

**7 DCSE2007/0075/F - NEW NATURAL GAS PRESSURE REDUCTION INSTALLATION AND ASSOCIATED WORKS (UNDERGROUND TIE-INS TO EXISTING PETERSTOW COMPRESSOR STATION AND NO. 2 FEEDER OUTSIDE THE COMPRESSOR STATION). LAND ADJACENT TO PETERSTOW COMPRESSOR STATION, TREADDOW OFF THE A4137 HENTLAND, HEREFORDSHIRE, GRID REF: SO 545 238 (OS MAP 162).**

**For: National Grid per Jacobs, Jacobs House, Brooks Drive, Cheadle Royal Business Park, Cheadle, SK8 3GP.**

**Date Received: 10th January, 2007**

**Ward: Llangarron & Pontrilas**

**Grid Ref: 54527, 23839**

**Expiry Date: 2nd May, 2007**

Local Member: Councillor Mrs. J.A. Hyde and Councillor G.W. Davis

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

- 1.1 This site is located on the east side of the Class I A4137 to the south of St. Owens Cross. It comprises some 1.86 ha of agricultural land, currently grassland. The site is adjacent to a gas compressor station that was approved in 1997. Vehicular access to the site is from the Class I road to the southwest and is by way of a recently improved track that also serves the present compressor station.
- 1.2 The proposal is to construct a gas pressure reduction station to be used in association with the construction of a natural gas pipeline from Brecon to Tirley (Gloucestershire), which forms a link to the proposal to transport natural gas from a new terminal at Milford Haven and into the national grid. This is a project of national importance.
- 1.3 The site area is some 1.86 ha but with a significant proportion of this being a landscaped perimeter. The built development would essentially comprise a number of buildings together with above ground pipe infrastructure. There would be two boiler houses each of some 88 sq m and 4 m high, an instrument building of 48 sq m and 3 m high and a standby generator building of 64 sq m and 4 m high. A new access track would circulate through the site. Apart from the physical development the site would be surfaced in stone chipping. A 4 m high fence, comprising a 2.4 m palisade fence with 1.6 m electric fence above, would border the built development. There would be 34 security lights on 6 m columns, two floodlights 2.5 m high and 17 security cameras on 4.5 m poles.
- 1.4 At present there is a natural slope across the site generally to the south. In order to provide a level site a significant cut and fill will be required. The maximum cut would be some 2 m with the maximum fill some 4 m.

**2. Policies****2.1 Planning Policy Statements**

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPG4	-	Industrial and Commercial Development and Small Firms
PPS9	-	Biodiversity and Geological Conservation

**2.2 Herefordshire Unitary Development Plan 2007**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR4	-	Environment
Policy DR12	-	Hazardous Substances
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy LA2	-	Landscape Character
Policy CF1	-	Utility Services and Facilities

**2.3 South Herefordshire District Local Plan**

Policy GD1	-	General Development Criteria
Policy T3	-	Highway Safety Requirements
Policy C9	-	Landscape Requirements
Policy C11	-	Protection of Best Agricultural Land
Policy C16	-	Protection of Species
Policy C48	-	Health and Safety

**3. Planning History**

3.1	SH960993PF	Gas Compressor Station	-	Refused 13.11.96
	SH961054MZ	Proposed 132/11KV outdoor sub-station and associated overhead line supply	-	Objection 13.11.96
	SH970178PF	Gas Compressor Station	-	Withdrawn
	SH970179PF	Gas Compressor Station	-	Approved 02.05.97
	SH2/97	Hazardous substances consent for a gas compressor station	-	Approved 02.05.97
	DCSW2006/1298/F	New natural gas pressure reduction installation and associated works	-	Refused 25.08.06 Appeal lodged.

**4. Consultation Summary**Statutory Consultations

4.1 Environment Agency - no objection subject to conditions

#### 4.2 Natural England comment:

“The ecological survey information for this re-application has not been included in Appendix 3 (excepting a list of plant species). It appears that Natural England’s previous comments concerning the rigour of ecological survey effort still apply. This is understandable given that the period covered by the original application (DCSW2006/1298/F) encompassed the survey season for most species. However, it is regrettable that additional ecological survey effort has not been expended within this section of the pipeline after March and the current submission does not add to the body of ecological information from the last application.

