

HEREFORDSHIRE COUNCIL

POLICY STATEMENT FOR THE
USE OF THE RIVERS WYE AND
LUGG

DRAFT

Herefordshire Council
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CONTENTS

- Section 1 Introduction
 - Section 2 Strategic Background
 - Section 3 Statement of Principle
 - Section 4 General Policies on the Use of the Rivers Wye and Lugg
 - Section 5 Operational Policies
-
- Appendix 1 Related Documents
 - Appendix 2 The Wye Navigation Order and Wye Waterway Plan - General Commentary

1. Introduction

- 1.1 The purpose of this document is to set out Herefordshire Council's general policies on the use of the Rivers Wye and Lugg and how we intend to utilise our operational activities in support of these policies.
- 1.2 We are aware that the Environment Agency has a key role in matters involving the use of these rivers, and has prepared the Wye Waterway Plan. Furthermore the Wye Navigation Order 2002 appointed the Environment Agency as Navigation Authority and requires it to prepare a Navigation Plan. The Wye Waterway Plan incorporates the Wye Navigation Plan for the navigable sections of both the Wye and Lugg setting out a range of policies and an Action Plan. Our policy document has also been prepared as a response to this work by the Environment Agency. We wish to work in partnership with the Environment Agency on matters of mutual concern and interest in relation to the two rivers.
- 1.3 Herefordshire's rivers are some of its most valuable assets, representing an important cultural, economic and environmental resource. Our ability to take direct action in relation to the future of these rivers is limited, particularly in terms of promoting change. Nevertheless there are opportunities to influence the activities of others. This needs to be done within a thorough understanding of the complex interrelationships between all aspects of the system that forms the river environment.
- 1.4 The qualities that make the river environment within the County so attractive also place limitations and constraints upon the extent to which they should be exploited. Their landscapes, in particular, are of very high quality, especially that of the River Wye below Hereford, which is nationally important and designated an Area of Outstanding Natural Beauty (AONB). The qualities of all the rivers and their valleys have been evaluated within a consistent framework comprising the Herefordshire Landscape Character Assessment. Their biodiversity value is also significant. The Rivers Wye and Lugg, are designated Sites of Special Scientific Interest (SSSIs) while the Arrow and Frome are Special Wildlife Sites (SWSs). The River Wye and part of the Lugg are of international importance, being Special Areas of Conservation. As such they fall within the Natura 2000 series that represent the best nature conservation sites in Europe. Their cultural qualities are also noteworthy and a number of studies have and are continuing to unearth their extensive history. The river level can at times pose a danger to users.
- 1.5 Working within these constraints Herefordshire Council considers the rivers are assets that can be used to benefit the County, in particular in ways that show it is committed to sustainable development. There is a further recognition that this can only be achieved by working in partnership with the

many organisations that have either or both direct or indirect interests in the rivers.

- 1.6 We have responsibilities as Local Planning Authority and as Local Highway Authority that can be utilised to promote our approach to the use of the rivers. In these matters Herefordshire Unitary Development Plan (UDP), the Local Transport Plan (LTP) and the Rights of Way Improvement Plan are particularly relevant. We can also utilise powers in relation to environmental health, and promote actions and activities as the owner of adjacent land and use the rivers as a resource for areas of service provision, such as youth service activities, tourism promotion and education.
- 1.7 Those public organisations that are understood to have responsibilities in relation to the rivers that flow through Herefordshire includes DEFRA, the Environment Agency, English Nature and the Countryside Agency. The actions of others such as English Heritage, the Rural Development Service, the Forestry Commission and the Heart of England Tourist Board can also indirectly influence issues associated with the rivers.
- 1.8 A range of individuals and voluntary and specialist bodies also represent particular interests associated with the rivers. Although less restricted in the way they operate there is no reason to believe their interests exclude pursuing matters within a sustainable development approach.
- 1.9 The County's rivers serve a range of functions. This policy statement concentrates on the Rivers Wye and Lugg because the opportunity for their use is widest, in particular in view of their designation as 'navigable rivers'. However, some of the policies expressed in this document may have wider application.

2. Strategic Background

2.1 Herefordshire Council's principal strategic document encompassing matters relating to the use of the Rivers Wye and Lugg is the Herefordshire Unitary Development Plan (UDP). Policy RST8 is directly relevant to the two rivers:

RST8 Waterway corridors and open water areas

Recreational development based on, or associated with, the River Wye and Lugg navigations will only be permitted if it complies with policies NC2 and NC3. Proposals for the development of low-key access to riverside and canalside areas will be permitted subject to detailed planning considerations. On navigable lengths of river and canal, development involving permanent moorings (other than overnight stays) will only be permitted in basins or marinas, in urban locations or sites used historically for this purpose.

Within the environs of Hereford, development directly associated with leisure and transport use of the River Wye and the riverbank corridor will be permitted, provided that an acceptable balance can be reached with the constraints arising from landscape character and quality, from natural and historic heritage.

Proposals for the recreational use of existing areas of open water, or new areas that become available as a result of mineral extraction, or for the creation of reservoirs or amenity lakes, will be permitted where:

- ***they serve a recognised sub-regional or local demand;***
- ***they have regard to the needs of all potential users, avoid over-use, and are able to resolve potentially conflicting uses;***
- ***there is no unacceptable conflict with water supply, water quality or commercial uses; and***
- ***there are no over-riding safety issues.***

2.2 There are also a number of supporting partnership documents under the umbrella of the Herefordshire Partnership (Local Strategic Partnership) that may be relevant such as the Economic Development Strategy, the Environmental Strategy and the Cultural Strategy. They have been used as the basis for developing action plans by the relevant working groups responsible for these issues. Although the future of such groups is under review it is expected that key elements of their work will continue to be advanced through new mechanisms that are under consideration.

2.3 A range of national and regional documents produced by Government, the West Midlands Regional Assembly, other public agencies, and national representative bodies has influenced the above documents and have been taken into account in developing the policies set out for the Rivers Wye and Lugg. Of these the Regional Spatial Strategy is considered most apposite.

2.4 In addition to preparing the Waterway Plan the Environment Agency must prepare a River Basin Management Plan for the Severn Basin. This will cover the area including the Rivers Wye and Lugg. This is a relatively new duty under the Water Frameworks Directive. Work is only now beginning upon its preparation and it is expected that a first Draft River Basin Management Plan will be prepared by December 2008 with the final Plan following twelve months later. It will cover such matters as:

- controlling diffuse pollution from rural and urban sources;
- balancing competing uses of our river environment;
- reducing water demand;
- improving the quality of our marine and coastal waters; and
- delivering Habitat and Birds Directive requirements.

2.5 The Wye Valley AONB Management Plan was prepared and adopted in 2004 by the local authorities in whose areas it falls. This covers issues relating to both the river and its surrounding landscape.

2.6 Extracts from those documents considered most relevant in terms of directing policy for the two rivers are included in Appendix 1.

3. Statement of Principle

3.1 The increasing requirement to prepare management plans and involve the public in their preparation coupled with current issues such as climate change and the rising demand for water to meet development pressures are already raising concerns that will bring the use of the water environment further to the fore. These are in addition to those local issues that can sometimes be seen as resulting in conflict between particular interests and users of our rivers. We may not be able to tackle all the issues that arise. However this statement of policies sets out the approach we propose to adopt in order to address those matters that we can influence.

3.2 As a basis for this approach we propose to a key statement of principle, which is:

To facilitate and encourage both local people and visitors to appreciate and experience the unique qualities of the Rivers Wye and Lugg, together with their associated landscapes, while ensuring those qualities are protected and enhanced so that they provide an enduring legacy for others that follow.

3.3 Essentially this approach is based upon affording access to all the aspects of the river environment wherever this is possible, yet where this is not, efforts need to be made to enable those concerned to understand and recognise why there may be restrictions.

3.4 Sections 4 and 5 that follow set out:

- General policies upon issues associated with the use of the Rivers Wye and Lugg; and
- Operational policies, being those activities that the Council is directly responsible for.

4. General Policies on the Use of the Rivers Wye and Lugg

4.1 The following policies aim to influence decisions primarily by others responsible for regulating or promoting the use of the Rivers Wye and Lugg.

