

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>6 JUNE 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>151314 - NEW SINGLE CARRIAGEWAY (SOUTHERN LINK ROAD) AND ASSOCIATED WORKS AT EXISTING ROUNDABOUT JUNCTION OF THE A49(T) AND B4399, TO A NEW ROUNDABOUT WITH THE A465, THEN JOINING THE B4349.</b></p> <p><b>For: Ms Lane per Miss Amy Hallam, The Forum, Barnfield Road, Exeter, Devon, EX1 1QR</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151314&amp;search=151314">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151314&amp;search=151314</a>
<b>Reason Application submitted to Committee – Council Application</b>	

**Date Received: 6 May 2015**

**Wards: Stoney Street      Grid Ref: 347138,237471  
Wormside**

**Expiry Date: 7 August 2015**

Local Ward Members: Councillors JF Johnson (Ward Councillor) and SD Williams (Ward Councillor)

Adjacent Ward Members: Councillors TL Bowes; ACR Chappell; PJ Edwards; MT McEvelly, P Rone; and D Summers

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

### *Introduction*

- 1.1 This application has been submitted by Herefordshire Council for the construction of a new single carriageway road and associated works. This proposal comprises a new road between the A49/ B4399 junction, more specifically, the roundabout on Ross Road at the western end of the Rotherwas Access Road and the A465 / B3449 to the south of Hereford. The proposed road is known as the Southern Link Road (SLR).
- 1.2 In terms of the broader context, the Local Transport Plan (2013 – 2015) (LTP) outlined a strategy which aims to support economic growth and social inclusion within the County by providing an efficient transport network and improving accessibility to services. The LTP identified the need for significant investment in infrastructure and makes specific reference to the to South Wye Transport Package (SWTP), previously known as the Belmont Transport Package, as the priority to address transport issues in the area and support the development of the Hereford Enterprise Zone. The Local Transport Plan 2016 – 2031 continues to promote this and the Herefordshire Local Plan – Core Strategy (CS) also promotes these overall aims.

- 1.3 The detailed work undertaken in developing the SWTP included the identification of the SLR proposal. The aims of this being to support the Councils aspiration for the sustainable growth of Hereford whilst tackling the various issues associated with congestion within the South Wye Area resulting in poor levels of air quality, noise and low public transport usage. The A49 and A465 act as significant deterrents to walking and cycling. This encourages short distance vehicles use, particularly for journeys to the city centre which in turn leads to less physical activity, resulting in increased levels of obesity and greater health problems. These problems are expected to increase if no action is taken.
- 1.4 This application relates to the provision of the Southern Link Road (SLR) only with the applicants confirming that the Council is committed to delivering the proposal as part of an overall package of transport improvements, known as the SWTP. These other improvements do not form part of this application submission.
- 1.5 The SLR would provide an alternative route for some longer distance traffic using the A465 Belmont Road. The result of this, amongst other traffic benefits, would be the reduction in the impact of traffic on the Belmont Road, allowing the creation of a better environment in the A465 Belmont Road Corridor that will encourage walking, cycling and use of public transport; provide wider health and environmental benefits and improve the economy by reducing congestion and delay and enabling improved access to development such as the Hereford Enterprise Zone.
- 1.6 Prior to the submission of the application, several potential corridors were identified with 'The Hereford Relief Road Southern Core Corridor Assessment (2010) including six variations. These were further enhanced within the previously entitled Belmont Transport Package, to provide eight different options in December 2012. Further assessment and refinement of these options was undertaken in 2013 and following appraisal this was reduced to four options. These were presented for public consultation in Summer 2014 and a preferred options report was completed. The outcome was that option SC2 was selected as the preferred option for the SLR and this recommendation was considered by the Council and confirmed by cabinet on the 18<sup>th</sup> December 2014
- 1.7 The application was submitted in May 2015. Prior to submission it was agreed that the project would be categorised as Environmental Impact Assessment (EIA) development. As such, the application is accompanied by an Environmental Statement (ES), the scope of which was agreed with the local planning authority in consultation with statutory bodies.
- 1.8 The application was submitted with a significant amount of supporting documentation. This includes a Transport Statement (and appendices) alongside the Environmental statement (ES) and its appendices.

The ES chapters include:

- Chapter 1 – Introduction
- Chapter 2 – Project background and Alternative considered
- Chapter 3 – Project description
- Chapter 4 – Environmental impact assessment Methodology
- Chapter 5 – Air Quality
- Chapter 6 – Cultural Heritage
- Chapter 7 – Landscape
- Chapter 8 – Nature conservation
- Chapter 9 – Geology and Soils
- Chapter 10 – Materials
- Chapter 11 – Noise
- Chapter 12 – Effects on all travellers
- Chapter 13 – Community and Private Assets

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Chapter 14 – Road Drainage and Water Environment
- Chapter 15 – Cumulative Effects

- 1.9 The ES describes the environmental effects of the construction and operation of the scheme and identifies the adverse and beneficial impacts together with the measures (mitigation) that are proposed to avoid, reduce or offset these effects. A non-technical summary is also included in the submission that summarises, in non-technical language, the main points of the ES and its findings for each of the environmental topics covered.
- 1.10 Officers have provided a detailed list of all the supporting documents published to the website. Each document contained within the ‘Supporting Documents’ section of the website is labelled and numbered. Where explicit reference is made to a document then this will be referenced within the report as (Doc. XX) to help aid clarification. There is a link to this list at:
- <https://www.herefordshire.gov.uk/documents?id=1670b209-fd83-11e5-b121-0050569f00ad>
- 1.11 An initial period of consultation was undertaken following the submission of the application that identified the need for additional, supplementary information to provide some clarity and better understanding in respect of heritage issues; the Grafton Lane Underpass; the Clehonger Link; the transport strategy and to improve understanding of the transport impacts and benefits; clarification in respect of the agricultural land classification and queries in respect of the Water Framework Directive.
- 1.12 A series of additional documents were submitted in October 2015 and a further period of consultation was undertaken. In April 2016, following a period of discussion with officers and Historic England, a further submission was made seeking to address heritage issues and responding to matters in respect of the public rights of way network, the Clehonger Link and funding. In addition, a minor change to the red edge application site boundary was also included. A further period of consultation was undertaken. All details of publication and consultation can be read in the section at the beginning of Section 4 of this report.

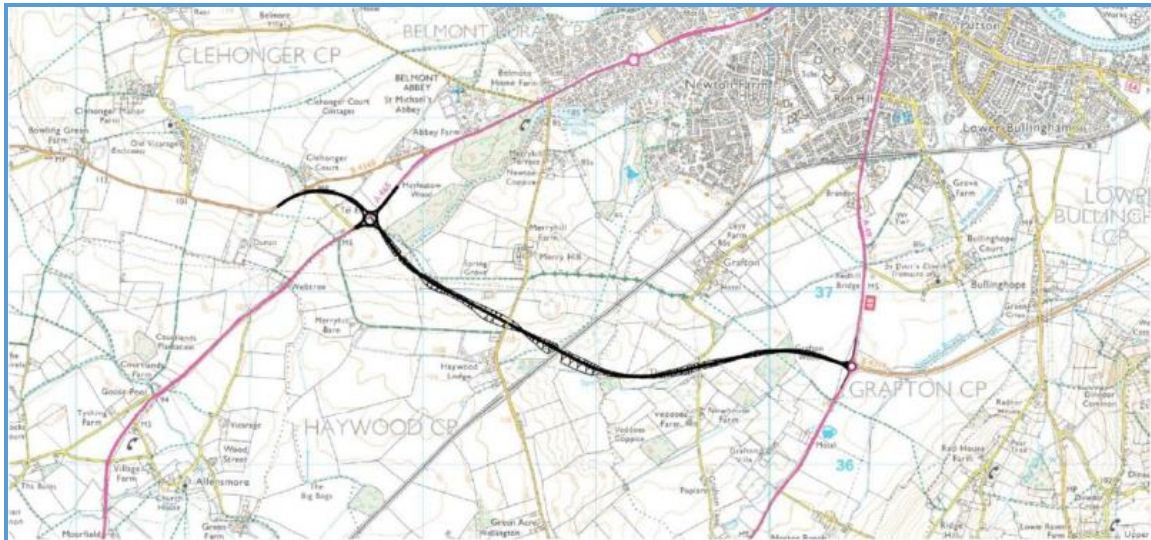
### **The application site and proposal**

- 1.13 The landscape character that defines the application site is rural and largely comprises arable fields, small woodlands and coppices, small settlements, working farms, residential properties and some commercial properties. Scattered residential properties are typically clustered along or close to Grafton Lane, Haywood Lane and the B4349 / A465.
- 1.14 The proposed scheme passes through topography that has a distinctly undulating landform, rising gradually from approximately 85m Above Ordnance Datum (AOD) in the north of the area to approximately 105m AOD in the south near to Haywood Lodge Farm. Withybrook and Newton Brook also pass through the area in a south west / north easterly direction
- 1.15 The scheme would provide a new single carriageway (2 lanes) road between the A49 Ross Road at the roundabout with the Rotherwas Access Road and the A655 / B4349 Clehonger Road junction. The road would be about 3.6km in length. From the A49, the proposed road extends westwards from of a fourth arm to the roundabout, through Grafton Wood and then continuing over Grafton Lane and Withy Brook before crossing above the existing Hereford to Newport railway line. After this it passes underneath Haywood Lane, straightening up and heading in a north westerly direction to the A465 where a new four arm roundabout that would have two lane entry and exit lanes. The road then extends from the proposed roundabout creating a new link to the B4349 (Clehonger Road). This section is referred to in documentation as the ‘Clehonger Link’.
- 1.16 For ease of reference, the proposed route, in the context of Hereford to the north is detailed in figure below:

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

### *Scheme location and proposed route*



### **Historic Environment**

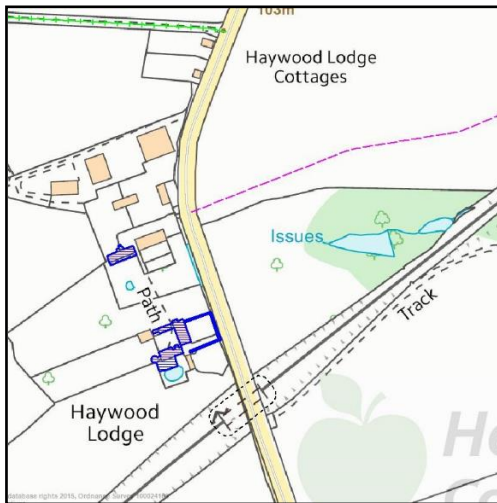
- 1.17 Chapter 6 of the ES identifies the designated and non - designated heritage assets within the study area relating to both the built environment (Listed Buildings) and buried archaeology and earthworks. The ES focusses on the route of the proposed SLR, with historic information for the immediate surrounding area also being considered. The inner corridor for assessment extended about 300m out, with an outer area extending up to 1km. Scheduled Ancient Monuments (SAMs) outside of these areas have also been considered.
- 1.18 The inner and outer study areas of the proposed route has been assessed in respect of the assessment of character, identification of historic features and assess possible factors which may affect the survival or condition or potential assets. The Listed Buildings identified in the ES in table 6.11 that is detailed below:

**Table 6.11: Listed Buildings within the Inner and Outer Study Area**

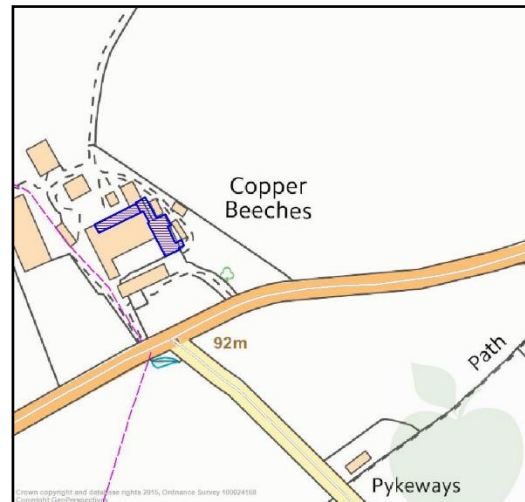
Heritage Asset Number	Designation	Name
HA01/ LB 155380 / LB 155380	II	Milestone
HA02 / LB 155374	II*	Haywood Lodge
HA03 / LB 155376	II	Cider House, Hop Kiln and Stable
HA04 / LB 155375	II	Gates, gate piers, railings and garden walls of Haywood Lodge
HA05 / LB 155377	II	Pig sties
HA13 / LB 155334	II	Barn north of Clehonger Court
HA14 / LB 155335	II	Granary northeast of Clehonger Court
LB 155338	II*	Abbey Church of St Michael and All Angels, Belmont Abbey
LB 155378	II	Merryhill Farmhouse
LB 155379	II	Stables at Merryhill Farmhouse
LB 155341	II	Monastery buildings of St Michael and All Angels, Belmont Abbey
LB 155342	II	School, Chapel and House, Belmont Abbey
LB 155339	II	Gates and gate piers east of the Abbey Church, Belmont Abbey
LB 155340	II	Statue of St. Michael and All Angels, Belmont Abbey
LB 1411804	II	Lych gate, curved wall and piers of Abbey Church, Belmont Abbey
LB 372350	II	Grafton Bank
LB 372351	II	Grafton Lodge
LB 155621	II	Church of St Peter
LB 155622	II	Coffin Lid against east wall of chancel of Church of St. Peter
LB 155624	II	Bullinghope Court

- 1.19 In terms of listed buildings (to which, moderate / large adverse impacts are identified), these are clustered at Haywood Lane. These include the Grade II\* listed Haywood Lodge. Its gate piers, railing and garden walls are Grade II listed along with the Cider House, Hop Kiln and Stable that lie immediately south of Haywood Lodge. Further north lies a property known as The Piggery, listed as 'Pig sties' that is also a Grade II Listed Building. These are outlined in blue on the map extract below.

