 7.16). A condition is recommended for a landscaping scheme under Policy LA6.

Drainage and flood risk;

- 7.27 The application stresses that the site would be self-contained. The sealed wastewater lagoon would be designed to accommodate all surface water from the site, apart from roof water from the proposed building. This would be collected separately for re-use

as necessary during dry weather, when the composting process may require additional moisture. The initial lagoon plans as submitted were designed to address a 1:100-year storm event + 20% for climate change, with a capacity of approximately 2,365 m³. Further discussion of the lagoon can be found in paragraph 7.36 below. The Environment Agency was quite satisfied that this would be adequate. However, to address some of the objectors' fears, a revised plan increasing the capacity of the lagoon to over 4,000 m³ to account for a 1:1000-year extreme event + climate change was submitted. The revised design would also remove the need for a soil store and would involve less disturbance to possible archaeological deposits. This amendment is welcomed by officers and consultees as an improvement, but does not imply any lack in the original layout. Conditions are proposed for a monitoring scheme to manage wastewater held in the lagoon, to ensure compliance with Policies DR4, DR6 and DR7 of the Herefordshire Unitary Development Plan 2007. The operation of the drainage system would however fall within the Environment Agency's control.

Lighting and noise:

- 7.28 Section 3.6 (p. 22) of the Supporting Statement dated July 2008 makes it clear that no lighting would be installed on either the process area or the access road and that in consequence operational activities on the composting pad would only be undertaken during daylight hours. Some security lighting would be necessary on the eastern side of the site around the proposed storage building, office and weighbridge, for any workers remaining on site after dark. However this would be directional to ensure no light escape. Internal lighting would be time or movement controlled. The application points out that these arrangements would also ensure minimum disturbance to wildlife such as bats and owls. Officers feel that these arrangements are considered acceptable in preventing light pollution, and could be secured by a condition in accordance with Policy DR14 of the Herefordshire Unitary Development Plan 2007.
- 7.29 The application includes a detailed noise assessment which identifies likely construction and operational noise and the possible effects on a series of specific receptors. Existing ambient and background noise were measured at 6 monitoring points in accordance with advice given in BS4142:1997 and BS7445:2003 and in consultation with the Environmental Services Manager. Background noise levels were found to be between 36.9 and 51 dB as an average, and the report highlights the dominance of traffic noise from the A49 (T). The application acknowledges that the proposed development would generate noise; in particular delivery/collection vehicles, shredding, turning and screening processes, although these would not be all undertaken at the same time, and not continuously. Furthermore, paragraph 12.4.12 (page 128) of the submitted Supporting Statement gives assurance that all mobile plant vehicles operating on site would be fitted only with 'white noise' reversing alarms and not 'bleepers'. These deliver a crackling sound similar to an out-of-tune radio; they are only audible in close proximity to the source and would not carry beyond the site boundary. The applicant acknowledges that there is a potential for temporary noise generation during construction. However the Environmental Services Manager considers the submitted assessment is adequate, noting that the site is separated from receptors by a considerable distance and the assessment shows the noise impact from all activities would be negligible even at the nearest properties. Your officers' view is that the noise contribution would be generally lower than the existing background levels. These drop at night but, as noted above, the site would only be worked during daylight hours. Delivery times and operating hours could be restricted by condition, along with a requirement for 'white noise' reversing alarms. No conflicts with Policies DR13 and DR14 of the Herefordshire Unitary Development Plan 2007 are indicated.

Archaeology:

- 7.30 The application includes an archaeological report by Worcestershire County Council's Historic Environment and Archaeology Service. On the advice of the Archaeological Advisor, the study comprised a desk-based assessment and field evaluation of around 5% of the site involving nine trenches covering about 814 m². This revealed a spread of probable Romano-British occupation soil features, representing '*a component of what may be seen as the settled landscape of the lower Lugg Valley in the Roman period*'. The report concludes the site has a high potential for revealing settlement patterns but would be typical of the area and therefore not of significant rarity. As few sites have been excavated, this location has potential for increasing knowledge, based on the identification of a possible enclosure to the east (on land outside the proposal). The Archaeological Advisor has not raised any objections, recommending mitigation by a structured programme of works to study and recover any remains. He does not consider the site to be so significant in terms of rarity or importance that preservation in situ is imperative, noting that any remains at this location are in any case already vulnerable to damage from ploughing. Officers agree therefore that although the site is archaeologically sensitive, mitigation is possible. Conditions are recommended in accordance with Policies ARCH1, ARCH5 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Biodiversity:

- 7.31 The application includes an ecological survey of the site and surrounding area undertaken by Countryside Consultants Ltd. It identifies the site as currently being of very limited importance for wildlife; the main habitats being old hedgerows which would not be affected. The survey concludes that potential impacts would be low-scale since the arable farmland is of little ecological value. There might be some loss of foraging for birds or bats, but this could be mitigated through structured planting to produce a 'small but tangible net gain' for biodiversity in accordance with Policies NC7 and NC8 of the Herefordshire Unitary Development Plan 2007. The survey also notes that the drainage system and lagoon would prevent any harm to local watercourses or the River Lugg, as discussed below.
- 7.32 The application identifies a small watercourse running around the field outside of the proposal site, which has been diverted historically from its former route across the field. This watercourse eventually enters the River Lugg by a circuitous route about 6 km downstream. Between that point and the site it passes a number of properties and sites. Nevertheless, possible effects from the proposed development have been evaluated, in consideration of the special designation of the Rivers Lugg and Wye as Sites of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) which give these rivers national and European protection. Natural England requested a Habitat Regulations Assessment Statement, to give a structured justification as to why there would be no significant adverse effects on the SSSI/SAC. On receiving this from the applicant they are satisfied with the findings and raise no objection, therefore no Appropriate Assessment is necessary under the Habitats Regulations prior to determination of the application. The Conservation Manager is satisfied with the details in the submitted Ecological Assessment and raises no objections, but has recommended conditions to secure the mitigation and habitat creation measures proposed and also to protect the existing mature trees along the access road during construction. Officers are satisfied that the proposals would not conflict with Policies NC2 and NC3, and are capable of compliance with Policies NC1 and NC5 to 9, of the Herefordshire Unitary Development Plan 2007.