4.2 General Boating Use of the Rivers

Context:

Informal use of the river by local people, tourists and other visitors is limited. The use of Motorised craft within the County is limited to one stretch of the River Wye, above the rapids at Symonds Yat, but previously there were facilities at Hereford and Ross. There appears to be limited use of motorised craft for personal use along the Wye within Herefordshire because of practical, safety and conservation limitations upon how it can be used for this purpose. There also appears to be little or no opportunity for visitors or others to hire small boats or punts providing for informal recreation.

Policy Statement 1:

- (1) Where opportunities arise and constraints permit we will promote the use of the Rivers Wye and Lugg by boats catering for informal recreation and leisure activities by all, especially where this enables a greater understanding to be gained of the rivers' character and importance.**
- (2) We will encourage and work with the Environment Agency (as the Navigation Authority), to expand upon their waterway policies defining the opportunities for and limitations upon the use of the rivers by motorised craft.**
- (3) We will encourage and work with the Environment Agency to determine the extent to which the rivers can be used for non-motorised leisure boating.**
- (4) We will seek to agree a Code of Practice for collaborative working with the Environment Agency in relation to enforcement activities related to vessels upon the rivers where Herefordshire Council also have enforcement powers/duties.**
- (5) We will support the Environment Agency's lead role in promoting mechanisms for managing the interrelationships between the various users of the Rivers Wye and Lugg. The mechanisms should include such other organisations that have specific and legitimate responsibilities for associated matters.**

Background:

The Environment Agency proposes to promote the existing use of both non-motorised boats and motorised craft along navigable stretches of the Rivers Wye and Lugg. They also propose to enhance further non-motorised boating.

It is understood that there are a range of limitations to the use of the River Wye within Herefordshire by motorised craft. The exact nature of these limitations and whether they are insurmountable is, however, less obvious, particularly to the public who wish to enjoy the rivers in a variety of ways. There are a range of natural and legislative restrictions on the use of the river by motorised craft, these are outlined in the many policy statements included in the Wye Waterway Plan. Whether these are surmountable at particular locations will need to be determined on a site-specific basis.

The reduced ability for motorised craft to use the River Wye even in a very limited number of locations is evident with the withdrawal from use of such craft at Hereford and Ross. In accordance with the above statement, if an operator wishes to resurrect such navigation in these locations, there will be a need for detailed proposals and discussions with the Environment Agency, Herefordshire Council and English Nature/Natural England.

The Environment Agency places significant emphasis on health and safety issues in relation to vessels and has duties in relation to inspection and enforcement. It is also the intention to undertake such duties in collaboration with other enforcement agencies. We have some licensing responsibilities that may be linked with the work of the Agency. Agreement upon how the two organisations might work in partnership would be beneficial.

As Navigation Authority the Environment Agency's responsibilities under the Wye Navigation Order 2002 provide it with powers to remove any vessel that is sunk, is stranded or abandoned.

There is the potential for conflict in terms of the interrelationships between users and other organisations with interests in the management of the rivers. All the parties involved in promoting their particular activities on the rivers should seek to achieve consensus in order to reduce such conflict and preferably promote working in partnership. We will seek to support/assist the Environment Agency in their lead role to resolve such conflicts as and when they might arise.

4.3 Sporting Use of the Rivers

Context:

The Rivers Wye is used for a number of water related sporting activities, including angling, rowing and canoeing/kayaking. As with the issue of general

boating there are practical, safety and conservation limitations upon how it can be used for these purposes. The River Wye has also been used for events that may be considered sporting activities such as a long distance raft race and 'dragon-boat' racing. Only canoeing and kayaking are understood to take place on the River Lugg, and this is to a limited degree. It is understood that neither of the rivers within Herefordshire are used for sailing.

Policy Statement 2:

(1) The Rivers Wye and Lugg should remain available as a facility for sporting interests where these can be undertaken in a way that reflects their environmental capacity.

(2) The provision for water-based activities should be considered within the context of all open water within the County, including artificial lakes resulting from gravel extraction.

(3) Specifically in relation to the River Wye we will work with the Environment Agency, relevant Governing Bodies of Sport and local clubs and groups who have an interest in promoting access to this for the benefit of the sport where this can be achieved sensitively.

(4) We will support the Environment Agency's initiative to develop a Code of Conduct (as outlined in the Wye Waterway Plan), for all river users, which will give clear guidance on their use in an environmentally sensitive way and in a manner to minimise potential conflicts with other users.

Background:

At this stage the Waterway Plan proposes a number of reviews in relation to various activities associated with the rivers and their use. These include an investigation of existing access arrangements to the rivers and areas of conflict with conservation interests. It will seek to develop a programme to maintain existing accesses and carry out an assessment of the need to develop additional ones. It intends to do this with partners, and the Environment Agency has confirmed that Herefordshire Council will be one such partner

We have management and maintenance arrangements for our own access points on the River Wye that have been agreed with the Environment Agency and English Nature. These are referenced in the Wye Waterway Plan. Whereas there is an aspiration in the Plan to create a further river access point, this is not site specific. There is a broad consensus between relevant organisations and the governing bodies for sport that alternatives for a further access point, principally for those with disabilities, should be investigated.

There are also known to be potential conflicts between the use of the rivers for sporting activities and conservation interests. However these have in the past been handled sensitively, for example, some minor dredging and clearance of vegetation has been authorised to enable rowing regattas to proceed. The creation of new access points will involve construction works and may intensify use of the rivers at particular points. The change in conservation status of the River Wye will affect whether and how such works may be undertaken in the future.

There are 4 principal governing bodies of sport that potentially have interests in the County. These are: - The Amateur Rowing Association, The Royal Yachting Association, The British Canoe Union and The British Angling Association. Whereas each has a reference to river access in their local plans, only the British Canoe Union specifically mentions the River Wye as part of a regional or national development strategy. This reference is confined to the Symonds Yat Rapids. It is likely that future development strategies by these bodies will centre on talent identification and preparation for the 2012 Olympics rather than the development of a hierarchy of regional and local facilities.

There are also local clubs and organisations that use the rivers for sporting purposes in addition to the Council's Youth Service. These include Hereford Rowing Club, Ross Rowing Club, the Committee for Herefordshire Amateur Rafters (CHAR) and Hereford Kayak Club.

We have undertaken a 'Rivers and Flat water Study' that makes recommendations in relation to water related sports. A summary of its recommendations is provided in Appendix 1.

Local rowing and canoeing clubs use small-motorised craft for safety purposes.

4.4 Informal Leisure and Recreational Activities adjacent to the Rivers

Context:

A range of other leisure and recreational activities related to the river take place upon its banks and require integration with the recreational use of the rivers. Managing the interrelationship needs an integrated approach.

Policy Statement 3:

We will support sensitively designed leisure and recreational developments associated with the Rivers Wye and Lugg along their banks where the scale of their impact respects their setting. Proposals that increase understanding and awareness of their natural and historic environments will be particularly welcome.

Background:

The River Wye provides an outstanding leisure and recreational resource in particular with opportunities for the pleasant enjoyment of the countryside by both local people and visitors. In addition to formal sporting use, the river valley is capable of sustaining non-competitive and informal sporting use by individuals and community groups, within a variety of settings such as bird watching, rambling and picnicking. The River Lugg is less accessible for such uses but still has potential. A number of studies and projects are either underway or proposed that might identify increased potential within the confines of this river and bank-side areas.

Our ability to influence such activities is greater than for that upon the rivers themselves. For example, we can promote increased access through the Rights of Way Improvement Plan.

4.5 Landscape

Context:

The river landscapes of the Wye and Lugg have a high reputation and attract many visitors. The valley of the River Wye to the south of Hereford in particular falls within the Wye Valley AONB and as such is nationally important. A Management Plan has been prepared for this AONB to conserve and enhance this landscape. Appropriate management is necessary if the qualities appreciated by both local people and visitors are to be retained, and this will include river settings within settlements. We have produced a Landscape Character Assessment and set out a comprehensive set of guidelines for landscape management within rural parts of the County in Supplementary Planning Guidance. There are presently no detailed townscape or village visual appraisals for settlements along the river valleys.

Policy Statement 4:

(1) Within the Wye Valley AONB, and in accordance with Section 85 of the Countryside and Rights of Way Act 2000, we will, in exercising or performing any function in relation to, or so as to affect land in the Area of Outstanding Natural Beauty, have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.