*Listed buildings at Haywood Lane*



*Listed Buildings at Clehonger Court*



- 1.20 To the very west of the SLR route, off the B4349 (Clehonger Road )lie two further Grade II listed buildings known as 'barn north of Clehonger Court' and granary north of Clehonger Court. These are outlined in blue on the extract above. The impact upon these buildings, and their wider settings is considered in detail later in this report.
- 1.21 A total of 7 non designated buried archaeological assets were recorded within the inner study area. Three of these lie along the route of the road. The 'Environmental constraints and designations' plan (Doc.25) identifies the siting of these.
- 1.22 There is one undesignated Historic Park within the outer study area that is the Historic Park and Garden associated with Belmont House.

### **Natural Environment**

- 1.23 The landscape within the study area for the proposed SLR is one of an attractive rural landscape characterised by gently undulating landforms, small, scattered woodlands and orchard trees that contain views locally. From higher ground at Haywood Lane, limited middle distant views are possible towards the wooded ridge of Dinedor Hill and glimpsed views of Hereford are just possible.

### *Landscape designations*

- 1.24 Chapter 7 of the ES considers the assessment of the potential landscape and visual effects associated with the construction and operation of the proposed scheme and identifies the national and local landscape designations. These are considered in detail in the officers' appraisal.
- 1.25 There are no nationally designated sites within the study area with the closest area being the Wye Valley Area of Outstanding Natural Beauty (AONB) approximately 5km to the southeast of the scheme. Belmont Haywood Park is an unregistered Historic Park and Garden that lies within the study area to the north of the proposed road but does not lie within the application site.

### *Nature Conservation designations*

- 1.26 Chapter 8 of the ES assesses the potential ecological effects associated with the proposed construction and operation of the road. The ES clearly identifies the statutory designated sites that have a qualifying interest. .
- 1.27 There are a number of sites that have been considered that have National Statutory Designation status. The closest Special Area Conservation (SAC) is the River Wye SAC 1.3km to the north of the application site. Other statutory designated sites (Local Nature Reserves (LNR)) and Sites of Special Scientific Interest (SSSIs) are present within 2km of the proposed scheme. These include the Belmont Meadows and the River Wye SSSI.
- 1.28 There are also several non-statutory designated sites recorded within 2km of the proposed road. These include Roadside Verge Nature Reserves, Sites of Importance to Nature Conservation (SINC's) and Special Wildlife Sites (SWS's). These are sites designated by the Council for the purposes of nature conservation within the county. Sites that have been specifically identified as having a connection to the proposed development are, Belmont Pool and Environs (SINC), Newton Brook (SINC), Withy Brook (SINC), Hayleasow Wood, Newton Coppice and Spring Grove and the River Wye (SWSs).
- 1.29 Ancient and Semi Natural Woodlands are Habitats of Principal Importance (HPI) as referred to in the NERC Act and are afforded protection in that context (as well as policy in the NPPF strongly supporting their protection) but are not considered to be statutory or non-statutory designated sites. There are a number of designated Ancient Woodlands within the study area. Newton Coppice / Hayleasow Wood lies to east of the A465, immediately north east of the road. Grafton Wood lies at the eastern end of the proposed road. Unnamed Woodland 2 lies between Grafton Lane and the railway line, to the south of the SLR route. Other small ancient woodlands are also identified within the documentation. Again, these designated areas can be seen on the 'Environmental constraints and designations' plan Doc 25).
- 1.30 There are also a number of non-designated habitat receptors, such as orchards, dense scrub, semi-improved and improved grasslands, ponds, species rich hedgerows, veteran tress and flora that have also been assessed and considered.

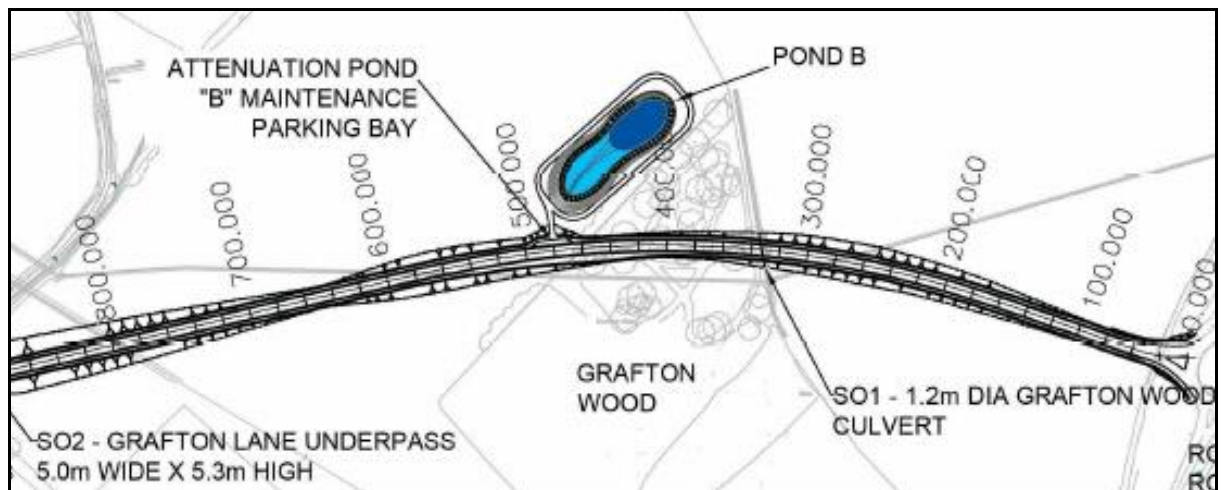
### **The proposal**

- 1.31 The SLR would be a standard two lane, single, all purpose, rural carriageway. The standard cross section is a 7.3m wide carriageway with two 1m wide hard strips to assist with carriageway surface water thus giving an overall total hard surfacing width of 9.3m. On the 'Clelonger Link' the hard strips are omitted, giving an overall hard surfacing width of 7.3m. The surfacing proposed is a thin tarmacadam based material, with high friction surfacing at some locations. The function of the proposed verges (that would be about 2.5m in width) alongside the carriageway are to locate highway features such as road signs, safety barriers, drainage pipes / chambers and ducting for communication devices and electronics. Street furniture will be restricted to that required by current design standards. Lighting is not proposed for the scheme except for at the roundabouts to a distance of 133m along each link.
- 1.32 As a result of the landform and need to cross over key features and provide crossing points for vehicles, railway and wildlife, the proposals include a number of underpasses and overbridges along with associated embankments and cuttings.
- 1.33 There are eight structures proposed along the length of the route consisting of two bridge structures, one vehicle underpass, two bat underpasses and three culverts carrying watercourses.

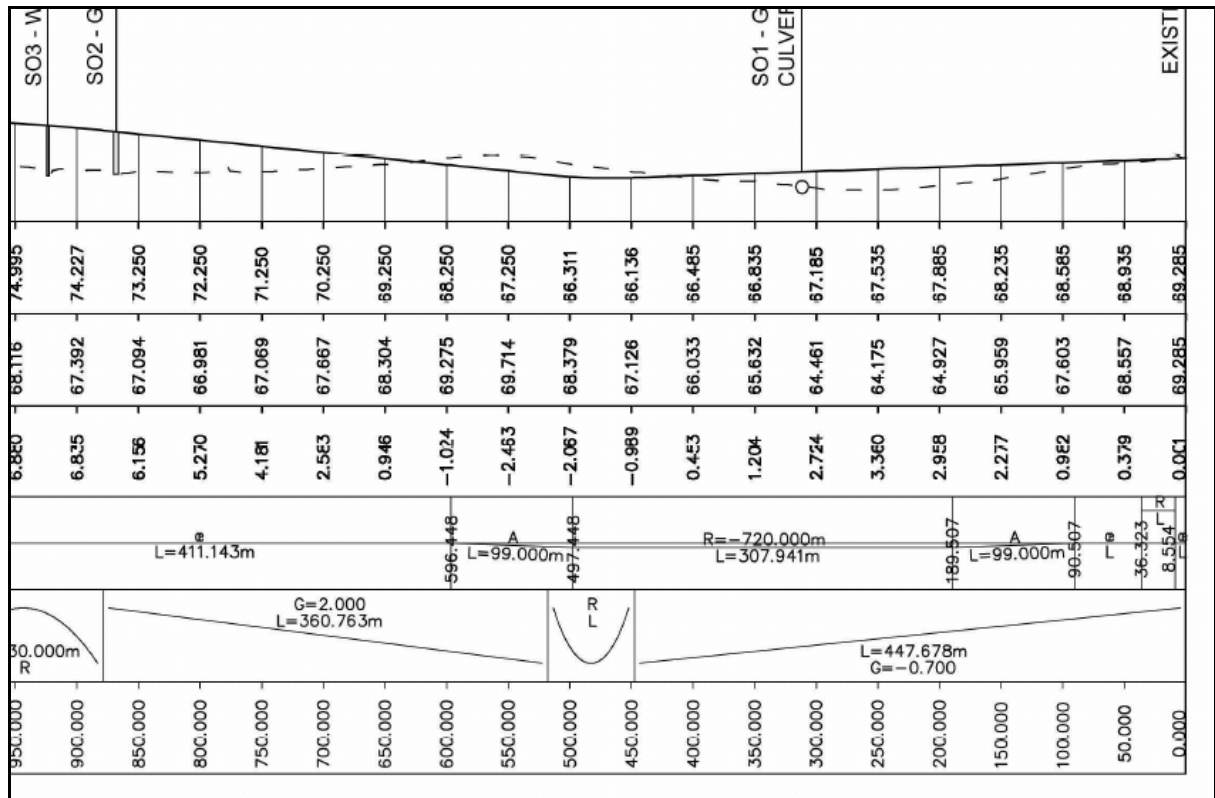
- 1.34 Taking these as the route travels from east to west, a 'Route Plan and longitudinal section plan' is provided with the application (Doc. 43) that identifies the route on an OS base, and a section detailing the existing ground levels and proposed carriageway level. The various sections of these are marked, in 50m sections. This is known as 'chainage' and is abbreviated as Ch. The levels differences are identified in detail on the plan extracts below so that it can be seen where the road is in cutting or on embankment. These will be referenced where appropriate.
- 1.35 To aid visualisation of the location of the structures and overall description of the route, extracts from Figure 3.3 of the ES – Route Plan and longitudinal section (Doc.43) have been inserted below and you will see the chainage marked in 100m sections along the roadway. The elevations / sections of the structures described can be seen on drawings SO1 – S08 (Docs 36, 130, 147). The existing ground level is shown by the dotted line and the proposed road level is detailed by the solid line.
- 1.36 It may useful to read the description below with the landscape mitigation plan in mind. This document, with its supporting information, provides a commentary on the overall landscape strategy for the route. An updated version of this was received in April 2016 (Doc. 148)