##### Birds

The previous application (DCSW2006/1298/F) states that: ‘The initial habitat-based assessment will be confirmed through formal detailed breeding bird surveys during late-spring 2006’. There is no information from any such survey in the current application, or that this survey was carried out. The mitigation under section 8.6.4 has been downgraded to accommodate this lack of survey and to pre-empt the incidence of nesting birds through habitat removal. The previous application states in this section that ‘...any habitat clearance work carried out on-site would be preceded by a breeding bird survey’ but this now states ‘...removal of potential nesting habitat in advance of the bird nesting season’. Natural England would query why these ‘formal detailed breed bird surveys...’ survey were not carried out.

##### Badgers

Mention has now been made of the ‘well used badger run is present crossing the proposed access track in its south eastern section...’ (Appendix 3 of the Environmental Statement). However, no further survey or mitigation information has been presented although time existed in the autumn period for further surveys to be carried out after determination of the previous application. Natural England requested that this be carried out where the construction and heavy plant usage of the new access road affects the active badger route the old lane to the north of the existing compressor station (between two sites). As Site D would now seem to impinge directly upon this use by badgers allowance must be made for this.

##### Bats

Impacts upon bats have not been further assessed as recommended in the previous application (DCSW2006/1298/F) due to the chronology of the survey season and determination of the previous application. Whilst no additional information is presented, Natural England accepts the explanation that impacts upon flight lines and roosts are not likely to be affected. However, the need for pre-development checks with a follow-up survey to determine foraging and presence/absence in ivy clad trees still stands for the current application. Natural England accepts that there will be benefits in increasing potential foraging habitat within the grounds of the proposed PRI site. However, as there is no mention of the impact of lighting, Natural England cannot agree that no further mitigation is considered necessary as stated in section 8.6.6 of the current application.

##### Great Crested Newt

The two further survey visits recommended in the previous application (DCSW2006/1298/F) do not appear to have taken place. Notwithstanding this Natural England welcomes the proposals for a full capture and exclusion programme to be implemented under an EPS licence.

A draft of the Great Crested Newt licence application and method statement is in conflict with these recommendations in that exclusion fencing is not deemed to be required for the pond in question and no licence is proposed. This anomaly should be rectified in the final application or clarification given as to whether a separate GCN licence application for the Treaddow site will be made. Natural England welcomes habitat enhancement measures for the populations of great crested newt in this area which should be detailed fully in the method statement for great crested newts.

#### Final comments

Placing this development at Site D would appear not to dramatically alter the ecological issues of this application or have implications as to how the survey information provided informs the mitigation approach. In this context Natural England would agree that the ecological issues of Site D are similar in scope to the original ES as stated in Section 4.2. However, a redirection of the pipeline to accommodate this move to the south and east of the current line would involve a major re-route. This has implications for greater impacts upon badgers and great crested newts. This has not been addressed within the application and potential re-route gains no mention.

In view of the lack of additional ecological survey effort and the weak provisions for mitigation, Natural England could not support this application in its present form. Natural England accepts that the issues highlighted above could be addressed through conditions. These conditions must include further survey effort as stated above, the production of a rigorous method statement detailing improved mitigation and enhancement measures which may result from the survey findings (with details of surveys such as dates, surveyor experience/licences held etc. clearly stated). This should be concluded before any construction works commence and the latter overseen by an ecological clerk of works.”

- 4.3 Government Office for the West Midlands - acknowledges receipt of the Environmental Statement but makes no comment

#### Internal Council Advice

- 4.4 Traffic Manager – “I note that there is a historical length of unclassified highway shown on our records as crossing the site from east to west, which would require extinguishment. Subject to satisfactory warning signing, the access would be suitable for the construction traffic, as would the road network serving it.”

- 4.5 Public Rights of Way Manager comments:

- The proposed new gas pressure reduction installation would appear to affect public footpath HN17 (marked as Footpath B on Fig. 11.2) and public footpath HN18 (marked as Footpath A on Fig. 11.2) solely through the visual impact of the proposal on users of the footpaths. The applicant has covered this in some detail in the Environmental Impact Assessment (EIA) (p.100-102) and we have no additional comment to make on this aspect. It should be recognised however, that users of these footpaths may wish to express their personal view over the impact on their enjoyment of these public rights of way.
- In the EIA, the applicant also refers to the visual impact on 'Footpath C', marked on Fig. 11.2. This route is currently recorded as an unclassified county road (UCR) and my colleagues in Highways & Transportation will no doubt comment on this.