Environmental considerations

- 7.33 Paragraph 2 of PPS23: 'Planning and Pollution Control' warns that control measures should complement rather than duplicate each other, although the planning system has a key role in determining suitable locations for development. Paragraph 15 states: *'Local planning authorities 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 pollution control authority, and other relevant bodies, to ensure that the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework'*.
- 7.34 Annex A of PPS23, gives details of material considerations to be taken into account when considering planning applications, including in particular:
- Possible impact of potentially polluting development on land use, including effects on health, natural environments or amenity;
 - Potential sensitivity of the area to adverse effects of pollution;
 - Potential benefits (e.g. reduced traffic)
 - Economic and wider social need or service provision;
 - Existing and likely future air quality;
 - Possible adverse effects on water quality or drainage;
 - Possible smell from the development that might harm amenity, as well as constitute a Statutory Nuisance;
 - Objective perception of unacceptable risk to the health and safety of the public.
- 7.35 It goes on to state that local planning authorities should:
- Not try to duplicate controls properly exercised by other bodies under other legislation;
 - Assume that those other bodies will act professionally and responsibly;
 - Satisfy themselves that a proposal is capable of compliance with that other legislation;
 - Take account of the comments of professional consultees to ensure that there would be no adverse environmental effects from the development;
 - Concentrate on matters relevant to planning, such as land use, traffic and amenity issues,
 - Bear in mind the need for the development and its particular site requirements.
- 7.36 Objectors are concerned about pollution of the watercourse and the River Lugg, possible effects on wildlife and harm to private water supplies. Nonetheless the applicant has confirmed that:
- The site design would specifically prevent any problems.
 - The proposed concrete hardstanding would direct all run-off (rainwater and leachate) into the sealed lagoon described in paragraph 7.27 above, and engineered to prevent any discharge to ground or surface water.
 - The lagoon would be inspected daily and any surplus would be tankered out to a licensed sewage treatment works.
 - This and all other management and pollution matters would be regulated by the Environment Agency.

In your officers' view there is no reason to doubt the Environment Agency's professional advice that the design is acceptable. Under the terms of an

Environmental Permit, the site could not operate unless the Agency was satisfied that it was compliant. Pollution issues would therefore fall entirely under the Agency's control. Furthermore, the Council's Environmental Services Manager would have additional enforcement powers under the Environmental Protection Act 1990 in the event of an established Statutory Nuisance occurring.

- 7.37 Almost all representations have expressed fears about health risks from bioaerosols (fine wind-blown fungal spores). PPS10: Sustainable Waste Management (paragraphs 26 & 27) stresses that local planning authorities should not concern themselves *'with the control of processes which are a matter for the pollution control authorities'*, pointing out that they should *'work on the assumption that the relevant pollution control regime will be properly applied and enforced'*. PPS10 goes on to assert that modern waste management facilities that are *'operated in line with current pollution control techniques and standards should pose little risk to human health'*.
- 7.38 As the site would be regulated by the Environment Agency, the local planning authority only needs to concern itself on whether the site would be capable of being so controlled, based on submitted evidence and professional advice. In this regard it may be useful to analyse the points raised by objectors on perceived health risks. In accordance with PPS10 advice, the Primary Care Trust PCT was consulted and have no concerns about health implications, being satisfied that the Environment Agency's safety distance of 250m is adequate (see paragraph 5.5 of this report).
- 7.39 Objectors have drawn attention to a House of Commons debate on 24th June 2008, when Michael Clapham MP challenged the Environment Agency's so-called 'buffer zone' of 250m, citing the dangers of bioaerosols and recent studies that suggest this distance may not be adequate. Joan Ruddock, Parliamentary Under-Secretary for Defra, explained current thinking, drawing attention to the importance of differentiating between waste types – for example kitchen waste. She also explained that the 2003 Giessen study quoted by Mr Clapham found that fungal particles 'generated at any site would drop to background levels within about 150m'. This is supported by other researchers, notably those undertaken at Cranfield University by Taha, M P M et al, published in 2006 and 2007. It should be noted that the 250m is not an exclusion zone: it is a precautionary zone set by the EA and the Health & Safety Executive within which any composting proposal would need a full risk assessment with regard to other sensitive receptors. The Environment Agency have stated that the debate prompted them to review their position – not because they doubted its validity but to ensure that it was being properly applied. They subsequently issued a Position Statement which re-affirms the 250m distance, stressing that responsibility lies with operators to comply with site management and Environmental Permit requirements.
- 7.40 In this case the nearest sensitive receptor would be well over 500m away, including the poultry units. The nearest dwelling would be almost 700m away and the majority of the objectors would be approximately 1 km away. On this basis no comprehensive Risk Assessment is required at this stage and no health risks are indicated, as confirmed by the Environment Agency and the Herefordshire Primary Care Trust. The Environment Agency have stated that an Odour Management Plan and a Health Risk Assessment would however form part of the Environmental Permit requirements and would fall within the Agency's control. On the submitted information, the Agency is satisfied that significant air quality problems are unlikely and any risks could be adequately mitigated. Officers therefore accept the site's capability for proper control, in the knowledge that the Environment Agency would take enforcement action if necessary and the Environmental Services Manager would have further enforcement powers under the Environmental Protection Act 1990.