(2) When considering the impact of any proposals upon the visual amenity of the rivers and their valleys regard will be had to landscape character and the associated management guidelines set out in the Council's guidance on Landscape Character Assessment.

(3) Where necessary, the commissioning of riverside townscape or village visual appraisals will be promoted to assist in evaluating the effect of significant proposals upon the river setting or in advance of enhancement schemes that are to be brought forward.

Background:

The Wye Valley AONB covers that part of the River Wye south of Hereford. Its purpose is: -

'To conserve and enhance the unique landscape and natural beauty of the Wye Valley AONB, and within this overriding principle; guiding change that is sensitive to the areas special qualities and the outstanding resources of woodland, farmland, river and cultural heritage, managing it in a sustainable way as an area where vibrant communities live and work and enabling present and future generations to appreciate and conserve, understand and enjoy the areas picturesque and sublime qualities. Integrating the needs of the local communities and visitors with this internationally important protected area.'

Our Supplementary Planning Guidance on Landscape Character should form a key element in the appraisal of any proposal that might affect the visual amenity of the rivers and their associated valleys. Detailed visual appraisals may be required if and when proposals are being considered for the rivers where they pass through settlements.

4.6 Biodiversity

Context:

The River Wye is an internationally important river system in terms of nature conservation interest and the River Lugg supports this. They are both important for their ranges of habitats and for supporting numerous internationally important species. Their valley landscapes are also rich in biodiversity and this contributes to the visual and cultural distinctiveness, which attract the many visitors to the County. Under Section 40 of the Natural Environment and Rural Communities Act 2006 and from 1st October 2006 local authorities and other public bodies have a duty to have regard to the conservation of biodiversity in exercising their functions. DEFRA is preparing advice to assist in implementing this duty. This advice will be taken into account when it is available.

Policy Statement 5:

(1) We will fulfil our statutory obligations in relation to nature conservation when determining whether any particular action or works affecting the Rivers Wye and Lugg should proceed.

(2) Positive measures to improve the nature conservation status of river and valley habitats and to address Biodiversity Action Plan targets will be investigated for inclusion with any works being advanced by us for the rivers.

(3) We will press other agencies to adopt the same approach in relation to any works they advance along the Rivers Wye and Lugg.

Background:

There are statutory obligations upon public bodies requiring priority habitats and species to be protected and also the requirement to enhance the River SSSIs in associated with any works where this will improve their condition. In addition to a nationally adopted Biodiversity Action Plan (BAP), a local BAP has been prepared and these specifically highlight tasks in relation to river habitats. A number of other habitat and species actions plans are also relevant. Not only are public authorities and bodies charged with protecting these habitats and some species, they have responsibilities in terms of seeking to enhance their conservation status.

4.7 The Historic Environment

Context:

The historic environment associated with the two rivers and their valleys is recognised as an important asset for both local communities and visitors alike and is an essential component of local distinctiveness. This is reflected within a range of sites from the large-scale landscape level to individual buildings or artefact. Some sites contain hidden remains of local or national importance.

Policy Statement 6:

(1) Where appropriate we will require knowledge of the historic environment to inform the design and development of proposals associated with the Rivers Wye and Lugg.

(2) Opportunities should be taken to increase and improve interpretation and explanation of the historic features within the river landscape as part of any measures to promote rural regeneration, tourism and local awareness.

Background:

Knowledge of the historic environment is growing, not the least as the result of a number of recent community based studies underway within the valleys of both the River Wye and the River Lugg utilising LEADER+ and public agency funding. Both rivers and their immediate surroundings contain important historical

artefacts. These can be visible or hidden. A number of projects are presently or to be undertaken as part of programmes for community involvement and identification of features in order to promote their management. A more extensive and co-ordinated approach to providing interpretative material could add to the tourism product for the County to which the rivers and their valleys make a valuable contribution.

4.8 Transport

Context:

The Local Transport Plan (LTP) covering the period 2006/7 to 2007/8 is the strategic transport policy for the County. The renovation of Victoria Footbridge formed part of the LTP programme and the cycle strategy has identified an aspiration to improve cycle and pedestrian access across the Wye to Rotherwas. There is nevertheless a link between transport matters and policies and actions referred to in many documents prepared by other public bodies, such as the Waterway Plan.

Policy Statement 7:

Opportunities for integration between the LTP and other plans and programmes should be promoted in the future through early consultations upon any reviews of the documents. Early consultation should take place when considering the development and implementation of any proposals and actions of mutual interest.

Background:

Herefordshire's current LTP covers the period 2006/07 to 2010/11. The Plan sets out a comprehensive strategy for the development of an integrated and sustainable transport system that supports the County's sustainable economic growth and provides for greater social inclusion. The strategy behind the plan is focussed on effective delivery and progress will be monitored annually.

Early consultation on matters of mutual concern will benefit our aspirations and those of other organisations, particularly when seeking to improve accessibility. Examples of transportation issues that organisations should liaise with the Highways and Transportation Service upon include vehicular access, infrastructure supporting any river transport, car parking and provision for public transport.

More specifically, LTP makes reference to the review of the overall alignment for a Hereford Outer Distributor Road that would involve the provision of a new river crossing. Wide consultation with stakeholder organisations will be undertaken in the development of this proposal.

4.9 Public Rights of Way

Context:

There is an extensive Public Rights of Way network throughout the County. We have a number of plans and strategies in place to ensure the network operates effectively and is enhanced. Supporting rural regeneration is an important aspect of maintaining and improving the network.

Policy Statement 8:

We will use the Public Rights of Way Management Strategy and Rights of Way Improvement Plan, to ensure that opportunities for walking, cycling, river access and horse riding are co-ordinated with proposals in other plans and programmes in order that they maximise the potential benefits to both local residents and visitors to the County. Other organisations should discuss proposals with us that they consider should be linked to the network at the earliest opportunity.

Background:

We are preparing a Rights of Way Improvement Plan under s60 of the Countryside and Rights of Way Act 2000 and this could be used to enhance access to the rivers. Local Access forums can advise upon improvements to public access, which could again include access to water. There will also be consultation with other organisations and this should seek compatibility between the Rights of Way Improvement Plan and other plans such as the Wye Waterway Plan. We have powers to negotiate access arrangements with landowners. There is significant potential for medium distance routes and trails.

4.10 Tourism

Context:

Promoting the further leisure and recreational use, access to and the environmental qualities of the Rivers Wye and Lugg together with their associated valleys fits well with many of the objectives set out in Herefordshire Council's Tourism Strategy. However the quality and nature of the environment that makes the area so attractive to visitors is sensitive to pressure and care needs to be taken to ensure its carrying capacity is not exceeded.

Policy Statement 9:

The potential of the Rivers Wye and Lugg, together with their valleys, should continue to play an important part within the Tourism Strategy for the County. Their environmental qualities play a major role in attracting visitors to the area and where relevant the wider impact from tourism and other development should be fully assessed in terms of the effect they may have on this resource.

Background:

The County is well placed to promote sustainable tourism and use this as a marketing tool because of features such as its main rivers.

The rivers provide opportunities for site seeing, walking, cycling, canoeing and kayaking, riding, fishing and general outdoor activities, all of which contribute to the tourism product of the County. These can be enhanced through increased access to and use of the rivers. Walking within the special landscape of the Wye Valley is being promoted through a Lottery bid associated with the 'Picturesque'. The Public Rights of Way network is referred to above. Promoting tourist related activities along the rivers also offers wider benefits to the rural / farming communities. Distinctive landscape and countryside features associated with the rivers such as hedgerows, woodlands, orchards and grassland are recognised as important. These all point to the need to balance the range of activities that might be undertaken along the river corridors.

To meet development pressures and challenges, not just those arising from tourism but from any proposals, in a sustainable way needs a co-ordinated and integrated approach by all those involved. This is only possible through an acceptance of a strategy that recognises its major assets and protects and enhances them.

5. Operational Policies

5.1 Planning Applications for Development Within or Adjacent to Rivers

Context:

Planning applications are required for many forms of development. Certain forms of 'permitted development' may now need permission from the Local Planning Authority where they would have 'a significant effect' on certain nature conservation interests on those parts of the Rivers Wye and Lugg designated 'Special Areas of Conservation' (SAC).

Policy Statement 10:

Our policies set out in the Development Plan will be a prime consideration when advising upon site-specific proposals requiring planning permission.