- However, the route of the UCR is also subject to a Definitive Map Modification Order (DMMO) application (ref M274) for the addition of a public right of way with the status of a Byway Open to All Traffic (BOAT). The proposed BOAT will continue in a southwesterly direction from the development site, to join the A4137 at approximately the same location as footpath HN17.
- In addition, the green lane leading up to the site from Lower Hendre is also subject to a DMMO application (ref M275), in this case for the addition of a public bridleway.
- The proposed bridleway will cross the access road to the site, and continue in a line between the existing station and the proposed station. The applicant's plans appear to indicate that the line of this bridleway would be obstructed by fencing and the proposed landscaping works.
- If this planning application is approved, it would be necessary to divert the proposed bridleway using provisions in the Town & Country Planning Act 1990, even though the DMMO may not have been determined. A search is currently being made to assess the historical evidence of a public highway along both the DMMO routes.
- The applicant should be required to assess and report on any safety hazards that may present to members of the public using the proposed BOAT and the proposed bridleway by the close proximity of the development to the public rights of way.
- If the DMMOs are successful then the applicant should be aware that the surface of these route will only be maintained by the highway authority to a standard commensurate with their status.
- The applicant would also need to seek consent from the Highway Authority under Section 147 of the Highways Act before erecting any stile or gate across a public right of way.
- Any changes to, or excavations of, the surface of any public right of way must be agreed in writing with this department before any work commences. This is to ensure that the surface is reinstated to an acceptable standard and the public is not inconvenienced whilst work is carried out.
- Any damage to the surface of the public rights of way caused by the movement of construction or maintenance vehicles must be repaired by the applicant before leaving the site, and at the applicant's expense.

#### 4.6 Conservation Manager

- a) Archaeologist - no objection subject to the imposition of an appropriate watching brief condition on any permission.
- b) Building Conservation Officer - the proposals are not likely to have any demonstrable impact on the historic built environment. No Objection
- c) Ecologist - . I have received the Environmental Statement accompanying the application, as well as the comments of Natural England and the response by

Murphy's ecologist. Details of the ecologists who carried out the surveys (and their relevant license numbers) should be submitted.

I accept that the loss of arable land occupying the majority of the site will have a negligible impact upon the ecological value of the site. My main concerns lie with the loss of habitat caused by the creation of the new access road from the existing access road along the south-eastern boundary of the site. This will result in the loss of tall hedgerow shrubs as well as some of the tall-herb fen occupying the low ground adjacent to this boundary. The rushes and other species found here have not been marked with an asterisk in Appendix 3A. There will also be a resultant break in the wildlife corridor. A map of the habitats detailing dominant species present is required and amended species list.

I endorse the opinion of Natural England that a breeding bird survey should have been submitted as part of this application, including the field boundaries. I would disagree with the assertion that the section of hedgerow to be removed is "*unused by or of low value to, birds*". I would therefore recommend that nest boxes be provided along the unaffected field boundaries to compensate for the loss of nesting habitat prior to the maturation of the landscape planting. I am concerned that birds may well have started nesting prior to the commencement of the development works, and require assurances as to how impact upon nesting birds will be avoided. The statement that "*all suitable habitat for breeding birds is removed before February*" is clearly now unachievable. This may result in development works being delayed until autumn 2007. Enhancement measures for tree sparrows (as they have been recorded in the area) would be welcomed. The hedgerow planting specifications could be more diverse, and include species such as field maple, dogwood, honeysuckle and dog rose.

The potential impact of the development on bats has also not been fully addressed. There was opportunity last year to conduct bat activity surveys to demonstrate whether any of the hedgerows are being used as commuting and/or foraging routes. The aerial photograph would appear to show that there are intact corridors that could be being used. The lighting of the site may well have an impact upon bats, depending upon the current usage and which species are present. Old-style street lighting does attract insects (as stated by Murphy's ecologist), which can be beneficial for some bat species, but modern lighting does not appear to have the same insect-attracting properties; strong lighting will have a negative impact upon some species. Normal night-time lighting will therefore need to be directed away from the wildlife corridors.

