

5 DCSE2009/0670/F - CONSTRUCTION OF IRRIGATION RESERVOIR AND ASSOCIATED CONSERVATION AREAS AT HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.

**For: E C Drummond & Son per Paul Dunham Associates,
19 Townsend, Soham, Cambridgeshire, CB7 5DD.**

Date Received: 9 April 2009

Ward: Kerne Bridge

Grid Ref: 58782, 21464

Expiry Date: 4 June 2009

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 The application site lies approximately 2.5 kilometres southwest of Ross on Wye town centre. It falls within the Wye Valley Area of Outstanding Natural Beauty (AONB) and is crossed by public footpath WA6 and two lines of high voltage electricity pylons. It was drained in the mid 20th century and is currently under arable crops. The site is accessed from the unclassified U70412 road at Hom Green.
- 1.2 The proposal is to construct a new water storage scheme for crop irrigation, with associated measures to increase biodiversity. Overall, the application site covers 22.6 hectares. Development would comprise:
- Three reservoirs, with a cumulative capacity of 152,275 m³ (33.2 million gallons);
 - A sedimentation pond of capacity 1,568 m³, to take run-off and surface water;
 - Landscaped areas for on-site deposition of excavated material;
 - Creation of a wetland wildlife corridor alongside the pools, designed to restore part of Coughton Marsh and link two existing designated areas (Coughton Marsh SSSI and Parish Field wildlife site).

The applicant wishes to take a phased approach, completing the works over a 3-4 year period, and creating one pool at a time. Due to the site characteristics earthmoving would only take place during summer months.

- 1.3 The application is a re-submission (see section 3 below). Water management schemes fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (as amended) [EIA Regulations]. In May 2004, prior to the first application, the Council issued a formal Screening Opinion that an Environmental Statement [ES] would be necessary. The screening was based on the scale of the proposal and its siting within a 'sensitive location'. This new application is on a reduced scale, but an ES is still required. Written confirmation has been received that the Secretary of State does not wish to comment in this instance.
- 1.4 The application is supported by a series of documents:

- (i) Impact Assessment Statement

This document forms the basis of the ES and includes a Non-Technical Summary. It has been designed as a core document to cover the relevant topics in succinct form. These include site

selection, need, hydrology, source of water, pool design, landscape and visual impact, ecology. Wherever further data or technical detail are needed, the following appendices develop each topic:

(ii) Appendices

- A Response letters from previous application
Copies of correspondence with key consultees, for information
- B Clarification of local flood zone
Confirmation from the Environment Agency as to current flood zone data maps and clarification of water abstraction requirements
- C Archaeological report
Investigation report, Archenfield Archaeology, April 2009.
- D Irrigation need working
Calculations as to the volume of water required
- E Evaluation of possible sources of water
Data and assessments of alternative water sources: site watercourses, River Wye, flood storage, polytunnel run-off.
- F Application plans and sections
- G Project Report/Methodology; Design and Access Statement
Engineer's Method Statement.
- H River flow and abstraction impact calculations
Data based on Environment Agency gauges on the River Wye.
- I Landscape and Visual Assessment Report, and J Ecological Report
Resubmission of the reports dated March 2008 relating to the previous application. The applicant has stated that in both cases the principles remain unchanged and this report remains relevant. Contains some plans showing the previous layout.
- K Management Agreement
Draft terms for future management of the biodiversity enhancement areas, between the landowner and Herefordshire Nature Trust.

(iii) Drainage Appraisal for polytunnel development, June 2007.

The applicant has explained that this report has been submitted as it contains relevant detailed data on run-off, flood risk and drainage in the wider context.

iv) Hydrological Impact Statement

Summary of the hydrological aspects of the proposal contained in the core document.

- 1.5 The application was given the required publicity by press notice as Environmental Impact Assessment development, in the Ross Gazette on 19 April 2009. The application was also advertised as a Departure, having regard to policy LA1 of the Herefordshire Unitary Development Plan 2007, which requires development in the AONB to be 'small scale'.

- 1.6 Site notices were put up on 28 April 2009. Immediate neighbours and anyone who had expressed an interest in the original submission were notified on 21 April 2009.

2. Policies

2.1 National Planning Policy

PPS 1	Delivering Sustainable Development
PPS 7	Sustainable Development in Rural Areas
PPS 9	Biodiversity and Geological Conservation
PPS 25	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

S1	Sustainable Development
S2	Development Requirements
S7	Natural and Historic Heritage
DR1	Design
DR2	Land Use and Activity
DR4	Environment
DR6	Water Resources
DR7	Flood Risk
DR11	Soil Quality
E13	Agricultural and Forestry Development
E15	Protection of Greenfield Land
T6	Walking
LA1	Areas of Outstanding Natural Beauty
LA2	Landscape Character
LA3	Settings of Settlements
LA6	Landscaping Schemes
NC1	Biodiversity and Development
NC2	Sites of International Importance
NC3	Sites of National Importance
NC6	Biodiversity Action Plan Priority Habitats and Species
NC7	Compensation for Loss of Biodiversity
NC8	Habitat Creation, Restoration and Enhancement
NC9	Management of Features of the Landscape
ARCH1	Archaeological Assessments and Field Evaluations
ARCH6	Recording of Archaeological Remains

2.3 Other Material Considerations

Town and Country Planning (Environmental Impact Assessment) Regulations 1999 as amended ['The EIA Regs'];
 DETR Circular 02/99: Environmental Impact Assessment.
 Conservation (Natural Habitats, &c) Regulations 1994 ['The Habitats Regulations'];
 Natural Environments and Rural Communities Act 2006 ['The NERC Act'];
 Wye Valley Area of Outstanding Natural Beauty Management Plan 2004-2009
 Consultation Draft: Wye Valley Area of Outstanding Natural Beauty Management Plan 2009-2014

