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| MEETING: | PLANNING COMMITTEE |
| DATE: | 14 DECEMBER 2011 |
| TITLE OF REPORT: | <p>DMS/112395/CD- CONSTRUCTION OF A FLOOD ATTENUATION SCHEME COMPRISING A SOAKAWAY POND AND ASSOCIATED LOWERED SCRAPE AREA, 3 NO. BALANCING PONDS AND SHALLOW SWALES AT NORTH MAGAZINE SITE, ROTHERWAS INDUSTRIAL ESTATE, HEREFORD.</p> <p>For: Herefordshire Council per Amey OW Ltd, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT.</p> |

Date Received: 26 August 2011 **Ward: Hollington** **Grid Ref: 352968,238410**
Expiry Date: 27 December 2011
Local Member: Councillor P Sinclair-Knipe

1. Site Description and Proposal

The application site

- 1.1 The proposal site is within Rotherwas industrial estate, approximately 2km from the city centre by road, located on the south side of the River Wye opposite Hampton Park. It affects approximately 14 hectares of land accessed from the new spur at Vincent Carey Road, north of the Straight Mile, which crosses over the top end of Fir Tree Lane.

Background

- 1.2 Rotherwas is Hereford's key industrial area. The area was originally a prosperous medieval manor, first established by the De la Barre family and later occupied by the Bodenhams. Eventually the estate fell into decline and the former Herefordshire County Council acquired 195 acres (81.25 ha) in 1907. During WW1 Lloyd-George's coalition government wished to address a shortfall in the supply of high explosives. The measures undertaken included the Munitions of War Act 1915 which provided for the building of National Factories, of which Rotherwas was one. The factory was producing high explosive shells for the Allied front. The old manor house was finally demolished in 1926; the listed medieval chapel and some outbuildings survive. The munitions factory finally closed in 1967, by which time the current road layout had been set out. Business premises were established along the Straight Mile, and also clustered to the east of Chapel Road. This includes the former Council depot now occupied by Amey, several waste and recycling enterprises, sewage treatment works, and a municipal household waste 'bring site'.
- 1.3 The munitions area known as the 'North Magazine' was virtually abandoned and became overgrown, but until recently the old factory bunkers, blast walls, buildings and the remains of the old railway line, remained intact. A 1916 building known as the Picric Acid Store, used in

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shell manufacture, has recently been Listed, but few other buildings from that era now survive. Some business interest continued to subsist, including a licensed fireworks storage facility in some of the magazines and bunkers.

- 1.4 Members will be aware that Herefordshire Council has embarked on a significant regeneration project for Rotherwas. This includes industrial expansion onto the North Magazine and a cycle route through to the city centre ('Connect2'), following a former railway line. The Rotherwas access road was completed in 2008 to enable HGV traffic to access the A49 (south) without negotiating the city, and providing a flood-free route into and out from the industrial estate.
- 1.5 Following a successful bid for Enterprise Zone status, government funding will enable business expansion and inward investment. However, much of the industrial area is still subject to flooding during extreme weather events. Some piecemeal protection has taken place at various premises but flooding remains a problem which can cause damage, danger and disruption, and is a constraint to economic growth.

The proposal

- 1.6 To offer a long-term solution, the proposal under consideration is for a flood attenuation area to be achieved by lowering approximately 5 hectares of farmland in separate ownership (referred to as 'the scrape') by about 1 metre, into which flood water would be directed during extreme weather events. Just over 0.7 hectares would be used to provide a permanent deep soakaway pond to take excess surface water. Between the northern boundary of the identified site and the bank of the River Wye there would remain a strip of unaffected farmland 170 metres wide. To the east and south-east of the North Magazine a series of other interconnected ponds and swales would provide further flood capacity and surface drainage.
- 1.7 The area to be lowered is, and will continue to be, arable farmland in private ownership. The excavated material would be used to raise the level of the adjoining North Magazine out of the flood plain, enabling its use for new businesses. An internal haul road would be constructed to move the excavated material from the 'donor' site to the 'receptor' site without using the public highway.
- 1.8 The relevant capacity of the proposal is given in the application, as follows:
 - Deep soakaway pond - 40,254 cubic metres
 - Lowered compensation area (scrape) - 16,540 cubic metres
 - 3 no. balancing ponds - 14,400 cubic metres
 - Swales and ditches etc - 4,150 cubic metres
 - Total of 80,684 cubic metres flood capacity
 - Area to be raised above flood levels - approximately 8 hectares