Background:

Our duties as Local Planning Authority emanate from the Town and Country Planning Act 1990 (as amended).

Planning policies set out in the UDP promotes appropriate recreational, sporting and tourism uses in association with the rivers. Certain criteria need to be complied with covering environmental protection, scale, access, flood risk and community needs. Compliance with a number of policies relating to these criteria also requires reference to other policies. The Development Plan is the primary consideration when determining planning applications. Herefordshire UDP should be adopted in spring 2007. There are a number of policies in that document that may be relevant according to the particular circumstances of any proposal. The UDP will subsequently be replaced by a number of Local Development Documents. Other considerations that may be relevant are set out in Planning Policy Statements by the ODPM. Furthermore we have prepared Supplementary Planning Guidance on a number of topics that might also be relevant according to the nature of the proposal.

5.2 Other Decisions and Works Carried Out Directly by the Council

Context:

Where we carry out a regulatory role, including determining planning applications as referred to in 3.1 above, or it wishes to undertake works that might have a significant effect on the Rivers Wye and Lugg SAC, we may have to carry out 'Appropriate Assessments'. There are instances where decisions have to be referred to the ODPM. Both rivers are Sites of Special Scientific Interest' (SSSI) and English Nature must be consulted on proposals affecting them.

Policy Statement 11:

We are committed to maintaining the nature conservation value of the Rivers Wye and Lugg which has resulted in them being of both national and international importance. It will ensure that the effects upon the rivers of all proposals for which it has any responsibility are fully and properly assessed with a view to maintaining or, where possible, improving their conservation condition.

Background:

As 'a Competent Authority' in relation to the Rivers Wye and Lugg, where these are Special Areas of Conservation, our duties and powers are supplemented by the Habitats Regulations 1994. In addition because both rivers are SSSIs the Countryside and Rights of Way Act 2000 is also relevant to our activities, and this places emphasis upon seeking enhancements to the conservation condition of SSSIs as part of our responsibilities.

5.3 Works to Trees and Hedgerows Along of Adjacent to Rivers

Context:

Certain works to trees and hedgerows adjacent to rivers may require approval from or notification to us. There may be occasions when works need to be undertaken to trees that are dangerous.

Policy Statement 12:

(1) We would wish to be assured that there is a justifiable reason for removal of trees and hedgerows adjacent to rivers where our consent is required.

(2) With regard to dangerous trees or those causing an obstruction to navigation that may be within or on the banks of the River Wye or Lugg, we will support/encourage the Environment Agency to take action or seek removal of the danger or obstruction by the riparian owner. We will incorporate in our programme of inspections assessments of bankside trees and, with appropriate permissions, carry out remedial work to ensure they do not become a hazard to navigators.

Background:

Trees and hedgerows are important components of the valley landscapes and biodiversity of the Rivers Wye and Lugg. We have duties under the Town and Country Planning Act 1990 (as amended) where a Tree Preservation Order

covers trees or they fall within a conservation area. We should also be notified before the removal of countryside hedges under the Hedgerow Regulations 1997. There are, however, exemptions, which include carrying out works, under certain Acts of Parliament, for the purposes of flood defence or land drainage.

The Environment Agency's responsibilities under the Wye Navigation Order 2002 provide it with powers to remove anything, other than a vessel, that is causing an obstruction or impediment to the navigation or use of the two rivers. (See section 4.2 in relation to vessels).

We can take action to remove dangerous trees. Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to take action in connection with a dangerous tree when asked to do so by the owner or occupier of land in which the tree stands or of land which is threatened by it. This power should be used as a last resort and enables us to enter the land and make the tree safe. We will look to recover the expenses from the owner or occupier. When a neighbour approaches us, we will be particularly careful to ensure that a genuine effort has been made to reach agreement with the tree owner before taking action. We can also take action under the Highways Act to secure the removal of a tree where there is the likelihood of danger from it falling on to a highway.

5.4 Public Health Matters

Context:

We have responsibilities for 'statutory nuisance' and a range of other powers and duties that enable us to act to remove pollution and rubbish from watercourses. Some of these are shared with the Environment Agency

Policy Statement 13:

We will enter into discussions with the Environment Agency upon responsibilities in relation to fly tipping within the protocols set by the 'fly tipping matrix' agreed between the Environment Agency and the Local Government Association.

Background:

Our responsibilities emanate from a range of legislation. In relation to the two rivers there are no records of any serious problems that have potentially been prejudicial to health. The principal issue appears to be depositing of litter or similar in the rivers. Both the Environment Agency and we have responsibilities for tackling such problems. A 'fly tipping matrix' has been agreed nationally between the Environment Agency and the Local Government Association and discussions are underway at the regional level in relation to any local agreements

that might be reached. This should cover who removes what rubbish from the rivers. No local agreement has yet been made.

5.5 Land Drainage and Defence

Context:

There is a range of general powers available to local authorities for carrying out drainage of small areas to prevent flooding or investigate any damage caused by flooding of their areas. These include undertaking works itself to prevent or alleviate flooding, or action in default of others who should do works which result in drainage problems. The Environment Agency is responsible for matters associated with main rivers, including the Rivers Wye and Lugg.

Policy Statement 14:

Removing or mitigating the adverse effects of flooding on communities should be given priority where the health and safety implications are greatest. We will help those involved to identify such areas and promote the need for works by the relevant agencies and bodies responsible for flood defence.

Background:

We only utilise our powers occasionally to undertake proactive works not the least because the Environment Agency has responsibility for this matter along main rivers, but also in view of the funding requirements. Presently it is seeking to carry out a scheme in Ross on Wye to reduce the impact of flooding along the Rudhall Brook, which flows into the River Wye. Funding for this work has been sought from DEFRA.

Our regulatory role generally applies to non-main rivers and lesser watercourses. The approach adopted is to seek to work in partnership with landowners to effect solutions to land drainage problems.

5.6 Ferries

Context:

We may purchase by agreement or accept a transfer of a ferry within our area or which serves our inhabitants.

Policy Statement 15:

There is no need to utilise powers for the acquisition of ferries within the County at the present time.

Background:

The extent of existing ferries along the Rivers Wye and Lugg is limited, and currently there are two at Symonds Yat.

NB Reference to 'ferries' should not be equated to boats but to the means of crossing a river.

5.7 Bridges and Bridge Works

Context:

We are responsible for the maintenance of both highway and public rights of way bridges over the Rivers Wye and Lugg. There are also a number of other bridges that others are responsible for, for example railway bridges and Whitney Toll Bridge.

Policy Statement 16:

We would wish to receive early consultation by developers for the construction of river crossings and such consultation should include the Environment Agency

Background:

We have systems in place for the maintenance of bridges over the Rivers Wye and Lugg. All relevant agencies are consulted where works are proposed that might affect their interests.

5.8 Land Ownership and Management

Context:

We own and/or manage land such as parkland and open space, commons, small holdings, school playing fields and highways, some of which will lie adjacent to or close by the Rivers Wye or Lugg.

Policy Statement 17:

We will try to identify opportunities to utilise our land to assist proposals for the public's benefit, such as those in the Wye Waterway Plan, provided this fits within the needs of the principal use of the land and in accordance with any legal restrictions.

Background:

We own land within both urban and rural areas adjacent to the rivers and needs to manage this in accordance with best practice and for the benefit of the wider community.

Appendix 1: Related Documents

1. Regional Spatial Strategy

Relevant policies in the Regional Spatial Strategy

POLICY QE1:

A. Environmental improvement is a key component of the Spatial Strategy in order to underpin the overall quality of life of all areas and support wider economic and social objectives.

B. Local authorities and other agencies in their plans, policies and proposals should:

- i) support regeneration, by restoring degraded areas, conserving existing environmental assets, including the reuse of redundant and under-used buildings of merit, and creating new, high quality, built and natural environments, particularly within the MUAs;
- ii) conserve and enhance those areas of the Region, where exceptional qualities should be reinforced by sustainable use and management, including the Peak National Park, the five Areas of Outstanding Natural Beauty, the European wildlife sites, and the World Heritage Site (see Environmental Assets Diagram);
- iii) protect and where possible enhance other irreplaceable assets and those of a limited or declining quantity, which are of fundamental importance to the Region's overall environmental quality, such as specific wildlife habitats (Annex B), historic landscape features and built heritage, river environments and groundwater aquifers;
- iv) protect and enhance the distinctive character of different parts of the Region as recognised by the natural and character areas (Figure 4) and associated local landscape character assessments, and through historic landscape characterisation.