I welcome the great crested newt capture and exclusion programme under license from Natural England, as well as the enhancement measures that are proposed. However, the location of a new pond is not identified on the site plans, and needs to be clarified.

I accept the findings that there are no badger setts within 30m of the development site, but agree with Natural England that mitigation measures for the potential impact of traffic upon the well-used badger path should have been included.

It should also be noted that the Wilson Farm Ponds Special Wildlife Site is an SWS not a SINC.

In spite of the above concerns, and although some issues do not appear to have been covered in the ecological assessment of the site, my recommendation is for approval of the application, but subject to the inclusion of conditions to deal with the ecological issues.

- d) Landscape Officer - "The proposed site for the gas pressure reduction installation is an open grass field immediately to the south-west of the Peterstow Compressor station. The general profile of this field is a slope down from the north-western site boundary, with the lowest point being the zone of land just to the north-east of the existing access track to the Peterstow compressor station. There is a short rise up to the level of the access track. There is a low field hedgerow and some hedgerow trees along the south-western boundary and the boundary with the access track. This area is described as Principal Settled Farmlands in Herefordshire Council's Landscape Character Assessment.

With regard to planning application DCSW2006/1298/F for the siting of the gas pressure reduction installation on site 'A', land to the north-west of the Peterstow compressor station, I note that the reason given for refusal was that the proposed development would have a harmful impact on the landscape quality of the area by reason of the size and scale of the development, the need for extensive earthworks & landscaping and the degree of visibility from public viewpoints. I will consider these issues in relation to the alternative site 'D' proposed in the current application DCSE2007/0075/F, in order to assess whether siting the installation on site 'D' would have less of an adverse visual impact than siting it on site 'A'.

#### Size and scale of the development

I assume that the size and the scale of the actual installation - the gas pressure reduction plant buildings and structures, remain the same as for the previous application, as the parameters for the size and scale of such installations are normally set by engineering requirements.

#### Earthworks

Site 'D' is on sloping ground, with quite significant changes in levels, particularly on the north-west - south-east axis, as demonstrated by the cross-sections. This means that large-scale earthworks will be required, in order to construct a level building platform, with up to 2 metres of cut being required in the high, north-western zone of the site and up to 4 metres of fill being required in the lowest zone of the site, adjacent to the access track. It does not appear that the amount of earthworks required for site 'D' would be less than would be required for site 'A'. So in terms of earthworks, there is no particular benefit in terms of using site 'D' as opposed to using site 'A'.

#### Visibility of the site

With regard to the visual impact assessment contained within the Environmental Statement I am in agreement with the definition of the zone of visual influence and the identification of key receptors. I agree that the existing compressor station is generally set down within the landscape and I also agree that the fact that site 'D' sits within a local fold in the rolling landscape limits the number of visual receptive locations.

In terms of the visual impact of the proposed development, the fact that site 'D' is very close to the previously proposed site 'A' means that there is not a significant change to the visual impact ratings for the development with regard to many of the receptors. In my view, the key change in visual impacts, caused by switching the site from one side of the compressor station to the other, is in relation to some of the residential property receptors. It is evident that the visual impact rating for receptor 6, Little Peterstow Barn has reduced, in terms of adverse impact, because the proposed development has been moved further away from this property. In my view the adverse visual impact of the development on receptor 7, Patience & Reward will increase, because the development has been moved significantly closer towards these two properties, although this is not reflected in the visual impact assessment. This states that the magnitude of change, for Patience & Reward, will be medium in respect of development on both site 'A' and site 'D'.

With regard to views into the site 'D' from the A4137, I feel that the sensitivity of this receptor has been downplayed in the visual impact assessment. In my view the sensitivity should be medium, not low. In winter in particular, when hedgerows and trees are not in leaf, I noted that parts of site 'D' are quite visible over quite a long stretch of this road, to the south of Great Treadow Farm.

Turning to the issue of the assimilation of the proposed development site into the wider landscape, site 'D' does offer a slight advantage over site 'A' because it fits within an existing field compartment and the associated framework of hedgerows and trees provides a good basis for screening planting. Site 'A' does not relate as well to existing field compartments as it extends partway across the field to the north-west of the compressor station.