2. Policies

2.1 National Guidance

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|-------|---|--|
| PPS1 | - | Delivering Sustainable Development |
| PPS4 | - | Planning for Sustainable Economic Growth |
| PPS5 | - | Planning for the Historic Environment |
| PPS9 | - | Biodiversity and Geological Conservation |
| PPS23 | - | Planning and Pollution Control |
| PPS25 | - | Development and Flood Risk |
| PPG13 | - | Transport |

2.2 Herefordshire Unitary Development Plan

| | | |
|-------|---|--|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| S4 | - | Employment |
| S6 | - | Transport |
| S7 | - | Natural and Historic Heritage |
| S9 | - | Minerals |
| S10 | - | Waste |
| DR2 | - | Land Use and Activity |
| DR4 | - | Environment |
| DR7 | - | Flood Risk |
| DR10 | - | Contaminated Land |
| DR11 | - | Soil Quality |
| E1 | - | Rotherwas Industrial Estate |
| T6 | - | Walking |
| T7 | - | Cycling |
| LA2 | - | Landscape Character |
| LA3 | - | Setting of Settlements |
| LA5 | - | Protection of Trees, Woodlands and Hedgerows |
| LA6 | - | Landscaping Schemes |
| NC1 | - | Biodiversity and Development |
| NC3 | - | Sites of National Importance |
| NC4 | - | Site of Local Importance |
| NC6 | - | Biodiversity Action Plan Priority Habitats and Species |
| NC7 | - | Compensation for Loss of Biodiversity |
| NC8 | - | Habitat Creation, Restoration and Enhancement |
| NC9 | - | Managements of Features of the Landscape Important for Fauna and Flora |
| HBA4 | - | Setting of Listed Buildings |
| ARCH1 | - | Archaeological Assessments and Field Evaluations |
| ARCH6 | - | Recording of Archaeological Remains |
| M2 | - | Borrow Pits |
| M5 | - | Safeguarding Mineral Reserves |

2.3 Other Guidance – Supplementary Planning Documents

Archaeology and Development Supplementary Planning Document (November 2009)
Biodiversity Strategy 2007-2010 (Draft)
Green Infrastructure Strategy (February 2010)

2.4 Other legislation

Conservation of Habitats and Species Regulations 2010 [‘the Habitats Regulations’]
The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 [‘the EIA Regulations’]

DETR Circular 02/99

Natural Environments and Rural Communities Act 2006 [‘the NERC Act’]

3. **Relevant Planning History**

- 3.1 DMS/111601/F Construction of shared footway/cycleway from -
Outfall Works Road to Holme Lacy Road
including a new bridge over the River Wye

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| DMS/103130/CD | Temporary road and hardstanding within North Magazine area | - | Approved 25.01.2011 |
| DMC/083011/CD | Demolition of existing ammunition bunkers, change of use of land for mixed B1, B2 and B8 employments uses (phase 1 & 2 Rotherwas Futures) | - | Approved 18.11.2010 |
| DCCE0009/1478/CD | Note: affected land to the south of the current site New highway, cycleway, drainage etc off Vincent Carey Road to serve future employment land (phase 3 Rotherwas Futures) | - | Approved 11.11.2009 |
| DCCE0009/1717/CD | New highway and infrastructure | - | Approved 27.10.2009 |

Various other permissions exist, dating from 1993 to 2007 for a variety of development at industrial sites in the area