C. In bringing forward development, all agencies and developers should adopt high standards for sustainable natural resource use and management in line with policies such as QE3, QE9, EN1-2 and M3.

POLICY QE7:

All the plans and programmes of local authorities and other relevant agencies should:

- i) encourage the maintenance and enhancement of the Region's wider biodiversity resources, giving priority to:
 - the protection and enhancement of specific species and habitats of international, national and subregional importance as identified in the West Midlands Regional Biodiversity Audit, Local Biodiversity Action Plans (LBAPs) and other BAPs;
 - those that receive statutory protection; and
 - the biodiversity enhancement areas shown on the QE Areas of Enhancement Diagram.
- ii) include policies and proposals which enable the West Midlands to achieve its minimum share of the UK Biodiversity Action Plan (UKBAP) targets as set out in Annex B and the targets of local partnerships and other BAPs;
- iii) take a common approach to biodiversity and nature conservation issues which cross local planning authority and Regional boundaries, especially those relevant to:-
 - the strategic river corridors and tributaries of the Severn, Trent, Avon and Wye, river catchments, and issues in current local Environment Agency plans; and

- priorities derived from English Nature's Natural Areas Framework and associated Area Profiles and the West Midlands Biodiversity Audit.

POLICY QE9:

A. Development plan policies and plans of the Environment Agency and other agencies should be coordinated, where necessary across local authority and Regional boundaries, to:

- i) protect or improve water quality and where necessary significantly reduce the risk of pollution especially to vulnerable surface and groundwater in order to improve health and well-being;
- ii) manage demand, conserve supply, promote local recycling of water and the multiple use of water resources;
- iii) protect and enhance wetland species and habitats, particularly those subject to local biodiversity partnerships;
- iv) ensure that abstraction from watercourses and aquifers does not exceed sustainable levels;
- v) reduce any adverse effects of development on the water environment by encouraging consideration of sustainable drainage systems where appropriate at an early stage in the design process;
- vi) ensure the timing and location of development respects potential economic and environmental constraints on water resources; and
- vii) maintain and enhance river and inland waterway corridors as key strategic resources, particularly helping to secure the wider regional aims of regeneration, tourism and the conservation of the natural, built and historic environment.

B. Development that poses an unacceptable risk to the quality of groundwater or surface water in this or other regions should therefore be avoided.

2 Herefordshire UDP

(Herefordshire Unitary Development Plan – Revised Deposit Draft

RECREATION, SPORT AND TOURISM

Criteria for recreation, sport and tourism development

- 10.4.1 National guidance in PPG17 encourages the provision of a wide range of opportunities for recreation, which should wherever possible be available and accessible to all, whilst PPG21 similarly supports tourism. Sport, recreation and tourism have valuable social and economic roles to play but these must be balanced against any environmental impacts arising if sustainable forms of development are to be achieved. This is particularly the case with tourism, the very existence of which is linked to protecting the high quality environment on which it depends.
- 10.4.2 The diverse nature of proposals for recreation, sport and tourism require a similar set of considerations to be taken into account. Key factors include environmental suitability, access and amenity. For instance, both the amenities of those living nearby and the wider environment can be damaged through such factors as increased traffic, the numbers of people attending the facility at any one point of time, the scale of buildings proposed, glare from floodlights associated with sports pitches, or use of the facility during unsocial hours. In some cases such as motorised or gun sports, the activity itself may lead to an unacceptable amenity and environmental impact. Recreation, sport and

tourism uses will often attract substantial numbers of users and visitors and special attention is needed to their accessibility by a genuine choice of modes of transport. In addition, recreational or tourism development in the countryside can damage its character or appearance if care is not taken in respect of scale, siting or design.

- 10.4.3 The County includes a number of visitor pressure areas. Popular destinations such as the Malvern Hills or Symonds Yat form part of the designated Areas of Outstanding Natural Beauty where special considerations apply (see below). Other pressure areas include parts of the Black Mountains in the west of Herefordshire, bordering the Brecon Beacons National Park. During the Plan period, visitor management plans may be prepared or reviewed for such areas in order to take an integrated approach to land use and management, landscape and cultural heritage, biodiversity, recreation and tourism, transport and visitor information. As such they will provide a means of defining both the needs of local communities and environmental character, and proposals for recreational and tourism facilities will be expected to demonstrate their contribution to such plans in these terms.
- 10.4.4 In addition, special considerations associated with environmental character and recreational resources will arise with respect to designated features within the County, including conservation areas, listed buildings, Scheduled Ancient Monuments and other archaeological sites and features of interest, sites of international, national and local importance to nature conservation including candidate Special Areas of Conservation and Sites of Special Scientific Interest, geological sites and features, historic landscapes and gardens, and rights of way.
- 10.4.5 Planning obligations will be used to secure facilities where these are provided as part of wider developments. Specific requirements for open spaces associated with housing proposals are set out in the Housing chapter of the Plan. Open space provision in large developments should be of a size that is both useful and easy to maintain, i.e. rather than including many small, incidental and less useful areas. Provision of open space should be an integral feature of the development, to ensure a safe, easily accessible area, not located on 'left over' land as an afterthought. In smaller development proposals, it may be more appropriate for a developer to make a contribution to the establishment or enhancement of a nearby sport or recreation facility. This may include improvements that help safeguard an existing facility (see policy RST4).
- 10.4.6. This policy complements policies in the Development Requirements chapter by dealing with more specific aspects arising in the consideration of proposals for recreation facilities. Policies in that chapter dealing with design, land use and activity, movement, environment, noise and lighting will be particularly relevant. Attention is drawn in particular to issues associated with the capacity of the highway network, access and parking, and to the need to submit a travel plan with any planning application where required either as a consequence of the scale of the proposal or the transport issues raised.

RST1 Criteria for recreation, sport and tourism development

Proposals for the development of new recreation, sport and tourist facilities including change of use or improvement or extension to existing facilities will be permitted where the proposal:

- 1. is appropriate to the needs of the community which it serves, having particular regard to the nature of the use, mode of operation, scale and design;**
- 2. would not harm the amenity of nearby residents;**

3. respects environmental character and resources, including designated landscape, historic heritage, archaeology, biodiversity, and geological features and rights of way; and
4. is wherever possible accessible by a choice of modes of transport, with priority given to public transport, walking and cycling, and is designed to ensure access for all.

Proposals in the open countryside will only be permitted where the countryside is the primary resource for the proposal and the rural landscape and environment is sustained. In such instances new buildings will only be permitted where there are no suitable existing buildings capable of conversion, they are of a small scale and are ancillary to the primary proposal.

Recreation, sport, tourism development within Areas of Outstanding Natural Beauty

- 10.4.7 Herefordshire includes approximately 46% of the Wye Valley AONB and 60% of the Malvern Hills AONB. The primary purpose of designation of these areas is to conserve and enhance their natural beauty through landscape protection and enhancement, embracing biodiversity and features of geological interest. Specific policies relating to these factors are included within the Natural and Historic Heritage chapter of the Plan. However, the pressures for recreation and tourism related developments within the County's AONBs merit a specific policy, to be applied in conjunction with RST1 above. While AONB designation allows recreation and tourism proposals to be accommodated where such developments do not compromise the landscape quality, it is important that precedence is given to the principal aim of conserving and enhancing the natural beauty of the area.

RST2 Recreation, sport and tourism development within Areas of Outstanding Natural Beauty

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty (AONBs), the conservation of the unique character and qualities of the landscape and of biodiversity and geological interests will have precedence over the development of facilities for recreation, sport and tourism. In particular such developments must:

1. Respect and be in keeping with the inherent distinctiveness of the local landscape;
2. Be small-scale and constructed from appropriate materials; and
3. Make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB.

