

AGENDA

Planning Committee

Date: **Tuesday 30 March 2010**

Time: **10.00 am**

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

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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AGENDA

Pages

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

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

3. DECLARATIONS OF INTEREST

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

4. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman.

5. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD

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demolition of existing buildings and construction of new highway, cycleway, drainage, landscaping and associated works between the a49 (t) Edgar Street and a465 commercial road, Hereford, along with a new road link to unclassified road 80332 Blackfriars Street and U80335 Canal Road, a new junction with Widemarsh Street and associated highway improvement works including to the junction of the A49(t) Edgar Steet and B4359 Newtown Road and the junction of A465 Aylestone Hill and C1127 Barrs Court Road, Hereford.

Wards: Central, Aylestone and Three Elms

6. DATE OF NEXT MEETING

Next Site Visit – 13 April 2010

Next Planning Committee – 14 April 2010

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HEREFORDSHIRE COUNCIL

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MEETING:	PLANNING COMMITTEE
DATE:	30 MARCH 2010
TITLE OF REPORT:	<p>DMCE/092576/F - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW HIGHWAY, CYCLEWAY, DRAINAGE, LANDSCAPING AND ASSOCIATED WORKS BETWEEN THE A49 (T) EDGAR STREET AND A465 COMMERCIAL ROAD, HEREFORD, ALONG WITH A NEW ROAD LINK TO UNCLASSIFIED ROAD 80332 BLACKFRIARS STREET AND U80335 CANAL ROAD, A NEW JUNCTION WITH WIDEMARSH STREET AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING TO THE JUNCTION OF THE A49(T) EDGAR ST AND B4359 NEWTOWN ROAD AND THE JUNCTION OF A465 AYLESTONE HILL AND C1127 BARRS COURT ROAD, HEREFORD AT EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT RD, BLACKFRIARS ST, CANAL ROAD, NEWTOWN ROAD, HEREFORD</p> <p>For: ESG HEREFORDSHIRE LTD, 3 BLACKFRIARS STREET, HEREFORD, HEREFORDSHIRE, HR4 9HS</p>

Date Registered: 23 December 2009 **Ward: Central, Aylestone and Three Elms** **Grid Ref: 350925,240762**

Expiry Date: 14 April 2010

Local Members: Councillors M Hubbard, NL Vaughan, DB Wilcox, SPA Daniels, P Andrews, A Toon

1. Site Description

- 1.1 The site area comprises two parcels of land within the northern sector of Hereford City Centre extending from Newtown Road in the north west to Commercial Road/Barrs Court Road to the south east. The first red line area of 0.625 hectares includes 150 metres of Newtown Road on the approach to Edgar Street/Newtown Road roundabout and the roundabout itself immediately south of Hereford Retail Park. The second red line area totals 10.1 hectares between Edgar Street to the west and Commercial Road/Barrs Court Road to the east.
- 1.2 More specifically from west to east, the site comprises 250 metres of Edgar Street adjoining and immediately north of Hereford United Football Club. Opposite Prior Street and east of Edgar Street the site then extends eastwards through to, and encompassing all of Merton

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

Meadow long stay car park to Widemarsh Street and south to Blackfriars Street. Travelling eastwards immediately south of Hereford Timber Centre the site crosses and encompasses an area of grassland owned by West Mercia Constabulary and used and known as a police dog training field. Travelling south eastwards the site then connects with Barrs Court Trading Estate towards Commercial Road via Station Approach running parallel with the railway line and station. A spur of the site also runs south west off Station Approach to connect in with Canal Road. Finally, the site then encompasses the Commercial Road junction with Stonebow Road up to and beyond Barrs Court Road to the north east.

- 1.3 All of the site area between Edgar Street and the western edge of Barrs Court Trading Estate falls within Flood Zone 3, the remaining land between the police dog training field and Commercial Road being identified as Flood Zone 2. Widemarsh Brook runs through a large proportion of the site either in open channel or culvert form and the brook is designated as a Site of Importance for Nature Conservation. The southern edge of the police dog training field lies adjacent to a designated Scheduled Ancient Monument and an Area of Archaeological Importance. The bottom of Aylestone Hill incorporating the Barrs Court Road junction falls within Aylestone Conservation Area. Running from Newtown Road into the centre of the site is the safeguarded route of the Herefordshire and Gloucestershire Canal. All of the above is as designated and identified within the adopted Herefordshire Unitary Development Plan (UDP).

The Proposal

- 1.4 The site forms part of the Edgar Street Grid (ESG) which comprises 43 hectares of land immediately north of Hereford City Centre. The ESG scheme as a whole proposes a mixed use regeneration development incorporating new retail, leisure, civic, education, employment and residential development to facilitate a sustainable expansion of the city centre. To facilitate this development new infrastructure is required. Planning permission was approved in October 2009 for the diversion of Yazor Brook at Credenhill at times of flood to relieve the flood risk within the ESG area and enable the residential developments in particular to take place. Works are due to commence on this development later this year. The second component of the required ESG enabling works is the new highway infrastructure, and is proposed in this application.
- 1.5 The ESG area is supported by specific policies and land allocations within the UDP supplemented by more detailed guidance within the adopted ESG Design Framework Supplementary Planning Document. Further detail is provided within the ESG Master Plan which has also been approved by the Council as a material planning consideration in the assessment of all ESG applications.
- 1.6 The application involves the construction of 850 metres of new urban highway connecting Edgar Street to the west with Commercial Road to the east with spur links to both Canal Road and Blackfriars Street to the south. In detail, the works comprise the following:
- A) Construction of a new signalised junction off Edgar Street to the west necessitating the demolition of Arrow Plant and Tool Hire, part of the BP Filling Station canopy and removal of the parking associated with CRW Carpets. Ancillary works north and south of the new junction on Edgar Street will include new lane markings, pedestrian crossing onto Prior Street to the west and minor carriage way widening to facilitate the junction.
 - B) Travelling east for a distance of around 110 metres, construction of a new section of highway comprising three lanes, one east bound and two west bound.
 - C) At this point a new signalised junction is proposed within what is currently long stay parking forming part of Merton Meadow car park. The northern leg of the junction will serve future ESG development parcels while the southern leg will create a section of

new two lane highway travelling southwards to connect in to Blackfriars Street parallel with the football ground. This new section of highway from the junction extends to a length of 250 metres.

- D) The road then widens to four lanes (two eastbound and two westbound) for a distance of 60 metres to connect into a new signalised junction on Widemarsh Street. Levels have to be raised slightly from Edgar Street to Widemarsh Street to allow the new highway to connect with existing junctions at grade. Works to Widemarsh Street north and south of this new junction include carriageway and pavement widening, new lane marking and the re-positioning of the access to serve the timber yard immediately east of Widemarsh Street. This section of highway and junction entails the demolition of HI Q Tyres, removal of part of Bethell Motors forecourt and demolition of Ron Smith Mowers east of Widemarsh Street.
- E) Eastwards, another 95 metres of highway is then proposed immediately south of the timber yard to a new unsignalised junction to serve future development parcels south of the road. This section of highway from Widemarsh Street reduces from four to three lanes. A new permanent culvert and separate otter underpass is proposed to be constructed under this junction to facilitate the future permanent realignment of Widemarsh Brook.
- F) Another 90 metres of three lane highway then leads to a further junction off the northern side of the road again to serve future development parcels. Under this junction a temporary culvert of Widemarsh Brook and otter underpass is proposed. Levels drop away from Widemarsh Street within this section with the police dog training field being approximately 1.5 metres below immediate levels within the trading estate to the north. This necessitates the raising of the highway within this area to achieve the necessary connections with existing highways and levels elsewhere. Several trees and other vegetation around the brook are to be removed within this area.
- G) From here is proposed a length of around 240 metres of new carriageway travelling eastwards initially at three lanes rising to four lanes where it meets a proposed new signalised junction immediately south of the railway station. This section of highway essentially runs through Barrs Court Trading Estate and requires the demolition of all of the existing general industrial buildings within the estate. In addition, the road runs through the Royal Mail Delivery and Sorting Office car park which would also be lost by the development. A small section of road also cuts through the northern boundary of Jewsons Builders Merchants necessitating the removal of some small ancillary buildings and storage tanks.
- H) The signalised junction provides a new access to the station and other future development parcels north of the road and extends Station Approach north west of Morrisons Supermarket to connect in with Canal Road again to provide access to future development parcels. Around 70 metres of new highway is required to connect Station Approach to Canal Road which runs through the south eastern corner of Jewsons Builders Merchants and requires the demolition of a storage building. The creation of the junction also entails the demolition of Smiths News and Hereford Boiler Services along with the removal of 5 semi mature trees.
- I) From this junction is a further 120 metres of new highway to connect with the existing junction at Commercial Road. A short section of the road in this area increases to five lanes to ensure the necessary highway junction capacity can be maintained. The existing vehicular access to Morrisons will be maintained but the works require the removal of Rockfield DIY. Minor works are then proposed to Commercial Road junction including changes to lane markings, pavement alignment and signal positions.

J) Other ancillary works are also proposed on the western approach to Newtown Road/Edgar Street roundabout to enable the construction of a further lane within the land immediately north of the existing highway and alterations to Aylestone Hill/Barrs Court Road junction to remove the existing capability to turn right both into and out of Barrs Court Road.

- 1.7 The road has been designed to meet the Council's adopted Highway Design Standards and will be subject to a 30mph speed limit with minimum lane widths of 3.4 metres. Dedicated right turn lanes or ghost islands for right turning traffic are included on the approaches to the junctions. The entire length of the northern boundary of the carriageway will include a 3.5 metre shared footway/cycleway and a standard 2 metre footway is proposed along the full length of the southern boundary of the carriageway. All the signalised junctions will incorporate dedicated pedestrian/cycle crossing points with a further 7 metre wide toucan crossing provided directly from the station to the city centre and a further uncontrolled crossing to provide a link from the canal basin to future development to the south.
- 1.8 The application also includes detailed landscaping and public realm proposals which include sections of new tree planting along the length of the road, delineation of the cycle way and other pedestrian areas with higher quality surface materials and the introduction of non-standard street furniture, lighting and public art within key spaces around junctions. The road is proposed to be constructed in three phases commencing with the new junction on Edgar Street through to Widemarsh.
- 1.9 The application is supported by a full Environmental Statement (ES) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). As well as the principle of the development and policy context, the ES considers socio-economics and land use, traffic and transport, air quality, noise and vibration, archaeology and cultural heritage, landscape, townscape and visual effects, ecology and nature conservation, land quality, water resources and quality, waste management and cumulative effects. Also accompanying the application is a separate Transport Assessment, Flood Risk Assessment and an Arboricultural Report along with a Planning Statement incorporating a Statement of Community Involvement, a Design and Access Statement and a Stage 1 Road Safety Audit.

2. Policies

2.1 National Guidance:

Regional Spatial Strategy for the West Midlands

PPS1	-	Delivering Sustainable Development
PPS1	-	Supplement and Climate Change
PPS4	-	Planning for Sustainable Economic Growth
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPS23	-	Planning and Pollution Control
PPG24	-	Planning and Noise
PPS25	-	Development and Flood Risk

2.2 Supplementary Planning Documents:

Biodiversity,
Landscape Character Assessment
Statement of Community Involvement

Local Transport Plan
Herefordshire Council Highway Design Guide
Edgar Street Grid Design Framework

2.3 Other Guidance:

Edgar Street Grid – Adopted Master Plan July 2008 (as amended November 2009)

2.4 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR8	-	Culverting
DR9	-	Air Quality
DR10	-	Contaminated Land
DR13	-	Noise
DR14	-	Lighting
E5	-	Safeguarding Employment Land and Buildings
TCR21	-	Canal Basin and Historic Core
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T10	-	Safeguarding of Road Schemes
T11	-	Parking Provision
T12	-	Existing Parking Areas
T13	-	Traffic Management Schemes
T16	-	Access for All
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
HBA8	-	Locally Important Buildings
HBA9	-	Protection of Open Areas and Green Spaces
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH6	-	Recording of Archaeological Remains
ARCH7	-	Hereford AAI
RST8	-	Waterway Corridors and Open Water Areas
RST9	-	Herefordshire and Gloucestershire Canal
W11	-	Development – Waste Implications
CF1	-	Utility Services and Infrastructure

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

3. Planning History

- 3.1 Extensive planning history exists within and adjoining the application site including a variety of proposals relating to the many business and other properties in the area, but none is directly relevant to the consideration of this proposal.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency:

Having reviewed the submitted Environmental Statement and associated documents, including the Flood Risk Assessment, we have no objection to the proposed development subject to the following comments and recommended conditions.