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency: No objection; we are satisfied with the flood risk assessment submitted and the solutions proposed to enable the future phases of Rotherwas industrial development to be constructed. Conditions recommended to secure the flood attenuation scheme's completion before further development takes place. We await the outcome of further discussion regarding flood modelling but this is unlikely to alter our position since it relates to maintenance of the attenuation system and freeboard for future phases at Rotherwas. The submitted Ground Investigation Report, which expands on previous work, shows no significant elevated levels of contamination within soils. We conclude a low risk to groundwater. Conditions recommended to secure commitment to precautionary measures.
- 4.2 Natural England: No objection. Referral to Standing Advice. Advice also given regarding the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 ('the Habitats Regulations') for an Appropriate Assessment of the implications for the site in view of its conservation objectives. The Council's conclusion of No Likely Significant Effects on the River Wye Special Area of Conservation (SAC) is accepted (see below). Clarification is needed as to European Protected Species however.

Internal Council Advice

- 4.3 Traffic Manager: No objection
- 4.4 Environmental Health Manager: The known former uses of the site suggest some potential for unexpected contamination to be discovered. A full site investigation would be disproportionate, but caution is advised and it would be appropriate to require a contingency plan via a planning condition.
- 4.5 Public Rights of Way Officer: No objection
- 4.6 Planning Policy Manager: Support in principle; the proposal meets the Green Infrastructure Strategy; recommendations for further enhancements for green-space.

Conservation Manager

- 4.7 Ecology and Landscape Section: Herefordshire Council, as competent authority, is satisfied there would be no likely significant effects on the River Wye SAC. The proposal meets the aspirations of the Green Infrastructure Strategy and the development is supported in principle. Concerns that required tree protection has not been implemented and retained trees may die.

We agree with the recommendations for enhancing green-space and securing additional tree planting as compensation. Recommendations in the submitted Environmental Statement should be secured through planning conditions.

- 4.8 Archaeological Adviser: There is some archaeological potential across the site taking account of the variable nature of the proposal. However the risk of harm to archaeological remains is low, and is capable of mitigation. Standard condition recommended (E01)
- 4.9 Historic Buildings Officer: No further comments or objections regarding the listed building - these are adequately covered by the Archaeological Adviser.

5. Representations

- 5.1 Dinedor Parish Council: Support
- 5.2 Lower Bullingham Parish Council: Support
- 5.3 Sixteen identical letters were received from residents at Litley Court, which is located along Hampton Park Road on the opposite bank of the River Wye. The concerns refer to visual impact and potential noise pollution, including existing noise from premises in the industrial areas.
- 5.4 Mr R Izon, Secretary of Litley Court House Management Company Ltd has expressed similar concerns, adding regret over the removal of mature trees which previously provided visual and noise screening. Mr K Ashley, 36 Hampton Park Road has commented on the marked changes in terms of his view over an area of what used to be farmland and the loss of many trees. He does not object to the flood attenuation proposals provided adequate tree planting and noise mitigation are put in place. Mr J Rees of 8 Grange Gardens also comments on his disappointment over an apparent lack of commitment to preserving mature trees.
- 5.5 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The principles behind this application lie in the need to protect future and existing properties and highways from long-term flood damage and disruption. If Hereford is to attract new jobs and inward investment these matters need to be addressed.
- 6.2 The proposal also needs to be regarded in the wider context of area regeneration, the provision of a cycleway to the city centre, and the proximity of the River Wye, its Conservation status and biodiversity interest - albeit within an established industrial area.
- 6.3 Primarily due to the proximity of the River Wye SSSI/SAC, the nature of the works, and the size of the application site, the proposal falls within Environmental Impact Assessment (EIA) requirements. A formal Screening Opinion was issued on 2 August 2010, and a Scoping Opinion as to the required content of the Environmental Statement on 22 February 2011. The application has been publicised in accordance with the EIA Regulations 2011 now in force.
- 6.4 The proposal is to move a volume of soil within the overall site. The key considerations are:
- Tree and amenity loss
 - Biodiversity and landscaping
 - HRA Screening
 - Flood issues
 - Heritage