Waterway corridors and open water areas

- 10.5.38 Waterways and open water areas are a particularly important recreational resource for a landlocked County like Herefordshire. The major rivers such as the Wye and Lugg have a long tradition of recreational use, both on the water and along the riparian corridor. Navigation rights on much of the Herefordshire lengths of the Wye and Lugg allow considerable recreational use, although this must always be reconciled with the environmental designations along the rivers. The Environment Agency is now established as the navigation authority for the River Wye. Other rivers such as the Teme also have a tradition of limited recreational use, e.g. for canoeing. Along its corridor through Hereford, the River Wye has a special role in the commercial and recreational life of the city that warrants separate consideration in policy terms. In the central area, restaurants, public

houses, sports facilities and open spaces line much of the riverbank and its immediate hinterland. In contrast, on some stretches away from the central area, the riverbank margins have become neglected and subject to tipping and litter, and would benefit from environmental and access improvements. The river's historic transport role for trade and leisure has declined, but the potential exists for a renewed contribution to meet wider regeneration objectives and in the context of an integrated transport network, provided adequate infrastructure is available. While new and improved waterfront facilities will always need to be restricted in scale by the historic, landscape and biodiversity constraints applying to the river corridor, there remains significant scope for appropriate development. Policy RST8 therefore makes specific provision for the river corridor within the city environs.

- 10.5.39 Waterway recreation may involve the development of facilities such as basins, marinas, jetties, slipways, pontoons, moorings and access sites. Waterside recreation may require access land, recreational routes, car parking and transport facilities and ancillary facilities such as toilets. Proposals to establish low key access to water features, such as picnic sites or information points, will be permitted where they are in accordance with policy RST1 and other policies in the Plan. The development of new permanent moorings away from existing/historic sites or settlements will be resisted, to avoid potential difficulties associated with visual amenity, servicing and infrastructure, and road access. Development of riverside facilities may require the consent of the Environment Agency.
- 10.5.40 Herefordshire has no major open water areas of regional or sub-regional significance. The largest, at Bodenham, covers 16 hectares, much of which is restricted to nature conservation uses and the rest to low-intensity recreational activities. The smaller ones are not usually natural in origin, having been created as landscape features on estates and farms and/or as recreational facilities for angling, boating, or simply for amenity. Recreationally significant lakes are expected to become available during the Plan period as a result of existing planning permissions for mineral extraction, principally for gravel. The most notable are at the Wellington, Stretton Sugwas and Lugg Valley sites. As these relate to existing restoration conditions for recreational use, they are not identified as proposals in the Plan. Further specific site proposals are not readily identifiable at this stage, but may come forward during the Plan period. Such sites often have a high or potentially high ecological value and this needs to be reconciled with the recreational opportunities that they offer. Zoning for multiple uses within and around individual water bodies can offer a compromise solution, but is only really effective on larger sites. Otherwise, sites may need to be dedicated and restricted to specific uses.
- 10.5.41 Herefordshire has two disused canal corridors partly within its boundaries – the Herefordshire and Gloucestershire Canal and the Leominster Canal. Sections of both have been infilled, developed or become derelict. The former is the subject of a long-term restoration project with the aim of re-opening the canal link between Hereford and the Severn at Gloucester. Some sections have already been restored. Recognising the recreation, tourism and economic potential of the project, the canal corridor has enjoyed planning protection for several years.
- 10.5.42 Corridor protection continues in the UDP, following wherever possible the original route. Where the original alignment is already obstructed by development, attention has been given to possible diversionary routes. In Hereford itself an agreed diversionary route is already being protected through planning decisions and this route is shown as a corridor on the proposals map. The canal towpath has the potential to offer a significant recreational facility, including countryside access for walkers, cyclists and horse-riders, and the opportunity in the longer term to establish a longer-distance/regional route as canal restoration proceeds.

- 10.5.43 Provision is made for a canal basin to be accommodated within the proposed mixed use development of land at Widemarsh Street, Hereford, close to the original terminus location (see chapter 7 Town Centres and Retail).
- 10.5.44 The Leominster Canal corridor has no waterway restoration plans, although there is scope for recreational use of remaining towpath sections that have survived as public rights of way. Recreational development of such routes should be linked to conservation and interpretation of the historic remains of the navigations.

RST8 WATERWAY CORRIDORS AND OPEN WATER AREAS

Recreational development based on, or associated with, the River Wye and Lugg navigations will only be permitted if it complies with policies NC2 and NC3. Proposals for the development of low-key access to riverside and canalside areas will be permitted subject to detailed planning considerations. On navigable lengths of river and canal, development involving permanent moorings (other than overnight stays) will only be permitted in basins or marinas, in urban locations or sites used historically for this purpose.

Within the environs of Hereford, development directly associated with leisure and transport use of the River Wye and the riverbank corridor will be permitted, provided that an acceptable balance can be reached with the constraints arising from landscape character and quality, from natural and historic heritage.

Proposals for the recreational use of existing areas of open water, or new areas that become available as a result of mineral extraction, or for the creation of reservoirs or amenity lakes, will be permitted where:

- 1. they serve a recognised sub-regional or local demand;**
- 2. they have regard to the needs of all potential users, avoid over-use, and are able to resolve potentially conflicting uses;**
- 3. there is no unacceptable conflict with water supply, water quality or commercial uses; and**
- 4. there are no over-riding safety issues.**

NATURAL AND HISTORIC HERITAGE

Areas of Outstanding Natural Beauty

- 9.4.5 Herefordshire boasts two landscape areas of national significance, the Wye Valley and Malvern Hills Areas of Outstanding Natural Beauty (AONB). Both are situated in the eastern parts of the County and both are supported by management plans, which essentially seek to conserve landscape character through various forms of land management. The primary objective of designation is conservation of the natural beauty of the landscape. This Plan, through its policies, looks to complement the management plans; reconcile development needs and visitor pressure with the conservation of the AONB landscape and natural resources, and restore vulnerable and degraded landscapes when opportunities arise.
- 9.4.6 The Malvern Hills AONB is dominated by the narrow, elevated ridge of the Malvern Hills which separates Herefordshire and Worcestershire and extends southwards into Gloucestershire. The special character of the Wye Valley AONB is created by the River Wye which meanders through the broad meadows and scattered woods of the Herefordshire Plains. It contains some of the most dramatic limestone scenery in the

County, including the renowned Symonds Yat where deeply inclined meanders have cut into the plateau to form an ancient wooded gorge. The Wye Valley AONB includes part of the Wye Valley Woodlands and Rivers Wye and Lugg candidate Special Areas of Conservation where a specific policy approach applies in terms of the protection of biodiversity interest (see Biodiversity Section 9.5).

- 9.4.7 Local authorities are now required to prepare management plans for all AONBs. These will be material considerations when determining planning applications.

LA1 Areas of Outstanding Natural Beauty

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans.

Development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and can be demonstrated either to meet local community or economic needs or enhance the quality of the landscape or biodiversity.

Exceptions to this policy will only be permitted when all of the following have been demonstrated:

- 1. the development is of greater national interest than the purpose of the AONB;**
- 2. there is unlikely to be any adverse impact upon the local economy ;**
- 3. no alternative site is available, including outside of the AONB; and**
- 4. any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately and, where appropriate, compensatory measures provided.**

Sites of international importance

- 9.5.9 There are three types of international site designation. Two of these, the Special Area of Conservation (SAC) and the Special Protection Area (SPA) arise from European Directives, the Habitat Directive 1992 and the Birds Directive 1979 respectively. The Conservation (Natural Habitats) Regulations 1994 implement the European Habitats Directive. Together, the two categories of European site make up a network of European protected sites known as 'Natura 2000'. These sites are part of a range of measures aimed at conserving important or threatened habitats and species. The third category of international site designation, 'Wetlands of International Importance especially as Waterfowl Habitat' known as Ramsar sites are designated under the 1971 Ramsar Convention. At the time of publication, Herefordshire has no SPA or Ramsar sites, but does have 4 candidate SACs. These are sites which have been proposed to the European Union but not yet formally designated. The Government's advice is that for all practical purposes these candidate SACs should be treated as though they have been designated.

- 9.5.10 Currently there are 4 candidate SACs in Herefordshire: The River Wye (River Wye SSSI and part River Lugg SSSI), Downton Gorge, The Wye Valley Woodlands and the River Clun (part of the River Teme SSSI).

- 9.5.11 Development that may affect internationally designated sites will be subject to rigorous examination. The Council will consult English Nature on all development proposal affecting internationally designated sites. Proposals will be assessed to determine likely significant impact and developers may be required to provide further information to enable an appropriate assessment to be made. Any such proposal will be determined in accordance with Regulations 48-53 of the Habitats Regulations 1994. Applicants need to discuss the

information that must be provided in support of their applications with the local planning authority.