Flood Risk:

The site is primarily located in Flood Zone 3 and part of the site is in functional flood plain. The approved Yazor Brook Flood Alleviation Scheme (FAS) will remove some but not all of the flooding from ESG. With the development being defined as 'Essential Infrastructure', the Exception Test must be applied in accordance with PPS25. The Flood Risk Assessment assesses the risk to the development both with and without FAS. The development in conjunction with FAS will not increase flooding elsewhere and will in fact reduce flood risk to the area as a whole. The link road will not be flood free to a 1 in 1000 year event (including climate change) and flooding also occurs to a proportion of the road (phase 2) in a 1 in 100 year (including climate change) event. Phase 2 of the proposals which involve an embankment through the floodplain and a new culvert to Widemarsh Brook is the most critical in terms of flood risk. It is therefore imperative that FAS is operational before Phase 2 of development proceeds unless other suitable mitigation measures are agreed and a condition is required to this effect. The Council must also have suitable emergency plans in place to deal with the flooding of the link road in a 1 in 1000 year event.

Surface Water Drainage:

As the detailed drainage proposals have not yet been designed, the Council may wish to seek further details in order for it to be demonstrated that the surface water can be attenuated to existing run-off rates up to a 1 in 100 year storm or achieve betterment in the surface water runoff regime, how sustainable drainage systems (SUDS) will be used or any obstacles to the use of SUDS and how any residual risks of flooding will be addressed.

Emergency Planning:

The Council must be satisfied that the flooding conditions for the development are acceptable and the Council's emergency flood plans are sufficient to manage the flood risk.

Culvert and Watercourse Diversion:

The Environment Agency resists culverting on conservation and other grounds except for access crossings. We note that other options will have been considered and were not practicable and that half of the new channel will be open with natural banks.

Biodiversity and Ecological Enhancements:

We note that the future stages of the ESG will provide greater opportunities for ecological enhancement. We recommend any potential otter resting sites are resurveyed prior to commencement of development and a 30 metre buffer zone is introduced to protect the otter habitat. An Ecological Management Plan should be secured to ensure implementation of biodiversity mitigation and enhancement .

Pollution Prevention:

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

Exploratory site investigation has been carried out along the length of the road but given the scale and nature of the development and potential for land contamination from historical uses, a more detailed investigation is required and conditions are recommended to cover this.

Export and Import of Waste:

Any waste produced as part of the development must be disposed of in accordance with the relevant waste management legislation with waste minimised and options for reuse or recycling utilised.

Following the receipt of further information, the Environment Agency have confirmed that there is no requirement to link by condition the construction of the link road with completion of the Yazor Brook Flood Alleviation Scheme as it has been demonstrated that the development does not increase flood risk to third parties if constructed in isolation.

4.2 Natural England:

At this stage Natural England must object to the proposal due to the absence of the Screening under the Habitats Regulations. In addition to the holding objection, Natural England considers that if the redevelopment proceeds in its current direction, significant opportunities to enhance the city centre for people and for the natural environment will be missed.

Habitat Regulations Assessment

The application may affect the River Wye Special Area of Conservation and at present the application contains insufficient information for Natural England to advise whether the proposal is likely to have a significant effect on the River Wye.

Widemarsh Brook

The future treatment of the brook resulting from the culverting proposed under this application is a missed opportunity to bring significant green infrastructure benefits to the city providing local recreation opportunities, green transport connections, wildlife, the potential for sustainable water management and substantial benefits to climate change adaptation through the creation of green space. The proposal is not in line with the requirements of the UDP and the ESG SPD, both of which require the brook to be opened up as a green infrastructure asset and to achieve these benefits, green infrastructure must be treated as a framework around which ESG is planned.

Protected species:

Natural England is satisfied with the findings of the ecology section of the ES which is based on thorough surveys which reach appropriate conclusions. A Construction Management Plan to ensure the protection of biodiversity should be agreed by the Council including pollution protection measures and protection of trees to be retained all supervised by an appropriate qualified ecologist.

The survey has revealed evidence of otter activity at all monitoring sites and a complex interplay between otters and their habitat which includes the River Wye. A development licence in respect of otters may be required in relation to the works that affect their habitat. The road will result in a loss of 72 metres of brook and replacement with 38 metres of culvert. During construction this will obstruct access along the brook for otters temporarily adversely affecting otters and their habitat including the River Wye. The Environmental Statement identifies no significant impacts on otters once the road is operational. The location of one of the construction compounds near the otter resting place could temporarily increase the risk of otter mortality and therefore the Construction Method Statement must include measures to protect otters during construction and timing of works. Natural England supports the proposed mitigation for the otters in the Environmental Statement.

The proposed permanent diversion of Widemarsh Brook in the future would result in the loss of further habitat including the permanent loss of an otter halt. Natural England questions

whether the new compensatory habitat to be created is comparable to that lost as much of the value of the existing habitat relies on the maturity of the vegetation in association with the brook. Significant mitigation and compensation will therefore be required including consideration of use of the police dog training field as an area of green space and creating longer sections of open channel for the brook including opening up the culvert around the Canal Road area.

Re-consultation

Although the additional information justifies the stance regarding the brook, our concerns regarding the missed opportunity to enhance the Widemarsh Brook as a green infrastructure connection for movement, biodiversity and recreation and assist with drainage and climate change remain and this opportunity should not be overlooked.

However, following a review of the Habitat Regulations Assessment screening, Natural England hereby withdraw our objection. The Construction Environmental Management Plan should be secured by condition, as it is essential to ensuring the protection of the River Wye Special Area of Conservation and the associated otter population.

4.3 Highways Agency:

In response to the original consultation, the Highways Agency issued a TR110 Direction preventing the application being determined as insufficient information had been provided to ensure that the A49 trunk road continues to serve its purpose as part of the strategic road network. The issues raised were as follows:

Car Parking Strategy:

We support the delivery of a sustainable parking strategy through the reduction in long stay car parking within the city centre and the creation of park and ride. However, we note that additional parking capacity is only required during the Christmas period and weekends which will not encourage more sustainable modes such as park and ride during the week. Further information is required as to how this situation can be avoided. Car park phasing should also be outlined in association with future developments at this stage to take account of traffic flows.

Assessment Years:

The Highways Agency accepts the chosen assessment year of 2026 but requires sufficient information to understand the impact of the development at this stage and impact of other works such as downgrading of Blueschool Street.

Committed Developments:

Whilst the 2013 opening year scenario includes traffic growth factors, no modifications within the model for potential major development have been allowed for at the 2026 scenario. These growth factors should also be included. The Council must also be satisfied with the developments included within the 2026 scenario.

Trip Rates:

Further information and different scenarios require assessment. Firstly, edge of town centre or suburban area trip rates would be more reflective for ESG. A worst case scenario should be carried out for the housing development with all the housing being privately owned. Trip rates for the retail quarter should be assessed against comparable rates for a retail park. Leisure/food and drink quantum should be broken down into the different categories of use and clarification on the community space and DIY Store is required.

We are satisfied with the impact of the proposals on trip distribution and welcome the implementation of a Strategic Travel Implementation Strategy with future developments.

Junctions

Further information is required regarding Newtown Road roundabout and the reduction in traffic on Newmarket Street roundabout and where this would be distributed.

The design of the new Edgar Street junction requires modification in relation to the pedestrian crossing point, lane alignment and width, signal arrangements, turning movements, signal sequencing and the capacity and relationship of other localised junctions with the new junction. A Stage 1 Safety Audit is also required for the new junction.

Re-Consultation

In response to a further consultation and information provided by the applicants, I am pleased to inform that all of the Highway Agency's concerns have been addressed. Consequently we are now in a position to lift the holding direction previously placed on the application.

The Highways Agency supports the development of the sustainable travel implementation strategy at appropriate stages of the development and the commitment to park and ride. The provision of only sufficient parking to compensate for the immediate loss as a result of the development with no additional parking and the 2026 assessment year is accepted. All agreed committed developments have now been included within the model and the assessments are accepted. Further sensitivity testing using higher residential trip rates have been carried out which reveals that the impacted junctions are not detrimentally affected. The use of 2001 census data as base estimates of journey to work mode shares is valid and remains accepted practice for this type of development. The additional information for Newtown Road roundabout has been checked and is acceptable.

4.4 Advantage West Midlands:

The agency's role involves commenting on major applications in relation to the aims and objectives of the West Midlands Economic Strategy. ESG is one of 20 Investment Impact Locations in the West Midlands. The Agency is making major investments in this area and working in partnership to help deliver regeneration, public realm improvements within the town centre and new employment opportunities in Hereford.

The Agency fully supports the development as it is a key component in delivering the aspirations of the ESG. The development will improve connectivity between the ESG and the city centre enabling environmental and safety improvements to the inner ring road and providing greater integration between the ESG and the heart of the city. The link road also serves to facilitate regeneration opportunities within the ESG by providing access to areas of land which have previously been land locked.

4.5 English Heritage:

The new road is a key feature of the Master Plan for the Edgar Street Grid development and as such English Heritage supports it in principle. We are unable to offer specialist engineering advice but urge all parties to ensure the road meets the objectives of reducing traffic flows on Blueschool Street and Newmarket Street. We regard the success of this objective as fundamental to the success of the reintegration of ESG with the historic centre.

If there were a choice between creating or retaining capacity on the new road or on Blueschool or Newmarket Streets we would adopt the former. We place high value on improving pedestrian links between the historic centre of Hereford and the railway station and it is not obvious how the present unsatisfactory situation will be resolved and how links from the station to the centre via Widemarsh Street will cross the road. We would urge you to address the issues.

4.6 Welsh Water:

The proposed development will overload the existing public sewerage system and no improvements are planned for the area. We consider any development prior to improvements being undertaken is premature and therefore object to the development. In order for the

objection to be lifted the developer is advised to investigate other methods of surface water disposal such as SUDS and connecting to existing highway drains in the area.

4.7 Network Rail:

There is no objection in principle subject to the continued safe operation of the railway and protection of Network Rail's land. This will include need for the supervision of works by Network Rail within close proximity to the rail infrastructure, measures to minimise disruption and maintain access to Hereford Station and Network Rail's maintenance depot, designing the drainage to ensure no discharge onto Network Rail's land, no changes in levels near railway embankments, retaining walls or bridges and any works including demolition in close proximity to Network Rail's structures carried out to an agreed Method Statement.

4.8 Herefordshire & Gloucestershire Canal Trust:

In response to the original consultation

The Trust issue a holding objection until such time that a legal agreement has been entered into to protect the interests of the canal and to compensate for the breach of the Unitary Development Plan for failing to provide for the canal as originally proposed. The applicants have been given every opportunity to resolve the Trust's objection but to date no details have been finalised.

Re-Consultation

Further information has subsequently been provided by the applicants including a provisional specification and initiative plan of the canal basin. In response to a further consultation, the Trust comment as follows:

Whilst the Trust is not in a position to remove its objection we believe that subject to sufficient flexibility from the applicant to match the Trust in compromise and accepting the basin to the north of the road and subject to sufficient legal guarantees on delivery it may that the Trust's requirements can be met.

We agree with the basic specification for the basin and approach canal in terms of dimension but the final specification and details of the canal works are yet to be agreed. We also agree with the location of the proposed landmark building for the Trust but this should be full height and not just ground floor. In the long term the canal could bring considerable potential benefits to the area but until a legal agreement has been entered into to compensate for the loss of the original proposals along with full details of the final specification and annual payments for properties in the area, our objection must remain.

4.9 West Mercia Police (WMP):

WMP owns the Essex Arms Playing Field now used for police dog training. In the medium to long term, WMP are reviewing options with a view to developing a single Divisional Headquarters (DHQ) site in or as close as possible to the city centre along with a separate city centre police station. WMP see the Essex Arms site as being appropriate for the DHQ and an indicative scheme has been developed for the site. Six other sites within the ESG area have been considered but have not been found appropriate and any other site would have to be acquired at market rate whilst the police's existing site would be compulsory purchased at the present land value (nominal valuation).

WMP's current position is that in the absence of any alternative appropriate site, a site for a new DHQ should be allocated for police use. The WMP fully supports the principles of ESG but its prime obligation is to deliver effective policing services to the public at best value and this must take priority. WMP support the application subject to a condition requiring the applicants to identify a site within the ESG for a new DHQ which is operationally acceptable to WMP.

4.10 Fire Service:

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

No comments received.

4.11 Ambulance Service:
No comments received.

4.12 Confederation of Passenger Transport:
No comments received.

4.13 Hereford Access for All:
Hereford Access for All are in general agreement with the proposals. Pedestrian crossings at Blackfriars Street and Widemarsh Street and Canal Road and Coningsby Street should be clearly marked to assist those with disabilities in crossing including the visually impaired.

4.14 Royal National College for the Blind:
No comments received.

4.15 Cycle Hereford:
We query the need for this road on both traffic and regeneration grounds. The application is premature as there is uncertainty over the ESG and delivery of the various elements including the transport hub. Experience of best practice in the UK and abroad indicates that a significant proportion of the benefits claimed for this road can be achieved without constructing roads to absorb diverted traffic. The upgrading of the inner ring road should be progressed ahead of the construction of any link road.

The timing of the application pre-empts the critical stages of the local development framework process including the new local transport plan. Since adoption of the UDP, public worries over the ESG have grown. References to ESG were taken out of the core strategy visions and objectives in view of these public concerns.

The development is contrary to planning guidance on sustainable development and transport which makes it clear that the road building should be a last resort with any new development designed to minimise reliance on private car transport in favour of walking, cycling and public transport. This development will facilitate existing car trips within the city rather than supporting demand restraint.