- Contaminated land investigations
- Minerals

Tree and amenity loss

- 6.5 The representations received are all from residents living in Hampton Park Conservation Area on the opposite bank of the River Wye, having views across to Rotherwas which were dominated by tree cover until recent clearance. Residents' concerns reflect this in part, but do not directly relate to the proposal now under consideration, which is solely for flood alleviation works. Matters of noise and visual impact from the development itself are not implicated and none of the letters objects to the flood attenuation proposed.
- 6.6 The donor site (the Scrape) to be lowered for flood attenuation is open arable farmland; it would continue as such and so would not change in terms of use, appearance, profile or principle, apart from the attenuation pond. The receptor site is already being cleared and prepared for new businesses. Actual development of the site would be outside the scope of this application. Amenity concerns relating to industrial premises would need to be considered as part of any subsequent proposals. Correspondence with the two management companies at Litley Court has clarified this position. However the concerns about tree loss and screening are taken on board and are considered below.

Biodiversity and landscaping

- 6.7 Clearance of the North Magazine has reduced tree cover across the area, as noted by local residents. However a 20m buffer strip is to be left intact on the north side, between the redevelopment area, the farmland and the River Wye. The Scrape does not now have any mature trees on it apart from one, identified as to be retained along with a stretch of existing hedgerow near the soakaway pond. The developers are committed to significant new tree planting, but this will take time to mature. Suitable existing mature trees have been identified within the magazine area for retention. However there is a risk of failure of these trees, due to adverse effects from the proposed ground-raising. Future occupants may also find these trees could obstruct or constrain their development plans.
- 6.8 The Senior Ecologist has commented that the required Tree Protection Measures have not been adequately implemented and the retained trees are already deteriorating. Discussions with the applicants have resulted in agreement to compensate through additional tree planting to (a) mitigate the likely losses noted above, (b) enhance screening for residents across the river and (c) further mitigate the inevitable loss of habitats for wildlife within the site. Conditions to secure this are recommended. Policies LA2, LA3, LA5, LA6, NC1, NC6, NC7, NC8 and NC9 all support such requirements.
- 6.9 The River Wye is designated under European, national and local provisions (SAC SSSI and SINC/SWS). The presence of a well-vegetated wild area within the city and close to the river has concentrated wildlife seeking refuge there whilst other habitats are diminishing. Otters, bats, badgers, raptors, reptiles and other priority species have been recorded as present in this area. These are protected by law, presenting a challenge to the regeneration scheme.
- 6.10 The application proposes recommendations and an expressed intention to safeguard and enhance biodiversity where possible. This includes provision of bird and bat boxes, which is welcomed by the Senior Ecologist. However, officers have been seeking further commitment to these measures by the Council's contractors and future developers; for preference through recognition of the importance of biodiversity and green-space to well-being and health, now widely acknowledged as beneficial. Lack of such recognition generally, in previous development schemes at Rotherwas, has resulted in a harsh, hostile industrial environment which is testament to the importance of such considerations.

- 6.11 Genuine space for wildlife is needed, and a degree of balance to be struck between biodiversity and commercial interests. In the long-term, such measures would contribute to the success of the regeneration project and help to provide an attractive environment in which to live and work. Guidance in the adopted Green Infrastructure Strategy recognises these issues. Around the soakaway pond there is some potential to compensate for loss of habitat on the North Magazine. Recommended conditions relating to further tree planting and habitat provision take account of these considerations, supported by PPS9 and policies S7, LA2, LA3, LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8 and NC9.

HRA screening

- 6.12 Under Regulation 61 of the Conservation of Habitats and Species Regulation 2010 ('the Habitats Regulations'), the Council as Competent Authority is required to risk-assess projects and proposals in the context of the likelihood of significant adverse effects on a European Site (i.e. the River Wye SSSI/SAC in this case). This is also relevant to the EIA Regulations. The Council has considered the information provided in the Environmental Statement and other submitted documents. It has concluded that there is a low specific risk of significant adverse effects on the River Wye SSSI/SAC. Natural England has agreed with this finding. These legal obligations in terms of ensuring no significant adverse effects in this sensitive setting are useful in highlighting the need for commitment to lasting protection.