3. Planning History

- 3.1 Planning application reference DCSE2008/0995/F, for a similar scheme, was made a year ago. The first application was on a larger scale (comprising 4 reservoirs), and was withdrawn due to a

need for further information. For this fresh application the applicant has provided the additional information and also reduced the scale of the proposal and the number of reservoirs following discussions. Planning permission reference DCSE2008/0996/F for fruit-growing polytunnels on the applicant's landholding is relevant to this proposal but not directly linked.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency:

No objections, subject to recommended conditions relating to the proposed wetland management scheme, groundwater monitoring (installation of an additional borehole and/or piezometer) and remediation in the event of any deterioration in ground/surface water conditions.

4.2 Natural England:

No objection, subject to the proposal being carried out in accordance with the details of the application. It is our view that, either alone or in combination with other projects, it would be unlikely to have a significant adverse effect on the River Wye SSSI/SAC, Coughton Marsh SSSI or Parish Field local wildlife site. The transfer of the applicant's abstraction period from summer to winter represents a beneficial change in management. The application does not require an Appropriate Assessment under the Habitats Regulations although the Council, as 'competent authority' should address this through an assessment screening opinion. Suitable planning conditions and/or a legal agreement should be used to secure the biodiversity benefits offered in the application prior to the development commencing. These should comprise a 'detailed design and management plan' including measures and methodology to monitor progress in consultation with Natural England. Key aims: to minimise impacts upon existing habitats and species during the earlier phases of development, and to deliver medium/long term biodiversity gain.

4.3 Wye Valley AONB:

Repeats previous response of 30 May 2008 - no objection in principle but some concerns over the scale of proposals, design and potential landscape impact. Acknowledges the reduction in scale, but would still be significant development. Landscape design should be to the highest standard and reflect local character. Creation of wetlands is welcome. More detail is needed on landscaping, management, and how visual impact would be avoided. Particular reference to the possibility of areas of bare mud during dry periods and possible visual impact during construction.

4.4 Defra:

Does not wish to object. The area is nominally Grade 3 agricultural land, but only a limited amount of prime land is likely to be affected due to the wet/clay character of the site. This small area of Best and Most Versatile Land [BMVL] is not regarded as significant. The importance of the fruit-growing industry to the local economy may be taken into account, along with the environmental benefits from the proposal.

4.5 Central Networks:

Initial concerns that the existing levels indicated on the plans are at the margin of statutory minimum safety clearances for the distributor lines and pylons. Further information is required to clarify the precise levels in relation to the electricity pylons and lines. HSE safety advice attached to response, along with construction details of pylon bases for information. Confirmation that the proposal is acceptable, following receipt of clarification, additional levels on plans and sections, and a site meeting between the applicant and Central Networks; no objection.

- 4.6 National Grid:
'Moderate' risk to transmission lines. Works must comply with specification guidelines for safe working in the vicinity of overhead lines.
- 4.7 Herefordshire Nature Trust:
Any further response will be reported to the Sub-Committee. In a copied letter to the applicant dated 15 April 2009, the Trust expressed strong support for:
- The revisions to the plans;
 - Proposals for long-term land management for biodiversity;
 - Proposals to break the old land drains and retain the main areas of peat;
 - Harvesting run-off from polytunnels
- 4.8 Ramblers Association:
No objections provided path 'WA8' is kept clear at all times [note: this should read 'WA6'].
- 4.9 Open Spaces Society:
Any response will be reported to the Sub-Committee

Internal Council Advice

- 4.10 Drainage Engineer:
The application addresses the Environment Agency's requirements and we are satisfied with the proposal provided the development follows the submitted Drainage Appraisal, Impact Assessment Statement and Hydrological Impact Statement.
- 4.11 Conservation Manager:
Winter abstraction is preferable to summer. Overall habitat enhancement proposals are welcomed. Some questions arise as to management of lake margins in future, if water levels drop. No objections raised however, subject to conditions to secure the proposals made in the application: habitat creation and enhancement, landscaping, long-term management and hydrology monitoring. A Habitats Regulations Assessment Screening Report has been provided as advised by Natural England, confirming the view that the proposal would have no significant adverse effect on designated sites.
- 4.11 County Archaeologist:
I am generally happy with the amount and nature of the details provided. No objections, but given the broad sensitivity of the area, recommend a condition to secure precautionary further investigation.
- 4.12 Public Rights of Way Manager:
Confirmation that concerns have been addressed; no objections raised.

5. Representations

- 5.1 Walford Parish Council: Fully support the application and welcome the demonstrated co-operation with the Herefordshire Nature Trust.
- 5.2 NFU: expresses full support, regarding on-farm water storage as important in the light of climate change and concerns about future water availability in the West Midlands. The capture of winter surplus for summer irrigation will be vital to secure future agricultural enterprise and assist in drought and flood management. The proposal design will also add considerably to the biodiversity value of the area.