#### Landscape mitigation planting

The planting proposals are acceptable. When the planting has matured, it will provide adequate screening. With regard to the proposed new hedgerow planting along the north-western site boundary, I recommend that oak trees be planted at random intervals within the northern part of this hedgerow. This would help to reinforce the screening planting along this boundary.

#### Conclusion

I conclude that from a landscape perspective, the proposed development would be acceptable on site 'D'. Although the development will have some adverse visual impact on nearby receptors, this will lessen over time as the screening planting matures.

However, it should be noted that in terms of reducing adverse visual impacts, there does not appear to be any particular advantage in siting the installation on site 'D' rather than site 'A'. The size and scale of the development remains the same, there is no reduction in the amount of earthworks required and the overall adverse impact on residential properties, farmsteads, nearby roads and footpaths appears to be comparable."

- 4.6 Head of Environmental Health - "I have had a look at the application and accompanying information and am satisfied that this station can operate without undue detriment to the neighbourhood.



The noise assessment in particular accepts that there will be some adverse noise impacts both during the construction stages, commissioning and during its operation but that this can be mitigated to an acceptable level and that during operation this will be 'no more than a slight deterioration to the noise environment whenever reasonably practicable and one which will ensure no impact on night-time sleep'

Whilst the use of typical L90 background noise levels could be questioned, I am satisfied with the overall conclusions of the report and do not have any objection as regards noise.

I can further confirm that the assessment of impact on local air quality demonstrates that whilst there will be some detrimental impact on air quality during the construction stage that acceptable mitigation measures are also available.

I therefore have no objection but would suggest that conditions are attached to any permission imposing the mitigation measures as regards noise and air quality control as detailed in the Environmental Statement."

## **5. Representations**

- 5.1 The applicants have submitted a Design and Access Statement and an Environmental Statement. The Environmental Statement provides a background to and a justification for the project together with an assessment of site selection. It then assesses the potential impact of the development and proposes mitigation in terms of cultural heritage and archaeology, ecology, water resources, agriculture, landscape and visual, noise and vibration, traffic and transportation, socio-economic local air quality and waste management. It concludes that the development will have some environmental impacts both during construction and in the operation of the installation but that measures are identified to keep these to a minimum.
- 5.2 Peterstow Parish Council - No objection provided all environmental, safety and security risks/matters are properly assessed and implemented. Also any disruption during construction must be kept to a minimum.
- 5.3 Hentland Parish Council - no objection
- 5.4 A letter has been received on behalf of Mr and Mrs Gething Lewis in support of the application. This states that while there is opposition to an increase in the scale of the development in this location the current site is "the lesser of two evils", and although there will be an impact on the appearance of the countryside this site is less harmful as it can be better assimilated into the landscape
- 5.5 Letters of objection have been received from the owners of Patience and Reward. The reasons are that there will be harm to the amenity of the dwellings as it is virtually impossible to screen the development which is at a lower level, there would be an extensive loss of habitats, a loss of historical landscape features and the property value would be effected. One letter suggests that the previous site is the preferable option.