Flood issues

- 6.13 The area is close to the River Wye. Historically there were several lakes and pools on the manor land which would have provided flood storage and other water management facilities, but few of these now survive. Longstanding flood problems have hampered the full use of the land for re-development, and flooding has been exacerbated by the increase of hard surfaces.
- 6.14 In terms of the wider regeneration project it has long been recognised that flooding issues must be addressed if new industry and jobs are to be attracted and disruption avoided.
- 6.15 The submission offers the following explanation (Design, Access & Planning Statement para 1.1): *'It was agreed with the Environment Agency at an early stage that surface water management and flood mitigation should be dealt with at a strategic level for the whole estate rather than in a piecemeal fashion as the estate grew. An extensive assessment of flooding on the estate was completed in consultation with the Environment Agency (Drainage and Flood Management Strategy, September 2009).'*
- 6.17 This study includes sophisticated flood modelling over several years, to indicate how flood waters specifically affect the overall industrial area. This covers different scenarios including baseline modelling to compare with climate-change data for 100 year and 1000 year events. Submitted flood-modelling maps demonstrate how the proposal would help protect premises from flooding in all but the most extreme situations. The studies have been updated and used to inform the design of this proposal. The Environment Agency has accepted the modelling in principle and has not raised any objections to the proposals. The proposals meet policy DR7.

Heritage

- 6.18 Rotherwas is an area of recognised archaeological interest and sensitivity stretching from prehistory through medieval times to the modern era, including the recent discovery of the 'Rotherwas Ribbon' and surviving 20th century wartime structures. The listed Picric Acid Store lies within the application site but would be carefully avoided. The Archaeological Adviser takes the view that although the site's history is complex, the proposals as presented are unlikely to be harmful and impacts would be minor. A condition is recommended to secure suitable archaeological recording of the groundworks in accordance with policies ARCH1 and ARCH6 and the *Archaeology and Development Supplementary Planning Document November*

2009. Protection of the Picric Acid Store during the works should be incorporated into the scheme to be submitted.

Contaminated land issues

- 6.19 The submitted Geotechnical Investigation Report (Geotechnics Project No PC104409, November 2010) has been scrutinised by the Environment Agency and the Environmental Services Manager. The Environment Agency has accepted the report's findings which have shown no significant levels of contamination within the soils, and concludes a low risk to groundwater. The Environmental Services Manager has advised caution in the light of former military activities on the site, and the use of specialist consultants in the event of any unexpected contamination being discovered. The proposal is regarded as being capable of meeting the requirements of policies S2, DR4, DR7 and DR10 of the Herefordshire Unitary Development Plan. A condition to take account of the possibility of unexpected contamination being discovered is recommended.

Minerals - Borrow pit

- 6.20 The site partially comprises river gravels and useful material has been identified whilst test-pitting the area of the deep soakaway pond. The principle of Borrow Pits applies where large-scale engineering projects need to develop off-site extraction. Raising the Phase 3 redevelopment area above flood levels fulfils that need, using the 'Scrape' and soakaway pond as the source. Policy M2 supports the sustainable use of excavated material and minerals where 'significant environmental benefits' are identified, where the donor and receptor sites are in close proximity, and where restoration to a beneficial after-use can be demonstrated (e.g. agriculture). In this case, all three criteria would be met in terms of the flood attenuation measures, the locations of the two site areas, and the future uses of both. Officers believe policy M2 therefore supports the proposal.
- 6.21 There are no other considerations of concern. There would be no traffic or highways implications or effects on the public right of way adjoining the site.