We object to the omission of climate change as a planning consideration within the supporting documents.

We object to the premise of the proposal that sustainable development including sustainable transport requires unsustainable development first.

We strongly object to the treatment of cycling within the scheme. The design is contrary to national guidance, best practice and principles adopted by Herefordshire Council Pedestrian, Access and Cycle Forum and Cycle Hereford's blueprint for cycling. The design results in a route that's frequently interrupted as priority is given to motorised traffic and junctions which effectively introduces a series of unnecessary hazards for pedestrians and cyclists. It will create confusion for the status of cyclists regarding the right to use the carriageway and exacerbate inconsistencies in the way cyclists are treated in Hereford.

If the application is approved it should conform to the Council's Streetscape Design Strategy and be subject to a 20mph limit which would significantly alter travel times but will protect pedestrians and accommodate cyclists, reduce severance and avoid the need for signalised junctions and turning lanes.

The application should be subject to a public inquiry in order to test in public the key issues of need, conformity with policy and highway and public realm design.

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

4.16 Hereford Hackney Taxis:
No comments received.

4.17 West Midland Buses:
No comments received.

4.18 Hereford City Partnership:
The application should be considered in the wider context of Hereford's road infrastructure including the need for a new river crossing and bypass.

The application is seen as a means of easing city centre congestion but takes no account of increased traffic levels arising from arresting the retail drift that is currently occurring or with major housing development to be built.

The link road will add to the existing pollution within the air quality management area where the Government targets have not been met since its inception in 2001. High level of pollution is putting the health of most vulnerable people at risk.

The road offers no sustainable transport solution such as bus lanes and a cycle path whilst the ESG SPD seeks to promote more sustainable transport modes. Funding for a second river crossing will fail unless sustainable transport and pollution reduction are addressed.

The road will not facilitate park and ride due to increased traffic on Holmer Road and Newtown Road and no assistance is proposed for potential rat runs that will be created along Bodenham Road and Ledbury Road.

Traffic on Blueschool Street and Newmarket Street will only be reduced by 50% with nothing allowed for future traffic growth. The desired goal will therefore not be achieved in improving connectivity between the historic centre and the retail quarter. The road should be designed to eliminate the need for Blueschool Street and Newmarket Street therefore creating true linkage with the city centre.

Roundabouts are the preferred and more effective means of managing traffic than traffic lights. There is also a mismatch between the multi modal traffic study and the link road design.

4.19 Hereford Chamber of Commerce:
No comments received.

4.20 Hereford Nature Trust:
No comments received.

Internal Council Advice

4.21 Transportation Manager:

General

The application is for infrastructure only and therefore does not have any direct traffic generation impact but will have traffic redistribution effects on the existing network. This is assessed using the Multi Modal 'Saturn' Model which is jointly developed by Herefordshire Council and the Highways Agency. This assesses the opening year impact in 2013/14 and future year impact of 2026 including all ESG Master Plan proposals.

The proposals are included in the list of schemes within the Transport Chapter of the UDP including the upgrading of Blueschool Street, Newmarket Street to improve pedestrian connectivity. The Model identifies that at the 2026 scenario, an estimated 48% reduction in traffic on Blueschool and Newmarket Streets will be achieved.

Parking Strategy:

In the absence of a firm timescale for the implementation of park and ride the parking loss from Merton Meadow is important. Further information is required regarding the location and deliverability of the alternative parking including alternative overnight lorry park.

Sustainable Travel Implementation Strategy:

I accept that this is not required in association with this application but should be detailed in any future transport assessments for other ESG developments and should be conditioned as such.

Link Road Design:

The design provides for a combined shared cycleway/footway. This should not be segregated and any signage and lamppost should be avoided within the footway/cycleway. There are five signalised junctions to be negotiated within the 850 metre length which is likely to reduce the attractiveness of the route for cyclists although the Road Safety Audit does not raise any concerns in this regard. There are limited opportunities for cyclists to join/leave the cycle route and cyclists are generally disadvantaged when they are removed from highway. Further consideration should be given to dedicated on road cycle lanes and advance stop lines at junctions. Clarification as also to why the off road option was selected in preference is also required.

I am concerned with the impact of the no right turn facility from the link road on to Edgar Street and increased traffic along Widemarsh Street and Newtown Road. However, even if the right turn is provided a proportion of traffic will still elect to use this route and a similar situation applies to the reverse route. Signal settings should be such to discourage the use of Widemarsh Street particularly for traffic travelling from the west.

Widemarsh Street is identified as a key external cycling connection within the Transport Assessment and is a heavily used pedestrian route between residential areas and the primary school. Further details are required to ensure that adequate carriageway and footway widths can be provided to cater for the pedestrian flows and the signal settings and vehicle movements are appropriate to ensure pedestrian and cyclist safety.

The link road will also sever existing north south pedestrian routes along Edgar Street, Widemarsh Street and to the railway station but the proposed signalised crossings caters for these movements.

The new junction at Station Approach includes a diagonal crossing which is an unusual feature and without the associated transport hub and adjoining new development, it may not be recognisable for pedestrians and cyclists. Consequently conventional routes around each leg of the junction would be followed necessitating a way through two stages of lights. This would make the route less attractive for pedestrians and sustainable modes of transport.

I am concerned that Canal Road could be used as a rat run. This has been identified as a pedestrian/cycle route to the station and city centre and further traffic modelling is required to investigate the impact of this connection being installed before the link road is operational.

The north south feeder road layout is acceptable in principle to serve the current car park layout and provide a link to Blackfriars Street.

Alterations to the Existing Highway Network:

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

Newtown Roundabout:

Minimal changes to the non trunk road parts are considered acceptable.

Barrs Court Road/Aylestone Hill:

This junction has an accident record and any proposed removal of the right turn facility in to and out of Barrs Court Road will simplify movements at the junction and improve the situation for pedestrians. The link road will provide a suitable alternative route for this traffic. However, some displacement of traffic onto adjacent residential roads to the north will occur and the modelling does not ascertain the effects of this in sufficient detail. The modelling should also be carried out to assess the implications of not introducing the right turn restrictions on Barrs Court Road. The restriction would also require the re-routing of an existing bus service and the loss of two bus stops on Barrs Court Road. The proposed signalised crossing on the railway bridge may also no longer be necessary.

Road Safety Audit:

This does not provide a detailed design check but assesses the scheme for road safety implications. Thirteen points have been identified but they can all be addressed at the detailed design stage. A copy of the Departure Report is still required.

Traffic Modelling and Impacts of the Proposed Road:

There is no assessment for the development on the Edgar Street Newmarket Street roundabout and the effect of the proposed redistribution of traffic on this area is required. There are projected significant increases in traffic on Central Avenue for the 2026 period and this requires further assessment. As detailed above, further modelling is also required for the Barrs Court Road scenario without the right turn restrictions implemented and Canal Road link implementation. It is also surprising that with all the claimed benefits for cyclists, there is not a more significant modal shift.

The Council's Transportation Team have also engaged independent consultants (Transport Planning International) to review the technical data and particularly the Multi Modal Model upon which the traffic assessment is based. This technical audit established the need for further information and clarification with respect to the future growth forecast, some of the traffic flows around specific junctions, the operation of the junctions themselves associated with the traffic light sequencing, the available reserve capacity at junctions and the desirability of certain alternative route options following construction of the link road.

Re-Consultation

In response to a further consultation, my previous concerns have now largely been resolved subject to conditions including and a review of the sum of money proposed for future mitigation. Any other outstanding matters can be resolved at the detailed highway design stage.

The parking strategy is now acceptable subject to this matter being conditioned to identify the amount of parking lost at each phase, location, quantum's and pricing of alternative provision.

Concerns remain regarding the cycle provision and the number of interruptions to the east/west route and connectivity with existing road network but it may be possible for this to be covered at the detailed design stage.

The further information on the turning restriction options at Edgar Street demonstrate that the new junction and Newtown Rd roundabout can operate with either option but that the selected option is the more satisfactory. The existing narrow footway along Widemarsh Street should be widened to two metres and the turning restrictions for the Timber Yard require further clarification. Minor revisions to the highway works in this area are required but these can be covered at the detailed design stage.

Clarification that the canal road link is not to a through route has been provided and this should be safeguarded by condition.

The possibility of increased use of Hopton Road, Penn Grove Road and Moorland Avenue remains a concern as the model indicates that as a result of the new restriction on Barrs Court Road, traffic is re-routing further northwards. The £250,000 could be used to mitigate these impacts.

A departure report for the Widemash Street junction has been received. Any necessary mitigation to achieve the required visibility can be achieved within the application site area and this can be resolved at the detailed design stage.

The further information on the modelling demonstrates the satisfactory operation of the Edgar Street roundabout. Our consultants have also confirmed that the modelling is robust and that the link road can cope with the flows anticipated and all junctions can operate individually and in sequence.

4.22 Forward Planning Manager:

The proposal forms an integral part of the ESG Regeneration Scheme including the upgrading of Blueschool Street to achieve better integration with the historic city centre. The route is supported by Policy T10 and follows that identified on the proposals map in the Unitary Development Plan, ESG Supplementary Planning Document (November 2007) and the ESG Master Plan and therefore complies with policy in this regard.

The canal basin is now located to the north of the link road as opposed to the south as directed by the UDP and ESG SPD. However, there have been amendments to the masterplan which have been approved by the Councils Cabinet and in light of this, a policy recommendation of refusal on these grounds is not warranted.

Policy T6 requires existing walking routes to be safeguarded and new links provided which has been accommodated with new and improved pedestrian crossing facilities.

Policy T7 details requirements for new cycle routes including cycle priority measures at junctions. The proposed shared cycle/footpath will provide new cycle links between Edgar Street and the railway station and help form further linkages with adjoining routes around Commercial Road and Aylestone Hill area improving the connectivity through the city for more sustainable transport modes.

In conclusion, the route identified for the link road complies with the Unitary Development Plan policy and the ESG SPD and the proposals take into account the need for additional improved cycle ways and footpaths and therefore the integration of these additional sustainable options comply with the relevant policies within the Unitary Development Plan.

4.23 Economic Development Manager:

We support the aims and objectives of ESG and note the route corridor for the road scheme is safeguarded within Policy T10 of the UDP and the application represents implementation of this policy. Evidence in such trends as leakage of retail spend and loss of young people indicates that Hereford's traditional role as a pre-eminent centre in the sub region is showing signs of failure. The vision underpinning the ESG scheme is to help stem this decline. Pivotal to achieving one of these aims is the new road which will allow the seamless expansion of the city centre and access to future development parcels.

Seventeen businesses relocations are required affecting 130 full time and 26 part time jobs. In contrast, the proposed retail development is estimated to deliver approximately 800 net new jobs to the city. Further new employment will be created from other parts of ESG.

The Council is actively working with Advantage West Midlands with the affected businesses to find appropriate sites and premises for them to relocate to. We understand that currently 13 businesses are in active discussions with the Council, AWM and ESG. AWM have also purchased Three Elms Trading Estate and outline planning permission exists to enlarge the estate providing new business units. Several ESG businesses have expressed an interest in relocating to the estate. The Council is committed to ensure that all ESG businesses find suitable sites and premises.

The ESG development is responding positively to the growth point status awarded to Hereford in 2006 for the delivery of sustainable housing growth and this agenda is confirmed in the Regional Spatial Strategy and emerging local development framework. For these reasons the application is strongly supported.

4.24 Minerals and Waste Officer:

Section 16 of the Environmental Statement including a draft Site Waste Management Plan provides sufficient detail at this stage to address waste issues. In accordance with UDP policy W11, a full Waste Audit and Site Waste Management Plan should be finalised prior to commencement of development and these matters can be achieved through a condition.

A waste strategy for the whole of ESG would be the most appropriate solution although it is appreciated that there are will be logistical issues associated with achieving this. It would allow for example for any surplus inert waste material arising from the link road to be stored on site and used in connection with future developments. This would also minimise traffic implications. Subject to appropriate pre-commencement conditions, there is no objection to the development on minerals and waste grounds.

4.25 Public Arts Officer:

No comments received.

4.26 Head of Environmental Health and Trading Standards (Air Quality):

The impact of the development on air quality is dependent on location with levels falling in some areas and increasing in others. As is to be expected with a new road, levels are likely to increase within the development area and concerns are raised that reasonably substantial increases exist in sites along Edgar Street which fall within the Council's Air Quality Management Area. Concern is also raised with the monitoring site on the railway bridge near the junction with Barrs Court Road where a reduction in Nitrogen Dioxide is predicted whereas an increase would be more logical due to increased traffic using the link road. If substantial reduction in pollutant levels can be demonstrated elsewhere this would go some way to redressing the increase at other locations. However, the only site that sees a reasonable reduction is Union Street and Bath Street and this is not comparable to the increase at other sites.

The demolition and construction works has a potential to give rise to dust particles and short term reduction in air quality. Mitigation is identified in the Environmental Statement and a condition is recommended requiring a more detailed methodology in line with the London Council's Best Practice Guidance Document: The Control of Dust and Emissions from Construction and Demolition Sites. This should be secured by condition.