- 5.3 CPRE: Repeat concerns expressed on the previous application, on the scale of the works, potential damage to archaeology (especially peat deposits), Effects on designated areas (AONB and SSSI), danger to birds in connection with power lines, visual effects of the lakes, especially if they become redundant. Our objections remain much the same. The reservoirs will add to the effects of the tracts of polytunnels. It would be premature to grant planning permission for the reservoirs until the outcome of Judicial Review proceedings on the associated polytunnel development is known.
- 5.4 Ms S Peacock, Wye Valley Society (address not given): The application cannot be considered without reference to the decision to grant planning permission for polytunnels, currently the subject of a Judicial Review. If that permission is successfully challenged, the applicant's need for the reservoirs will change. To grant planning permission [for the reservoirs] would be premature. The proposal is contrary to policy LA1. The effect of these non-natural expanses of water on the intrinsic beauty of the landscape should not be underestimated.
- 5.5 Ms V Morgan, Westfields House, Bulls Hill, Walford, Ross on Wye, HR9 5RH: many of the objections raised in my email of 15 May 2008 [on the previous application] still apply. On landscape - the effects would be considerable. This will exacerbate the effects of the polytunnels. The proposal conflicts with policy LA1 as it is not small scale and will not enhance the landscape. If the reservoirs become redundant there could be three unsightly holes in the ground. There have been some significant archaeological finds in the area. There may be overflow from the reservoirs with possible hazard to users of the public footpath and even to residents. Hedge planting will not deter children. The overhead power lines are cause for concern, especially if the pools reverted to recreational use. Until the High Court challenge to the Council's decision to grant permission for polytunnels is known it would be premature to grant planning permission for the reservoirs as their primary purpose would be to provide irrigation to the polytunnels.
- 5.6 Although not received directly in connection with this new application, in the interests of balance mention is made of 24 letters of support, which were received in connection with the previous withdrawn application. This proposal is essentially the same but on a reduced scale.

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

6. Officer's Appraisal

- 6.1 This proposal for water management within the Wye Valley AONB, close to the River Wye SSSI/SAC and Coughton Marsh SSSI falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (EIA Regs). This effectively removes permitted development rights and therefore planning permission is necessary. Nonetheless, the planning system does not evaluate particular farming methods. The volume of water is separately regulated by the Environment Agency under other legislation, requiring appropriate water management licences (or exemptions). Committee Members are thus invited to determine the application on its planning merits rather than the principle of water abstraction and use. In this regard, the main issues for consideration are:

- Need for the development; sources of irrigation water, reservoir design
- Site choice; including alternatives considered;
- Land use, policy issues and impact on the Wye Valley AONB;
- Landscape and visual impact;
- Drainage and flood risk;
- Archaeology;
- Biodiversity;

- 6.2 As with any proposal, this application must be determined in accordance with the provision of the current Development Plan unless material considerations indicate otherwise. The Planning Policy Statements cited at 2.1 above constitute relevant national policy and are current. The Herefordshire Unitary Development Plan 2007 (UDP) remains in force but is under review with the preparation of the Core Strategy for the Local Development Framework (LDF).

Need for the development, sources of irrigation water, reservoir design;

- 6.3 The application gives details as to the amount of water needed by the farm. A total of 162 hectares growing area has a calculated irrigation need of up to 379,963 m³ of water per year. At present, the applicant uses a combination of summer abstraction and trickle irrigation. Water is taken from the River Wye during the summer months and delivered direct to crops. Under the Water Act 2003, currently exempt trickle irrigation will be brought into licensing requirements between October 2009 and 2011. The Environment Agency encourages winter storage rather than summer abstraction, as more sustainable water management and to ease pressure on the Wye. The applicant wishes to meet these requirements. To this end approximately half his water needs would be taken during the winter and stored in the proposed reservoirs.
- 6.4 In response to points raised by objectors, the applicant has confirmed that the reservoirs and his polytunnels are not in any way inter-dependent. He has stated there are at least 156 hectares (nearly 400 acres) of outdoor crops requiring irrigation; including potatoes, apples, herbs and turf. The planning permission for polytunnels allows no more than 54 hectares of tunnels on the holding at any one time, representing about 34% of the crop-growing area needing water. The farm also includes further arable land, which is not irrigated. The reservoirs would meet approximately 40% of total water needs; the rest would continue to be abstracted under licence. On this basis, it is clear that consideration of this proposal for reservoirs is not premature or in any way dependent upon the outcome of the High Court case relating to the polytunnels. The reservoirs would be highly unlikely to become redundant in the foreseeable future. The primary stated purpose and need for the reservoirs is to meet the Environment Agency changes to abstraction licensing coming into force later this year. These requirements will subsist, irrespective of any judgement on the use of polytunnels at this site.
- 6.5 The design of the reservoirs also takes account of the potential for harvesting run-off from about 11.25 ha of up-gradient polytunnel growing. The need to rotate areas with tunnels complicates this option, but the applicant has shown willingness to attempt utilising this resource. Using a 1 in 100 year (+ 20%) storm event scenario, a yield of around 1,448 cubic metres of water per year is calculated. To this end, the plans include a small additional sedimentation pond with capacity of 1,568 cubic metres. Flows into and out from this pond would be carefully controlled in accordance with the greenfield run-off rate set by the Environment Agency. All of the excavated material would remain on site, being used in pool construction and for landscape profiling. Each of the three reservoirs would include generous freeboard to prevent overtopping. Each would be linked to the next, with sequential outflows and engineered spillways in case of exceptionally high water levels. Reservoir levels would therefore be precisely managed so as to ensure that in times of drought a minimum of bare ground would be exposed, and in times of flood there would be a minimum of risk to surrounding land. It needs to be borne in mind that the reservoirs would represent a partial water resource; the remainder being abstracted under licence as it is now. The need for careful management during a drought would apply to any water source.
- 6.6 In calculating need, the application states that the proposed reservoirs would have a combined capacity of 151,275 m³ per year. Existing abstraction licenses provide a further 159,091 m³ per year. Available irrigation water would total 310,366 m³ per year; 18% lower than the theoretical maximum. The applicant states that prudent use of this water is controlled and monitored using the latest technology. The growing area has 50+ monitoring points, and optimum watering takes place in accordance with a schedule pre-determined on a daily basis.