Conclusion

- 6.22 The principle of this application is simple - move soil from area A to area B to direct flooding into the former and raise the level of the latter. However the site's history, flood record, and context are complicated. As a former military explosives site that was abandoned to nature there are potentially conflicting issues to be addressed. The significant opportunities (and now government funding) to return this land to beneficial economic use are recognised. The designation of the River Wye as internationally and nationally important brings a raft of legal and ecological responsibilities. Officers have been working with the developers to find ways for these interests to co-exist successfully and sustainably for future generations.
- 6.23 Due to the size and location of the site, the application has been considered under the terms of the EIA Regulations and the Habitats Regulations. Both statutes focus on assessment of the 'likelihood of significant adverse effects'. If implemented as proposed, in conjunction with a real commitment to additional measures as outlined above, then that likelihood is considered by officers and statutory consultees to be low.
- 6.24 Accordingly the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

2. **B01 Development in accordance with the approved plans**
3. **Before the development begins a Management Plan for the flood storage area, swales, balancing ponds and associated structures shall be submitted in writing for the approval of the local planning authority. The Management Plan shall include:**
 - a) **A clear indication as to who is to be responsible for all structures and infrastructure for the lifetime of the development**
 - b) **Details of soil handling methodology during construction and after completion, and**
 - c) **Timescales for long-term monitoring and management of the Plan.**

The Management Plan shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency or successor authority/ies.

Reason: To ensure adequate management of surface water run-off and ensure compliance with policies S1, S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.

4. **Before the development begins, an additional Tree Protection, Planting and Management Plan shall be submitted to and approved in writing by the local planning authority. The scheme shall include in particular:**
 - a) **The appointment of a suitably qualified and experienced arboriculturalist to advise on the condition of all the trees previously identified as to be retained and provide recommendations for their immediate and long-term protection and management;**
 - b) **A Working Method Statement for implementation of the scheme including timescales and provision for toolbox talks and review;**
 - c) **Adequate protection measures for all trees and hedges on both the donor and receptor sites which are, or have previously been, identified for retention, in accordance with BS 5837:2005 Trees in Relation to Construction**
 - d) **Measures for ensuring that any mature trees identified at any time as needing to be felled are first checked for the presence of bats and/or nesting birds and appropriate protection undertaken (including any licensing required) in consultation with the Council's**
 - e) **Conservation Officers and/or Natural England;**
 - f) **Specific proposals for significant additional tree, shrub and hedge planting along the northern site edge and within the wider site, for example near the soakaway pond;**
 - g) **Details of the proposed species, sizes and positions or density for all planting;**
 - h) **Timescales for planting, within the next available season or phased if necessary;**
 - i) **That the trees shall be maintained for a period of 5 years from the planting date. During this time, any trees that are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives its written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

The Tree Management Plan shall be retained by the applicant as a working written document and implemented as approved and/or reviewed or updated, unless otherwise agreed in writing in advance by the local planning authority.

Reason: To maintain visual amenity of the area, to enhance wildlife habitats and biodiversity, and to comply with PPS9, the NERC Act and policies LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8, and NC9 of the Herefordshire Unitary Development Plan, having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 .

5. Before the development begins, an additional Ecological Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- a) Commitment to the recommendations set out in the submitted Environmental Statement dated 24 August 2011 in relation to the identified protected and/or priority habitats and species;**
- b) A plan showing specifically identified and described new habitats to be created for birds, invertebrates, small mammals, reptiles and amphibians, targeting species identified in the Biodiversity Action Plan;**
- c) Clear prescriptions for soil-handling during the construction phase within areas identified for biodiversity enhancement, e.g. around the deep soakaway pond. These should be useable by on-site operatives, and include measures to retain the existing wild plant seedbank.**
- d) A Working Method Statement for implementation of the scheme including timescales and provision for toolbox talks and review;**
- e) The appointment of a named, appropriately qualified and experienced Ecological Clerk of Works to oversee the implementation and long-term management of the scheme;**
- f) Proposals for appropriate wildflower seeding areas, identified on a plan and including detailed species lists;**
- g) An allowance of identified 'wild' areas and corridors to enable wildlife to traverse safely through the site in conjunction with the river bank and measures to secure additional green-space within the wider side;**
- h) A long-term Management Plan which specifies minimal intervention within the wild areas, precludes the use of chemicals, allows for hedges and trees to grow high, and enables wild flowers and plants to set seed and fruit to the benefit of biodiversity.**

The Ecological Scheme shall be retained by the applicant as a working written document and implemented as approved and or reviewed or updated unless otherwise agreed in writing in advance by the local planning authority.