**A49 (T) Ross road to Grafton Lane (Ch0 – Ch880)**

*Figure 2 - Route Plan and longitudinal section (Ch0 – Ch880)*





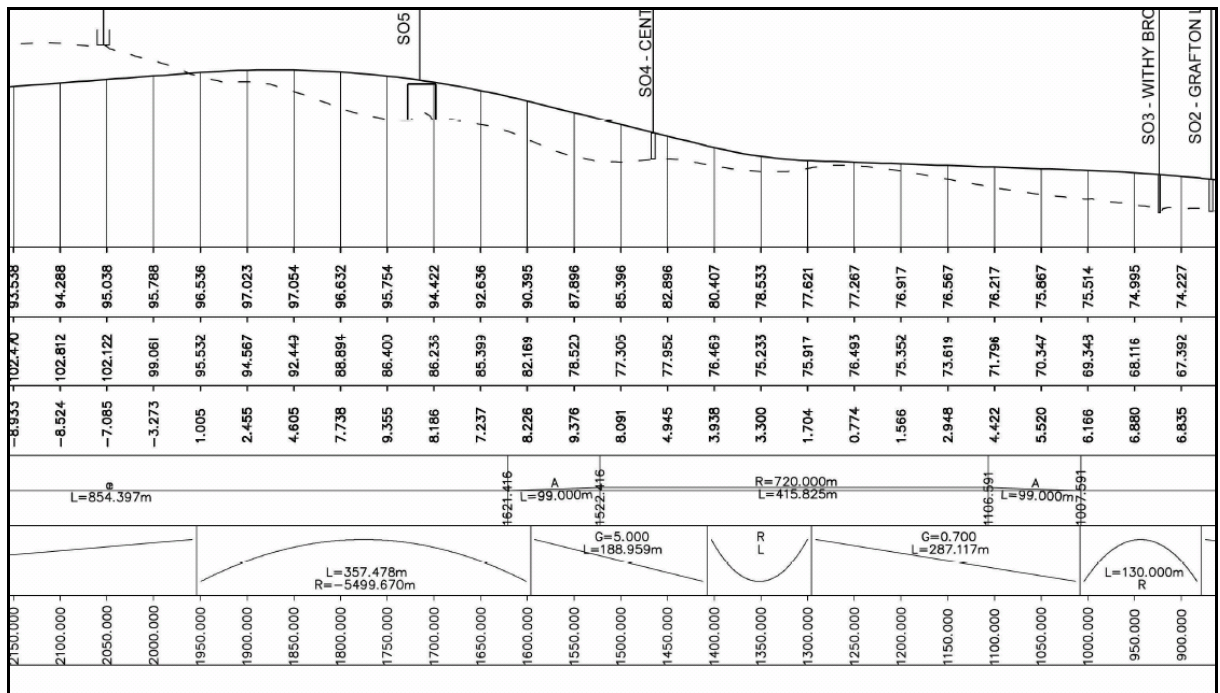
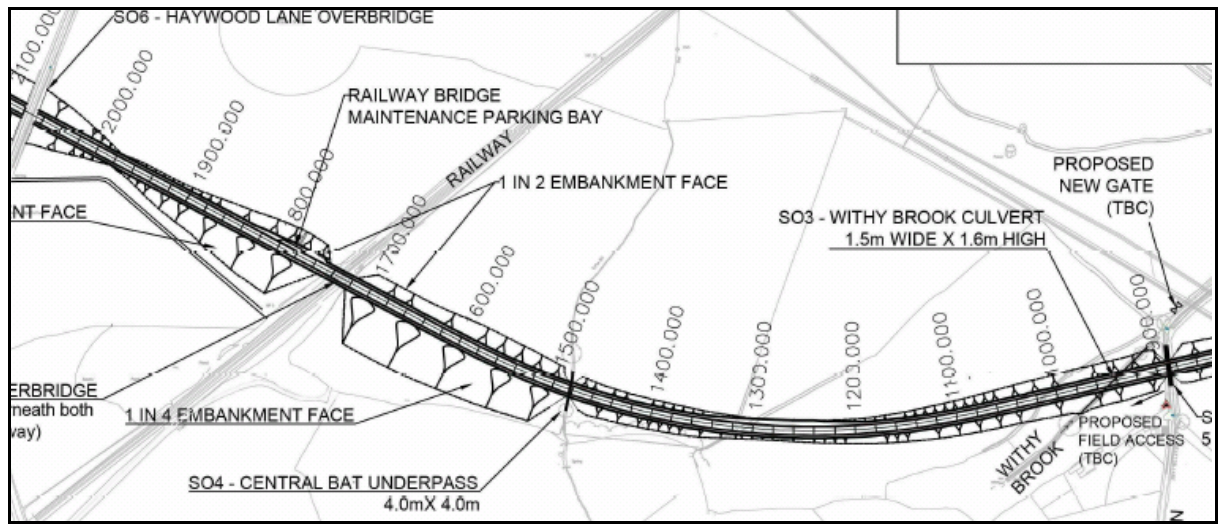


- 1.37 The proposed road would start as a new arm on the A49 / B4399 roundabout heading northwest through the existing hedgerow and across arable farmland towards Grafton Wood. This section of the SLR would start at existing ground level at the roundabout and would rise onto embankment increasing the height to about 3.3m above the existing ground level (at Ch 250) just before entering Grafton Wood.
- 1.38 The first structure / culvert (SO1) would be constructed at Ch310 and is referred to as Grafton Wood Culvert. The culvert is a standard precast culvert of 1.2m in diameter that allows the ditch to pass under the proposed road and is set into the embankment using small and reinforced concrete headwalls and wingwalls, with a safety barrier above.
- 1.39 The SLR continues from this culvert reducing in height to ground level and then heading into cutting as it leaves Grafton Wood to cross arable farm land at about 0.9m below existing ground level increasing in depth to about 2.4m below ground level (Ch550) before starting to gain height and entering embankment at Ch625 and then increasing in height towards Grafton Lane. At Grafton Lane, the proposed SLR would be about 6.8m above existing ground level (carriageway).
- 1.40 The application submission, in some areas, defines an area wider than the route corridor to include land that is required for construction purposes, drainage and mitigation. The triangular parcel of land to the south east of Grafton Wood and south of the proposed SLR is identified for use as the Eastern Construction Compound during the construction phase and upon completion would be planted as a rich native broadleaved woodland.
- 1.41 The embankment slopes along this first part of the scheme would be planted with scrub with the embankments heading towards Grafton Lane from Grafton Wood being planted in more locally native shrub species.

- 1.42 A flood attenuation and water treatment pond (Pond B) is also proposed to the north of the carriageway that would collect run off. This pond would treat and control the flow of discharge before it enters the field drain on the eastern boundary of Grafton Wood.
- 1.43 Lighting is proposed along the first 133m of the road, from the roundabout, that is already lit.
- 1.44 A section of public footpath would also need to be extinguished and a replacement section is proposed. Details of the PROW network and the proposed diversions can be seen on drawing number TRP / 02 / 02 – Proposed Public Rights of Way Network (Doc. 37)

**Grafton Lane to Haywood Lane (Ch880 to Ch2050)**

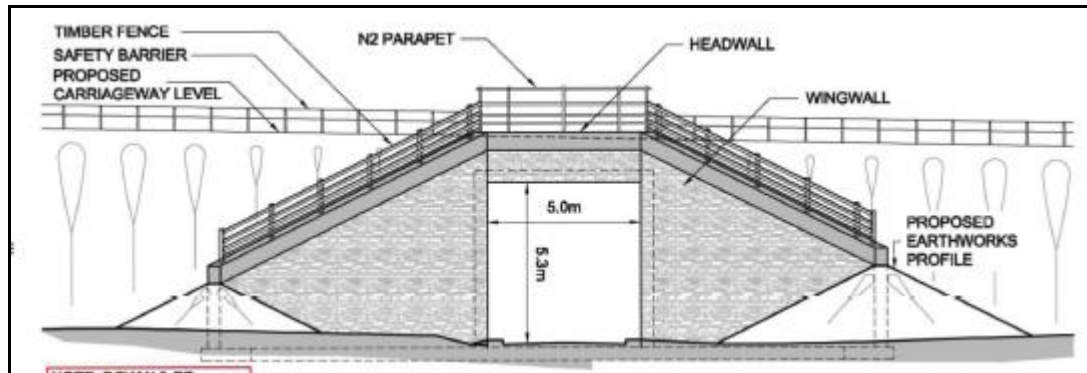
Figure 3 - Route Plan and longitudinal section (Ch880 – Ch2050)



- 1.45 The SLR rises on embankment, as described above, to cross over Grafton Lane. This proposed structure, described as the Grafton Lane Underpass (S02) effectively forms a bridge over Grafton Lane. Designed initially as a bat crossing (underpass) this was then increased in size to

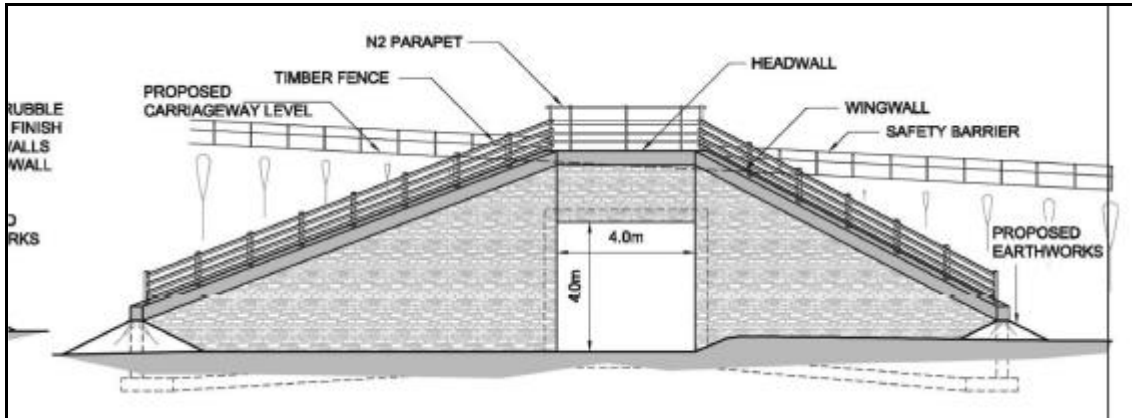
continue to allow vehicular access along Grafton Lane. The proposed underpass has a width of 5m and height of 5.3m. Height to the carriageway level is 6.8m and height to the top of the safety barrier/ parapet would be 8.2m.

*S02 – Grafton Lane Underpass*



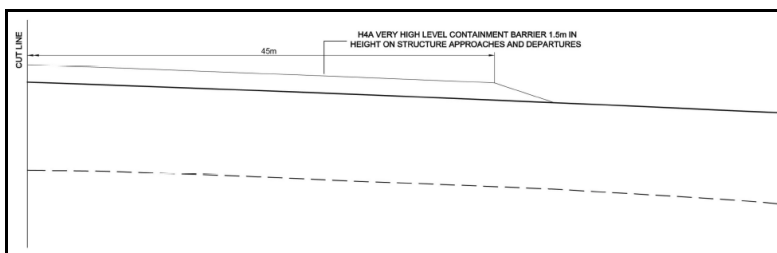
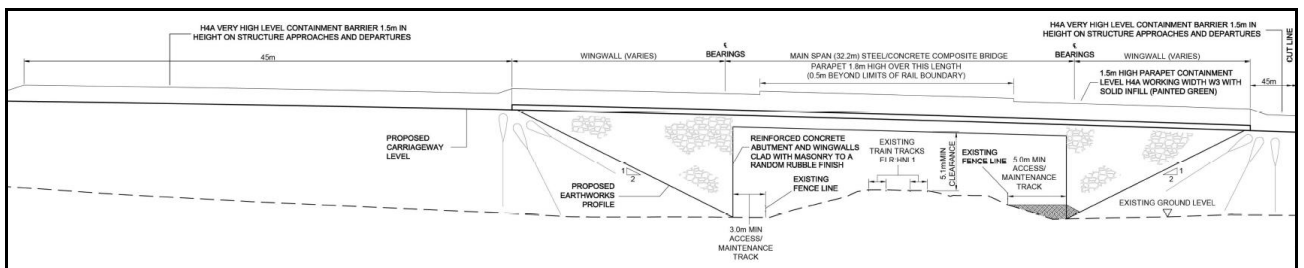
- 1.46 The span of the carriageway and verges above this underpass is 15.54m. Proposed earthworks, planted with shrubs, will form embankments to either side of the structure, continuing in either direction at the height of the carriageway. Wingwalls some 10.5m in length and finished in rubble masonry will project to either side of the structure for around a width of 8m. The height of these will reduce from 7m to 2m as they move inward. It is not intended to light this underpass.
- 1.47 Details of the options and justification for this proposed structure, in terms of its purpose, size and scale were submitted as part of the second submission of information (Doc. 109) and are discussed in more detail later in the report.
- 1.48 A new access gate off Grafton Lane, to the south of the proposed SLR is proposed to allow landowners to access the fields to the west of Grafton Lane.
- 1.49 To the south of this underpass is a dwelling known as The Green. This dwelling lies approximately 50m to the south of the carriageway and 35m from the edge of the embankment.
- 1.50 The SLR continues southwest on embankment across the arable farmland until Ch1250 where it then turns northwest toward the railway line. The height of the embankment would fall from about 6.8m above existing ground levels at Grafton Lane to about 0.7m above existing ground levels at CH1250. It then increases in height towards the railway line to about 9.3m above the existing ground level. The embankment slopes from ch880 to 1250 would be at a 1 in 2 gradient, planted with locally native shrubs. Species rich native hedgerows with intermittent trees planted at the base of both embankments. The hedgerow would also continue along the base of the northern embankment which would be planted with scrub.
- 1.51 The Withybrook Culvert (S03) is accommodated at Ch950 to allow the SLR to cross over the brook. This has a skewed arrangement within the proposed embankment with a low (max height 2m) concrete headwall and wingwall. The culvert will have a maximum height of 2m, with a timber fence above
- 1.52 A 'Bat' Underpass (SO4) is also proposed at Ch1460 and has been designed for ecological mitigation purposes, to allow bats to pass beneath the proposed scheme. No allowance has been made for farm vehicles to use this. The underpass will be built into an embankment and will have a height of 4m and a width of 4m.