7.41 Matters concerning dust and litter would also fall under the Environmental Permit. Nonetheless planning conditions requiring a scheme for litter-proof fencing to the site and for all vehicles to be covered or sealed would be appropriate and are recommended to ensure compliance with UDP Policy W3. The Environmental Permit requirements would include submission by the applicant of a Management Plan for emergency procedures and fire prevention, which would thus fall under the Agency's control. On balance, having regard to all the points raised by PPS23 and outlined in paragraphs 7.33 – 7.35, your officers' conclusion is that the proposal would be acceptable on the environmental considerations raised in this part of the report.

Other sites and technologies identified by objectors.

7.42 Previous court cases suggest that although there are no hard and fast rules, local planning authorities generally should not consider alternative proposals other than in exceptional circumstances where clear objections to the proposals exist. The courts have established that the possible existence of other preferable sites would not justify the refusal of planning permission on an application site. However, the courts have also accepted that alternative sites can occasionally be a material consideration, although the local planning authority is under no obligation to evaluate such alternatives in the same way that it must for the application site.

7.43 'Exceptional development' usually means projects of national or regional importance (such as airports), and this particular proposal does not fall within that category. There are some policy objections to the proposal, and a large number of objections from members of the public. Neither the developer nor the local planning authority is making any alternative suggestions. Nonetheless, objectors have themselves suggested other sites or techniques that would, they suggest, be preferable to what has been proposed. The applicant has assessed some of these sites and concluded that there are strong reasons why they would not be acceptable. Given this, the following three paragraphs are intended to inform Members on the objectors' suggested alternatives.

7.44 Objectors have focused on an existing in-vessel accelerated composting unit sited at Wharton Court near Leominster. This is a privately-owned experimental pilot plant consisting of a large cylindrical vessel and associated equipment including air scrubbers and storage facilities. The site was granted a temporary planning permission which expired on 31st December 2008, allowing a further 6 months for decommissioning. A new planning permission would be necessary for the large building to be retained and for the plant to continue working.

7.45 Objectors have identified two sites in Rotherwas which they consider would be preferable to Upper House Farm. One is on brownfield land with an existing hardstanding. However it lies in the flood plain and is located less than 250m from sensitive receptors such as dwellings and workplaces. The other is a greenfield site on open land to the south of the industrial estate which has high archaeological potential and is in any case bisected by the recently completed access road. It is understood from the Transport Manager that the scope for accesses onto this new road is likely to be limited. It is open to the applicant company to explore these sites, but officers doubt that they could be seriously considered for treating green waste.

7.46 Many objectors have remarked that open windrow composting is 'yesterday's technology' and that more sophisticated methods should be employed. Whilst this may be justifiable when dealing with domestic refuse and food waste, the composting

of garden waste does not offer the same challenges. Open windrows are traditional, low-tech and sustainable, requiring relatively low resource and energy input. The elaborate processing and air-cleaning equipment that other methods require in order to overcome the odour problems associated with general household waste involve significant resource input, including the use of scarce minerals. As this proposal is for green garden waste only, your officers conclude that open windrows would have less overall impact than other more elaborate technology, in terms of land, resources and energy use. As noted at point 7.6 above, the applicants have pointed out that open windrows are the most commonly used, tried and tested method of treating garden cuttings.

8. Conclusion

8.1 This application has been assessed against National Policy, the Regional Spatial Strategy and the Herefordshire Unitary Development Plan 2007 (UDP). The site is on unallocated green field land in open countryside and does not entirely accord with some of the relevant policies. However in land use terms there are mitigating circumstances:

- There are currently no allocated sites in Herefordshire for management of the waste it generates.
- PPS10 states that sites not previously identified should not be lost on that basis, provided they can comply with other policies.
- The applicant has chosen the site after considering 21 others over more than 10 years.
- Although waste treatment is technically classified as 'industrial', officers accept the view that green waste composting is 'akin to agriculture' and therefore not inevitably out of place in a rural context.
- It has been established by the Environment Agency that a composting site needs to be remote from other land users, yet government policy requires reasonable proximity to the main source of the waste and direct access to main roads.
- The site is not affected by any significant environmental designations.
- The proposal is relatively sustainable and low-key and meets the requirements of current national and regional policy.
- It is capable of meeting the requirements of relevant UDP policies.
- It has been assessed favourably against the principle of BPEO which, despite being superseded by national policy is still relevant to regional and local policy for the time being.

According to professional advice, the proposal is capable of meeting environmental and highways standards on design and management. Officers accept that this site fulfils special site criteria which are considered to be material considerations.

8.2 All relevant points raised by objectors have been considered, and additional information obtained from the applicant and consultees where necessary, in order to establish an evidence-based view. Health, safety and environmental matters would be controlled by the Environment Agency through separate legislation under the Environmental Permit regime and other means of pollution control. The Highways Agency regulates the A49(T) and accepts that the combined uses envisaged for the access road would be acceptable.