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

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

- 6.1 The proposal is an integral element of the applicant's proposal to construct a new pipeline to transport natural gas from a new terminal at Milford Haven into the national gas transmission system. This has been recognised as a project of national importance. The section of the pipeline between Felindre (South Wales) and Tirley (Gloucestershire), which includes that part crossing Herefordshire, was approved by the Secretary of State for Trade and Industry on 7th February, 2007. Construction of the Herefordshire section is to be undertaken in 2007.
- 6.2 At some point along the route a connection into the existing gas transmission system is required. The purpose of the facility will be to filter, meter and regulate the pressure of the gas before it enters the existing system. The applicants have identified the existing gas compressor station at Peterstow as the most suitable location for this. There is insufficient space within the existing facility to accommodate the work and a new site is required.
- 6.3 The applicants investigated options for the location of the development adjacent to the existing compound. Their preferred location was to its north side and an application was submitted. This was refused in August 2006 for the reason that it would have a harmful impact on the landscape quality of the area by reason of its size, scale earthworks, landscaping and visibility from public viewpoints. An appeal has been made against this decision. At both the meeting of this Committee and the Planning Committee on that application there was discussion of alternative locations and support was expressed for "Site D".
- 6.4 This application relates to "Site D". It comprises an area of agricultural with established hedgerows to some of its boundaries but open on the side that adjoins the track that separates it from the existing site. There is no directly specific policy in the development plan that relates to the proposal, although UDP Policy CF1 deals with proposals for utility services and infrastructure. From this and other policies a number of issues can be identified.
- 6.5 Firstly is the impact on landscape. The site is within an area that is described as Principal Settled Farmlands in the Council's Landscape Character Assessment. It is an area of agricultural land that forms part of a larger field. It has established hedgerows to two of its boundaries. There is a requirement for the development to be constructed on a level site and consequently there would be extensive earthworks. However to mitigate this a comprehensive scheme of landscaping is proposed which shows extensive planting around the boundaries. The landscape impact is considered in the advice from the Landscape Officer, in Section 4.6 (d). It is my opinion that although there will be some adverse visual impact particularly in the short term I do not consider that there will be an unacceptable impact on the landscape.
- 6.6 With regard to the potential visual impact on residential property there are residential properties in relatively close proximity. Some 350 m to the southwest are two houses (Patience and Reward) whilst some 320 m to the northwest and on the opposite side of the Class I road is a detached house (Great Treaddow) which is also a Listed Building. In addition there are a number of other houses on the west side of the Class I road but at a greater distance. The development will be visible from these dwellings and following the establishment of the landscaping scheme this will be to a greater and lesser degree and will vary through the year. The advice from the Landscape Officer considers the extent of this impact in the context of the Environmental Statement. I consider that there will be some adverse impact on the outlook from these dwellings. However these dwellings are at a higher level and this together with the provision of

the landscaping scheme will mitigate the impact such that I consider that it will be acceptable.

- 6.7 With regard to the heritage of the area the primary concern is with regard to archaeology and listed buildings. With regard to archaeology a watching brief during construction will ensure that anything of significance revealed during the work can be recorded and preserved or if necessary excavated. Great Treaddow is a Listed Building and in excess of 300m from the site. I do not consider that the development will have an unacceptable impact on its setting.
- 6.8 With regard to the impact on biodiversity this issue is considered in the Environment Statement. However the advice from the Council's Ecologist and Natural England does raise questions with regard to the comprehensiveness of the survey work and particularly the impact on the hedgerow and the proposed mitigation. Although the majority of the site being an arable field appears to be of low ecological interest the loss of the hedgerow, for the access, would have an impact. There would however be compensation through the landscaping scheme. Overall I consider that in relation to the development proposed, rather than the pipeline which is dealt with separately, the ecological issues have been addressed. I would recommend conditions to resolve the outstanding issues.
- 6.9 With regard to the environmental impact these could arise during the construction and in the operation of the site. The Environmental Statement considers these issues. With regard to noise, during construction working hours and working practices together with the early construction of the landscaped bunds should mitigate this. During operation the design and specification of noise limits on plant should mitigate any noise during the operation of the facility. With regard to air quality during construction this will be mitigated by working practices. During operation odour emissions will be in two forms. Firstly there will be some emissions of natural gas from valves and venting but this should disperse readily into the atmosphere. Secondly there will be emissions of nitrogen oxides from the condensate boiler but it is concluded that these will be insignificant. The Head of Environmental Health raises no objection.
- 6.10 With regard to drainage, during construction best practice measures will be employed, as a result of which there should be no significant impact. In the operation of the site all surface water will be intercepted and discharged to nearby watercourses. This discharge may require consent from the Environment Agency. With regard to foul drainage this will be discharged to a sealed cesspool and removed by tanker. The Environment Agency raise no objection subject to conditions.
- 6.11 With regard to traffic the most impact will be during the construction phase. A traffic management plan has been prepared which includes measure to minimise any impact. In its operation it is estimated that typically one service van per week will visit the site.
- 6.12 There are public rights of way in the vicinity. To the northwest are two public footpaths (HN17/HN18). There will be no direct physical impact on these but the presence of the development will have a significant visual impact on the enjoyment of users of these routes. This will be particularly so until the landscaping has become fully established and mature. In addition there will be routes directly affected. There is a west to east route running from the Class I road to connect with "Hells Ditch", which is an unclassified road but also subject of an application to have it identified as Byway Open to all Traffic. There is a south to north route that runs from Hendre to connect to the above route. This is subject of an application to have it identified as a bridleway. Both of these are likely to result in the routes becoming recorded as public rights of way.