## S04 - Central bat Underpass



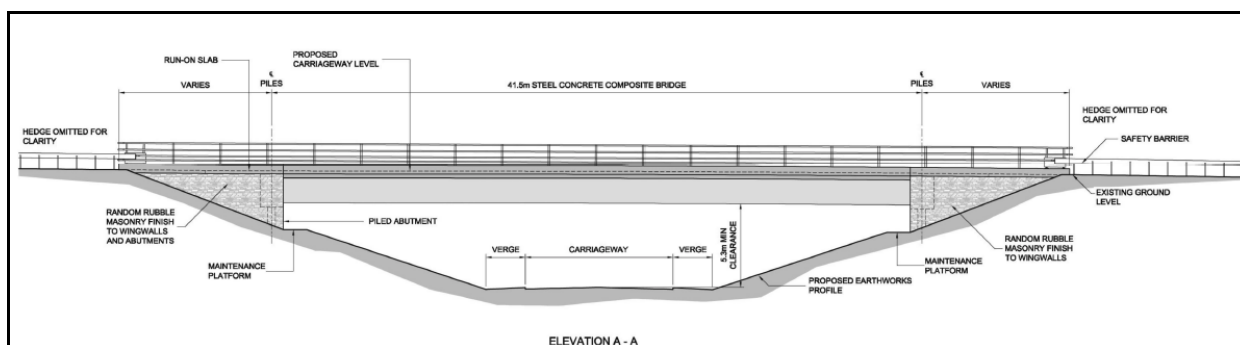
- 1.53 The carriageway above is 15.5m wide. The height of the carriageway at this point is 6.3m above ground level, with safety barriers above. Wingwalls, in rubble masonry finish will extend to either side reducing from a height of 6.5m to approximately 1.8m (although there is some variance due to the height of the ground levels to either side).
- 1.54 Both of these structures would be contained within embankments as the SLR progresses towards the railway underbridge. The proposed southern embankment slopes are relaxed to 1 in 4 slopes and would be planted with locally native shrubs and intermittent trees and species rich hedgerows. Woodland Edge planting is proposed along the base of the embankment to integrate the planted slope with the existing woodland alongside the railway line.
- 1.55 The SLR crosses the Hereford to Newport railway line at Ch1700 and at this point the structure referred to as 'Railway Underbridge (SO5)' is required. The railway underbridge superstructure has been designed to ensure compliance with the minimum headroom requirements for the railway. Plans that amended this design were received in April 2016 (SO5 Rev B) (Doc's. 130 and 147)
- 1.56 The structure provides a 5.1m high clearance above the railway line. The height to carriageway above the railway line would be approximately 7m with a 1.8m high parapet above the rail boundary (22.8m in width). This parapet reduces to 1.5m in height for 45m in either direction along the embankment adjacent to this structure.

## S05 – railway Underbridge (including parapets)



- 1.57 The main span of this bridge across the railway is 32.2m, the railway line itself already lies on an embankment and therefore the road is raised on either side, on embankments to provide this clearance over the railway. The structure itself, including its wingwalls and embankments with the structure itself extends 69m in length. In addition to this, the parapet wall described above, extends a further 45m in each direction making the total span nearly 160m. The proposed wingwalls will be constructed using masonry to a random rubble finish and will extend in line with the railway and embankments, with reinforced soil abutments with sleeved piles, at a now proposed 1 in 2 slope alongside. The height of the carriageway above existing ground level, at the point adjacent to the railway lines embankment (when measured at existing fence line), will be approximately 9.5m.
- 1.58 Maintenance / access provision is detailed to either side of the underpass and it is noted that the public right of way (footpath HA7 from byway HA14) to Haywood Lane would be diverted under the proposed railway underbridge.
- 1.59 The proposed SLR then continues in a northwest direction across arable farmland initially on embankment before moving into cutting (Ch1970) to travel below Haywood Lane. The height of the embankment falls from around 9.5m above ground level where it crosses the railway to ground level at Ch1970 (the ground level slopes upwards here from the railway line towards Haywood Lane) and then enters a cutting to a depth of about 7m below existing ground level. The actual carriageway level height at the railway overbridge is about 1m higher than when in cutting under Haywood Lane.
- 1.60 The Haywood Lane Overbridge (SO6) has been designed in a similar manner to the railway underbridge. This bridge will have a span of around 60m (including the barrier along Haywood Lane) but the bridge itself would have a span of 41.5m. The structure will provide a 5.3m clearance above the carriageway, but the height from the new carriageway to the existing carriageway above would be 6.4m. Embankments to either side are quite shallow (1 in 4) with wingwalls to either side being a maximum of 9m adjacent to the Haywood Lane carriageway.

*S06 – Haywood Lane Overbridge*

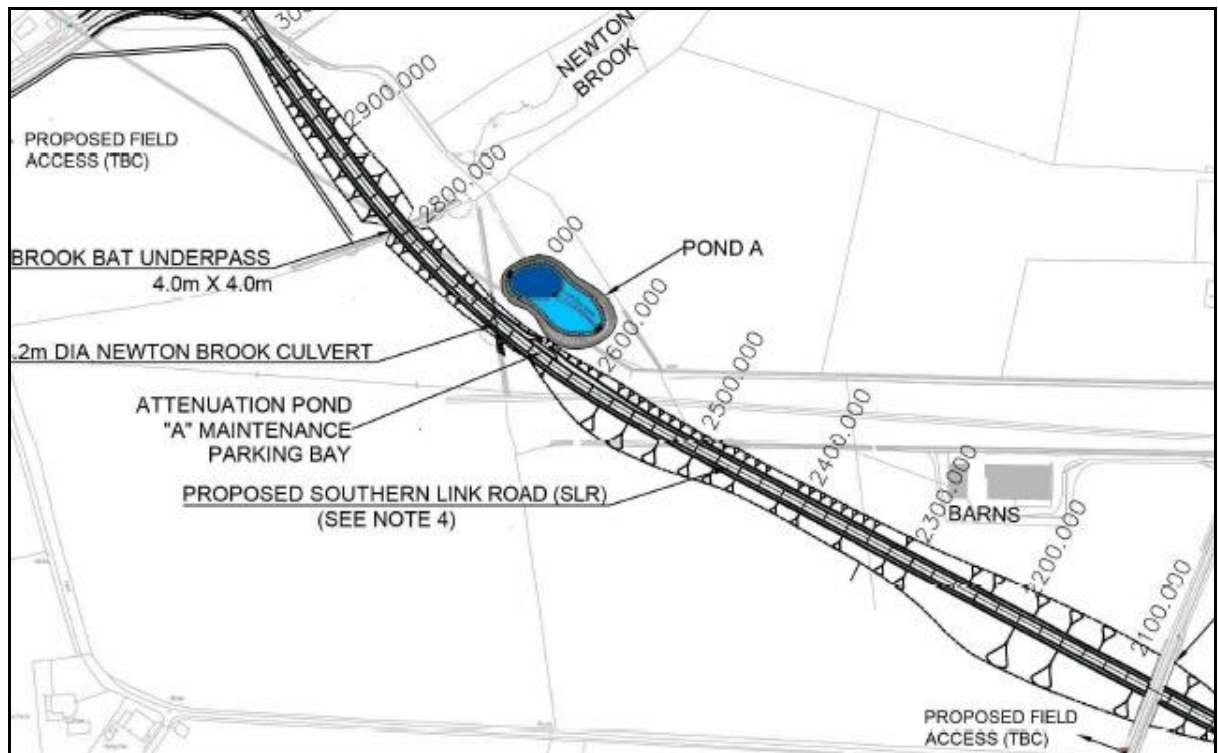


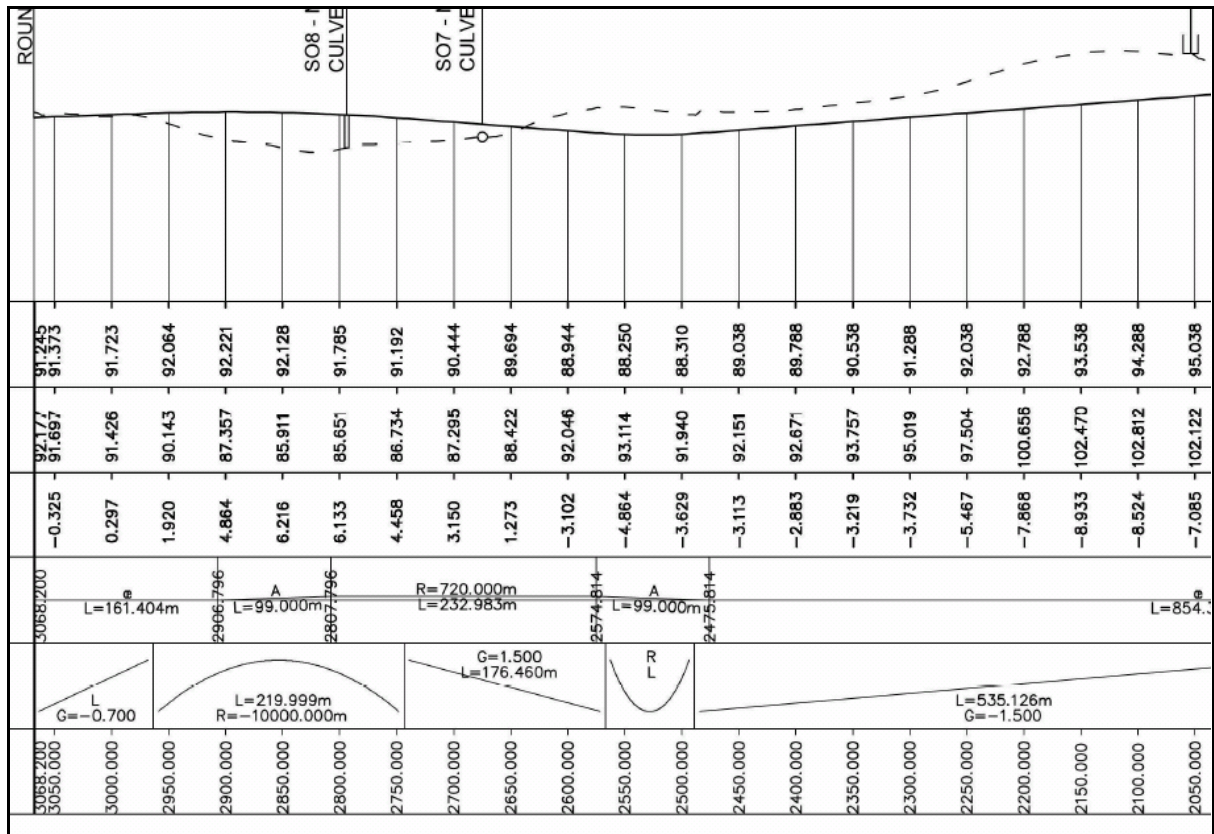
- 1.61 Again, these will be finished in a random rubble masonry finish. The southern embankment slopes would be planted with locally native shrubs and intermittent trees. The northern embankment slope would be at a 1 in 2 gradient planted in scrub (Ch 1700 to 1970).
- 1.62 To the south of the proposed SLR, and to the west of Haywood Lane, lie a cluster of residential properties and farms. The most northerly dwellings are 1 and 2 Haywood Lodge Cottages, with The Granary, Oakview, The Piggery (Grade II listed) and Roman Byre slightly further south with Haywood Lodge Farmhouse being situated to the rear (west) of these dwellings. Haywood Lodge (Grade II\* Listed) and its associated outbuildings, gates and piers (Grade II Listed) lie further south again, before the point where the railway line passes under Haywood Lane.
- 1.63 New access gates are also proposed off Haywood Lane to the south of the SLR (opposite Roman Byre) to allow access to the land.

- 1.64 Surface water run off from verges, embankments and surrounding land in this section would be collected in grass lined swales and filter drains and would discharge to the Withy Brook. Run off from the carriageway would be collected to gullies along the carriageway. The SLR reaches a high point at Ch1850 (approx. halfway between the Railway Underbridge and the Haywood Lane Overbridge.) All carriageway run off to the east of this point would be conveyed by a series of buried pipes to the proposed flood attenuation and water treatment pond (Pond B) at Ch 460 to the north of Grafton Wood.
- 1.65 During construction, an area of land to the north of the SLR at the Haywood Lane Overbridge, west of Haywood Lane is also proposed as the Central Construction Compound. Construction compounds can be seen on Doc 42.