8.3 In balancing up the various policy matters with other material considerations, your officers conclude that there is a clear case for supporting the proposal. The application

is accompanied by details that support it in principle and location. The application is consistent with the Council's adopted Waste Strategy and accords with key elements of national and regional guidance. The elements where the proposal conflicts with local UDP policies are not considered sufficiently important to justify a refusal of planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by Officers named in the Scheme of Delegation to 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 (Development in accordance with the approved plans).**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. **Unless otherwise agreed in writing in advance by the local planning authority, no groundworks, earthmoving or excavations shall take place other than strictly in accordance with those specified in the approved plans listed in condition 2 and the archaeological site investigation scheme required by condition 4 of this permission.**

Reason: To ensure that all excavation works will ensure minimal archaeological disturbance on land which is archaeologically significant, in accordance with Policies ARCH1, ARCH2 and ARCH5 of the Herefordshire Unitary Development Plan 2007.

Pre-commencement requirements

4. **No development shall take place until the developer has secured the implementation of a programme of archaeological work to include a detailed design and method statement for all proposed excavation and ground works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policies ARCH 1, ARCH5 and ARCH6 of Herefordshire Unitary Development Plan.

5. **G04 (Protection of trees/hedgerows that are to be retained).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6. **C10 (Details of external finishes and cladding (industrial buildings)).**

Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

7. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

8. No development shall take place until a detailed method statement for the assessment, monitoring and control of dust and windblown litter has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular provision for:

- i) the erection of litter-proof fencing if and when necessary,**
- ii) the use of specified dust suppression measures as and when necessary,**
- iii) the regular review of the methodology for dust and litter control,**
- iv) timescales for implementation of the scheme.**

The scheme shall be implemented in accordance with the approved scheme unless otherwise approved in advance in writing by the local planning authority.

Reason: To ensure that in the event that litter and/or dust would affect either the site or the surrounding area it would be promptly and adequately controlled, in accordance with Policies S1, S2, S10 and DR4 of the Herefordshire Unitary Development Plan 2007.

9. No development shall take place until a scheme for the design and implementation of regular monitoring for the storage lagoon and rainwater storage tank has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) Design specifications for the proposed alarm system to alert site operatives that the lagoon and/or tank needs emptying,**
- ii) The appointment of a named responsible person to monitor the lagoon and tank,**
- iii) The frequency and detail of inspections including items to be monitored and method of reporting such as a Site Diary,**
- iv) Provision for record keeping and availability for inspection on request by the local authority or Environment Agency,**
- v) Contingencies for responding to alarms, emptying procedures and emergencies,**
- vi) Provision for review of the procedures.**

Reason: To prevent flood risk and/or pollution of the water environment, having particular regard to any possible effects on the River Lugg SSSI/SAC, to ensure compliance with Policies S1, DR4, NC1, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

10. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

11. I01 (Scheme of noise attenuating measures).

Reason: To safeguard the amenity of the area in compliance with Policy DR13 of Herefordshire Unitary Development Plan.

12. No development shall take place until a revised Landscape Scheme has been submitted to and approved in writing by the local planning authority to take account of the revised layout and proposed lagoon. The scheme shall include in particular:

- i) A large scale revision of the submitted plan reference 403-01.02 dated July 2008, to include all planting and seeding proposals specifying species, sizes, densities and planting numbers. This should include screening proposals for the access road.**
- ii) Specific proposals for wildlife habitat creation or enhancement through planting and landform and future management of these measures, in accordance with the submitted Ecological Survey dated 26/6/2008 and in consultation with the Council's Planning Ecologist.**
- iii) Details of all proposed finished levels, contours and gradients for the final landform.**
- iv) A large-scale revision of the submitted plan reference 403-01.04 dated July 2008 to reflect the drainage arrangements taking into account the revised layout and lagoon.**
- v) Hard surfacing materials, including specifications and construction methods for the completion of the access road.**
- vi) Details and specifications of ancillary equipment including bagger, diesel tank and weighbridge.**
- vii) Details and specifications of the car parking layout and other vehicular and pedestrian areas, including construction methods and materials.**
- viii) Location of proposed functional services above and below ground (e.g. drainage, power, communications, pipelines etc.).**

Reason: In order to maintain the visual amenity of the area, ensure a satisfactory form of development and to ensure compliance with Policies S1, S2, DR1, LA5 and NC8 of the Herefordshire Unitary Development Plan 2007.

13. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Restrictions**14. The site hereby permitted shall be used solely for agricultural purposes or the composting of green garden cuttings and for no other waste treatment by type or purpose including any other purposes in Class B2 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, in the interests of local amenity, because any other use would require further consideration by the local planning authority, and to comply with Policies S1, S2, S10 and DR1 of the Herefordshire Unitary Development Plan 2007.

15. F14 (Removal of permitted development rights).

Reason: To control further development at the site and ensure compliance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

16. Unless otherwise agreed in advance in writing by the local planning authority, no more than 12,000 tonnes of green garden waste per annum shall be brought to the site, and no such green garden waste shall be brought to the site other than that collected from Household Waste Sites under the control of the applicant or its successor. In this regard the applicant or its successor shall provide the local planning authority with such evidence as it reasonably requires in order to ensure compliance with this restriction.

Reason: To restrict the quantity and source of the waste to be treated and to comply with Policies S1, S2, S10 and DR1 of the Herefordshire Unitary Development Plan 2007.

17. Unless otherwise agreed in advance in writing by the local planning authority, no stockpiles, windrows or other stores of waste shall be more than 3.5 metres high.

Reason: To ensure a satisfactory form of development and in the interests of health and safety in accordance with Policies S1, S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

18. All processes shall take place on an impermeable surface constructed in accordance with the approved plans, and all run-off from process areas shall be discharged to a lined storage lagoon, in accordance with the submitted amended plan numbers 5480/304 Rev P01, 5480/302 Rev P01 and 5480/30 Rev PO1, all dated Sept 08, sufficient to accommodate extreme rainfall events up to a 0.1% (1 in 1,000 year) capacity plus climate change, via a drainage channel and interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor or enter the lagoon and no waste water shall be permitted to discharge to ground or surface water.