- 6.7 Officers consider that the principle of the development is reasonable, in terms of the justification of need, design, and the calculations as to the volume of water to be stored.

Site choice and alternatives considered;

- 6.8 All of the applicant's holding lies within the Wye Valley AONB, and borders the River Wye. In policy terms therefore, site choice lies necessarily within these constraints. The applicant considered three sites, using the criteria in PPS 25 as a partial guide to assessment, since flood risk is a prime consideration. Of the available options, the application suggests that the application site (site 2) would have the least impact, and offers potential for mitigation regarding visual impact and biodiversity gains. These points will be discussed further in this report. Site 1 lies close to the River Wye and is in flood zone 3 (highest risk). Although reservoirs are generally floodplain-compatible, other constraints such as possible effects on the River Wye SSSI/SAC, and Environment Agency (EA) guidelines on potential losses of flood capacity ruled this site out. Site 3 lies close to properties at Hom Green and comprises high quality agricultural land. Site 2 was therefore chosen because (a) the land is of the lowest quality available, (b) it is in a low flood risk area (zone 1), (c) there is potential for significant ecological benefit and (d) there are no near neighbours.
- 6.9 No consultees have questioned the choice of site. In relation to site choice and alternatives, your officers consider that this matter is satisfactorily addressed by the application in terms of the EIA Regs requirements.

Land use, policy issues and impact on the AONB:

- 6.10 The AONB Consultation Draft Management Plan (2009-2014) states:
'1.1.3 The primary purpose of Areas of Outstanding Natural Beauty (and National Parks) is to conserve and enhance natural beauty Further AONB purposes are as follows: account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.'
- The current AONB Management Plan (2004-2009) recognises the need to reconcile possible conflict between agriculture and the conservation of natural beauty. It acknowledges the impracticality of 'fossilising' an area, and the need for a 'living and working countryside; the production of food must return to being a viable business.' It contains a number of objectives which support the principle of this proposal. For example, policies WV- B2 and B3 seek management schemes that help to enhance or restore biodiversity and designated sites (in this case the River Wye and Coughton Marsh); policy WV-F1 encourages farmers to adopt sustainable management practices (in this case water management). The AONB Officer has suggested that the Illustrative Landscape Proposal is acceptable in principle, subject to further details to ensure that landscape design is to the highest standard and reflects the local character of the area. In his view this should also reflect policy WV-D2 of the AONB Management Plan and take account of the Coughton Marsh SSSI. These points may be secured by condition. Natural England supports the AONB Officer's comments, advising that the lakes could 'reasonably be amalgamated with consideration of the finished landform'.
- 6.11 Policy LA1 of the Herefordshire Unitary Development Plan 2007 is the key local policy in this case. It prioritises protection of the AONB's nationally important natural beauty and amenity. It requires development in the AONB to:
- be 'small-scale',
 - not adversely affect landscapes,
 - be necessary for economic and social well-being, and

- be capable of enhancing landscape or biodiversity quality.

The policy then lists four exceptions relating to national interest, effects on the local economy, alternative sites and adequate mitigation. The policy does not define 'small-scale', a relative and subjective concept. The applicant's holding extends to some 377 hectares; the proposal site represents about 6% of that area. In local terms it is accepted that the proposal would not be small-scale, although in terms of the overall AONB area of 32,600 hectares, the site is not strategically significant. Regarding the other requirements of policy LA1, the effects of lakes on landscape would be a matter of judgement; the proposal is stated to have an economic need; and biodiversity enhancement would be one of the prime objectives.

- 6.12 Proceeding to the four exception clauses in policy LA1; the site is clearly not 'of greater national interest than the purpose of the AONB' [clause (a)]. However, 'adverse impact on the local economy' [clause (b)] is unlikely – rather the reverse, due to the applicant's acknowledged contribution to this element. On clause (c), the applicant has demonstrated consideration of alternative sites, and his holding lies entirely within the AONB. On clause (d), the application includes extensive proposals for biodiversity enhancement and some restoration of the historic marsh, which adequately meets the need for mitigation.
- 6.13 Officers consider that the proposal fails to meet policy LA1 on the scale of the development and the question of national interest. However, it is necessary to assess whether other material considerations lead to a different conclusion. Of particular relevance in this context are the nature of the development, the need for water storage, the reduced impact on the River Wye in summer, the potential for biodiversity enhancement, and the applicant's contribution to farming and the local economy.
- 6.14 Three Planning Policy Statements are relevant:
- PPS7 supports proposals in rural areas which demonstrate sustainability through an integrated approach, environmental protection, prudent resource use and economic growth.
 - PPS9 requires applicants to take account of biodiversity needs. In this case, the site's biodiversity value has historically been degraded, through drainage and intensive cropping. A key consideration is the applicant's willingness to create new wildlife habitats within the site and to help restore part of the adjoining former wetlands in Coughton Marsh SSSI. Proposals are also included for a wildlife corridor along the eastern margin of the application site, which would link Parish Field to the SSSI. Parish Field is a historic feature owned and managed by Herefordshire Nature Trust. Negotiations between the Trust and the applicant are working towards long-term co-operative management of the whole area.
 - PPS25 sets parameters for flood risk assessment. The application appraises the site in terms of existing flood risks (from the River Wye and tributaries), and comparison between existing flood capacity and likely effects of the proposal. It gives details of existing and proposed ground and surface water management. The Environment Agency has accepted the submitted clarification of local flood zones and drainage appraisal.
- 6.15 Herefordshire Unitary Development Plan 2007 Policy E15 seeks to protect Best and Most Versatile [BMV] land from development. Grades 1, 2 and 3a are included in this classification, based on the indicative MAFF maps compiled in the 1960s. The maps are small scale and not site-specific. The application confirms that, despite historic drainage, the site is regularly waterlogged. Defra have confirmed that only a small part of the site would be BMV land, nominally grade 3. However due to the site's wet character its loss would not be significant. Taking into account the wider importance of the applicant's contribution to the local economy and the implications for environmental gain (to Coughton Marsh and the River Wye), officers do not consider there is any conflict with policy E15.