**Haywood Lane to the A465 Abergavenny Road (Ch2050 to Ch3060)**

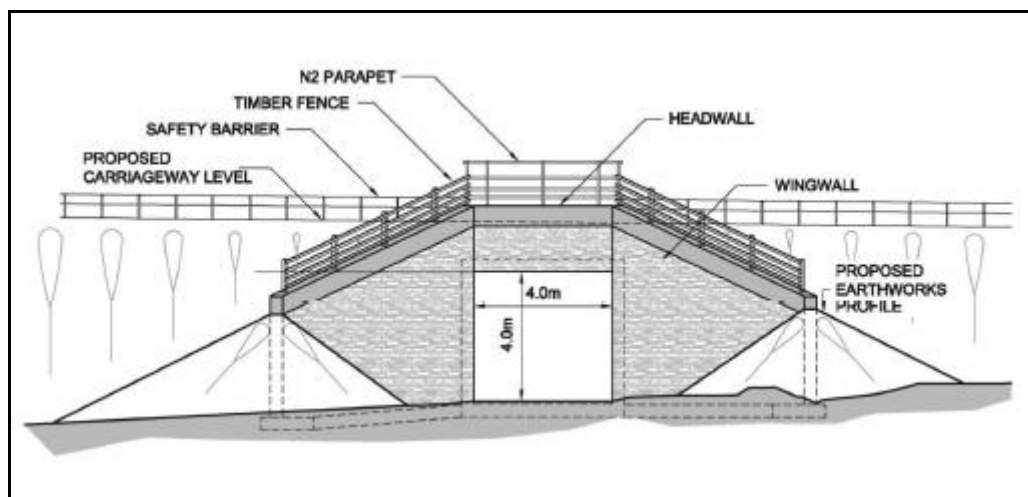
*Figure 4 - Route Plan and longitudinal section (Ch2050 to Ch3060)*





- 1.66 The proposed SLR continues from the Haywood Lane Overbridge (Ch2050) in cutting in a North West direction towards the A465 until Ch2650 when it moves into embankment and continues until its intersection with the A465 south of Hayleasow Wood. The depth of cutting varies from 8.9m below ground level just west of Haywood Lane and on average achieves a depth of around 3m below ground level. The embankment raises from ground levels at Ch2650 to a maximum height of 6.2m above existing ground level before meeting existing ground level just east of the A465. Within the embankment, two structures are formed.
- 1.67 The first at Ch2675 is the Newton Brook Culvert (S07). This culvert allows the SLR to cross Newton Brook and is constructed in a skewed arrangement. This would be a standard 1.2m diameter concrete culvert that is set into the road embankment below existing ground level. The height of the concrete structure above ground level is just 800mm. A safety rail, in the form of a timber fence, is provided above.
- 1.68 The second structure that would also be in embankment at Ch2790 is known as the Newton Brook Bat Underpass (S08). The underpass has been designed for ecological mitigation purposes, to allow bats to pass beneath the proposed scheme. No allowance has been made for farm vehicles to use this but it is noted that the route of the proposed diverted Public Right of Way is via this underpass. The underpass will be built into an embankment and will have a height of 4m and width of 4m. The carriageway above is 17.5m wide. The height of the carriageway at this point is 6m above ground level, with safety barriers above. Wingwalls, in a rubble masonry finish will extend to either side reducing from a height of 6.5m to approximately 1.8m (although there is some variance due to the height of the ground levels to either side).

## S08 – Newton Brook Bat Underpass

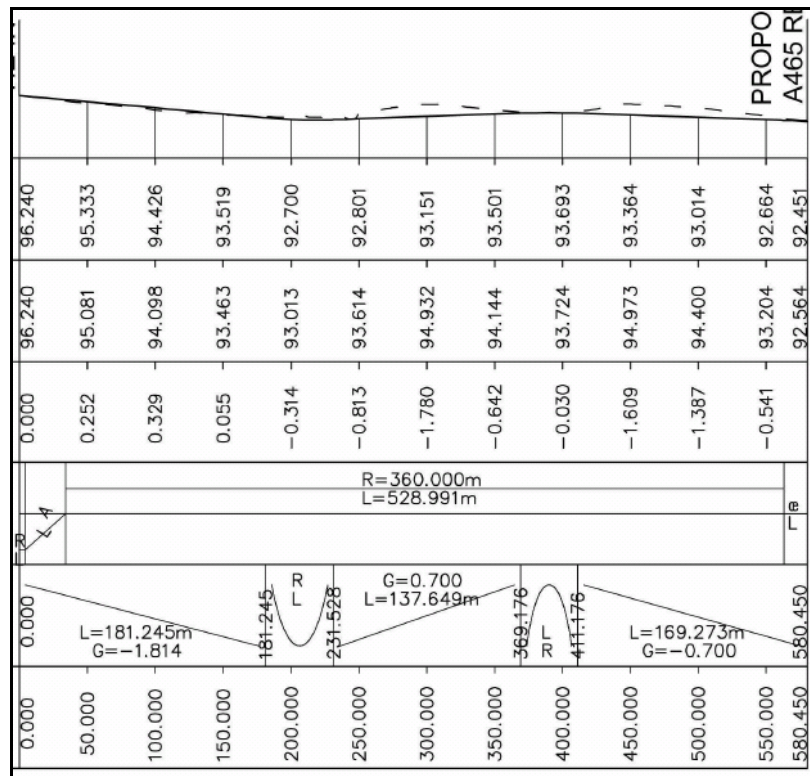
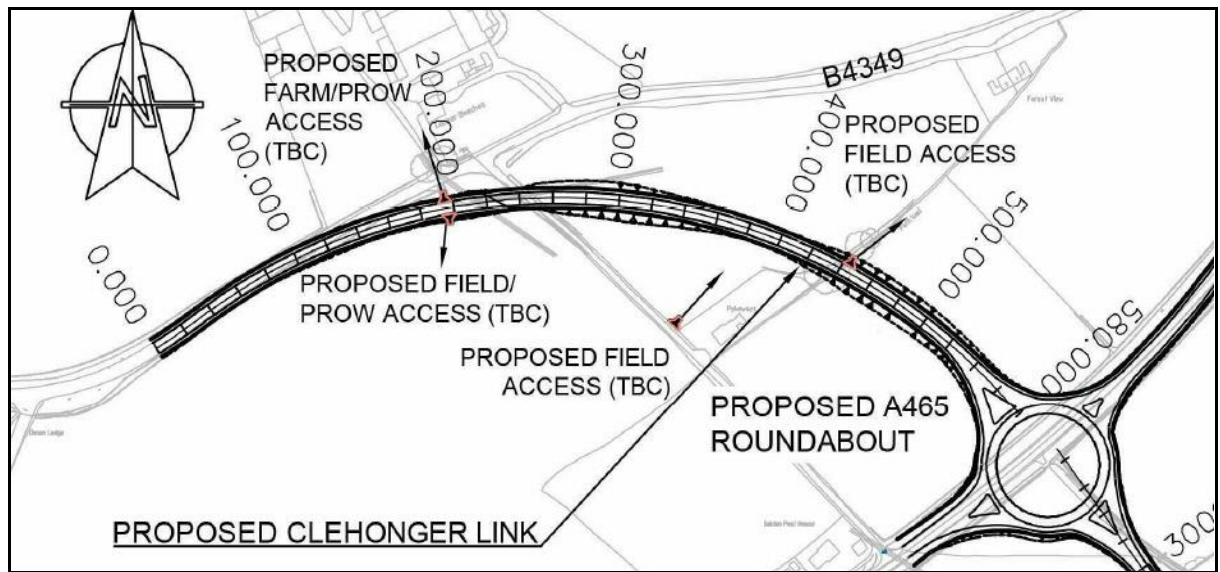


- 1.69 The cutting and embankment slopes would be planted with scrub. Species rich native hedgerows with intermittent trees would be planted at the top of the northern cutting slope and at the base of the northern embankment between Ch2550 and Ch3060 and would integrate with the existing hedgerows along the A465.
- 1.70 A section of Public Footpath (HA3) which runs from Haywood Lane to the A465 would be diverted at the corner of Hayleasow Wood and follow a new alignment under the proposed Newton Brook Underpass linking up with public footpath HA6 which then leads to the A465.
- 1.71 Run off from verges, embankments and the surrounding land would be collected in grass lined swales and would discharge into the Newton Brook. A flood attenuation and water treatment pond (pond A) is located to the south of Hayleasow Wood. Run off from the carriageway would be collected in a number of gullies alongside the carriageway and conveyed to Pond A where it would treat and control the flow of discharge before entering Newton Brook to the south of Hayleasow Wood. A layby is located off the eastern carriageway of the SLR adjacent to Pond A to allow access for maintenance.
- 1.72 During construction, the land to the south east of the A465 and south west of the SLR would be used for as the Western Construction Compound.



## A465 to the B4349 – The Clehonger Link

Figure 5 - Route Plan and longitudinal section (Ch0 to Ch580 – the Clehonger Link)



- 1.73 A new roundabout is proposed to on the A465 to link to the proposed SLR to the A465. The roundabout would be planted with species rich grassland and would be lit from the roundabout for a length of 133m
- 1.74 A new link road from the roundabout, about 580m long, is also proposed to connect the B4349 at a point to the south of Clehonger Court and Copper Beeches. The Clehonger Link would lie within a small cutting (at deepest 1.78m below ground level), the slopes of which would be planted with scrub and a species rich native hedgerow. The proposed road passes to the eastern side of the dwelling known as Pykeways and south west of properties known as 1 and 2 Forest View that front the B4349. The road also crosses an unclassified road (U73200) that runs between the A465 and B4349.

- 1.75 Short sections of the B4349 (Clelonger Road) and the unnamed highway U73200 near to Clelonger Court will be stopped up to motorised traffic. Access to Pykeways will be from the A465 end of the U73200 only. Access to the properties east of the stopped up section of the B4349 (Clelonger Road) that lies to the east of Clelonger Court and as far as the A465, will be accessed via the existing A465 / B4349 junction. Through routes will be retained for equestrians, cyclists and pedestrians. No specific details of these works have been submitted with this application. The B4349 would intersect with the A465 via the new link road and new roundabout on the A465.
- 1.76 New field accesses are also proposed off the Clelonger Link to allow landowner access to the land on the north; off the U73200 adjacent to Pykeways to allows access to the land to the west of the link road and off the proposed road opposite Clelonger Court for access to land to the south of the of the link road where is re-joins the existing alignment.

## **The Applicants Case**

### The Need for the Scheme

- 1.77 The application documentation sets out the background to the submission of this application. The Southern Link Road (SLR) is one part of a much wider aspiration identified in the Local Transport Plan (2013 – 2015) and draft Local Transport Plan (2015 – 2031) that outlines the strategy to support economic and social inclusion within the county by providing an efficient transport network and improving accessibility to services.
- 1.78 The Marches Local Enterprise Partnership has identified the road network as a key barrier to future growth in the South Wye area, including the Hereford Enterprise Zone. The LEP Strategic Economic Plan sets out that investment in a number of transport infrastructure projects is required to alleviate congestion, provide access to markets and enable the movement of people and to lead to the creation of jobs and homes across the city. The scheme is identified by the LEP as being crucial for the long term vision for growth in Herefordshire and is a key part of the infrastructure requirements set out in the Council's Core Strategy.
- 1.79 Alongside these the Herefordshire Local Plan - Core Strategy has emerged and was adopted in October 2015. The Core Strategy guides development and change in the County up to 2031. This document also identifies the need for the Hereford Relief Road and identifies a Relief Road corridor. The proposed SLR sits within the southern section of the relief road corridor.
- 1.80 The proposed SLR aims to support the Council's aspirations for the sustainable growth of the Hereford while tackling the various issues associated with congestion within the South Wye Area. The level of congestion along the A465 has resulted in poor levels of air quality, noise, and low public transport usage. Due to issues with public transport, a high proportion of short distance trips are made by car. This in turn has led to less physical activity, resulting in increased levels of obesity and greater health problems. These problems are expected to increase if no action is taken.
- 1.81 The SLR forms part of the South Wye Transport Package (SWTP), the wider strategy to improve transport conditions in Hereford, South of the River Wye. Collectively the SWTP is the outcome of a study which has examined the transportation problems and which seeks to meet the following stud objectives:
- Reduce congestion and delay
  - Enable access, particularly to developments such as the HEZ at Rotherwas industrial estate;
  - Reduce growth in emissions of carbon dioxide; mono-nitrogen oxides and airborne particles
  - Encourage physical activity; and
  - Reduce road accidents
- 1.82 As a result four options were assessed against these objectives and the only option that that fully achieves all six objectives was the 'SLR + sustainable transport max' option. Conversely, the sustainable transport measure on their own or the SLR on its own, are not considered sufficient to address all the objectives.