From a long term air quality perspective, there will be marginal improvements in air quality in some areas but the development will reduce air quality in others and the off setting of increases of Nitrogen Dioxide over time are not balanced with a reduction in other areas particularly within Air Quality Management Areas.

No sites will be increased to a level that is in breach of the Government objective and although there will be a negative effect on air quality overall, there is insufficient reason to object to the application.

4.27 Head of Environmental Health and Trading Standards (Contamination and Pollution):
The base line study within the Environmental Statement does not identify any significant contamination. However, localised areas of contamination may be found in previously undiscovered areas therefore a condition is recommended to deal with circumstances where unexpected contamination is discovered.

4.28 Head of Environmental Health and Trading Standards (Noise):
The development has the potential for adverse noise and vibration impacts due to the construction activities during the development phase and arising from traffic noise when it is operational. The Environmental Statement utilises a variety of nationally accepted standards and guidance and takes into account both noise in the immediate area around the development and the affect on the wider area.

Construction noise will in the main be in accordance with appropriate daytime levels except for two properties at which the increases are rated as major (Oxford Arms, Widemarsh Street and Noahs Ark Pre-School, Edgar Street) a further one receptor location is considered moderate at Christian Life Centre, Edgar Street. Noise levels during core working hours are also registered as acceptable. Special mitigation measures for the construction near the sensitive receptors through a Construction Environmental Management Plan prepared prior to works starting will be required.

Noise from the operational phase is likely to increase in the number of annoyed people when it first opens. However, irrespective of the new road noise levels would gradually increase due to traffic growth and in the longer term the effect of the road itself is negligible. No properties will be so adversely affected to be eligible for treatment under the Noise Insulation Regulations (Construction and Operational Noise). Vibration is not identified as being a problem with the development.

There is therefore no objection subject to a condition requiring a Construction Environmental Management Plan covering matters such as hours of work and dust control measures. The local authority also has powers under pollution control legislation should noise from the construction works not be satisfactorily managed.

4.29 Conservation Manager:
The principle of the road and its alignment is set by policies in the Unitary Development Plan. Policies TCR21 and TCR22 identify that the development through which the road will travel should be prepared in a comprehensive basis with a high quality of design and Widemarsh Brook enhanced. The Edgar Street Grid Design Framework Supplementary Planning Document emphasises the need for public realm improvements including enhancement of the railway, the need to integrate frontages to create attractive streets, the creation of high quality public realm and external space, creation of gateway locations and landmark buildings, making a feature of Widemarsh Brook and avoiding mistakes made previously in townscape terms with Blueschool Street and the northern end of Widemarsh Street.

Historic Environment

Archaeology - The details are sufficient to conclude that the proposal is unlikely to have any significant effect on archaeology. Sites of archaeological sensitivity have been avoided and some areas of archaeological potential exist but are likely to be insignificant. In areas where works may have limited impact, this be mitigated through an appropriate programme of archaeological works prior to development commencing.

Historic Buildings - There are no adverse effects on the setting of listed buildings or any impact on the character and appearance of the southern end of Aylestone Conservation Area or the setting of any other Conservation Areas within the close proximity of the site.

Widemarsh Street Historic Character - This street is one of the historic routes into the city and its character is predominantly one of enclosure. The redevelopment of this area with four lanes will change the character of this important historic street.

Natural Environment:

Trees – Although a number of trees will be lost along the route, amenity value can be replaced with new planting and the proposals for tree retention and protection are acceptable.

Widemarsh Brook (SINC) - An open section of the brook will be lost through the introduction of a culvert and no compensatory measures have been advanced as required by Policies NC4 and NC7. Options could include opening up further sections of the brook near Morrisons store. Proposals may be advanced later as part of the urban village but at present the development does not accord with Policy TCR21 in that no comprehensive approach has been adopted.

River Wye Special Area of Conservation and Site of Special Scientific Interest - The issue around the impact on the River Wye relates to Widemarsh Brook and particularly the control of pollution and how the brook will function during construction. As requested, further information has been provided on these matters. A condition is required to ensure all mitigation is carried out in accordance with the Environmental Statement and Construction Environmental Management Plan.

An Appropriate Assessment screening has been carried out and concludes that providing the works of mitigation are implemented, there is unlikely to be a significant effect on the River Wye through any detrimental impact on Widemarsh Brook. Achieving enhancements of Widemarsh Brook prior to the urban village development would comply with Policy NC4 and improve the nature conservation status of the River Wye in accordance with Policy NC3.

Otters are European Protected Species and are known to be using Widemarsh Brook. The proposals to accommodate their presence are satisfactory including mitigation in relation to one of the construction compounds but the final details should be sought through a pre-commencement condition.

5. Representations

5.1 Hereford City Council:

The Council determined that there were no material considerations as to why the application should be refused but identify a number of issues and concerns which require further investigation or conditions to be imposed.

1. Cycling – the arrangements for cyclists is not considered adequate to allow cyclists to move safely and at a reasonable speed. A dedicated cycle lane in each direction should be provided on highway.
2. The proposed works to the canal provide a visual and leisure amenity and the development must not obstruct the delivery of this amenity.
3. Consultation – more widespread consultation in particular along Barrs Court Road, Bodenham and Southbank Road where rat runs could be created should be carried out.
4. Impact on businesses – All existing businesses affected by the development must be given every assistance to remain trading whilst works proceed and at the appropriate time, supported with any relocation with the sites being as close as possible to their existing premises and readily accessible.

5. Content – It is difficult to consider the application in isolation without considering Hereford’s wider traffic congestion issues and proposals for the inner ring road and outer relief road. Concerns remain regarding the uncertainty over remaining traffic flows on Newmarket and Blueschool Streets and consequences of pedestrian routes.
6. Drainage – Works at the PC World roundabout have resulted in the removal of a drain causing localised flooding and silt deposit problems on the carriageway. The present condition of culverts and drains should be fully assessed to ensure that they are operational and in good order.

5.2 A petition submitted by ‘It’s Our City’ campaign group containing 10,680 signatures has also been received. The petition states the following:

- That proposals for the retail and link road developments should be suspended,
- The original merits of the proposals and the economic crisis has fundamentally changed what is possible and desirable.
- The petition urges the Council to re-examine regeneration measures that will enhance the historic core of the city; support and enhance existing businesses; promote affordable and sustainable housing; improve public transport and public realm; provide new and imaginative civic amenities and encourage new leisure facilities for younger citizens.

5.3 83 letters of objection have been received including a detailed objection report from Hereford Civic Society. The main points raised are:

- The road will lead to increased congestion in the city
- The new junction on Edgar Street will cause congestion of the A49
- The proposed traffic lights should be replaced with roundabouts
- The road is in conflict with the Local Transport Plan as it does not include a dedicated bus lane to assist with the proposed park and ride.
- The cost of achieving the road will not provide value for money
- The road will lead to the loss of a number of established business and associated jobs
 - The real purpose of the road is to support the ESG development rather than alleviate current traffic on Blueschool Street and Newmarket Street the road will not achieve this
 - There has been inadequate neighbour notifications to properties directly effected by the road and very short consultation times
 - The road shall not be approved until it has been demonstrated that the flood mitigation works have been completed and are working
 - The road may increase flood risk elsewhere
 - The application does not adequately assess the traffic impact on the existing Commercial Road junction
 - The road will create rat runs in Southbank Road, Bodenham Road, Central Avenue, Hopton Road and St Guthlac Street areas. The application does not assess the full impact on local residents on these roads
 - The air quality management area on the A49 will be adversely affected by the road
 - The impact of the road cannot be considered without knowing through submission of applications what will be built elsewhere on the ESG
 - The road will divorce the railway station from the rest of the city
 - The required reduction in traffic on the inner ring road could be achieved through sustainable transport measures

- The Council cannot independently assess the application due to the close linkages with ESG
- The trip rates and traffic assumptions within the traffic modelling have been underestimated and do not stand up to scrutiny
- The road cannot rely on the delivery of an outer distributor road and the timing will not coincide
- The design of the road is over engineered and is not in character with the local vernacular or street scene hierarchy for the historic parts of Hereford city
- The design of the road is totally inappropriate for cyclists
- The road will exacerbate the seriously poor air quality for residents contrary to policy DR9 of the UDP
- The road facilitates the delivery of the retail quarter which will have a detrimental effect on Hereford City Centre and is contrary to Policy TCR1 of the Unitary Development Plan
- The Post Office Depot car park will be lost
- The road will flood to a depth of 1 metre with little scope for incorporating flood risk management levels into the design of the road
- Building yet more roads is unsustainable
- There should be a right turn option on to Edgar Street to relieve traffic on Edgar Street roundabout
- The 3 year construction period will kill any demand for shops in the city
- The road will increase carbon emissions
- The road should be part of an integrated sustainable transport plan for the county
- If the prime function of the road is to reduce traffic on Blueschool Street and Newmarket Street, the works to these streets should be considered at the same time as this application for the road
- The design of the road does not allow for the free flow of traffic along its length
- The parking strategy is unclear
- The increase in traffic on Newtown Road roundabout due to the no right turn restriction on Edgar Street is unacceptable
- The stated reduction in traffic on Blueschool Street and Newmarket Street when the road is built is neither significant or sufficient to give the necessary connectivity between the retail quarter and the city centre
- The Environmental Statement does not take account of the impact of noise on future housing built along the link road
- The Air Quality Assessment is an unproven basis for assessment.
- The development will not resolve surface water and sewer flooding in the area
- The road is likely to be a strategic emergency route
- The case for the road has not been proven
- The development will spoil the character and appearance of the city centre
- The separation distance between the new road and the north eastern corner of the Royal Mail sorting office building is not sufficient for future maintenance.
- The Edgar Street junction will create a difficult crossing for pedestrians and cyclists
- The growth of the city with several thousand further houses will only exacerbate the volume and congestion of traffic in the city and along Edgar Street
- The old Essex Arms playing field should be preserved as a Greenfield site and haven for wildlife
- The vistas for tourists and visitors from the station will not be inviting
- The Grade II listed station should be acknowledged of greater importance
- The road takes no account of safe routes to school for children, particularly accessing Saint Thomas Cantilupe Primary School
- The application gives an entirely false impression of the affects of the road

- The impact on accessing the hospital has not been fully assessed
- Hereford traffic could be better controlled through the construction of new bridges over roads and removal of traffic lights
- The road will affect the accessibility and environment for three schools for the disabled and young people at Barrs Court School, Canal Road Day Centre and Heveron House
- The proposed number of traffic lights will only increase the number of bottlenecks along the road
- The pavements should be 3.3 metres wide to allow pedestrians to pass each other
- ESG should be required to demonstrate that the funding exists to deliver the overall ESG scheme prior to any consent being approved
- The application is incomplete as there are no details of the transport hub
- The new section of road in front of the station should be dropped to a cut and covered tunnel in order to create a large traffic free civic space including facilities for commuters and tourists
- Removal of Rockfield DIY is wholly unnecessary.
- The design of the Edgar Street junction does not allow safe entry and exit to and existing business at 121 Edgar Street
- The purpose of the road is unclear
- The development is contrary to Policies TCR21, T10 and the ESG SPD
- If approved the link road should not be permitted to commence until contracts have been let for the outer distributor road and other ESG developments have planning approval
- The road is to be elevated by as much as 2.7 metres above existing ground levels in parts which is out of character with the city centre
- On at least two stretches of the road visibility is compromised
- Further negotiations should take place with the existing landowners to simplify the road design
- The culverting of existing watercourses does not meet the ESG SPD policy requirements
- The new road is not fit for purpose
- The Transport Assessment relies on 2001 census data which is wildly out of date.
- There is a marked under estimation of noise exposure for residents and workers in the vicinity of the new road
- The description of the road is unclear sitting more accurately somewhere between a main distributor road and a strategic route

5.4 Two letters of support have been received: The main points raised are:

- The proposed road would be good if it is going to relieve traffic and enable more affordable housing to be built within the city
- TGS Bowling have no objection subject to vehicular access being maintained.