- 6.16 Your officers consider that National policy supports the principle of the proposal provided environmental, landscape and other matters can be accommodated. The proposal only conflicts with part of one local policy and mitigation is possible. Landscape and biodiversity issues will be discussed in more detail below.

Landscape and visual impact;

- 6.17 The application includes resubmission of a professional report prepared in 2008 to accompany the earlier withdrawn application. Illustrative plans within it show the previous layout which included 4 reservoirs; the applicant has explained that it was decided to submit the whole report unaltered since the principles still apply, on the understanding that drawing numbers DLA 1235/03 and DLA 1235/04 were superseded. The report identifies the site as lying within 'Principal Settled Farmlands' according to the Herefordshire Landscape Character Assessment 2004. This type is dominated by dynamic mixed farming having a variety of vegetation and field types with scattered settlements. Its domestic nature has been repeatedly subject to change over many centuries. The report notes general and widespread degradation of this landscape due to farming intensification and loss of hedgerows. The site is relatively open, flat, and marred by the disused railway line and the double line of electricity pylons. The historic draining of the marsh, removal of hedgerows, and use for arable crops has contributed to this process. Large water bodies are not currently typical of this landscape, but the report concludes that overall the effects of the development in landscape terms would be neutral. It acknowledges the potential for landscape and ecology mitigation.
- 6.18 Policy LA2 of the Herefordshire Unitary Development Plan 2007 states that the Council wishes to 'establish good practice in management work, aimed at the restoration and care of historic landscapes'. The proposed breaking of the old drainage system, the aspiration to raise the surrounding water table (thus improving Coughton Marsh SSSI), the creation of a wildlife corridor, and the development of a long-term management plan with the Herefordshire Nature Trust, would all contribute to this aim. The applicant has clearly justified the need for reservoirs with regard to the prudent use of water resources and wider concern for the well-being of the River Wye. The site has been carefully chosen so as to have the least visual impact, and the historic character of the locality as a marsh has influenced the design and nature of the development. Officers take the view that the proposal complies with policy LA2 of the Herefordshire Unitary Development Plan 2007.
- 6.19 On visual impact, the report identifies 9 viewpoints around the site and provides a photographic assessment. In each case it concludes that no discernable adverse effects are likely and that creation of additional planting belts would largely screen the lakes from view. Public footpath WA6 crosses the site and would have clear views of it, but otherwise there are very few public viewpoints. However, visual impact is a subjective concept, and one objector feels that the cumulative visual effect of the lakes with the nearby polytunnels would be considerable when viewed from high ground 1.5 kilometres east of the site. Further concerns have been raised about visual impact during construction, particularly since the work would be phased, and the prospect of areas of mud being possibly exposed during times of drought. Policy does not assist on these points, so consideration of them must be a matter of judgment.
- 6.20 The applicant has explained that the phased construction would allow each element to be completed before the next began. In his view this would enable vegetation to become established and allow for settlement of the pools and soil remodelling. It would also assist in keeping any disruption on the farm to a minimum. Although the prospect of visual change and temporary exposure of bare soil are acknowledged, this would be in keeping with other agricultural practices and farm water-management schemes are in most cases Permitted Development. Each reservoir would be engineered to overflow into the next and levels would be carefully controlled. The design would enable any exposure of bare mud to be kept to a minimum. Final landscaping details, required by condition, should include further mitigation

such as marginal planting and the application of shingle on those margins most likely to be exposed.

- 6.21 Officers acknowledge that during the initial period there would be some temporary visual impact, however public views into the site are limited to the Public Right of Way and distant high ground. With careful management this impact could be kept to a minimum in terms of scale and time. The applicant has considered matters of landscape and visual impact carefully, and the overall scheme represents a coherent strategy to store water on the one hand and offer environmental improvements on the other.

Drainage and flood risk:

- 6.22 On flood risk, although previous Environment Agency flood maps indicated zone 2, the Agency has agreed with the developer that site is in fact entirely in zone 1 and therefore low risk. The flood map has been updated to reflect this. The Agency's comments confirm acceptance of this view and that the proposal takes account of additional run-off generated by adjacent polytunnels. Conditions are recommended for continuing monitoring and management of water levels.