1.83 An extract from the South Wye Transport Package leaflet dated July 2014 is detailed below:

Objectives	Package approach			
	Traffic Max	Sustainable Transport Max	New Southern Link Road (SLR)	Sustainable Transport Max and New SLR
Reduce congestion and delay	—	—	✓	✓
Enable access, particularly to developments such as the HEZ	x	x	✓	✓
Reduce the growth in emissions such as CO <sub>2</sub> , NO <sub>x</sub> and PM <sub>10</sub> s	x	✓	—	✓
Reduce traffic noise	x	✓	—	✓
Encourage physical activity	x	✓	—	✓
Reduce accidents	—	—	✓	✓

x Does not meet objective  
 — Partially meets objective  
 ✓ Fully meets objective

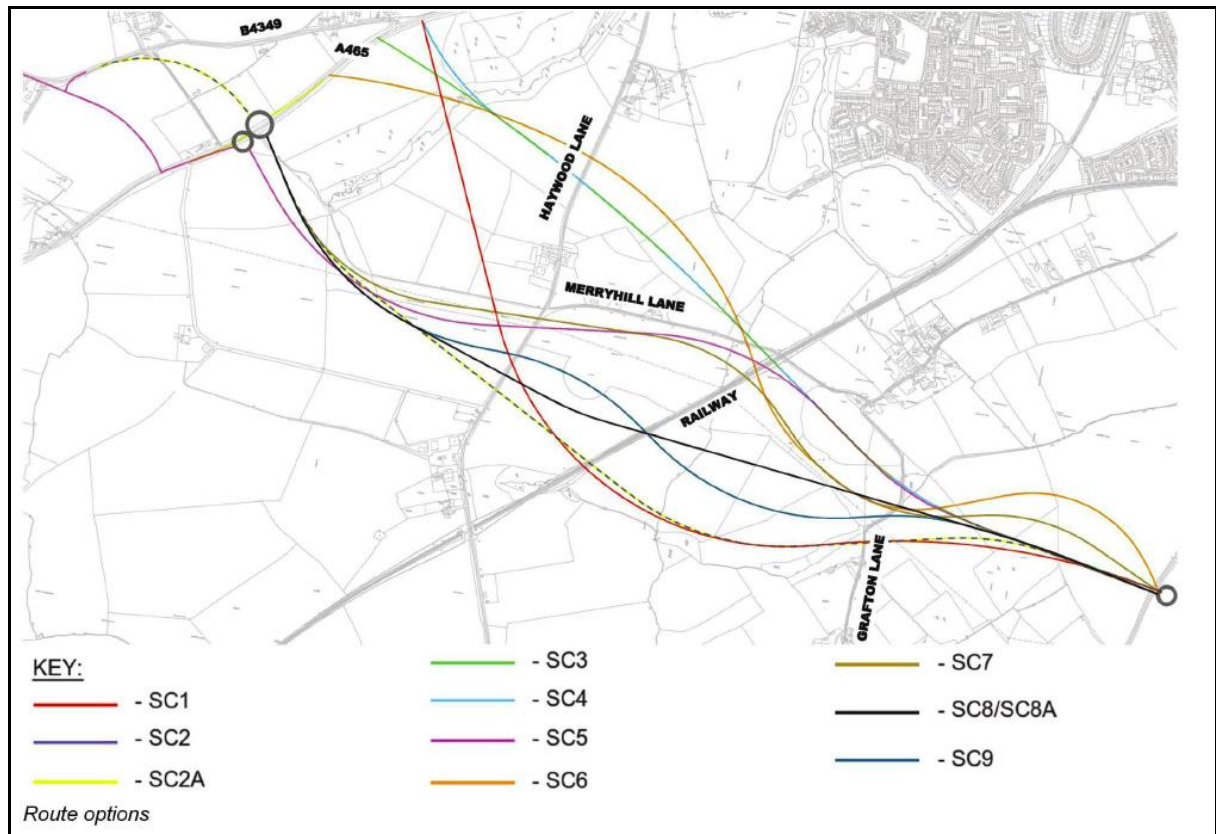
1.84 As a result, and in conjunction with the proposals for the SLR, a set of measures to improve travel for pedestrians, cyclist and bus users are currently being identified and progressed for locations across South Hereford including the Belmont Road and Holme Lacy Road. These measures, together with the SLR, comprise the SWTP. If nothing is done it is predicted that there will be an increase in congestion along the A465 as a result of economic growth with the following consequences:

- Further severance within the community due to greater levels of traffic
- Lower accessibility to public transport and less use of roads for walking and cycling resulting in less physical activity
- Longer public transport journey times due to buses being stuck in greater queues
- An increase in heavy goods vehicles creating more noise, air pollution and further reduction in perceived pedestrian and cyclist safety
- Further social deprivation as a result of constrained economic and housing development

1.85 Without the SLR the transport objectives within the South Wye area could not be achieved. The result of this would be that economic growth at the HEZ would be impacted and congestion could not be reduced

#### Alternatives Considered

1.86 Solving traffic problems on the A465 has been an issue for a number of years. Studies carried out in 2012 identified the 'Hereford Relief Road' as a key component in order to reduce current congestion levels within the city, one of which being the 'Southern Corridor' study. An investigation for 'The Hereford Relief Road Southern Corridor assessment (2012) included and identified six route options. These were further enhanced, within the 'Belmont Transport Package' that pre-dated the SWTP to eight different options in December 2012: SC1, SC2, SC2A, SC3, SC4, SC5, SC6 and SC7. These are shown on the figure below:



1.87 Assessment work undertaken in 2013 ruled out 4 of these as the appraisal illustrated that these options do not represent practical solutions to the transportation problems. This is due to the environmental considerations and the effect on additional properties in the vicinity of the B4349 / A465 junction as the proposed connection to the A465 would enlarge the current junction.

1.88 The remaining four options were presented at public consultation in July / August 2014.

- **SC2** – Located at the southern end of the previously identified SLR route corridor. The road crossed over the railway line and underneath Haywood Lane
- **SC2A** – Variation on SC2 whereby the road crosses underneath the railway line
- **SC5** – Located further north of the SC2 / SC2A within the SLR Route Corridor and south of Merryhill Lane. The road crosses underneath the railway line and Haywood lane.
- **SC7** Roughly similar to SC5 but more twisted in nature thereby avoiding a number of environmental constraints.

As a result of this consultation, three alternative alignments were suggested; SC8, SC8A and SC9, leaving seven final route options.

1.89 The preferred options report was completed following the public consultation. This describes the results of the approval of the various route options. The report followed the principles of government guidance, with a review against stakeholder acceptability and deliverability, with the objective of providing a recommendation for a preferred route. Each route option was assessed in terms of engineering considerations, economic outcomes, impact to the environment and social implications.

1.90 The results of the appraisal demonstrated that all of the options provide many benefits to the economy, including reduced congestion and improved journey times. All options cross greenfield land and have a negative impact on the environment including increased traffic noise, reducing air quality and impact to the landscape and heritage.

1.91 The appraisal work demonstrated that option SC2 was the best performing option within the technical appraisal. This option also received the highest level of support as a proportion of feedback received of the four that were taken to public consultation. The recommendation was then considered by the Council and SC2 was confirmed by Cabinet on the 18<sup>th</sup> December 2014 as the preferred route for the scheme to proceed to a planning application and a further public *pre-planning* consultation event took place in January 2015.

- 1.92 A detailed summary of all of the consultation processes since Summer 2014 has been provided within the South Wye Transport Package Report on Consultation (Docs 69 – 73)

#### The application

- 1.93 The planning application solely covers those works required to construct the SLR. The Transport Assessment reflects this approach and its coverage is restricted to the SLR. Reference is made throughout the documentation to the non-SLR parts of the SWTP to enable better understanding of the context to an overall future strategy for transport in the area.
- 1.94 Within the accompanying ES and supplementary information, the applicants assess the environmental effects of the construction and operation of the proposed SLR and identify adverse and beneficial impacts, together with measures (mitigations) that are proposed to avoid, reduce or offset these. These issues will be considered in detail in this report. A Non-Technical Summary of the Environmental Statement is provided that summarises the main points of the ES and its findings. (Doc. 44)

#### Southern Link Road Transport Assessment

- 1.95 Alongside this is the ‘Southern Link Road Transport Assessment’ (TA) (Docs 75 – 86) that makes a detailed assessment of the impact of the proposed development. This document and its findings are summarised by the applicants in an Executive Summary as follows:

*This Transport Assessment accompanies the planning application for the construction of the Southern Link Road (SLR) and Clehonger Link and associated works (referred to as the application development) to the south-west of Hereford. The SLR will connect the A49(T) to the A465, whilst the Clehonger Link will divert the B4349 Clehonger Road to connect to the SLR. These two sections of new road form part the South Wye Transport Package (SWTP), the wider strategy to improve transport conditions in Hereford south of the Wye. In conjunction with progressing proposals for the SLR and Clehonger Link, a set of measures to improve travel for pedestrians, cyclists and bus users are currently being formulated and identified for locations across South Hereford.*

*Traffic modelling was undertaken to understand the forecast impact on traffic flows in 2017 and 2032 with the development (Do Something scenario) and without the development (Do Minimum scenario). This indicates that, in the opening year, the average daily two-way traffic flow on the SLR is forecast to be 6,443 PCUs. This is forecast to rise to an average of 11,517 PCUs in the design year of 2032. Average daily two-way traffic on the Clehonger Link is forecast to be 9,971 PCUs in 2017, rising to 14,676 in 2032.*

*The modelling indicates that with the SLR and Clehonger Link opened, traffic flows are forecast to decrease on key sections of the A49(T), the A465, Walnut Tree Avenue, Holme Lacy Road, the newly-created cul-de-sac section of Clehonger Road and rural roads south-west of Hereford. Traffic is predicted to increase on sections of the A49(T) and A465 closest to the SLR, as traffic re-routes to use the new roads. This indicates that the proposed road is fulfilling its intended purpose, with traffic diverting to the new route, and creating spare capacity on the A49(T), some of which has subsequently been partially filled by traffic from new developments.*

*In the 2017 Do Something scenarios only one turning movement on the A49(T) corridor is forecast to have an increase in traffic in excess of 30 PCUs (Passenger Car Unit) per hour. This is the A465 to A49 northbound movement at the Asda junction in the AM peak period, with an increase of 41 PCUs. The increase is balanced out by a forecast reduction in other movements from the A465 arm.*

*Many of the patterns in traffic flow changes forecast for 2017 and similarly forecast to occur in 2032, set against a general context of higher traffic flows across the whole network. Where increases in traffic flows are forecast to occur on the key corridors (A49, A465, Walnut Tree Avenue and Holme Lacy Road) they tend to be small absolute increases, within the daily variation of traffic flows on the roads and are similar to the increase in traffic flows which would occur if the SLR and Clehonger Link were not constructed.*

*The eastern roundabout (A49(T)/B4399/SLR junction) is forecast to operate within capacity in the 2017 opening year in all modelled time periods. In the 2032 design year, the roundabout is predicted to operate just within capacity in all tested time periods. However, much of the predicted delay would similarly occur in the Do Minimum scenario and is thus not attributable to the construction of the proposed development. The western roundabout (A465/B4349/SLR junction) is predicted to operate within capacity in all tested scenarios.*

*The SLR / Rotherwas Access Road route is predicted to provide significant journey time improvements in comparison to the existing route via Walnut Tree Avenue and Holme Lacy Road. Journey times on the A465 corridor in future year scenarios are predicted to be shorter with the SLR in place than equivalent journeys in scenarios where it is not built. The implementation of the sustainable transport measures as part of the SWTP is anticipated to lead to a mode switch from journeys currently made by private motor vehicle to non-car modes. The modelling does not take explicit account of the effects of this on volumes of motor vehicle trips and thus represents a worst-case traffic scenario.*

*It has been assumed that a TRO will be made restricting HGVs from using the A465 Belmont Road. Without the TRO, fewer vehicles are forecast to re-route onto the SLR. In respect of both of these matters the TA therefore reports a 'worst-case' scenario. A Construction Traffic Management Plan will address impacts arising from construction vehicle trips and set out the traffic management to be put in place for general traffic, which would enable the scheme to be safely constructed.*

*It is considered that the TA demonstrates that the proposed development is acceptable in respect of transport and access matters and in compliance with the relevant policies in the development plan. There are not considered to be any transport reasons for refusing this planning application.*

#### Understanding the impacts upon traffic movements

- 1.96 At officers` request, and in response to representations received challenging the benefits stated in the TA, the applicant provided a further document as part of the second round of consultation in October 2015. This document (doc 122) titled Briefing Note – transport Impacts and benefits arising from SLR (including figures) presents information on the traffic impacts which are predicted to arise as a result of the SLR and Clehonger Link being constructed. Four key corridors are considered, as follows:

- East-west journeys south of Hereford city;
- Access to the HEZ;
- A465 Belmont Road corridor; and
- A49 Ross Road corridor

A summary of this document is below, with the full document that provides a detailed overview of the impacts on traffic movements can be seen online at:

<https://www.herefordshire.gov.uk/documents?id=c41d8e8c-6c06-11e5-94b9-0050569f00ad>

1.97 As is the case with any new section of road, the opening of the SLR and Clehonger Link will be associated with the rerouting of traffic in the area as vehicles are attracted to the new route, to take advantage of a reduction in journey time and improvement in accessibility. As a consequence some of the existing local routes in the surrounding area will experience a net reduction in traffic flow and others (particularly those close to the new road) will experience a net increase.