The development will directly affect both of these routes. The applicants have considered this and have suggested that they would seek for both of these routes to be diverted around the perimeter of the site. Such diversions would require formal diversion orders which would be appropriately dealt with by the Secretary of State. These diversions would need to be confirmed before the development is substantially complete. In terms of determining this application I consider that such diversions would, although they would not remain on their historic route, allow the continued use of the routes.

- 6.13 With regard to lighting this will be primarily in the form of security lighting but this will only be activated when there is contact with the security fence and only the appropriate section will be illuminated. The floodlights will only be operated when staff are visiting the site.
- 6.14 The proposal is an integral element of a major project to expand the natural gas supply in the UK. The pipeline itself has received consent and construction has commenced. This proposal is a substantial development that will require significant alterations to the landform and will be visible in the landscape. However I consider that the applicants have justified the principle of the development in this location and subject to conditions its impact can be adequately mitigated.

## RECOMMENDATION

That:

- (i) Pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No. 293), Regulation 3(2) the Herefordshire Council has taken the environmental information into consideration when making their decision. "Environmental Information" is defined by Regulation 2(1) as "the environmental statement, including any further information, any representations made by any body required by those Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development:" and
- (ii) That planning permission be granted subject to the following conditions:
1. **A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  2. **B11 (Details of external finishes and cladding (industrial buildings))**  
**Reason: To secure properly planned development.**
  3. **D01 (Site investigation - archaeology)**  
**Reason: To ensure the archaeological interest of the site is recorded.**
  4. **G05 (Implementation of landscaping scheme (general))**  
**Reason: In order to protect the visual amenities of the area.**

5. Notwithstanding the details shown on the landscaping scheme the planting specification for the new hedgerows shall be more diverse and supplemented with oak trees to be planted at regular intervals. The details of these shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development. The work shall be carried out concurrently with the implementation of the landscaping scheme.

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

6. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

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

Reason: To prevent pollution of the water environment.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings 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.

9. Prior to the commencement of development a scheme for the treatment and disposal of condensate discharge from the boiler shall be submitted to and agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment.

10. All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

**Reason: To prevent pollution of the water environment.**

11. **No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems and pollution prevention techniques has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield run-off rate for the site (10l/sec/ha). The scheme shall be implemented in accordance with the approved details.**

**Reason: To prevent pollution of the water environment and the increased risk of flooding.**

12. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 7.00am to 7.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work on Sundays or Bank Holidays.**

**Reason: To protect the amenity of local residents.**

13. **F02 (Scheme of measures for controlling noise)**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

14. **H28 (Public rights of way)**

**Reason: To ensure the public right of way is not obstructed.**

15. **Further surveys for bats and nesting birds shall be conducted at an appropriate time of year by appropriately qualified ecologists and the results submitted for the approval of Herefordshire Council's ecologist prior to development.**

**Reason: All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.**

**Nesting birds are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.**

16. **Prior to development, a method statement shall be submitted to and approved in writing by the local planning authority. This shall detail ecological mitigation and enhancement measures pre-, during and post-construction and should include a capture and exclusion programme for great crested newts. Construction works are to be overseen by an ecological clerk of works.**

**Reason: All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.**

Nesting birds are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and UDP NC1, NC5, NC6 and NC7.

**Informative(s):**

**1. ND03 - Contact Address**

- 2. Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>**

**The applicant should also contact Jeremy Churchill to agree pollution prevention measures that may be required during construction and post construction phases.**

- 3. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.**
- 4. Your attention is drawn to Table B2, of PPS25 - Development and Flood Risk (December 2006), which states that...'in making an assessment of the impacts of climate change...the sensitivity ranges in Table B2 may provide an appropriate precautionary response to the uncertainty about climate change impacts on rainfall intensities...'**

**We would therefore recommend, for a development with a lifetime to 2085 (as proposed) that a 20% increase is added to the 1% storm event to account for climate change.**

- 5. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.**
- 6. HN01 - Mud on highway**
- 7. HN02 - Public rights of way affected**
- 8. In making this decision the local planning authority had regard to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and have concluded on the basis of the submitted material that there would be insufficient adverse environmental effects from the proposed development to justify refusal of planning permission.**
- 9. N19 - Avoidance of doubt**

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

Decision: .....