- 6.23 Drainage issues have raised a number of technical questions; appropriate advice has been sought from the Environment Agency and Land Drainage Officer. In response the applicant has further clarified the design principles for the pools in a Hydrological Impact Statement. This draws together the main points already in the core document. Some of the relevant points have already been discussed, but for ease of reference may be summarised as follows:

- The reservoirs would be self-contained and sealed, using appropriate natural clay. In principle this clay would be extracted from the site. It would be for the developer to ensure that sufficient appropriate and effective materials would be available and used, as for any other development;
- The historic drainage pipe system would be broken;
- By effectively 'squeezing' the (by now un-drained) area outside the reservoirs, the water table should rise and restore some of the marsh, in particular the SSSI wet woodland to the south-east;
- There would be no lowering of groundwater levels and no water would be taken from the immediate vicinity (either surface or groundwater). Some run-off from adjacent polytunnels would be harvested where practical into a sedimentation pond;
- Areas of significant peat have been located and would be avoided;
- At present, the developer holds licences to abstract water from the River Wye. This would continue at the same rate, but a proportion of the abstraction would be transferred from summer to winter to alleviate pressure on the Wye. The reservoirs would be used to store this water. The Environment Agency encourages such a transfer and acknowledges the benefits.
- Sophisticated monitoring equipment would be used to ensure optimum water management to prevent overtopping;
- The reservoirs would be linked and each would overflow into the next, but each would also have a final overflow spillway which, in times of extreme wet weather, would go into the watercourse;
- The existing watercourse which crosses the site would not be affected by the proposal and its route would be maintained, albeit it has been canalised in the past;
- The site would be engineered to ensure that the public footpath which crosses the site would not be adversely affected by the reservoirs;
- Construction methodology would ensure protection to the SSSI Coughton Marsh and Parish Field during the works.

- 6.24 Responses from the Land Drainage Engineer accept the submitted details and Environment Agency's views. Conditions are recommended to ensure that the development follows the proposed engineering and drainage appraisals in accordance with the submitted details. Officers take the view that there would be no conflict with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

Archaeology:

- 6.25 The application includes an archaeological report by Archenfield Archaeology Ltd dated April 2009. On the advice of the Archaeological Advisor, the study comprised a desk-based assessment and field evaluation. The report acknowledges features and finds in the wider area. However it found a low potential for well-preserved remains on the site. It concludes that previous deep ploughing and the widespread insertion of land drains by trenching in the entire area would have compromised any possible preservation. No peat-bearing deposits were encountered in the trial trenching, although an area of peat has been identified on the eastern side of the site.
- 6.26 The Archaeological Advisor has accepted the findings of this report. In his view the area is generally archaeologically sensitive, and recommends a standard condition for precautionary further investigation, in accordance with policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Biodiversity

- 6.27 The application includes a resubmitted ecological survey dated March 2008 undertaken by White Young Green Planning. The survey found the existing site to have limited biodiversity value. The surrounding hedgerows were found to have the most value, and the proposal would not affect these. A badger sett adjacent to the former railway line, in the southwest corner of the site, would need to be protected, particularly during construction. The existing drain/watercourse crossing the site could represent valuable habitat for otters and water vole but is regularly dredged and no evidence of these species was found. The study found that the existing arable area provides 'little habitat and foraging opportunities for wildlife. It is likely that [it] is used as a corridor, providing cover for species commuting [with other areas]'. Recommendations are given for protection during construction, timing of works, and the provision of a comprehensive short and long-term management plan. The report concludes that there would be no significant negative ecological impact during construction, and that the development would represent a long-term, permanent, positive impact.
- 6.28 The application highlights the current separation of the SSSI at Coughton Marsh from the Parish Field Local Wildlife Site. This is harmful to biodiversity. Following detailed discussions when the previous application was withdrawn, this revised application on a reduced scale includes the provision of a wildlife corridor between the two designated areas. The area would be engineered to provide shallow scrapes which would help to restore natural wet pasture and provide an important link to the wet woodland in the SSSI. The Parish Field to the north is owned and managed by Herefordshire Nature Trust. The proposal includes a draft agreement between the Trust and the applicant for future management of the wildlife corridor and also some of the areas receiving the excavation spoil. Seasonal grazing of managed grassland would encourage habitats for plant, insect, bird and animal species not currently available. Management of the small watercourse/drain could also be beneficial. In the wider context, habitat creation and the transfer of water abstraction from summer to winter would benefit the ecological value of the River Wye.
- 6.29 Policies NC1 to NC9 of the Herefordshire Unitary Development Plan 2007 emphasise the importance of biodiversity both in terms of legal protection and for its own sake. In considering

any proposal, the local planning authority must take account of possible harm and encourage enhancement. The adopted Herefordshire Biodiversity Action Plan identifies scarce or threatened habitats and species which the Council particularly wishes to assist. Wet pasture and wet woodland are included. Natural England has no objection to the proposals with regard to The River Wye SSSI/SAC, Coughton Marsh SSSI or Parish Field Local Wildlife Site. It accepts the findings of the submitted ecological report. Along with the Council's Planning Ecologist, it recommends a requirement for detailed a construction method statement and long-term monitoring, management and review schemes. Both acknowledge the potential for benefit to biodiversity whilst providing the applicant with water.

- 6.30 In balancing the need for water storage and the proposals for biodiversity enhancement, your officers feel that the proposal offers an overall biodiversity benefit for the site, Coughton Marsh, Parish Field and the River Wye.

Other considerations

- 6.31 Objectors have suggested that there could be danger to users of the public footpath, and that water birds attracted to the lakes might be endangered by the electricity lines. The applicant has confirmed that the lakes would avoid the right of way and the full width of the path would be maintained. He proposes a combination of protective hedging and fencing, with a wide margin and shallow water along adjacent shores. Central Networks commented on the previous application that some birds do fly into overhead lines, but they have no evidence to suggest that this is more likely where water-bodies are present. No consultees have raised concerns on these points.