1.98 East-west journeys south of Hereford city:

There is a network of roads south-west of Hereford in a broad arc between the B4349 (connecting Hereford to Hay-on-Wye) and the A49 (connecting Hereford to Ross-on-Wye). Several of these routes are currently used to avoid congestion elsewhere on the highway network.

They include:

- Haywood Lane (with connections onto the A49 at Callow Marsh or at the top of Callow Hill);
- B4348 between the A465 at Lock's Garage to the A466 at Wormelow; and
- The lane between Haywood hamlet and the B4348 near The Tram Inn.

The document looks at these exact numbers and routes in more detail with the predicted changes in traffic volumes being detailed in the table below: but is summarised as follows:

**Table D – Predicted changes in traffic volumes on selected roads south-west of Hereford for selected peak hour movements**

Route	Direction and peak hour	PCUs					
		2017			2032		
		Do minimum	Do something	Change	Do minimum	Do something	Change
C1226 Haywood Lane	AM Peak southbound	252	114	-138	464	287	-177
	PM Peak northbound	136	56	-80	254	61	-193
B4348 between A465 & A466	AM Peak eastbound	346	69	-277	556	91	-465
	PM Peak westbound	293	104	-189	530	128	-402
C1228 (Lane between B4348 and Haywood Lane)	AM Peak eastbound	154	3	-151	55	3	-52
	PM peak westbound	297	3	-294	150	4	-146

1.99 These changes in journey patterns result from the traffic model (and in reality drivers) reacting to changes in journey times across the network. By way of example, information has been extracted by the applicant from the traffic model on predicted journey times from the Tesco roundabout on the A465 to the A49/A466 junction (near King's Thorn), either via the SLR or via Haywood Lane and Callow village. The results of this analysis are set out in Table E below and shows that the traffic models indicate that in scenarios with the SLR in place journey times between the A465 and A49 via the SLR are shorter than via Haywood Lane and Callow village.



**Table E – Journey times from A465 to A49 – comparison of routes**

AM Peak	Forecast journey time in seconds					
	Northbound			Southbound		
Scenario	Haywood Lane	SLR	Difference	Haywood Lane	SLR	Difference
2017 Do Something	596	392	-204	616	508	-108
2032 D Something	597	413	-184	755	651	-104
PM Peak	Northbound			Southbound		
Scenario	Haywood Lane	SLR	Difference	Haywood Lane	SLR	Difference
2017 Do Something	610	403	-207	582	431	-151
2032 D Something	796	631	-165	621	570	-51

The report concludes:

- Traffic will respond to the construction of the SLR and Clehonger Link by choosing to use the new route in preference to the existing east-west routes to the south of Hereford;
- This traffic includes both longer distance and more local traffic movements, with both categories taking advantage of the reduced journey times offered by the SLR;
- The predicted changes in traffic flow on individual links are a summation of many different traffic movements acting in combination; and
- It is clear that the SLR will provide significant traffic relief to the east-west rat runs to the south of Hereford

1.99 Access to the Hereford Enterprise Zone;

The Hereford Enterprise Zone (HEZ) will benefit from significantly reduced times for key movements as a result of the SLR being constructed.

Data was extracted from the traffic model on predicted journey times to the HEZ from the west. The start point for this measurement was the A465/B4348 crossroads (Lock’s Garage) southwest of Hereford and the end point in the HEZ was the B3499 Rotherwas Access Road / The Straight Mile roundabout. Two routes were tested, as follows:

- Via A465 Belmont Road, Walnut Tree Avenue, and Holme Lacy Road; and
- Via the SLR and Rotherwas Access Road (‘with SLR’ scenario only).

The results are set out in table below:

**Table F – Journey times to the HEZ – comparison of routes – morning peak hour**

Model scenario	Forecast journey time in seconds					
	Eastbound (to the HEZ)			Westbound (from the HEZ)		
	A465 Walnut Tree Ave / Holme Lacy Road	SLR & Rotherwas Access Road	Reduction %	Holme Lacy Road / Walnut Tree Ave / A465	Rotherwas Access Road & SLR	Difference %
2012 Base	1054	-	-	932	-	-
2017 ‘Do Minimum’	1156	-	-	940	-	-
2017 ‘Do Something’	1101	528	52%	963	499	48%
2032 ‘Do Minimum’	2026	-	-	1617	-	-
2032 ‘Do Something’	1528	567	63%	1373	518	62%

The table indicates that with the SLR in place, the SLR / Rotherwas Access Road route provides a significant journey time improvement for journeys to the HEZ in comparison to the existing route via Walnut Tree Avenue and Holme Lacy Road. Journey times tend to reduce by approximately 50% or more, suggesting a significant improvement in accessibility.

The comparison of Do Minimum journey times between 2017 and 2032 for the morning peak hour also illustrate the severe worsening of congestion in the area if no SLR was to be provided. Journey times would increase by about 75% if the new route was not provided

The summary shows that whilst the traffic flow on the Rotherwas Access Road does not increase significantly, much of the traffic using it takes advantage of improved journey times by using the SLR in preference to other routes which involve using sections of the A49 to reach the Rotherwas Access Road (and hence to the HEZ).

Therefore, when looking at the impact upon access to the Hereford Enterprise Zone the following can be summarised:

- The HEZ will benefit from significantly improved accessibility with the SLR in place due to reduced journey times;
- This will encourage some vehicles to move away from roads less suitable for accessing the HEZ; and
- Journey times will worsen significantly over time if no SLR is provided

#### 1.100 A465 Belmont Road Corridor

The traffic flow diagrams in the TA (Figures 8.1 to 8.4) show Predicted traffic flows in both directions (northbound and southbound) for seven sections of the A465 (14 links of traffic flow in total). In the 2017 morning peak hour and with the SLR and Clehonger Link constructed, it is forecast that ten links will experience a decrease in traffic and four will experience an increase. These four links are all close to the proposed SLR / Clehonger Link roundabout, as traffic reroutes to use the SLR and Clehonger Link. In the 2017 evening peak hour a similar pattern emerges, with 4 of the 14 links anticipated to show an increase in traffic flows and the remaining 10 a decrease. Again, these four links are all adjacent or close to the proposed SLR as traffic re-routes to use the SLR and Clehonger Link.

These net effects are a combination of many different traffic movements. Some vehicles will simply re-route from existing east-west routes to travel via the SLR (as described in section 4 of this note) as the SLR provides a quicker route for their journey. Other vehicles are attracted to the 'space' which is created by those which transfer to the SLR, and so on until an equilibrium position is reached. It is however clear that the A465 experiences net benefit from the SLR being constructed with reductions in vehicle flow over most of its length.

These traffic reduction benefits are reinforced by consideration of vehicle journey times along the A465. Data has been extracted from the traffic model on predicted journey times on the section between the A465/B4349 junction (Clehonger Road turn) and the A49/A465 junction (Asda Roundabout). The results of this analysis are set out in Tables G and H below for the eastbound and westbound journey times respectively.

**Table G – Belmont Road Corridor – Eastbound Modelled Journey Times (seconds)**

Model scenario	AM			PM		
	Do Minimum	Do Something	% change	Do Minimum	Do Something	% change
2017	523	474	-9%	457	340	-26%
2032	1183	669	-43%	598	567	-5%

**Table H – Belmont Road Corridor – Westbound Modelled Journey Times (seconds)**

Model scenario	AM			PM		
	Do Minimum	Do Something	% change	Do Minimum	Do Something	% change
2017	375	411	+10%	441	349	-21%
2032	638	549	-14%	685	476	-31%

The data extracted for westbound journeys indicates that in most comparisons journeys are forecast to be shorter in Do Something scenarios as compared to the equivalent Do Minimum scenarios. Some of the differences are significant at over 20%.

In summary, therefore:

- Most of the A465 Belmont Road will experience some traffic relief as a result of the SLR being constructed;
- The sections of A465 which experience an increase are those closest to the SLR as traffic finds its way to and from the new route; and
- The A465 will also experience an overall reduction in journey times along its length

#### 1.101 A49 Ross Road corridor

The traffic flow diagrams (Figures 8.1 to 8.4 in the TA) show predicted traffic flows in both directions (northbound and southbound) for five sections of the A49 (ten links of traffic flow in total). In the 2017 opening year Do Something scenario morning peak period, seven of these links are forecast to experience a decrease in traffic and three are forecast to show an increase. Of these, two are those which lead to or from the SLR roundabout itself, as traffic reroutes to use the new road. The third link will have a negligible traffic increase.

In the 2017 Do Something scenario evening peak period five of the links are predicted to experience lower traffic levels and five are predicted to increase. Again, three of the five which will have increased traffic flows are the links connecting onto the SLR roundabout itself.

For most of the links on the A49 corridor south of the Wye, there is forecast to be a reduction in traffic flow upon construction of the SLR. The model indicates that the SLR is fulfilling its intended purpose, with traffic diverting to the new route, and creating spare capacity on the A49, some of which has been partially filled by other traffic.

As above, these are 'net effects' which reflect real life situations in which drivers will react not only to the provision of the SLR but also to the way in which other drivers will react, and how this manifests itself on the highway network in terms of journey times and congestion.

#### 1.102 *Effects of re-routing traffic (turning movement analysis) in the Do Something scenarios*

An example of explaining these net effects can be shown by reference to the section of A49 south of the Rotherwas Access Road roundabout. This is forecast to experience significant

increases in traffic flows as a result of the SLR being constructed, both southbound away from the roundabout in the morning peak hour (216 PCUs) and northbound approaching the roundabout in the evening peak hour. As the turning movement diagrams in the TA (Figures 8.5 to 8.8) illustrate, this increase is caused predominantly by right turning traffic (south) from the SLR in the morning peak hour and conversely left turning traffic (west) onto the SLR in the evening peak hour. The reasons for these predicted changes in traffic flows are explored below.

In terms of the morning peak hour the change in traffic flows on this section of the A49 is associated with a significant reduction in traffic using two alternative routes to reach the A49 from the A465, as follows:

- A reduction of 141 PCUs turning left (south) from the A465 onto Haywood Lane (heading out of Hereford) to reach the A49 south of the Rotherwas Access Road roundabout. With the SLR in place this traffic will in preference use the SLR and turn right onto the A49 (southbound towards Ross-on-Wye); and
- A reduction of 122 PCUs travelling south on the A465 and turning left (east) at Lock's Garage crossroads onto the B4348 to reach the A49 south of the Rotherwas Access Road roundabout. With the SLR in place this traffic will use the SLR and turn right from the SLR at the Rotherwas Access Road onto the A49 southbound in the direction of Ross-on-Wye).

In terms of the evening peak hour the increase in northbound traffic on the A49 (163 PCUs) is again associated with a significant reduction in traffic using two alternative routes to reach the A465 from the A49, as follows:

- A reduction of 128 PCUs travelling west on the B4348 and turning right (north) onto the A465 at Lock's Garage crossroads. With the SLR in place this traffic will use the A49 northbound and turn left onto the SLR at the Rotherwas Access Road roundabout; and;
- A reduction of 68 PCUs travelling north on Haywood Lane and turning right on the A465 (into Hereford). With the SLR in place this traffic will use the A49 northbound and turn left onto the SLR.

In summary, therefore:

- Most of the A49 Ross Road will experience some traffic relief as a result of the SLR being constructed; and
- As with the A465, those sections of the A49 which experience an increase tend to be those which are closest to the SLR as traffic finds its way to and from the new route.

#### 1.103 Local Policy

The TA also concludes that the application development has been designed in such a way that it will enable it to be easily integrated with any chosen route for the Western Relief Road (Policy HD3 - Herefordshire Local Plan – Core Strategy). The document also argues that there is conformity with development management policies and that there supporting references in the Air Quality Management Plan, the Local Transport Plan and the Strategic Economic Plan. The Local Economic Partnership identifies it as a priority scheme. The applicant consider these to be material considerations in determining the planning application.