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

6. Officer's Appraisal

6.1 The key issues for consideration in the assessment of this application are as follows:

1. The Principle of the Proposed Development and the Development Plan Background
2. Traffic and Transport
3. Flood Risk

4. Socio-Economic Impact
5. Amenity Considerations (Air quality, noise and vibration)
6. Design (Townscape and landscape effects)
7. Biodiversity
8. Herefordshire & Gloucestershire Canal
9. Surface Water Drainage, Water and Ground Quality
10. Waste Management
11. Other Matters

The Principle

- 6.2 The site forms part of the Edgar Street Grid Regeneration (ESG) area which comprises 43 hectares immediately north of Hereford City Centre. The ESG concept was developed as early as 2003 and set a 20 year vision for the regeneration of the area. The first Masterplan was prepared in 2004 to coincide with the preparation of the Unitary Development Plan (UDP).
- 6.3 The link road has two primary functions. The first and main purpose of the road is to enable the redistribution of traffic away from Blueschool Street and Newmarket Street (inner ring road) so enabling greater connectivity between the historic city centre and the ESG area. The second function of the road is to provide access to future development parcels within the northern quarter of the ESG.
- 6.4 As part of the initial master planning study which was subject to full public consultation, several options were considered to deal with traffic issues within the city and enable the facilitation of ESG. These included providing Newmarket and Blueschool Street with an underpass, avoiding the need of a full link road by only constructing the road between Widemarsh Street and Commercial Road and more recently two further options were considered, namely utilising Barrs Court Road as the main east west link road and a new section of highway for the south of the ESG area to connect Coningsby Street with Blueschool Street. The various options were dismissed for a number of reasons but principally due to constraints over construction logistics, highway geometry, archaeological and townscape issues, visual and noise considerations, the number of residencies and properties affected and cost. It is accepted that in highway terms, the only means by way a significant amount of traffic can be moved off the inner ring road is through the construction of a new east west highway link further north within the city.
- 6.5 The Environmental Statement (ES) also explains the many different design revisions of the preferred option that have been considered including single carriageway or dual carriageway, roundabouts or traffic lights, bridge or culverts, tunneling, changes to the alignment and banning of certain movements at junctions to influence routings. There has therefore been an extensive background evaluation to arrive at the preferred solution in terms of location and design. This robustness of this process is accepted.
- 6.6 At a regional level, Hereford is identified as a 'Settlement of Significant Development' within the revised Regional Spatial Strategy (RSS) where balanced and sustainable growth can be accommodated. The RSS identifies a need for significant investment in new infrastructure to support the required growth. This growth includes the need to provide for the regeneration of Hereford city centre. Herefordshire including Hereford also falls within a 'Rural Regeneration Zone'. Within these zones across the West Midlands 20 'Impact Investment Locations' have been allocated where opportunities for the early delivery of projects contributing to the sustainable growth of the regions economy is identified and ESG is identified as one of the 20 projects. ESG is also supported with significant investment from Advantage West Midlands.
- 6.7 ESG generally and the need and purpose of the road as identified in the original Master Plan was further tested through the UDP public Inquiry. The Government Inspector concluded that:

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

“It appears to me that the proposals for the Edgar Street Grid are a central component of the regeneration of Hereford. The Edgar Street/Commercial Road link is an integral part of those proposals taking into account both the stage reached and the potential importance of the link road scheme I consider that safeguarding would be appropriate”.

- 6.8 The UDP acknowledges that in the context of sustainable transport policies, new road schemes should only be undertaken where there is no other appropriate solution. Within this context the UDP and Policy T10 only identifies a small number of new road schemes over the lifetime of the Development Plan on the basis that in each instance, they mitigate specific environmental problems and they are in the interest of safety or to meet access requirements associated with economic development. Policy T10 safeguards land for the delivery of new road schemes of which the link road is identified as one. The adopted proposals map further illustrates the alignment of the new road which this current application follows.
- 6.9 In summary, the principle of the road is supported by the adopted development plan policies which is further supported by the national and regional tier of planning policy and Advantage West Midlands. The proposal is in principle, therefore, development plan compliant.
- 6.10 Furthermore, it is accepted that an extensive evaluation of other options has been considered as required by Part 1, Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and there are no other highway solutions including consideration of other sustainable transport options that will allow the barrier that the inner ring road presently presents to be mitigated and facilitation of other parts of ESG.

Traffic and Transport

- 6.11 The traffic and transport considerations are supported by a detailed Traffic Assessment (TA) along with a dedicated chapter within the Environmental Statement.

The Traffic Model

- 6.12 The baseline data within the TA is generated by the Multi Modal Transport Model. This covers both ESG and the City as a whole and has been constructed in partnership by Herefordshire Council and the Highways Agency. This was completed in 2009 based upon 2008 traffic survey data and therefore represents an up to date tool to assess traffic impact. Census data is also used which the Highways Agency confirm is acceptable. The model considers existing and calculates proposed vehicular trip generation and travel patterns within the city and to and from the city and ESG including including public transport, walking and cycling trips. The model also takes account of background traffic growth in line with the Department of Transport methodology. It should however be noted that within Hereford City Centre and notwithstanding what the perception may be, there has been no traffic growth over the last five years. Hence, the inclusion of traffic growth figures based on the last five years would represent a very much worst case scenario. The model also considers car park supply and usage and accident records. The model has been scrutinised by both Herefordshire Council and the Highways Agency to ensure its acceptability and accuracy not only to consider traffic impact in relation to ESG but also associated with the future growth plans for the city. The applicants use of this model therefore ensures it is fit for purpose.

The Traffic Assessment

- 6.13 The Traffic Assessment then considers the impact of the road against various scenarios. The baseline position is as was the case in 2008. It is currently proposed that the link road would be completed and fully operational in 2013/2014 and therefore 2013 is the initial appraisal year for traffic modelling purposes. A with and without the link road scenario is considered for 2013. The final assessment year is taken to be 2026 again with and without the link road. This year is selected as it is firstly likely that all of the ESG Master Plan development would have been completed by this time and secondly, this is the time period for the Local Development Framework (LDF) and the growth plans for the city associated with the LDF.

This assessment period has been accepted by both Herefordshire Council and the Highways Agency. The 2026 appraisal year therefore takes account of all of the ESG being completed, all Unitary Development Plan existing commitments, a proportion of the potential development anticipated within the LDF and park and ride.

- 6.14 Finally, the traffic flows are then assessed during what is generally considered to be the worst case scenario, this being morning and evening peak hours 08:00 to 09:00 and 17:00 to 18:00. Given a large proportion of the traffic generated within the ESG may well be from the retail, further assessments have been carried out for flows on Saturday peak hours of 11:00 to 13:00.
- 6.15 Many of the objectors have commented that the application is premature and should not be considered without knowing precisely what is proposed elsewhere within ESG and alongside the road. Whilst the detail of future developments is not yet known the precise quantum of development across ESG have been input into the traffic assessment. For example the retail quarter is identified within the Traffic Assessment as including a department store of 8,534 sq metres, a food store of 2,950 sq metres, other A1 retail of 18,396 sq metres, leisure, food and drink at 3,432 sq metres, multiplex cinema at 2588 sq metres, 100 bed hotel at 3640 sq metres and other facilities at 230 sq metres. It is therefore clear that as well as considering the road in isolation the impact of the road in relation to other development has been clearly and precisely assessed.
- The Outcome of the Assessment
- 6.16 A considerable amount of base line data and further assessment has been carried out as part of the Traffic Assessment which effectively has been independently verified by the Highways Agency and the Council's Transportation Team including their appointed consultants. Both have confirmed acceptance of the model, the methodology and acceptance of the outcomes.
- 6.17 In terms of the A49, following receipt of further information, the Highways Agency now accept there will be no adverse impact on the overall operation of the A49. The Highways Agency are also satisfied that the Newtown Road roundabout retains sufficient capacity particularly with the alterations proposed within this application. They require minor modifications to the design of the new junction on Edgar Street but accept that this can be secured by condition. The no right turn restriction at the new Edgar Street junction has also been modelled with it being retained and removed. The Highways Agency and Council's Transportation Manager accept the no right turn is required to retain future capacity at this junction. Discussions are also on-going with the owner of 121 Edgar Street to ensure access to their property can be maintained.
- 6.18 With regard to the traffic impacts on the Council's highway network, volumes are reduced along some streets (Barrs Court Road, Folly Lane and Aylestone Hill) whilst other streets including Southbank Road, Newtown Road and Central Avenue see an increase in flows. In light of concerns expressed, further model clarification has been provided for Central Avenue. The increase in traffic on residential streets is a concern although it is considered that both Newtown Road and Southbank/Bodenham Road can accommodate the forecasted additional traffic volumes without harming the character of the area. A balance therefore has to be struck between reduction in traffic in some streets against increases in others. Overall, the impact on streets north of the development site is largely neutral.
- 6.19 The road has the potential to create further rat runs but the traffic model can not fully account for every such scenario. Some streets such as Hopton Road may see tangible increases in traffic, which could adversely impact upon the amenity of residents within these streets. To address this and mitigate future impacts of the road which cannot be forecast at this stage, the applicants are proposing a commuted sum of £250,000 to enable Herefordshire Council to undertake further highway works as necessary post completion of the road.

- 6.20 Some of the localised impacts are also created by the introduction of no right turn restrictions into and out of Barrs Court Road. To address concerns, further information has been provided to demonstrate that although the link road could still function with Barrs Court Road junction operating in its current form, as a whole the introduction of the restriction brings beneficial improvements particularly in terms of flows along Barrs Court Road and the safety of pedestrians and students travelling from the colleges as the Barrs Court Road and Rockfield Road area have a high accident record.
- 6.21 The primary driver for the new road is to attract traffic volumes away from the inner ring road to the new road. Based upon data within the Traffic Assessment, the table below summarises the traffic volumes on Blueschool Street and Newmarket Street AM and PM for the with and without link road scenarios at both 2013 and 2026. The figures are based on two way traffic.

	Blueschool Street	Newmarket Street
2013 (without road AM)	2730	2706
2013 (with road AM)	2320	2684
2013 (without road PM)	2472	2372
2013 (with road PM)	1928	1809
2026 (without road AM)	2707	2893
2026 (with road AM)	1731	1372
2026 (without road PM)	2388	2143
2026 (with road PM)	1572	1115

- 6.22 The reduction in traffic flow along Blueschool and Newmarket Streets is not significant when the link road becomes operational in isolation but more significant reductions can be achieved by 2026 as a result of other sustainable transport measures being promoted within ESG and around the city such as a new transport hub, new pedestrian cycle links from the station and park and ride to the north and south of the city. However, the 2013 position sees no physical changes to Newmarket and Blueschool Street. The applicants have developed provisional plans as to how the design of these streets could be changed to throttle down traffic flows and improve the permeability. The introduction of these measures which are likely to be delivered by the retail developer will further redistribute flows away from these key streets to the link road.
- 6.23 In summary, the benefits of the link road for Newmarket Street and Blueschool Street are relatively small when considered in isolation in the opening year but alongside other measures and particularly at the 2026 year, it is estimated that traffic will be reduced by around 50% on Newmarket Street and 35% on Blueschool Street. These reductions do not take account of a possible outer distributor road for Hereford which is a proposed both through the local development framework and recommended for inclusion in the text of the Regional Spatial Strategy by the Panel. If this road is constructed, it is likely that this will bring the ability to significantly reduce traffic volumes within the city generally. For the purposes of the assessment of this application, however, the benefits of the road for Newmarket and Blueschool Streets are not significant in the short term.
- 6.24 The reduction in traffic levels on some of the streets that have the highest pedestrian footfall (Newmarket, Blueschool Street and Commercial Square junction) will also have the secondary benefit of improving the safety of these streets for pedestrians and consequently, improving the accident statistics within these areas which are presently the worst in the city.
- 6.25 The outcome of the assessments demonstrate that the road can function without having a detrimental effect on the capacity and operation of the A49 trunk road and other localised junctions and streets both at the opening year of 2013 and at the final assessment year of 2026 or the safe movement of pedestrians and cyclists. This conclusion is supported by the Transportation Manager and the Highways Agency. The increase in traffic on some localised streets remains a concern but in your officers opinion, does not warrant refusal of the

application. The benefits of the road in improving the connectivity between the existing centre and ESG are small in the short term but in the medium to long term, the road will achieve its primary objective in combination with other highway and sustainable transport measures.

Flood Risk

- 6.26 With the exception of the eastern end of the site around Commercial Road, the remainder of the site falls within a flood zone with a large proportion falling within Flood Zone 3 and functional floodplain. Sequentially, the principle of the road and ESG generally has been established through the adoption of the UDP and the associated allocations and the option to locate the road outside of flood zone 3 does not exist. Planning Policy Statement 25 (PPS 25) permits new infrastructure within Flood Zone 3 providing it is considered to be 'Essential Infrastructure'. It is considered the road is an essential component of the delivery of ESG as a whole and therefore can be regarded as essential infrastructure. This is accepted by the Environment Agency.
- 6.27 In order to fulfill the requirements of PPS25, the development must also pass the 'Exception Test' to be permitted within flood zone 3. It is accepted that based on the information within the Flood Risk Assessment and other documents, the development passes the Exception Test. In particular, the road delivers wider sustainability benefits in facilitating the regeneration of the area and the expansion of the city centre, is developed on brownfield land, will be safe to an acceptable level of risk and does not increase flood risk elsewhere.
- 6.28 The primary source of flooding within the ESG area is via Widemarsh Brook which runs from Yazor Brook upstream. The applicants have modelled the flood risk from the water courses running into and through ESG on the development proposed and also the impact of the development in terms of increased flood risk elsewhere. The flood risk is categorised into three frequencies, a 5% Annual Exceedance Probability (AEP) or 1 in 20 year event, a 1% AEP or 1 in 100 year event and a 0.1% AEP or 1 in 1000 year event.
- 6.29 Planning permission was approved in October 2009 for the diversion of flood flows at Credenhill from Yazor Brook directly into the River Wye known as the Credenhill Flood Alleviation Scheme (FAS). As with the Traffic Assessment, various scenarios have been assessed. These are 1) the Link Road and FAS fully implemented; 2) the Link Road, FAS and ESG development implemented including the likely on site flood mitigation; 3) the Link Road constructed without implementation of FAS.
- 6.30 The Flood Risk Assessment identifies that notwithstanding the location of the road within the flood plain, it will be constructed to be flood free for a 1 in 20 year flood event and with exception of land around Merton Meadow, flood free to a 1 in 100 year event. The road would not be flood free in a 1 in 1000 year event principally due to the need to tie in the road with existing road levels at key junctions around Edgar Street and Widemarsh Street. However, with all three of these situations, flooding is less extensive and severe than is presently the case. These assessments are based on FAS being operational which is the most likely sequence of events.
- 6.31 Larger parts of the road would be at risk of flooding at a 1 in 20 year, 1 in 100 year and 1 in 1000 year risk if the off site flood mitigation is not implemented with flood depths around Edgar Street and Merton Meadow of around 300mm at a 1 in 100 year event which would make the road impassable. This scenario is comparable to the existing flood risk and therefore does not achieve any flood risk betterment. Subject to implementation of the Council's emergency flood plans, the risk of the road flooding can be managed and any increased flood risk elsewhere acceptably mitigated. The Environment Agency have also determined that this flood risk is acceptable.