Reason: To safeguard the setting of Hampton Park Conservation Area, to compensate for the loss of trees and impromptu habitats that had grown up on the site, to demonstrate a lasting commitment to enhancing biodiversity, to protect the biodiversity interest of the River Wye SSSI/SAC and to meet the requirements of PPS9, The NERC Act and policies LA3, LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8, and NC9 of the Herefordshire Unitary Development Plan, having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

6. No changes shall take place or alterations undertaken to the design of the surface water and/or flood attenuation infrastructure hereby approved, either prior to construction or following completion of the scheme, without the prior written agreement of the local planning authority or an appropriate further planning permission (whichever may be deemed necessary).

Reason: For the avoidance of doubt, to ensure that the Rotherwas Flood Attenuation Scheme operates as intended, and to comply with policies S2, DR2 and DR7 of the Herefordshire Unitary Development Plan.

7. **Phases 1 and 3 of the Rotherwas Scheme and the Chapel Road site shall not be commenced until the flood attenuation measures hereby permitted have been implemented as approved.**

Reason: To ensure the Rotherwas redevelopment project does not increase flood risk elsewhere and to secure timely implementation of the surface water attenuation measures hereby approved in accordance with policies S1, S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.

8. **If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written Method Statement to be approved in writing by the local planning authority. The Method Statement shall include details about how the unsuspected contamination shall be dealt with. Thereafter the development of the site shall be carried out in accordance with the approved Method Statement.**

Reason: To ensure appropriate investigation and remediation of any contamination, to protect controlled waters, to prevent pollution and to comply with policies S1, S2, DR1, DR4 and DR10 of the Herefordshire Unitary Development Plan.

9. **E01 Site investigation - archaeology**

10. **Unless otherwise agreed in writing in advance by the local planning authority, there shall be no minerals, excavated material or any wastes brought into or taken out from the overall application site.**

Reason: To ensure a satisfactory form of development, safeguard mineral resources, minimise waste volumes and movement, prevent pollution, and to comply with the requirements of policies S1, S2, S9, S10, DR4, DR11 and M2 of the Herefordshire Unitary Development Plan.

11. **Unless otherwise agreed in writing in advance by the local planning authority no stockpiles of any excavated material shall exceed 4 metres in height, measured from the existing ground level. Within six months of completion of the development hereby permitted, all such stockpiles shall be removed or remodelled in accordance with a landscaping scheme that has first been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of safety and stability, to safeguard visual amenity, and to ensure a timely and acceptable final landscape profile, in compliance with policies S2, DR1, LA6

12. **G09 Details of Boundary treatments**

13. **I43 No burning of material/substances**

INFORMATIVES:

1. **Any works within 7 metres of the top of bank of the River Wye require the Consent of the Environment Agency. Any temporary stockpiling of materials or raising of ground levels within the flood plain also requires Flood Defence Consent.**
2. **Due to the site's former uses, there is a possibility of unforeseen contamination at the site. In the event of unexpected contamination being discovered, the applicant**

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is advised to seek specialist professional advice in such circumstances. This should be reflected in the required Method Statement outlined above.

3. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. All waste volumes should be minimised and excavated materials should be kept within the site for re-use/recycling.
4. Developers should incorporate pollution prevention measures to protect ground and surface waters. Guidance is available from the Environment Agency at www.environment-agency.gov.uk/business.
5. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
6. N15 Reason(s) for the Grant of Planning Permission

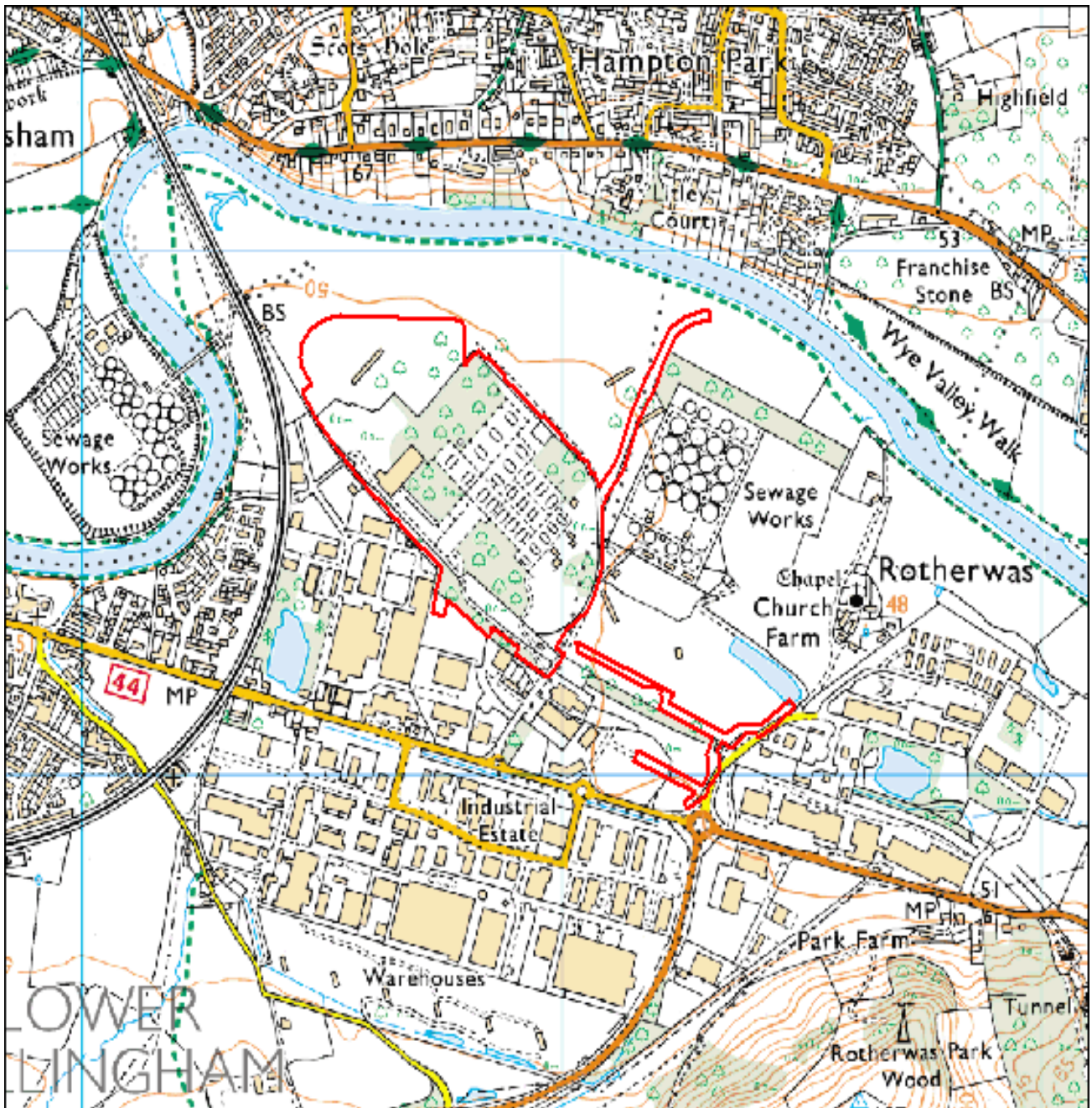
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112395/CD

SITE ADDRESS : NORTH MAGAZINE SITE, ROTHERWAS INDUSTRIAL ESTATE, HEREFORD

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