- 9.5.12 The Council will encourage the management of international sites to sustain and enhance their biodiversity interest.

NC2 Sites of international importance

Development which may affect a European Site, a proposed or candidate European Site or a Ramsar site will be subject to the most rigorous examination.

Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site (either individually or in combination with other plans or projects) and where it cannot be ascertained that the proposal would not adversely affect the integrity of the site, will not be permitted unless:

- 1. there is no alternative solution; and**
- 2. there are imperative reasons of over-riding public interest for the development.**

Where the site concerned hosts a priority natural habitat type and/or a priority species, development or land use change will not be permitted unless the authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Sites of national importance

- 9.5.13 Nationally important sites are designated under the 1981 Wildlife & Countryside Act by English Nature. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) are of special interest for their flora, fauna, geological or physiographical features. There are currently 75 SSSIs and 3 NNRs in Herefordshire. The Council will consult English Nature on all development proposals affecting SSSIs and NNRs; English Nature keeps the sites under review and it is possible that existing sites may be denotified and further sites notified during the Plan period. The Council is required under the Countryside and Rights of Way Act 2000 to consult English Nature when they propose to carry out operations or issue permissions which are likely to damage the special features on an SSSI. The Council is also under a duty to seek enhancement works to SSSI's under the CROW Act 2000. This applies whether or not the operation is taking place on land included within the boundary of the SSSI.

- 9.5.14 The Council will encourage the management of nationally important sites and habitats to sustain and enhance their biodiversity interest.

NC3 Sites of national importance

Development in or likely to affect Sites of Special Scientific Interest or National Nature Reserves will be subject to special scrutiny. Where such development may have an adverse effect, directly or indirectly on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the network of such sites.

Where development is permitted proposals should make provision for the enhancement of such sites in order to improve their nature conservation status.

DEVELOPMENT REQUIREMENTS

Flood risk

- 4.5.5 The susceptibility of land to flooding is a material planning consideration. Flood risk is generally associated with land adjacent to watercourses, although localised flooding can also occur elsewhere when intense rainfall causes surface flows to exceed the capacity of the existing drainage system. PPG25 sets out the importance the Government attaches to the management and reduction of flood risk in the planning process, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result of climate change. Reflecting these uncertainties, PPG25 requires application of the precautionary principle to decision making concerning flooding issues, with a sequential approach ensuring that risk is avoided where possible and managed elsewhere.
- 4.5.6 A number of areas within the County are at risk of flooding, although the extent of risk varies. Areas of high risk (as defined in PPG25, i.e. with a 1% annual probability of occurrence) have been identified by the Environment Agency in the form of indicative maps. For much of the County, these give the best available current information on the approximate extent of such flooding. Other local data is also available, for instance for Hereford, and has been used in conjunction with the Agency information for the purposes of identifying land liable to flood on the proposals map. However, it is important to emphasise that the areas shown as being at risk of flooding are only indicative. It is also recognised that the limits of floodplains cannot be defined precisely, given the fact that floods are natural events (albeit which may have been exacerbated by human intervention) arising from different combinations of circumstances. The limits shown are therefore not to be taken as the sole basis for determining where the following policy applies. There are also other areas of lower flood risk where the policy will be applied. It is expected that the indicative limits will be updated by the Agency as more detailed information becomes available.
- 4.5.7 It is necessary to ensure that new development is not at direct risk from flooding, and that development in flood risk areas or elsewhere in catchments does not create or exacerbate flood risk to other land, for instance by reducing storage capacity. Risks of watercourse pollution during times of flood can also arise as a result of development. For these reasons development within land at risk of flooding should generally be avoided, and will only be permitted where no alternative location is available on land at lower risk of flooding and which is otherwise suitable in planning terms. Account will also be taken of other sustainability considerations, including the need to secure regeneration and the reuse of previously developed land. Where such development is to be allowed, appropriate and acceptable flood protection and mitigation measures should be included. Developments in flood risk areas should result in no net loss of flood plain storage, should not impede water flows and not increase flood risk elsewhere.
- 4.5.7a Government urges greater emphasis on urban regeneration and on redeveloping previously developed land to minimise the take up of green-field land. Often previously developed land will be vulnerable to flooding. Proposals for development of such land or the reuse of existing buildings and structures will need to take due account of the risks of flooding, any existing flood defences and the ability to improve them. A balanced, flexible approach is required which addresses the risk of flooding whilst recognising the damage from under-investment and blight. The acknowledged risks of flooding might be mitigated by confirmed suitable levels of protection, including protected access, prudent design of development and effective public warning systems.

4.5.7b PPG25 paragraph 30 requires authorities to give priority in allocating or permitting sites for development, in descending order to the flood zones set out in Table 1 of the PPG, including the sub-divisions in zone 3. Until the Environment Agency has published maps of the zone 3a, 3b and 3c high risk areas for the County, the Plan interprets those areas on the following basis for the purpose of processing planning applications;

Zone 3a, developed areas – all land within settlement boundaries unless it forms a functional flood plain.

Zone 3b, undeveloped and sparsely developed areas – all land outside settlement boundaries unless it forms a functional flood plain.

Zone 3c, functional flood plain – land within or outside settlement boundaries.

4.5.7c Flood zones should be identified from the Environment Agency's flood data ignoring the presence of flood defences. Areas currently protected by the defences and the standards of protection provided by those defences will need to be identified. Development should not be permitted where existing defences, properly maintained, would not provide an acceptable standard of safety over the lifetime of the development as such land would be extremely vulnerable should a flood defence embankment be breached.

4.5.8 Functional flood plains and washlands have important natural roles, not only in regularly accommodating flood waters but also in providing important wildlife habitats and adding to landscape value. Built development in such areas should be wholly exceptional and will be limited to essential transport and other utilities infrastructure for which there is no alternative location. Such infrastructure should be designed and constructed to remain operational in times of flood, as well as meeting the other requirements set out above.

4.5.9 In considering planning applications for development within flood risk areas, flood risk assessments should be provided which are appropriate to the scale and nature of the development and which consider:

- Flood risk and surface water run off implications of the proposed development
- Any increased risk arising elsewhere
- Measures proposed to deal with these risks and effects, including use of sustainable drainage techniques.
- Provision of a dry pedestrian access for residential development.

4.5.10 Where necessary, developers will be required to carry out and provide details of hydraulic and hydrogeological investigations to properly determine the implications of proposed development, having regard to the recommendations of the Environment Agency. Developers should normally fund the provision and maintenance of flood defences or alleviation works that are required because of their development; these will be secured by means of planning obligations.

4.5.11 Finally, consideration of flood issues is not confined to rivers and their flood plains. Surface water which cannot percolate into the ground or reach natural watercourses can increase occurrence. Changes in farming, field drainage, lack of maintenance to watercourses, culverts and gullies can effect the rate of flow and time taken for water to travel within a catchment area. Where new development is allowed proposals should make suitable provision for continued access to watercourses where development occurs. Land adjacent to the top of both banks should be reserved for maintenance and improvement purposes and for recreational use where appropriate, and to secure the

retention of river corridor habitat. Such strips of land should be kept free of all new buildings and other structures including means of enclosure, with no raising of ground levels.

DR7 Flood risk

Proposals for development in flood risk areas will need to be accompanied by a flood risk assessment. Additionally and within high risk areas (zone 3) as defined on the proposals maps, proposals will need to demonstrate through a sequential test that there are no reasonable alternative locations available on land of a lower flood risk, taking account of other environmental considerations.

Development within high risk developed areas (zone 3a) may only be suitable for residential, commercial and industrial development provided the minimum standards for flood defence can be provided and maintained for the lifetime of the development.

Development within high-risk undeveloped and sparsely developed areas (zone 3b) will not be permitted unless a particular location is essential.

Built development within functional flood plains (zone 3c) should be wholly exceptional and limited to essential transport and utilities infrastructure that have to be there.

In all cases development will only be permitted where it would not be at an unacceptable risk of flooding or where it is essential to that location. Any protection, compensatory, mitigation and other measures proposed must be acceptable in safety terms and in terms of their environmental effects. All proposals would need to include a dry access, the necessary minimum standards of flood defence, show that there would be no net loss of flood plain storage and that it would not impede water flows or increase flood risk elsewhere.