- 6.32 For the link road, FAS and ESG development scenario which takes account of climate change, flood risk is less than is presently the case in all three frequencies of flood events. The road still floods in a 1 in 100 year with climate change and 1 in 1000 year event but flood depths are reduced compared with the existing situation.
- 6.33 The Environment Agency have updated their original comments to remove the requirement that Phase 2 of the Link Road cannot be implemented until FAS is completed. Following a further review of the flood risk, they are satisfied that the link road could be completed in its entirety irrespective of whether FAS is completed and the flood risk as a consequence remains acceptable. In reality, given work is due to commence on the FAS later this year it is likely to be largely completed if not operational before the link road is completed.
- 6.34 The flood risk of constructing the new road on other properties, businesses and land uses in the area has also been considered including the risks of the proposed culverts becoming blocked and the general interruption of existing natural flood flows as a result of the road construction. The Environment Agency accept that the development does not lead to an increased flood risk elsewhere and that the residual risk associated with the failure of the culverts are not significant.
- 6.35 In summary without the construction of Yazor Brook Flood Alleviation Scheme, parts of the road would not be passable in a 1 in 20 or 1 in 100 year flood although the flood risk is still acceptable. With the completion of FAS, the road is flood free in a 1 in 20 year flood event but dry access cannot be achieved in 1 in 100 year or 1 in 1000 year flood. However, the flood depths are less than is currently the case within ESG and the surrounding road network and the flood risk along with any residual risk can be satisfactorily mitigated and managed. Whilst it would be desirable for the road to be flood free in all scenarios, this is not achievable and the Environment Agency accept the level or risk in all scenarios. The development therefore satisfactorily accords with policy DR7 of the UDP.

Socio-Economic Impact

- 6.36 The road directly affects a total of 17 businesses which will have to be relocated as a result of the development. These comprise a range of industrial, commercial and retail operators totalling 10,086 sq metres of employment floor space. Accommodation works are also proposed for CRW Carpets, Hobbs Glass, Hereford Timber Centre and the Royal Mail Sorting Office. All these businesses can remain but are indirectly affected by the road largely through the loss of staff and customer parking or means of access.
- 6.37 The loss of this amount of employment floor space is a natural consequence if the road is to be constructed but this impact was fully considered and accepted in the adoption of the UDP. The applicants strategy to address this is to work with the businesses to find suitable sites for their relocation. Alongside the applicants, the Council's Economic Development Department have held several workshops with the businesses to establish their individual business needs and requirements and direct discussions with individual businesses are continuing to try and find suitable sites for relocation and assist in the relocation process.
- 6.38 Herefordshire Employment Land Study formulated as part of the Local Development Framework evidence space identifies a total of 66 hectares of employment land either allocated or committed within Hereford City. As of October 2009, the Council's Commercial Property Register identifies 146,896 sq metres of industrial floor space and 27,896 sq metres of office floor space within the city as being available. Of the available industrial floor space 48,592 sq metres is available north of the River Wye and 98,304 sq metres to the south. Several bulky goods retail units are also presently vacant and available on Holmer Road.
- 6.39 This therefore demonstrates that purely in quantum terms, sufficient land and buildings are available to accommodate all of the existing businesses directly affected by the development.

The majority of the businesses wish to remain as close as possible to their existing site and have a desire to remain north of the River Wye. In recognition of this, Advantage West Midlands have acquired Three Elms Trading Estate and recently secured Outline Planning Permission for construction of new industrial and warehouse units on the estate along with the general refurbishment and infrastructure improvements to increase the prominence and business appeal of the location. Outline Planning Permission was also granted on appeal in August 2009 for the redevelopment of Holmer Trading Estate which includes around 8,000 sq metres of new industrial, warehouse and office floor space. This permission is accompanied by a Section 106 Agreement which requires a proportion of the floor space to be made available for business having to be relocated off Edgar Street Grid.

- 6.40 Policy E5 of the Unitary Development Plan seeks to safeguard existing employment land and buildings lost to non-employment uses. The development is in conflict with Policy E5 of the UDP as several existing employment units will be lost and no direct replacement sites or buildings have been identified as yet. However, the Council's Economic Development Manager confirms that of the 17 businesses directly affected by the development, 13 are in active discussions with ESG, the Council and the AWM and some discussions are at an advanced stage. It is therefore clear that negotiations are on-going to find suitable alternative premises for business affected by the development and sufficient land and buildings north of the River Wye presently exists to facilitate this process. It is also estimated that the new retail area will directly or indirectly deliver around 800 new jobs and the road through achieving better connectivity between the existing and new retail area will assist in this outcome.
- 6.41 Two of the principal landowners (Royal Mail Group and Rockfield DIY) have objected to the application due to the loss/disruption to their business. Whilst their objections are noted, discussions are on-going with both parties. With respect to Rockfield, a site has been identified north of the link road and west of their existing site to achieve a building of the same floor area as presently exists and discussions are on-going regarding the suitability of this site and the facilities that can be achieved. Similarly, detailed plans have been prepared for the relocation of the Royal Mail Group car park on land presently owned by Jewsons which the Royal Mail have agreed to in principle. Therefore, not all the businesses are being required to relocate out of ESG and compensatory provision within the ESG area is being actively pursued where this is a viable option. Planning applications for both Rockfield and Royal Mail are currently being prepared by the applicants. Mitigation works for other business affected by the development such as CRW Carpets and Roman Glass can be secured through a pre-commencement condition.
- 6.42 Overall, a balance must be struck between the need and benefits of delivering the road, the indirect employment that will be generated by the development against the direct impact on existing businesses and potential loss of jobs. It is considered that given sufficient land and buildings presently exists and further suitable buildings will become available prior to commencement of the development, sufficient opportunities exist for the existing businesses to safeguard employment. There will, however, inevitably be considerable disruption to those businesses and therefore the need to smoothly and efficiently manage the relocation process and maintain continuity of business operation is critical and in this regard the assistance of both Advantage West Midlands and the Council's Economic Development Department will be key. All the evidence suggests that this has and will continue to be the case. On this basis, the socio-economic impacts are considered acceptable.

Amenity Considerations (Air quality, noise and vibration)

Air Quality

- 6.43 The proposed application in itself will not generate any additional traffic and therefore the overall impact on air quality will be neutral. However, the development will result in the redistribution of traffic causing reductions in air quality in some areas whereas other areas see improvements due to lower traffic volumes.

- 6.44 The National Air Quality Strategy requires local authorities to monitor current and future air quality within their area against national standards and objectives. Where an objective is not met, an Air Quality Management Area (AQMA) must be designated and accompanying action plan for improvements to achieving air quality set. The A49 corridor including the Newtown Road/Edgar Street roundabout and Edgar Street itself which form part of the application fall within the AQMA relating specifically to annual mean Nitrogen Dioxide levels. The area of assessment for this application is a 200 metre wide corridor along the major roads through Hereford Centre and the development site itself. As with the previously discussed assessments, air quality has been measured against the air quality emission levels at the base line year of 2008, projected levels for the opening year 2013 and the future year of 2026. Within the study area 55 sensitive receptors such as residential properties have been identified to provide a representative sample of pollutant concentrations within the study area.
- 6.45 The road achieves improvements in air quality in some areas such as along Blueschool Street. This is of significance given the increased pedestrian footfall that is likely to exist within this area in future years. However, reduced air quality occurs elsewhere notably along Edgar Street which is within the AQMA albeit still below the total baseline emissions in all future years. It should be clarified that in line with national data and principally due to improved efficiency of vehicles on the roads, pollutant concentrations will be lower irrespective of the impact of this development. As result, it is estimated that even with this development it is likely that the current AQMA can be removed in the foreseeable future.
- 6.46 In summary, pollutant levels emanating from vehicles is likely to increase at receptors close to the route of the link road but total concentrations remain within the relevant air quality objectives for all pollutants. Consequently there are no adverse impacts on air quality in relation to human health as a result of the development based on local and national standards and indicators.
- Air Quality (Dust)
- 6.47 The other impact on air quality is likely from dust particularly during construction. National research identifies that larger dust particles of the type emanating from a construction site are generally deposited within a 100 metres of source and within this zone there is the potential for dust to cause an adverse impact on air quality.
- 6.48 The Environmental Statement identifies that subject to employing the best practical means to minimise the risk of adverse effects during construction, no harm will be caused to locally sensitive receptors. This will be achieved through a Construction Environmental Management Plan achieved by condition. Measures would include a requirement for the site manager to evaluate the sensitive receptors in the area at each phase of construction and undertake a daily assessment of the location and nature of activities in relation to the weather conditions and the likely risk of transfer dust to a receptor.
- 6.49 The Head of Environmental Health and Trading Standards raises concerns about some of the increases in pollutant levels in some areas particularly along Edgar Street which is not satisfactorily redressed through decreases in pollutant levels elsewhere but as the development does not cause any national objectives to be breached, no objection is raised. The development is therefore not in conflict with the requirements of policy DR9 of the uDP

Noise and Vibration

- 6.50 The development both during construction and once operational has the potential to effect noise and vibration levels experienced by nearby residents and businesses. The noise is assessed by examining the exceedance of noise levels above existing background levels during the day, night time, evening and weekend periods. Operation noise generally arises from engines and traction of tyres on the road surface but is influenced by a number of factors including traffic flow, speed, traffic composition i.e. percentage of HGVs, gradient, type of road

surface and distance to noise sensitive receptors. This is assessed as an arithmetic mean of a noise level exceedance for 10% of the time within each 18 one hour period between 0600 and 2400 for both the opening year of 2013 and future year of 2026.

- 6.51 The noise arising from the construction is predicted to be generally below the appropriate daytime threshold except for two properties which are in close proximity to the development where increases are rated as severe (Oxford Arms, Widemarsh Street and Noah's Ark Pre-School, Edgar Street) with a further major increase at the Christan Life Centre in Edgar Street.
- 6.52 With regard to operational noise, the Environmental Statement identifies that there will be a 14% increase in the number of people affected by traffic noise due to the abrupt change arising from the opening of the road. In the longer term the number of people affected by traffic noise is considered to be negligible. In particular, no property is identified as being so adversely affected that they would be eligible for treatment under the Noise Insulation Regulations.
- 6.53 Construction and operational vibration has also been assessed within the Environmental Statement. This is assessed using measured data by range of ground types assessed against estimated vibration levels. The impact of vibration has also been evaluated both in relation to the likelihood of nuisance being caused and also damage to buildings. The predicted construction vibration impacts have been assessed against 11 receptors along the development alignment. Based on the assessment within the Environmental Statement it is unlikely that vibration from construction works would give rise to the onset of cosmetic building damage or justifiable complaint from local residents with no adverse vibration impact is identified once operational.
- 6.54 The development both during construction and once operational has the risk of causing complaint and nuisance as a result of increased noise and vibration levels. The Environmental Statement identifies that a small number of properties will experience relatively significant increases in noise levels during the construction phase but there is no significant adverse effects requiring mitigation once the development is operational. The noise and vibration impacts of the development and conclusions within the Environmental Statement are accepted by the Councils Environmental Health (noise) officer who raises no objection. This is subject to the implementation of a Construction Environmental Management Plan controlling matters such as hours of work and the plant and machinery that is used. Due to the sensitivity of some receptors to construction noise it will be particularly important that construction works take place within standard working hours around these sensitive areas. Subject to this condition, the impact of the development on noise and vibration is considered acceptable in accordance with Policy DR13 of the Unitary Development Plan.

Design, Townscape and Landscape

Design

- 6.55 The application effectively proposes a new section of urban highway subject to a 30mph speed limit. The design and scale of the road has been based around balancing the need to ensure the road operates efficiently and the various junctions have sufficient capacity both now and in the future with reducing the scale and width of the road so as it does not become visually dominant and become impenetrable, particularly when future ESG developments take place.
- 6.56 Measures have been introduced to soften the impact of the road such as tree planting along various points either side of the road to create a boulevard effect. Native species are proposed including Ash, Pear, Dog Rose and Elder. The applicant is also investigating the possibility of introducing trees at certain points within the highway to further strengthen the tree line boulevard character. The development will remove a small number of trees but these are generally of low amenity and aboriginal value.