Reason: To prevent pollution of the water environment in accordance with Policies S1, S2, S10, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

19. The recommendations set out in the submitted Ecological Survey dated 26/6/2008 should be followed unless otherwise agreed in writing in advance by the local planning authority. An appropriate qualified Ecological Clerk of Works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 (as amended), the requirements of PPS9 Biodiversity and Geological Conservation, the NERC Act 2006, and Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

20. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

21. M13 (Pollution prevention).

Reason: To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

22. The hours during which working and arrival/departure/loading/unloading of delivery vehicles may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

23. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

24. There shall be no wholesale or retail sales of any materials from the site, or general public access at the site.

Reason: In the interests of highway safety, to safeguard the amenity of the area and to comply with Policies S1, S2, DR1 and T8 of the Herefordshire Unitary Development Plan 2007.

25. No waste materials shall be transported in connection with this development unless they are contained within sealed vehicles.

Reason: In the interests of highway safety, to safeguard the amenity of the area and to comply with Policies S1, S2, DR1, DR4 W3 and T8 of the Herefordshire Unitary Development Plan 2007.

26. Unless otherwise agreed in writing by the local planning authority, within six months of the site permanently ceasing to be used for the composting of green garden waste, the applicant or its successor shall submit proposals for the restoration of the site to the local planning authority. The restoration scheme shall contain full details and a method statement for the works, including in particular:

- i) Details of any structures or works that are to be retained and a reasoned justification for retaining them.**
- ii) The dismantling, removal and means of sustainable disposal or re-use to a named destination of all other introduced materials, hardstandings, buildings, tanks and equipment that are not specified for retention.**
- iii) Infilling of the lagoon if not required for future use, including the source of infill materials.**
- iv) Re-profiling of all bunds and other earthworks if deemed necessary.**
- v) Reclamation of the site to agriculture or nature conservation uses only.**
- v) Timescales for implementation and completion of all elements of the approved restoration scheme.**

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority. If the local planning authority is not satisfied with the said proposals to make the site suitable for future beneficial use, the applicant or its successor will complete a restoration scheme in accordance with, and within a time period, as may be reasonably specified by the local planning authority.

Reason: To ensure the site is capable of future beneficial use, in accordance with Policies S1, S2 and W9 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. Summary of Reasons for Approval of Planning Permission

The decision to grant planning permission has been taken having regard to the provisions of the Development Plan: in particular Policy WD3 of the Regional Spatial Strategy; relevant policies of the Herefordshire Unitary Development Plan 2007 set out below; the Herefordshire & Worcestershire Joint Waste Management Strategy; relevant national Planning Policy Statements, especially PPS10 and PPS23; and the Waste Strategy 2007, - including for completeness the partly superseded principle of Best Practicable Environmental Option, which supports the proposal. In reaching this decision, the local planning authority was mindful of the particular circumstances of the case, namely the special siting requirements including the applicant's lengthy consideration of 21 alternatives since 1998, the fact that all operational process would be regulated by the Environment Agency through the Environmental Permit regime, the further enforcement powers of the local authority under the Environmental Protection Act 1990, the fact that all professional and statutory consultees have responded with either an unconditional 'no objection' or proposals for mitigation through planning conditions.

The numerous strong and sustained objections made by local residents have nevertheless been considered carefully, however these fears have not been supported by specific material evidence or the views of consultees. The local planning authority has concluded that the benefits of the proposal, in terms of meeting strategic waste management policy and requirements at reasonable cost and enabling Herefordshire to begin to take responsibility for the waste it generates, outweigh any potential adverse effects from traffic on the highway network.

The local planning authority has also concluded that on the basis of the submitted material and subsequent additional information, it is satisfied that the site would be designed and maintained to satisfactory environmental and management standards and would be regulated by other bodies. On this basis there would be no adverse environmental effects falling under the control of the local planning authority that would justify refusal.

Relevant Policies considered in the Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport

- S7 - Natural and Historic Heritage
- S10 - Waste
- DR1 - Design
- DR2 - Land use and Activity
- DR3 - Movement
- DR4 - Environment
- DR6 - Water Resources
- DR7 - Flood Risk
- DR9 - Air Quality
- DR11 - Soil Quality
- DR13 - Noise
- DR14 - Lighting
- E8 - Design Standards for Employment Sites
- E11 - Employment in the Smaller Settlements and Open Countryside
- E12 - Farm Diversification
- E15 - Protection of Greenfield Land
- T8 - Road Hierarchy
- T11 - Parking Provision
- LA2 - Landscape Character
- LA3 - Settings of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC2 - Sites of International Importance
- NC3 - Sites of National Importance
- NC5 - European and Nationally Protected Species
- NC6 - Biodiversity Action Plan 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 Fauna and Flora
- ARCH1 - Archaeological Assessments and Field Evaluations
- ARCH5 - Sites of Lesser Regional or Local Importance
- ARCH6 - Recording of Archaeological Remains
- W1 - New Waste Management Facilities
- W3 - Waste Transport and Handling
- W9 - Reclamation, Aftercare and After-use

2. N19 - Avoidance of doubt - Approved Plans.
3. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
4. ND03 - Contact Address.
5. HN01 - Mud on highway.
6. HN16 - Sky glow.