Wherever possible sustainable drainage techniques should be used to minimise the adverse effects associated with increased surface water run off. Adequate access to watercourses and flood defences for maintenance and improvements should be maintained.

3. Herefordshire Community Strategy

The vision for the Herefordshire Strategy is:

“Herefordshire will be a place where people, organisations and businesses working together within an outstanding natural environment will bring about sustainable prosperity and well-being for all.”

The Strategy contains five ‘guiding principles’:

- Realise the potential of Herefordshire, its people and communities
- Integrate sustainability into all our actions
- Ensure an equal and inclusive society
- Protect and improve Herefordshire’s distinctive environment

- Build upon the achievements of partnership working and ensure continual improvement

Under the theme of 'Healthier Communities and Older People' reference is made to 'improved participation in cultural and leisure activities for all will have health benefits'.

4. Herefordshire Local Area Agreement

The vision for the Herefordshire LAA is the same as that for the Herefordshire Community Strategy.

The overall objective for the Herefordshire LAA is to work towards securing our vision, by improving services and quality of life in Herefordshire. We will use the LAA to:

- Improve Herefordshire's agreed public service outcomes, that are owned by all the delivery partners nationally and locally, and on which we have all committed ourselves to achieving.
- Further improve central/local relationships, by developing new ways of working in partnership to deliver shared aims and improved outcomes for Herefordshire residents. This will include providing better Local Authority Community leadership
- Reduce and simplify the number of Central Government funding streams coming into Herefordshire, by using a Single Pot where appropriate, and to minimise the bureaucracy associated with the control and monitoring of such funds.
- Operate the LAA by ensuring the focus is on what matters and what is making a difference, and by creating greater flexibility for local solutions.
- Target areas of greatest need and prioritise service delivery.
- Use the LAA as the catalyst for bringing partner data collection systems together.

No outcomes or indicators contained within the LAA have been identified that might directly affect the Council's policy and direction on waterway matters.

5. Wye Valley AONB Management Plan (2004-2009)

This develops a vision and identifies a series of Strategic Objectives for the Wye Valley AONB and sets out an Action Plan to help ensure the Strategic Objectives are implemented.

6. Tourism Strategy for Herefordshire 2002 – 2007

The strategy has the following headings and objectives:

Fostering enterprise and tourism

- To encourage investment in those tourism enterprises and initiatives which are best placed to deliver growth and strengthen employment opportunities.

Enriching the Herefordshire experience

- To establish Herefordshire as a flagship destination for sustainable tourism.
- To enrich the visitor experience by developing new products, offering special opportunities to explore and enjoy distinctive aspects of Herefordshire.

- To enrich the visitor experience by investing in infrastructure and activity in key settlements, strengthening their identity and increasing their attraction to visitors.

Increasing competitiveness

- To prepare Herefordshire to compete more strongly in growth markets, by exploring appropriate growth models, developing niche products and investing in a quality workforce.
- To secure an improved position for Herefordshire in the market place through a carefully planned marketing campaign, fully integrated with the product development programme.

Focusing on the customer

- To focus on the needs of the customer by offering excellent intellectual and physical access to the full range of Herefordshire's tourism product

7. Herefordshire Rivers and Flat Water Study

The following recommendations were made in the Rivers and Flatwater study:

1. That a centre for water-based activities and environmental studies is built at Wellington Lakes.
2. That the implications of running a centre at Wellington as a trust be explored.
3. That the smaller quarry at Lugg quarries is used for wind surfing and canoeing.
4. Water skiing and jet skiing is provided at the Shobdon quarry site.
5. That provided that the Wellington site is developed then water-based activities at Bodenham Lake cease when Wellington opens but is then leased to an angling club on strictly defined conditions of use.
6. The alternatives for an access point to the River Wye, principally for use by those with special needs, is urgently investigated.
7. The council agrees it's management and maintenance policies towards access points on the rivers Wye and Teme and these are agreed with the Environment Agency and the Wye Navigation Committee.
8. There is a review of the marketing and pricing structure at the Canoe Centre with a view to contributing to the tourism infrastructure.
9. That following consideration of this report by Cabinet, that an interdepartmental officer working group be established to progress those items approved by Cabinet.
10. Consideration should be given to working with the council's tourism staff to support the initiative to promote activity-based holidays in the county.

Appendix 2 – The Wye Navigation Order and Wye Waterway Plan: General Commentary

For an explanation of the powers and responsibilities of the Environment Agency acting as the Navigation Authority you should refer to the Wye Navigation Order 2002. This sets out the general provisions placed upon the Environment Agency and its additional functions, including the making of byelaws. In particular the Agency must consult Herefordshire Council upon proposals to make byelaws, charges and fees relating to navigation, and proposals to construct works that would otherwise be permitted development.

The Environment Agency (Wales) is responsible for preparing the Wye Waterway Plan. The general nature of the actions being advocated by the Environment Agency Wales within the Waterway Plan are such that the more detailed aspects of their implementation will no doubt be determined later. Herefordshire Council is represented on the Wye Navigation Advisory Committee where such aspects are most likely to be considered.

The Wye Waterway Plan and associated Action Plan sets out the Environment Agency Wales's policies for both the waterway and for navigation.

The waterway policies generally seek to:

- Improve access to the two rivers for all modes of transport;
- Increase the use of the rivers for sport, recreation, physical activity and education; and
- Protect the rivers' environment, including from pollution and invasive species, and its landscape and biodiversity.

The navigation policies seek to manage navigation by:

- Applying regulatory powers to ensure health and safety;
- Managing special events; and
- Resolving conflicts between relevant interests.

The Action Plan is not at present site specific. In relation to navigation the Environment Agency proposes further studies and additional developmental work for a range of matters such as identifying access points and areas of conflict between interests, producing navigation standards of service, maintenance and improvement programmes for accesses, health and safety assessments and strategy, the production of standards and codes of practice, and various baseline surveys.

In relation to river craft the Plan proposes to promote the existing use of motorised craft yet promote and enhance existing non-motorised boating subject

to environmental safeguards. However significant emphasis is placed upon health and safety actions.

The waterway actions for the current 5 year period are outlined in the table below:

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Implementation of actions		Policy reference	Target date
1	PROVIDE AND PROMOTE UP TO DATE INFORMATION FOR WATERWAY USERS INCLUDING DATA ON WATER LEVELS.	N1	2008
2	Develop and publicise website.	N1, W11	2009
3	UPDATE AND PROMOTE CANOEIST GUIDE TO THE WYE.	N1, W11	2008
4	CONTINUE TO PRODUCE THE ANNUAL CALENDAR OF MAJOR EVENTS ON THE RIVER WYE LEAFLET.	N1, W11	January each year
5	Publish and promote up to date tourist information about the waterway, including camping, angling, hiring boats.	N1, W11	2008
6	DEVELOP LONG-TERM RIPARIAN MANAGEMENT AGREEMENTS FOR THE ROWING STRETCHES.	N1, W12	2008
7	PROVIDE 3 ADDITIONAL ACCESS POINTS ONTO THE RIVER.	N3	2010
8	SURVEY ALL PORTAGE POINTS CURRENTLY IN USE WITH THE AIM TO IMPROVE/MAKE SAFE OR REPLACE.	N3	2007
9	CARRY OUT HEALTH AND SAFETY AUDITS ON ALL COMMERCIAL OPERATORS.	N6	2006
10	DELIVERY OF PHASE 2 HEALTH AND SAFETY REVIEW.	N8	2006
11	CONSULT WIDELY AND GIVE FURTHER CONSIDERATION TO A BOAT REGISTRATION SCHEME FOR THE WYE.	N15	2009
12	DEVELOP ACCESS AGREEMENTS FOR THE UPPER RIVERS AND TRIBUTARIES.	N16	2006
13	CARRY OUT GAP ANALYSIS.	N17	2007
14	DEVELOP WATERWAY STANDARDS FOR EXISTING FACILITIES.	N17	2008
15	CARRY OUT AN SEA OF THE PLAN.	N20	2006
16	WORK WITH WYE VALLEY AONB TO DEVELOP BASELINE CRITERIA FOR ASSESSING THE IMPACT OF THE PLAN.	N20	2008

The full document (and summary document at a later date) can be obtained from the Environment Agency at Hadnock Road, Monmouth NP25 3NQ or viewed on its website at www.environment-agency.gov.uk