- 6.57 The principal highway will be tarmaced but a different palette of higher quality materials including granite kerb, penant sandstoned flags and steps and other materials identified by the Hereford Town Centre Streetscape Design Strategy 2009 (which has informed the design of the refurbishment of Widemarsh Street) are to be used. Elsewhere, non-standard street furniture and street lighting along with public art is proposed to enhance the quality and identity of the highway. The shared footway/cycleway to the north and footway to the south are also to be defined with different surface materials.
- 6.58 The spaces around junctions and within the intervisibility splays will also be delineated with higher quality materials and a plaza space around station approach in front of Morrisons is also proposed. This demonstrates the applicant's commitment to create high quality public realm wherever possible.

Pedestrian & Cyclist Movement

- 6.59 The positions and designs of the junction have been informed by the Council's Adopted Highway Design Guide and the potential future development parcels coming forward within the wider ESG. All junction designs meet the Council's adopted standards with the exception of Widemarsh and Edgar Street junctions where full visibility cannot be achieved without demolishing further properties and business.
- 6.60 The road has also been designed to cater for the needs of pedestrians, cyclists and people with a disability including the visually impaired. As a number of objectors have commented, the road will undoubtedly create somewhat of a barrier between the railway station and existing and proposed development elsewhere within the Grid. In recognition of this and to maintain existing pedestrian flows, the station approach junction has pedestrian crossings on all four legs of the junction but unusually, also has a further crossing through the centre of the junction to provide a direct link to the corner of Morrisons. All other four way junctions will also have traffic light controlled pedestrian crossings with cycle times being kept to a minimum.
- 6.61 The adopted ESG masterplan and the ESG SPD also identifies the need to create a new link directly from the station travelling south west through future housing development towards the city centre and new retail area. The proposals include a 7 metre wide toucan crossing and schematic plans have been prepared regarding the form and detail of this crossing which are considered acceptable in principle. The design of the road immediately east of the football ground will change to a shared surface construction utilising different surface materials to signify the area as being a pedestrian zone particularly during match days. A further 3.5 metre pedestrian refuge crossing is proposed in the location of the canal basin.
- 6.62 Running along the northern side of the road for is a 3.5 metre wide shared footway/cycleway. The option of creating dedicated cycle lanes is being investigated but the off road option is compliant with the Council's Highway Design Guide. The design of the Edgar Street junction has also been influenced by the desire to ensure that pedestrians and cyclists have a quick and safe crossing to access Great Western Way via Prior Street. As other parts of ESG are developed, the road and cycle lane will form part of the wider ESG cycle network to improve the permeability of the area.
- 6.63 The option of dedicated bus lanes was investigated at an early design stage but was dismissed due to the amount of additional land required and that it would not form part of any existing bus route.
- 6.64 Inevitably the road (as set out in the current application) is an engineering operation which has been designed to fulfil highways purposes, and as set out in the adopted master plan. It has an impact on the existing townscape that will remain after its construction. When future developments take place around the road a degree of enclosure will be achieved by these buildings. This will reinforce the distinctive street pattern found in the city. In terms of the

direct impact of the road itself, the setting of a locally important building would be affected. Otherwise the road has minimal impact on any existing historical infrastructure within the area including listed buildings, conservation areas and Scheduled Ancient Monuments.

- 6.65 In summary, the design of the road in terms of alignment and general form, detail, pedestrian and cyclist safety and permeability and visual appearance is therefore considered acceptable in accordance with policy DR1 in particular of the UDP.

Biodiversity

- 6.66 The principal ecology and nature conservation features of interest within the application site are associated with Widemarsh Brook and the habitat it supports. The brook alignment is designated as a Site of Importance for Nature Conservation. Significant data has been collected since 2007 including the carrying out of Phase 1 and 2 Habitat Surveys with further specific species surveys for otters, water voles, bats, breeding birds, reptiles, fresh water invertebrates and white clawed cray fish. The Environmental Statement then assesses the impact of the development on ecology and nature conservation including a review of baseline conditions and required pre and post development mitigation. Widemarsh Brook also runs into the River Wye which has European as well as National Protection being designated as a Special Area of Conservation and Site of Special Scientific Interest. Any development that has the potential to directly or indirectly have a significant effect on the River Wye and the species that make up its designation also requires an assessment under the Habitat Regulations 1994.
- 6.67 The proposed design requires a short section of Widemarsh Brook in the north east corner of the police dog training fields to be temporarily culverted. The culvert takes the form of a 3 metre wide by 1.6 metre high box section culvert constructed with a natural bed following the existing brook alignment. Alongside but independent of the culvert will be an otter pipe. The design of the road also includes a permanent culvert and otter pipe which will be blocked off until such time as the final alignment of Widemarsh Brook is determined and the design of the canal basin is finalised.
- 6.68 The proposed culverting works will have a significant impact on the brook and identified protected species. Concerns have been expressed by Natural England and the Environment Agency as well as the Conservation Manager regarding the culverting of the brook. Policy TCR21 of the UDP identifies opportunities to realign and enhance Widemarsh Brook through opening up the watercourse as an attractive amenity and ecological resource. The proposed culvert option does not achieve this objective in respect of this application. However, the need and opportunity to open up the brook for biodiversity enhancement can and will be secured through future ESG developments. This will relate to both opening up existing sections of the brook that are culverted as well as retaining other open channel areas. The opportunities Natural England are seeking therefore arise from future development.
- 6.69 Whilst the Environmental Statement identifies that there will be moderate impact during the construction phase on several species, Natural England accept that this impact can be mitigated. The one exception is the impact on the local otter population. The field surveys identified evidence of otter activity in all eight monitoring sites. Otters using the brook are also an integral part of the wider otter population occupying the River Wye catchment. Natural England accept the short term mitigation for otters proposed in the Environmental Statement which includes construction of the temporary culvert and otter pipe 6-12 months in advance of the actual diversion taking place to allow vegetation to establish and erection of appropriate protective fencing. Permanent loss of otter habitat as a result of the culverting and diversion of the brook is a concern and Natural England question whether the proposed compensatory habitat is of equal value although do not object on these grounds.

- 6.70 Natural England's original objection to the application on the grounds that there was insufficient information to determine under the Habitat Regulations whether the development will have a significant effect on the River Wye has now been withdrawn. The Council have completed the Appropriate Assessment concluding that the development will not have a significant affect on the conservation objectives of the River Wye.
- 6.71 The Environmental Statement has identified that there will be a number of significant effects on protected and other species during construction but in general the residual effects post construction will not be significant. This is subject to the implementation of appropriate mitigation measures during and post construction. Notwithstanding the conclusions of the Environmental Statement it is considered that opportunities for habitat enhancement as a result of this application will be minimal but this does not warrant refusal of the application particularly as future developments will offer more extensive habitat creation opportunities.

Herefordshire & Gloucestershire Canal

- 6.72 An integral part of the ESG development is the restoration of the Herefordshire & Gloucestershire Canal including the provision of a canal basin. Policy TCR21 identifies the opportunity to develop a high quality waterside development in the heart of the city including the revival of a terminus for leisure-based canal activity. The UDP proposals map identifies the possible route of the canal travelling south of the proposed route of the link road but the application does not include provision for the basin to extend to the south of the road. This has generated an objection from the Canal Trust.
- 6.73 Various options were considered at the design stage to facilitate the canal and canal basin being south of the link road. These works would require the new road to be bridged over the canal in order to achieve the necessary head room and to tie in with the water levels. This would raise the road by around 3.5 metres above existing levels. Such a construction would have necessitated significantly larger areas of land to accommodate the bridge and appropriate embankments and would create significant problems with tying in the road with existing levels along Widemarsh Street. Moveable bridge structures were also considered but it was considered that this would adversely affect the desirability of using of the link road. With either bridge option, urban infrastructure at the height required within an otherwise largely low lying area would have a significant visual and townscape implications both for existing and future development in the area.
- 6.74 Detailed discussions between the applicants and Canal Trust are on-going and an illustrative layout and draft specification for the provision of a canal and canal basin north of the link road has been prepared and on which the Trust have now commented. The illustrative design identifies a canal approach width of 15.7 metres with tow path on both sides, one being at least 5 metres in width, a 30 metre diameter canal basin plus 5 metres either side for double breasted mooring and storage facilities. The Trust maintain its objection but confirm that if all its technical requirements are met, the principle of the basin being north of the road is likely to be acceptable.
- 6.75 Notwithstanding the conflict with the ESG, SPD and UDP proposals map it is accepted that a continuation of the canal and construction of a basin south of the link road is not the most appropriate, practical or viable option. The principle of the development of a canal basin north of the link road is therefore accepted subject to specification meeting the requirements of Policy TCR21 of the Unitary Development Plan. Furthermore, whilst the new canal basin would not be developed in its historic location, it would nevertheless provide the basis for a high quality urban space in the heart of the urban village. Similarly, it would provide for an appropriate and suitably sized basin (and terminus in Hereford) for the wider ongoing restoration of the Herefordshire & Gloucestershire Canal which has developed a significant momentum in both counties.

Surface Water Drainage, Water and Ground Quality

Drainage

- 6.76 With the exception of the police dog training field which remains undeveloped, the remainder of the link road area is existing hardstanding/buildings. As required by Policy DR4 of the UDP, any new infrastructure should be supported by Sustainable Urban Drainage System SUDS in respect of surface water wherever possible with the alternatives being considered only where sustainable techniques cannot be provided. Within the confines of this application SUDS drainage is not achievable due to a combination of existing soils/geology, highwater table and the land available to achieve a workable SUDS system. The applicants have demonstrated that as a result of the removal of some of the existing areas of hardstanding and buildings, the likely run-off/discharge rates will be comparable or less than presently is the case but the only option available is to connect to the existing either combined foul/surface water sewer or surface water sewer. This has generated an objection from Welsh Water.
- 6.77 The applicants are in the process of preparing an Integrated Sustainable Drainage Strategy for ESG as a whole which will incorporate a SUDS drainage network to serve the future development parcels. It is likely that this development can and will also benefit from the future SUDS drainage system. In view of the constraints on this application and the future plans to progress a SUDS system and, notwithstanding Welsh Water's objection, it is considered that sufficient evidence has been provided to demonstrate that a mains connection is the only option available at this stage and therefore the requirements of Policy DR4 have been satisfied. A condition is nevertheless recommended to require investigation of further options which may become available nearer the time of construction.

Water Quality

- 6.78 Surface water drainage from a short section of the road adjoining Widemarsh Brook, where levels will allow is proposed to drain directly to Widemarsh Brook. Pollution interceptors will be provided to prevent any unacceptable pollution entering the brook and flow controls to attenuate to greenfield runoff rates. Although the Environment Agency suggest this should be fully designed at this stage, it is considered that due to the small area to be drained in this manner, the final design can be secured by condition.
- 6.79 The Environmental Statement outlines that subject to implementation of the Construction Environmental Management Plan the impact of the development both during construction and following operation on existing water quality will be neutral particularly given that the public surface water network is likely to be utilised for surface water drainage. The quality of the water environment will not be affected by the development. Consideration of the development alongside the Yazor Brook Flood Alleviation Scheme may improve water quality due to reduced flood events within ESG.

Ground Quality

- 6.80 A ground investigation survey along with desk top analysis of the development site has also been carried out to assess land quality and the potential for contamination both to human receptors, the built and natural environment. The geology and soil assessments as well as the water samples carried out do not identify any evidence of contamination or the presence of asbestos within the development area. These conclusions are supported by the Environmental Health and Trading Standards Senior Pollution Officer who raises no objection to the application. However, given the scale of the site the potential does remain for areas of localised contamination to be found in previously undiscovered areas and therefore a condition is necessary requiring a methodology for dealing with any unforeseen contamination.
- 6.81 The disturbance of any unforeseen contamination may release potential pathways to watercourses and pollution prevention measures are recommended including storage of waste in isolated areas away from surface water drains, oil storage tanks and other pollutants stored

within impervious bunds and measures to control run-off from stock piles of waste. Subject to implementation of these and other measures achieved by condition, the risk of contamination can be successfully mitigated both during construction and post operation.

Waste Management

- 6.82 The development during the construction phase is likely to generate significant quantities of waste. The Environmental Statement includes a preliminary waste audit as required by policy W11 of the UDP. In addition and as required by the Site Waste Management Planning Regulations 2008, any development in England with a project costs exceeding half a million pounds requires a detailed Site Waste Management Plan. The application is accompanied by draft Site Waste Management Plan.
- 6.83 The exact types and quantities of waste have not been specified but it is estimated that around 7100 cubic metres of materials will be excavated whilst 7700 cubic metres will be required for back filling. The majority of the waste likely to arise during the construction (soils, timber and other aggregates) will be suitable for re-use on site. The Council's Minerals and Waste Officer raises no objection to the strategies within the Environmental Statement for Waste Management subject to a final Waste Audit and Site Waste Management Plan being required by condition. The scope for re-use of waste material within future developments on ESG also requires further investigation including the temporary storage of waste for future re-use.
- 6.84 The Environmental Statement recognises the need to minimise waste arising from the development and subject to appropriate conditions including conditions identifying the areas for storage and segregation of waste, height of any waste stock pile and measures to prevent pollution, the waste management strategy is considered acceptable in accordance with Policy W11 of the UDP.