Decision:

Notes:

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Background Papers

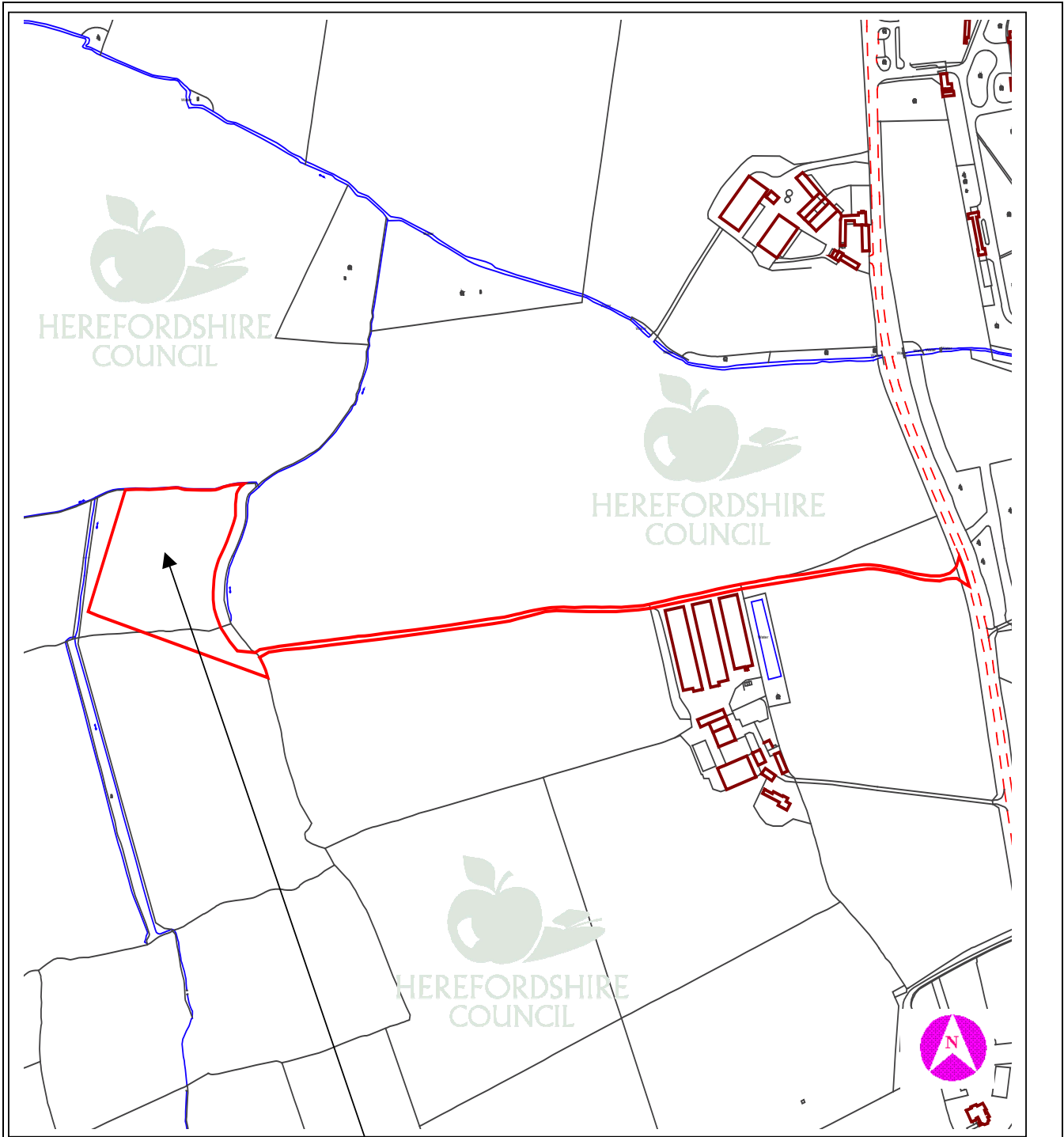
Internal departmental consultation replies.

APPENDIX: SUBMITTED DETAIL ON OTHER SITES CONSIDERED**Table A:** The applicant's criteria for site evaluation (in no ranking order)

Proximity to green waste arisings, nominally within 16 km of Hereford
Access/proximity to a major highway, avoiding minor roads through settlements
Distance from sensitive receptors, (more than 250m from built development)
Outside flood plain as identified by the Environment Agency
Away from heritage/nature conservation protected areas
Away from protected/designated landscapes (AONB etc)
Commercial availability, for sale or lease

Table B: The applicant's table of alternative sites considered

Ref	Site location/address	Accords with criteria? (Y/N)	Applicant's Comments
1	Kivernoll, Hereford, brownfield land	N	Floodplain, close to sensitive receptors
2	Shobdon airfield	N	Too remote from principal sources of green waste
3	Wellington quarry	N	Not commercially available
4	Agricultural land off A4110	N	Not commercially available
5	Fir Tree Lane, Rotherwas	N	Site not large enough
6	Fir Tree Lane, Council land	N	Close to sensitive receptors, no commercial agreement
7	Madley airfield, brownfield land	N	Not commercially available
8	Land at former sewage works, Roman Road, Hereford	N	Poor access, not commercially available
9	Farm premises, Tarrington	N	Not commercially available
10	Commercial nurseries, Stretton Sugwas	N	Not commercially available
11	Holme Lacy College	N	Weight limits on access routes
12	Agricultural land, nr Credenhill	N	Proximity to Scheduled Ancient Monument
13	Agricultural land, Marden	N	Access on minor roads through settlements
14	Agricultural land, Sutton St Nicholas	N	Proximity to sensitive receptors, flood risk
15	Agricultural land, Stretton Sugwas	N	Proximity to sensitive receptors, major access works required
16	Agricultural land, Peterstow	N	Remote from main sources of green waste
17	Agricultural land, Eaton Bishop	N	Proximity to sensitive receptors, access roads too narrow
18	ADAS research site, Rosemaund	N	Proximity to sensitive receptors, access roads too narrow
19	Former landfill site, Stretton Sugwas	N	Unsuitable for concrete hardstanding due to site settlement
20	Brownfield land, Stoke Edith	N	Proximity to sensitive receptors
21	Agricultural land, near Perton Quarry	N	Access roads not up to standard, through rural settlements
22	Upper House Farm	Y	Accords with site search criteria