7. Conclusion

- 7.1 In your officers' opinion this application addresses all the issue that arose in connection with the previous submission. It brings forward a proposal that takes account of a wide range of considerations, which recognise the potential biodiversity benefits of such a scheme. Co-operation with Herefordshire Nature Trust in developing a wildlife corridor (and its future management) is regarded as a significant gain in terms of improvements to the degraded marshland area.
- 7.2 The application has been assessed against National policy and the Herefordshire Unitary Development Plan 2007 (UDP). The proposal does not accord wholly with UDP policy LA1, and some visual impact is acknowledged – particularly during construction. However this is balanced against other factors:
- All of the applicant's holding lies within the Wye Valley AONB, and 2 alternative sites were considered.
 - Water management is subject to Environment Agency licensing and particular scrutiny. Changes under the Water Act 2003 will be implemented later in 2009.
 - The Environment Agency encourages winter abstraction and water storage rather than taking water in summer when the River Wye levels are low.
 - Significant environmental benefits may derive from the proposal in terms of the local, national and international biodiversity designations of the River Wye, Coughton Marsh and Parish Field.
 - Significant beneficial on-site improvements for wildlife have been negotiated for and secured, in partnership with Herefordshire Nature Trust.
 - The applicant's contribution to food production, the local economy and employment may be taken into account.
- 7.3 According to professional advice, the proposal is capable of meeting environmental standards on design and management. All relevant matters have been considered and additional

information obtained from the applicant and consultees where necessary. Your officers conclude that there are material considerations that support the proposal and in this case outweigh the policy points where conflict exists. The proposal is therefore recommended for approval subject to appropriate planning conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

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

2 B01 (Development in accordance with the approved plans)

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

3 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policies ARCH1, ARCH5 and ARCH6 of Herefordshire Unitary Development Plan 2007.

4 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, and the safety of users of the Public Right of Way, in accordance with policies DR1, DR2 and T6 of the Herefordshire Unitary Development Plan 2007.

5 G12 (Hedgerow planting)

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

6 No development shall take place until a habitat enhancement and biodiversity management scheme, based on the findings and recommendations of the submitted Ecological Report and in consultation with the Council's Planning Ecologist, has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) Provision for further surveys as necessary, by a suitably qualified person, prior to and during each phase of development;**
- ii) Measures to safeguard any identified protected species and their habitats, including badgers, particularly during the construction period;**
- iii) Specific proposals for wildlife habitat creation or enhancement through planting and landform, and future management of these measures;**
- iv) Full details of a long-term Management Scheme for identified and specified areas of the site, to be agreed with and implemented by the Herefordshire Nature Trust or equivalent successor organisation for a specified period of time, including the start date;**
- v) Measures to protect and maintain all significant areas of peat within the site;**

- vi) The appointment of a suitably qualified Ecological Clerk of Works to oversee implementation of the scheme throughout the phased construction period and for a minimum of two years after completion of the last pool and/or the landscape and biodiversity schemes (whichever is the later);
- vii) Provision for adequate monitoring and progress reporting;
- viii) Timescales for implementation of the scheme.

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

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 (as amended), and to ensure that biodiversity is conserved and enhanced, all in accordance with the requirements of PPS9, the NERC Act 2006 and policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

- 7 No development shall take place until a comprehensive landscape scheme has been submitted to and approved in writing by the local planning authority. The details submitted shall include a large-scale masterplan showing the landscaping and habitat features to be implemented, in conjunction with the following detailed proposals;
- i) Full ground-modelling methodology for the proposed wetland habitat and conservation corridor indicated on drawing no 117.301.C2-1E, including wet scrapes;
 - ii) Full ground-modelling details for all areas designated to receive excavated material on drawing no 117/301/C2.C2-1E;
 - iii) Method statement for all soil handling and storage including, where necessary, measures to reduce high soil nutrient levels on those areas identified for conservation use;
 - iv) Final ground-modelling details of the reservoir margins, showing gradients and shallow water depths at the edge (in particular alongside the Public Right of Way);
 - v) Measures and methodology for ensuring that, in the event of drought, the area of bare mud around the reservoirs likely to be exposed would be kept to a minimum.
 - vi) Schedule of all planting and seeding, to include details of species, sizes, location, density and spacing as appropriate. This shall include identification of any areas to be left for natural re-vegetation and the methodology for the choices made;
 - vii) Timescales for implementation, including any provision for phased work, the times of the year when earthmoving will take place, the completion of each phase, review of the scheme according to changing circumstances, and remediation for any plant or seeding failures;

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

Reason: In the interests of visual amenity, to ensure a satisfactory form of development, and to conform with the requirements of policies LA6, NC1, NC6 and NC8 of the Herefordshire Unitary Development Plan 2007.

- 8 Prior to the construction of any reservoir a scheme for groundwater monitoring, including the installation of a borehole/piezometer at a specified location, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall provide detailed proposals for monitoring, including the nature of sampling, frequency and duration, in accordance with the submitted Hydrological Impact Statement dated May 2009. Thereafter, monitoring shall be carried out and reviewed in accordance with the approved scheme, which shall be

carried out and implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure monitoring of the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 9 If the monitoring scheme approved under the above condition shows, in the opinion of the local planning authority, any adverse risk of deterioration to groundwater and surface water quality or quantity, remediation proposals shall be submitted in writing to the local planning authority in consultation with the Environment Agency within three months of the findings. The proposals shall include:

- i) Methodology for investigating the cause of the deterioration;
- ii) Measures for remediation;
- iii) Further measures to amend any failures in either monitoring methods or remediation;
- iv) Timescales for implementing the scheme and provision for review.