Other Matters

Car Parking Strategy

- 6.85 The proposed development site includes all of Merton Meadow surface long stay car park with the land being utilised either directly for the road itself or as a construction compound. Merton Meadow has a total capacity of 800 spaces and it is estimated that 250 spaces would be lost temporarily during construction with a permanent loss as a result of the road land take of between 100 and 150 spaces. Based on a survey of all existing public and private car parks across the city, sufficient capacity exists to accommodate any parking lost through the construction of the road although this will result in little spare capacity. Temporary parking may also be available upon demolition of the buildings on the existing cattle market depending upon the phasing of the link road with the programme for the retail quarter. However, it is not considered this can be relied upon due to the potential overlap in the construction programmes. New permanent parking will be provided in the medium term as part of the retail development which can, in part, compensate for that lost from the development.
- 6.86 In line with the Highways Agency advice and principles of sustainable development, long stay parking within the city centre should in any event be reduced/discouraged but this can only be achieved when a viable alternative are available in the form of park and ride. This will therefore form the long term strategy for parking. Insufficient surplus capacity exists within existing car parks over the Christmas period and therefore new temporary parking will be required to cover the Christmas period. This may take the form of a temporary park and ride as has operated in recent years from the racecourse and the provision of other temporary car parks elsewhere within ESG as further land is assembled. This development does not require the displacement of the lorry parking.

6.87 Sufficient information has therefore been provided to demonstrate that a strategy can be implemented to ensure that adequate parking or alternative measures are provided during the course of the development. This can be achieved through a pre-commencement condition.

Archaeology

6.88 The site lies adjacent to a Scheduled Ancient Monument, an Area of Archaeological Importance and generally contains land and listed buildings of historical interest. The likelihood of a archaeological interest within and adjoining the development site is therefore significant.

6.89 The Environmental Statement includes the desk based archaeological study, geophysical study and ground invasive investigations in both 2007 and 2009 totalling 15 trenches. The investigations have revealed some potential localised areas of archaeological interest particularly around the police dog training field given that it is undeveloped. Elsewhere, the ground is already heavily disturbed but the areas around the northern end of the Widemarsh, Merton Meadow and Morrisons supermarket are further identified as being of medium archaeological value.

6.90 The Environmental Statement concludes by proposing that all archaeology will be mitigated through a programme of archaeological investigation and recording including further archaeological ground investigations where required based around pre-prepared watching briefs. As confirmed by the Conservation Manager, the archaeological interest of the site can be adequately addressed through an appropriate pre-commencement condition.

Conclusion

6.91 The application proposal represents an important element of infrastructure as part of the wider Edgar Street Grid development proposals. In general terms its construction is consistent with adopted UDP policies, and as supplemented by the ESG Supplementary Planning Document and the ESG Masterplan.

6.92 The proposed development raises a number of planning issues. Many are technical due to the nature of the application. In your officer's opinion sufficient technical and other related information has been provided to demonstrate that in traffic, environmental and economic terms the development can take place without materially conflicted with any adopted development plan policy or other material planning consideration. In association with the already approved Yazor Brook Flood Alleviation Scheme, the development will provide the context and framework for the sustainable regeneration of the ESG area.

6.93 The proposal has an inevitable impact on the operation of several businesses in and around the application site. In planning terms paragraphs 6.36 – 6.42 have set out the principal planning policies in relation both to the safeguarding of employment land and the general position on employment land availability. The development of the wider ESG site has anticipated, and made provision for the relocation of existing companies. Planning permission has now been granted for the extension of the Three Elms Trading Estate in the city, and there is ongoing work being carried out both by the Council and Advantage West Midlands to assist affected companies with their relocation proposals.

6.94 The application has attracted a significant level of objections, as detailed in Section 5 of this report. There is a high degree of overlap between the various comments received and the key issues for consideration as set out in the Officer's Appraisal in Section 6 of the report. In assessing the application members need to give full consideration to all the policy and material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 specified that 'if regard is to be had to the development plan for the purposes of determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

- 6.95 In this respect your officers conclude that the proposal is in accordance with the development plan, and that there are no material considerations that individually or collectively indicate that the application should be refused. The recommended package of conditions will ensure that appropriate controls are in place both to provide all further technical detail before the development commences, and to ensure appropriate control over the development of the proposed road.
- 6.96 In summary, the development is considered to accord with Council's policies set out within the Herefordshire Unitary Development Plan and Supplementary Planning Document and is therefore recommended for approval.

RECOMMENDATION

It be recorded that the Environmental Statement and associated documents including the consultation and other responses received on the Environmental Statement and the associated documents have been taken into account in making this recommendation.

That planning permission be granted subject to the following conditions and any additional conditions considered necessary by officers:

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 D02 Approval of details**
- 4 E01 Site investigation - archaeology**
- 5 G01 Earthworks**
- 6 G02 Retention of trees and hedgerows**
- 7 G03 Retention of existing trees/hedgerows**
- 8 G04 Protection of trees/hedgerows that are to be retained**
- 9 G10 Landscaping scheme**
- 10 G11 Landscaping scheme - implementation**
- 11 G14 Landscape management plan**
- 12 H18 Roads - engineering details**
- 13 H19 Phasing**
- 14 H21 Wheel washing**
- 15 H27 Parking for site operatives**
- 16 I16 Restriction of hours during construction**
- 17 Prior to commencement of the development a Construction Environmental Management Plan shall be submitted for approval in writing of the local planning authority and shall include measures to minimise the extent of dust, odour, noise**

and vibration arising from the construction process as set out in the Environmental Statement. The construction shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: To safeguard the residential amenity of surrounding properties and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

18 I25 Bunding facilities for oils/fuels/chemicals

19 I55 Site Waste Management

20 I20 Scheme of Surface Water Drainage

21 Prior to the commencement of development, an Ecological Construction Working Method Statement covering the mitigation detailed in Section 13.6 of the Environmental Statement shall be submitted to the local planning authority for the approval in writing to include a schedule of identified habitat and species, timings of demolition and construction works along with species and habitat enhancement during and post construction all overseen by a nominated ecological clerk of works. In addition, a full design details to include scale plan shall be submitted of the proposed otter underpass as identified on drawing no. Development shall be carried out and biodiversity enhancement implemented in accordance with the approved details and timings within the Method Statement.

Reason: To safeguard the biodiversity interest of the site and comply with policies NC1, NC7 and NC8 of Herefordshire Unitary Development Plan.

22 Prior to commencement of development details shall be provided of the location and height of waste material to be stored on site including areas for sorting of waste on site shall be submitted for the approval in writing of the local planning authority. All waste shall be stored and disposed of in accordance with the approved details for the duration of the demolition and construction process.

Reason: To ensure appropriate storage and disposal of all waste and to comply with Policy W11 of the Herefordshire Unitary Development Plan.

23 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority.

1. A site investigation scheme, based on the desk study, ref PB January 2008, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the controlled waters at this site which are of high environmental sensitivity as the site is located on a Secondary aquifer (formerly Minor aquifer) and contamination is known/strongly suspected at the site from previous land use.

- 24** Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 25** Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no remaining unacceptable risks to controlled waters following remediation of the site.

- 26** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 27** Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the link road shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason: To prevent pollution of the water environment.

- 28** Prior to the commencement of development a Construction Traffic Management Plan including a scale plan identifying the principal route of construction traffic for each phase of the development shall be submitted for the approval in writing of the local planning authority. Development shall be carried out in accordance with the

agreed Traffic Management Plan.

Reason: In the interests of highway and pedestrian safety and to safeguard the local amenity and to comply with Policies DR2, DR3 and T13 of the Herefordshire Unitary Development Plan.

29 Prior to the commencement of development a Parking Strategy shall be submitted for the approval in writing of the local planning authority. The strategy shall identify the following:

- 1)The number of long and short stay car and lorry parking spaces lost at each phase of development and the timing of loss of each parking area,**
- 2)The provision of alternative temporary and/or permanent parking areas to mitigate the loss**
- 3)A strategy for the redistribution of parking elsewhere within existing car parks where capacity exists throughout the year including a specific strategy for the Christmas period.**

The loss of each area of parking shall be advertised in the local press in advance of its loss and details of alternative provision provided including signage within the city. The final strategy shall be implemented as approved in accordance with timings within the strategy.

Reason: In the interests of highway and pedestrian safety to ensure adequate long and short stay parking is maintained to serve the needs of the city and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

30 Prior to commencement of development details to include scale plans of the proposed mitigation measures to be implemented in order to safeguard and enable the continued operation of businesses directly affected by the development (which are not to be demolished). The agreed specification and details shall be completed in accordance with the agreed programme of works and phasing of the development.

Reason: To ensure existing businesses that are not proposed to be demolished can continue to operate/trade and to comply with Policy E5 of the Herefordshire Unitary Development Plan.

31 Prior to commencement of development details shall be submitted for the approval in writing of the local planning authority of the means of preventing the new section of Canal Road from being a through route for vehicular traffic save for emergency vehicles. The agreed measures shall be implemented prior to the first use of the new section of Canal Road hereby permitted.

Reason: To restrict the vehicular traffic from travelling southwards along Canal Road in the interests of highway and pedestrian safety and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

32 Prior to commencement of development a strategy to facilitate off site works to mitigate any secondary impacts of the road once fully operational shall be submitted for the approval in writing of the local planning authority. The agreed strategy shall be implemented as approved in accordance with the agreed programme forming part of the strategy.

Reason: To enable the whole impact of the road to be assessed and monitored following completion and the implementation of any necessary mitigating works in

accordance with an agreed timescale and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 33 No development shall take place unless and until a detached scheme of Highway Works for the proposed junction between the A49 trunk road and the ESG Link Road, broadly in accordance with drawing number HDC91362A/3 dated 18 August 2009 has been submitted to and approved in writing by the local planning authority. The scheme shall detail the traffic signalised junction between the A49 and the ESG Link Road. The scheme approved shall be implemented and completed in full according to the approved detailed scheme.

Reason: In order to ensure the safe and efficient flow of the A49 through Hereford and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

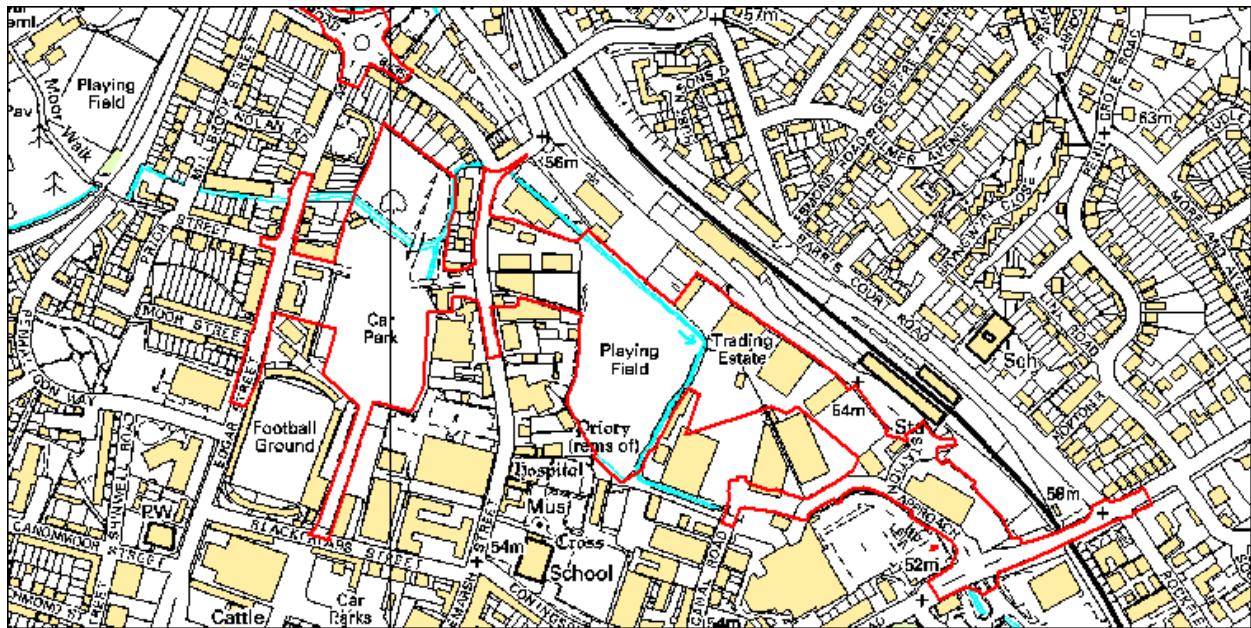
- 1 N19 Avoidance of doubt - Approved Plans
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMCE/092576/F

SITE ADDRESS : EDGAR ST TO COMMERCIAL ROAD, INCLUDING BARRS COURT RD., BLACKFRIARS ST

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