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APPLICATION NO: DCCW2008/1832/N

SCALE : 1 : 5550

SITE ADDRESS : Upper House Farm, Moreton-on-Lugg, Hereford, Herefordshire, HR4 8AH

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DCCW2009/0059/CD - CONVERSION OF SCHOOL AND SCHOOL HOUSE INTO TWO RESIDENTIAL DWELLINGS. CONSTRUCTION OF THREE NEW DWELLINGS IN THE GROUNDS AT FORMER PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ

For: Herefordshire Council and Hereford Diocesan Board of Finance per James Spreckley, MRICS FAAV, Brinsop House, Brinsop, Hereford, Herefordshire, HR4 7AS

Date Received: 8 January 2009 Ward: Sutton Walls Grid Ref: 53390, 45849

Expiry Date: 5 March 2009

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site is comprised of a vacant local education authority primary school and grounds, located within an established residential area of Sutton St. Nicholas. The application site is roughly triangular in shape and is bounded to the east and northwest by the public highway, with residential dwellings to the south.
- 1.2 The application seeks permission to convert the existing school buildings into a pair of semi-detached dwellings, comprising a one 3-bedroom unit and a 2-bedroom unit. The three new dwellings in the grounds to the south of the existing buildings will take the form of a semi-detached pair of 3 bedroom cottages on the eastern side orientated to front onto the Bodenham Road, whilst the west of the site a larger detached 4 bedroom dwelling will front onto the unclassified road.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H19	-	Open Space Requirements
Policy T1	-	Public Transport Facilities
Policy T6	-	Walking

Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy T14	-	School Travel
Policy LA3	-	Setting of Settlements

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection. The visibility splays for the access onto the C road are acceptable and use of conditions is suggested to ensure that 65 metres southward visibility is maintained. With regard to access onto the unclassified road, a visibility splay of 2.4 x 33 metres in either direction should be provided, with the boundary wall and ground levels lowered accordingly. Standard conditions are recommended to secure a properly constructed and laid out means of parking and access.

4.3 Public Rights of Way Manager: No objection.

5. Representations

5.1 Sutton Parish Council: Concerned about the access onto Bodenham Road, and the impact of the flooding which has been experienced in the past 18 months. Secondly, the new houses should not overlook the existing properties in Fieldway.

5.2 A total of three letters of objection have been received from Mrs. Farr, 1 Orchard Close; Mrs. Heap, Coverdale and Mr. Weston, 29 Fieldway summarised as follows:

- Loss of view.
- Loss of privacy and overlooking.
- Loss of sunlight into our garden.
- The proposed development is out of keeping with the bungalows to the south.
- Access into the new development should not be directly onto the main Bodenham Road.
- The proposed access onto Bodenham Road is in a dangerous position and has insufficient visibility.
- The new houses may overload the drainage system, flooding has been experienced in the area since the new school was built.
- Some of the new houses will access onto the unclassified road, which floods.

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

6. Officer's Appraisal

6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout of the Development
- Visual and residential amenity
- Access and Highways Issues

Principle of Development

6.2 The application site lies within a designated settlement boundary within which the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Visual and residential amenity

6.3 Having regard for the pattern and density of residential development in the wider locality, the design, scale and massing is considered to be appropriate, and the siting and orientation has taken appropriate account of the position and orientation of the adjoining properties. Although it is noted that one letter of objection comments that the proposed development is out of keeping with the bungalows which front onto the main road immediately to the south, it is in fact the bungalows which are out of keeping as the rest of the settlement is predominately characterised by two storey properties.

6.4 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, it is not considered that the proposed dwellings will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable grounds for refusal.

6.5 More specifically the design of the flank elevations has omitted windows at first floor level, protecting the amenity of properties in Fieldway from direct overlooking. To ensure that a satisfactory relationship continues between the existing properties and the proposed development conditions are recommended removing permitted development rights to extend or alter the properties, and/or insert any new windows at first floor level, as well as control the hours of building operations to safeguard the amenity of the residential area during the construction phase. Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality.

6.6 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality.

Flooding and sewerage

6.7 Although the concern about flooding is noted, the source of the flooding is not within or across the application site, therefore it is not considered that the flooding of the adjoining highway gives rise to defensible grounds for refusal in this instance. However to ensure that the proposed development does not exacerbate the existing situation, a condition relating to surface water run-off is recommended.

Access and Highways

- 6.7 In principle the Traffic Manager has no objection to the proposed access and parking arrangements, but comments that the visibility splays should be secured by the use of conditions, as well as to ensure that the point of access and parking areas are properly constructed and maintained. These comments are considered reasonable and the appropriate conditions are recommended.
- 6.8 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised by objectors or the Parish Council can be substantiated as grounds for refusal on highway safety grounds.