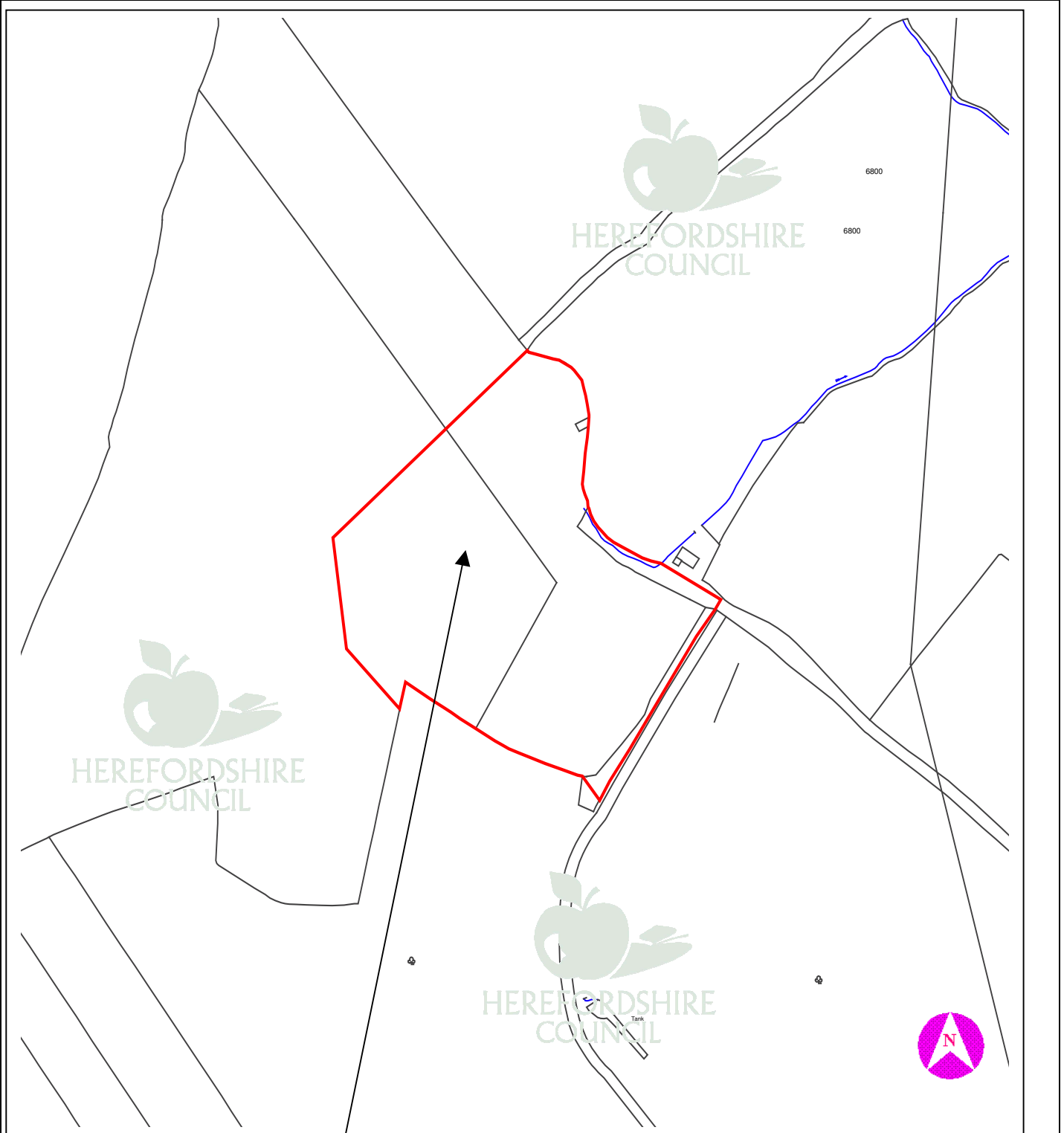
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2007/0075/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land adjacent to Peterstow Compressor Station, Treadow off the A4137 Hentland, Herefordshire, Grid Ref: SO 545 238 (OS map 162).

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