The remediation scheme shall be implemented in accordance with the approved details.

Reason: To prevent any adverse impacts on the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 10 F06 (Restriction on Use)

Reason: To restrict the use of the site to that proposed in the interests of local amenity, because any other use would require further consideration by the local planning authority, and to comply with policies S1, S2, and DR1 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 The applicant is advised to appoint a suitably qualified civil engineer to supervise the design, construction, maintenance and safety of reservoirs regardless of size.
- 2 The requirements given in condition 7 (v) for details to minimise the exposure of bare mud should include proposals for a combination or mixture of engineering design details, water management, selected marginal planting and other means such as the use of shingle if appropriate.
- 3 N11C - General
- 4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 5 ND03 - Contact Address
- 6 HN01 - Mud on highway
- 7 HN02 - Public rights of way affected
- 8 HN03 - Access via public right of way

9 HN23 - Vehicular use of public rights of way

10 The development shall only be undertaken in accordance with the requirements of Central Networks and the National Grid. Guidance for safe working under overhead power lines, and the HSE informative 'should be strictly adhered to at all times. Shock Horror: Safe working near overhead power lines in agriculture'.

11 Trees should not be planted in the vicinity of overhead power lines unless agreed with Central Networks and National Grid. Planting within the sphere of influence of the lines should be restricted to native herbs and plants, and native shrubs that would not exceed 3 metres in height.

12 N19 - Avoidance of doubt - Approved Plans

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

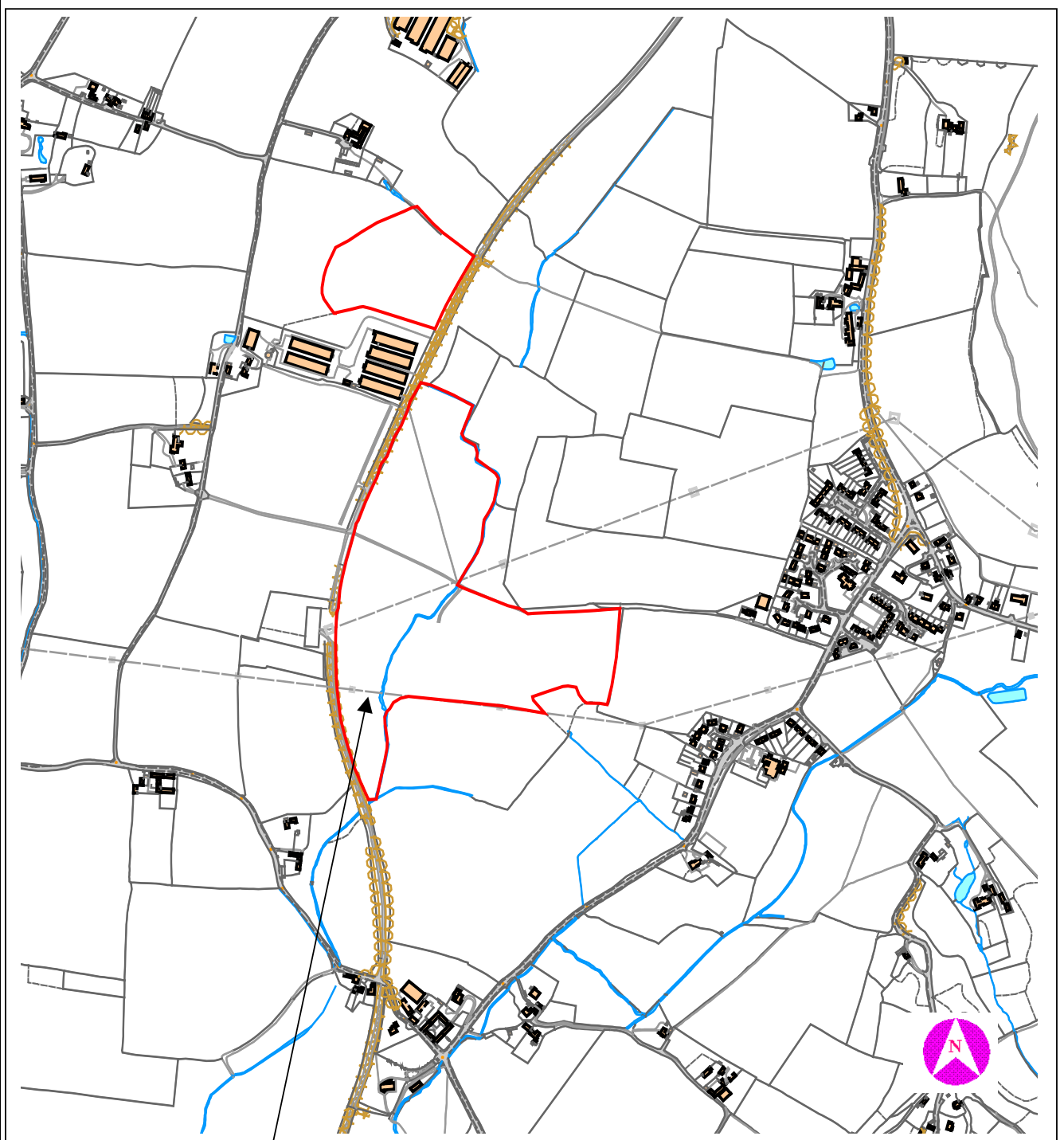
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2009/0670/F

SCALE : 1 : 10000

SITE ADDRESS : Homme Farm, Hom Green, Ross-on-Wye, Herefordshire, HR9 7TF

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