Planning Obligation

- 6.9 The applicant has agreed to a range of Section 106 contributions, in accordance with the adopted Planning Obligations SPD.
- 6.10 In summary the contributions are £8600 to provide sustainable transport infrastructure, £16757 towards enhanced educational infrastructure, £4902 to provide enhanced formal or informal recreational or public open space, £981 to provide enhanced library services and a contribution of £625 towards the cost of monitoring and enforcing the Section 106 Agreement

Conclusion

- 6.11 Overall the proposals, together with the proposed Section 106 contributions, comply with the relevant development plan policies and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. B07 (Section 106 Agreement).**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

- 3. B01 (Development in accordance with the approved plans).**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 4. C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

5. F14 (Removal of permitted development rights).

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

6. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

7. H03 (Visibility splays) (2.4 x 65m south along the C1125).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8. H03 (Visibility splays) (2.4 x 33m along the unclassified road).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

9. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres unclassified road to the west in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

10. H05 (Access gates).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

12. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13. H11 (Parking - estate development (more than one house)).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

14. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

15. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

16. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

17. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

18. L03 (No drainage run-off to public system).

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N01 - Access for all.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

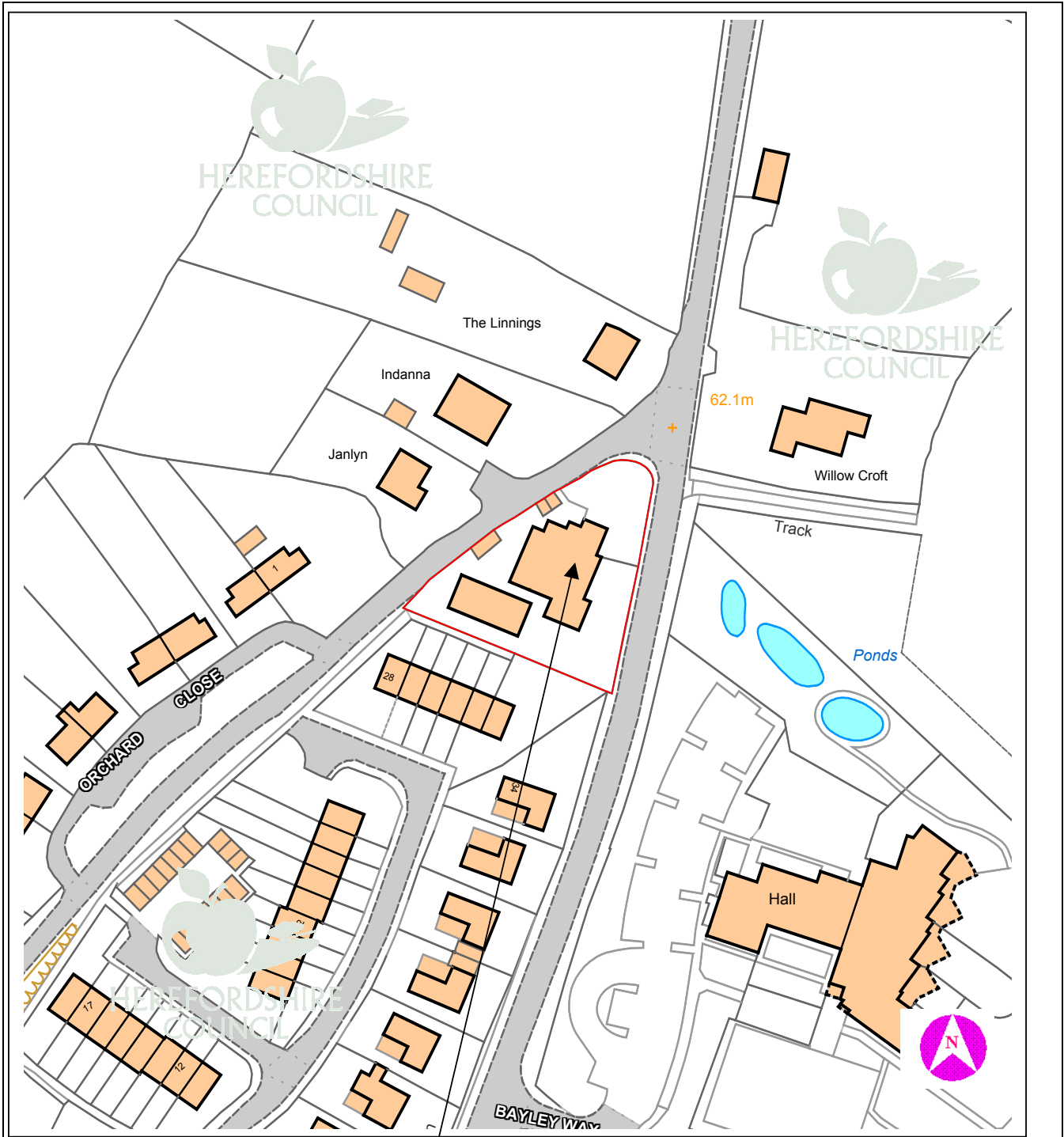
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0059/CD

SCALE : 1 : 1250

SITE ADDRESS : Former Primary School, Sutton St Nicholas, Hereford, Herefordshire HR1 3AZ

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HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application: DCCW2009/0059/CD

Proposal: 1 x Conversion of the school building to a 3 bedroom house, conversion of the old school house back to a 2 bedroom house, and the erection of 2 x 3 bedroom and 1 x 4 bedroom houses

Site: Former Primary School, Sutton St Nicholas, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £16,757 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,600 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - Traffic calming and improved signage
 - Localised highway improvements
 - Hereford Park and Ride
 - Contribution to improved bus service
 - Contribution to Safe Routes for Schools
 - Improved bus shelters/stops in the locality of the application site
 - Initiatives to promote sustainable transport
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4902 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £981 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
5. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, 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 sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

7. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
8. 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.
9. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

PETER CLASBY
SENIOR PLANNING OFFICER
22nd December 2008