#### 1.104 Non Motorised Transport

The TA also undertakes an assessment of existing transport conditions. This describes the local road network, the facilities for walking and cycling, including the National Cycle Network route 46 which crosses the application site, and public rights of way crossing the site. Information has also been set out on the bus services which operate on the A49(T), A465 and B4349. Analysis

of road collisions found no hotspots or trends which may be affected by the construction of the proposed development.

#### 1.105 Environmental Effects

Whilst the documentation identifies the wider benefits of the proposed SLR and SWTP the environmental effects of the proposed scheme are fully assessed.

As part of the planning application for the scheme, the applicants are required to undertake an Environmental Impact Assessment (EIA). EIA is the process whereby environmental information is collected and the potential significant environmental effects that are likely to arise from a development are identified and assessed. The findings of the EIA are contained within the Environmental Statement (ES).

The environmental effects of the development will be discussed, in detail, in the relevant sections of the officers' appraisal.

However, the applicants acknowledge that the following permanent significant residual adverse impacts have been identified in the ES:

- A significant adverse impact on the setting of three Listed Buildings/structures within 1 km of the Scheme.
- A significant adverse visual impact on residential property 'The Green' due to its close proximity to a proposed embankment. There will also be significant visual impacts on 'Pykeways', 'Forest View' and 'Copper Beeches', 'Haywood Lodge Cottages' and 'The Granary' due to their proximity to the Scheme.
- The anticipated effects on soils are assessed are predicted to be significant. These effects primarily relate to the proposed alignment occupying agricultural land currently classified as Grade 2 (very good), and the conservative assessment of potential contaminant linkages to controlled water receptors (groundwater and surface water) and ground gas accumulation due to an absence of ground investigation data.
- The only significant residual impact on ecological receptors during operation will be road-related traffic mortality and displacement of barn owls. However, the landscape mitigation has been designed to encourage barn owls to fly up and over the road in key areas.

Evidence identified during the EIA indicates a high potential for buried archaeology within the proposed route. A programme of fieldwork to inform a mitigation strategy has been agreed with the HC Archaeological Advisor.

The applicants also advise that those impacts identified above as being significant should be balanced against the benefits of the Scheme as identified in the application document (including Planning Statement (Doc 48)) and the Transport Assessment - i.e. to the economy, health, reduction in congestion, and improved journey times.

#### 1.106 South Wye Transport Package - Active Travel Measures (ATM)

Officer`s requested an update on progress of the 'package of measures' proposed. The applicant has responded as follows (May 2016):

*"The Council is committed to delivering the South Wye Package as an integrated approach to tackling the transport issues identified within the area. This comprises the Southern Link Road (for which planning permission is sought through this application) and a complementary set of measures designed to encourage active travel within the South Wye area. This is made clear in*

the documentation submitted in support of the planning application, including within the Transport Assessment submitted for the scheme.

Developing the right set of complementary measures is important to ensuring the overall objectives of the South Wye Transport Package are achieved. These objectives are:

Economic

- Reduce congestion and delay
- Enable access, particularly to developments such as the HEZ

Environmental

- Reduce the growth in emissions such as CO<sub>2</sub>, NO<sub>x</sub> and PM<sub>10</sub>s
- Reduce traffic noise

Health

- Encourage physical activity
- Reduce accidents

A long list of potential schemes has been identified and considered following a process of reviewing previous studies, assessing existing transport conditions, site visits, and feedback from public consultation on high level SWTP sustainable transport options in Summer 2014. This was followed by a process of sifting, categorising and packaging the interventions into themes. Possible interventions are categorised as follows:

- Interventions not to be taken forward in SWTP – for example outside the study area or not aligned with the SWTP objectives
- On-going work being funded separately – Interventions which complement the SWTP and which are funded separately via existing HC funds, such as maintenance or Local Transport Plan budgets
- Interventions retained for further consideration – taken forward through SWTP for appraisal with potential to inform the preferred option
- Interventions retained for further consideration, subject to third party agreement - likely to contribute to a coherent active travel network in South Wye, but which are reliant on agreement, funding and implementation by third parties such as Highways England.

Approximately 30 interventions have been retained for further consideration and consultation. These were packaged into 10 themes for appraisal based on WebTAG principles. The intervention themes were based on type of intervention, type of impact or geographical impact. For example improving east-west connections, interventions to overcome severance and improve active travel connectivity on A465 Belmont Road and calming traffic across South Wye.

*Options for consultation*

Following a webTAG appraisal a draft list of options have been identified that it is intended will be taken forward for Consultation and feedback invited. Potential schemes for inclusion in this consultation include:

- A footway/cycleway and pedestrian crossing improvements along Belmont Road;
- Measures to restrict and reduce rat-running through residential areas;
- 20mph limits on residential streets;
- Further enhancement of the Hereford Greenway cycle route from Hereford city centre to the Hereford Enterprise Zone at Rotherwas Industrial Estate;
- Footway and cycleway improvements to and within the Hereford Enterprise Zone for routes east west within South Wye area.
- Behavioural Change programmes;

*The package of measures will be refined in the light of consultation feedback and as a result of information regarding other schemes/ initiatives arising from further engagement with key stakeholders (including Highways England)."*

The update concludes that consultation on these options is anticipated to take place in Autumn 2016 with public exhibitions in the South Wye area in a number of venues and an opportunity / period following when people can provide feedback and comment. A Public Consultation Report will then be produced to provide an account of the activities and contributions received and this will inform the preparation of a final ATM Preferred Package Report for consideration by the Council's Cabinet (Member) prior to approval and implementation.

## **2. Policies**

Having set out the applicants case, this report now turns to consider policies relevant to this application.

### **2.1 National Planning Policy Framework**

Introduction - Achieving Sustainable Development  
Section 1 – Building a strong, competitive economy  
Section 3 – Supporting a prosperous rural economy  
Section 4 - Promoting Sustainable transport  
Section 7 - Requiring Good Design  
Section 8 - Promoting Healthy Communities  
Section 10 – Meeting the challenge of climate change, flooding and coastal change  
Section 11 - Conserving and Enhancing the Natural Environment  
Section 12 - Conserving and Enhancing the Historic Environment

### **2.2 Herefordshire Local Plan - Core Strategy**

SS1 - Presumption in Favour of Sustainable Development  
SS4 - Movement and Transportation  
SS6 - Environmental quality and local distinctiveness  
HD3 - Hereford Movement  
MT1 - Traffic Management, Highway Safety and Promoting Active Travel  
LD1 - Landscape and Townscape  
LD2 - Biodiversity and Geodiversity  
LD3 - Green Infrastructure  
LD4 - Historic Environment and heritage assets  
SD1 - Sustainable Design and Energy Efficiency  
SD3 - Sustainable Water Management and Water Resources  
SD4 - Wastewater Treatment and River Water Quality

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

The Core strategy document refers to the saving of Unitary Development Policies in respect of Waste and Minerals.

## 2.3 Neighbourhood Planning

2.3.1 Belmont Rural Parish Council submitted their draft Neighborhood Development Plan to Herefordshire Council on 9 February 2015.

The Neighbourhood Plan and its policies can be seen online at:

<https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/neighbourhood-areas-and-plans/belmont-rural>

2.3.2 Callow and Haywood Group Neighbourhood Development Plan has progressed to Regulation 16 stage, and is currently with the examiner

The following policies of the Draft NDP are considered to be relevant:

Policy CH1 – Protecting and Enhancing the Rural Landscape 27

Policy CH2 – Building and Transport Design Principles 29

Policy CH3 – Local Heritage List 35

Policy CH4 – Protecting the Sensitive Landscapes in the Urban Fringe 42

The Neighbourhood Development Plan and relevant policies can be viewed online with:

<https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/neighbourhood-areas-and-plans/callow-and-haywood-group>

2.3.2 Clehonger Parish Council have designated their Neighbourhood Plan

Clehonger parish have designated their neighbourhood area, but have yet to progress to Reg 14 stage. You can see the available documents online at:

<https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/neighbourhood-areas-and-plans/clehonger>

## 2.4 Other documents

The following documents, are background studies and documents have been produced to provide evidence for Herefordshire's Local Plan and that have some relevance to this application.

- Relief Road Studies 2009 – 2013 (comprises the Multi Modal Model Forecasting Report and the Hereford Study of Options Report)
- Local Transport Plan 2013 – 2015
- Local Transport Plan 2016 – 2013
- Landscape Character Assessment SPG 2004 (updated 2009)
- Green Infrastructure Study

## 3. Planning History

3.1 None relevant



## 4. Consultation Summary

### 4.1 Publicity and Consultation

4.1.1 The application was advertised in accordance with the The Town and Country Planning Development Management Procedure (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011, as follows:

- Notice in Hereford Times 21/5/2015
- Site Notices displayed 21/5/2015
- Individual notification of households and businesses (approximately 270 letters) sent 19/5/2015
- Statutory and non-statutory organisations – sent 19/5/2015

Consultation period extended to 28 days ending 18<sup>th</sup> June 2015.

4.1.2 Following the submission of additional information and amended plans in October 2015 a further consultation was undertaken as follows:

- Notice in Hereford Times 8/10/2015
- Site Notices displayed 8/10/2015
- Individual notification of households and businesses sent 6/10/2015
- Statutory and non-statutory organisations – sent 6/10/2015

Consultation period extended to 28 days ending 5<sup>th</sup> November 2015

4.1.3 Following the submission of additional information and amended plans in March 2016 a further consultation was undertaken as follows:

- Notice in Hereford Times 24/3/2016
- Site Notices displayed 24/3/2016
- Individual notification of households and businesses sent 22/3/2016
- Statutory and non-statutory organisations – sent 22/3/2016

Consultation period extended to 28 days ending 21<sup>st</sup> April 2016

4.1.4 In practice representation and consultation responses have been received and accepted by the Council throughout the last year. Therefore there has been in excess of a year to make representations.

### 4.2 Statutory consultees

Responses have been received from the following statutory consultees; their responses are contained in full below but are summarised briefly as follows:

1. **Environment Agency** - No objection and recommend informatives are included in any planning permission.
2. **Highways England** – No objection, but recommend conditions.
3. **Historic England** have given a series of consultation response. In their letter dated January 2016, Historic England confirm that in NPPF terms the level of harm caused to Haywood Lodge that would be caused by the construction of SC2 within its setting would be 'less than substantial'. "We have now received significant additional information that we have assessed. Our view is that the level of harm remains 'less than substantial'". In their letter received April 2016, Historic England urges the LPA to address the issues raised and recommends that the

application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4. **Natural England** – Raise No objections but directs the LPA to the legislation and reminds them of their responsibilities when determining the application
5. **Network Rail** – raise no objection in principle but outline their guidance and requirements and encourage continued liaison between with the applicants.

#### 4.3 Environment Agency (EA)

The Environment Agency made the following comments following consultation in May 2015:

We have no objection to the proposed development and would offer the following comments for your consideration at this time.

**Flood Risk:** The link road area lies wholly within Flood Zone 1, the low risk Zone, i.e. land assessed as having a less than 1 in 1,000 annual probability of river flooding (<0.1%).

However there are at least two ordinary watercourses shown flowing in a northerly direction as identified in the report as the Withy Brook and Newton Brook. There are no Flood Zones associated with these watercourses on the Flood Map but this is because their catchment size is less than 3km<sup>2</sup> and falls below the scoping of the modelling used on the map. This does not mean that flooding is not an issue in these locations.

Given the fact that the Withy Brook and Newton Brook flow through urban areas in the south of Hereford prior to discharging in to the River Wye, it is key to demonstrate that run-off rates and volumes into these watercourses will, as a minimum, be no greater than greenfield rates.

As stated in paragraph 2.5.2 of the submitted FRA the Lead Local Flood Authority (LLFA) are responsible for managing flood risk from surface water, ground water and ordinary watercourses with their area. As such we would expect your Land Drainage team to lead on and approve the surface water drainage strategy for the road scheme.

It is noted that new brook crossings will be required to facilitate the proposed development. As stated in paragraph 6.1.8 Ordinary Watercourse Consent will be required.

*Water Framework Directive (WFD):* Both the River Wye and the Norton Brook are classified and being potentially at risk under the Water Framework Directive (WFD). It is imperative that the proposed development, and the construction phase, do not impact upon these water bodies and cause further deterioration, with betterment offered where possible.

*Pollution Prevention:* 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: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

*Export & Import of wastes at site:* Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

## 4.4 Highways England

### 4.4.1 Response to consultation in May 2015:

I refer to the above planning application, which has been the subject of ongoing and formal pre-application discussions between Highways England and the applicant.

Highways England is responsible for the operation and maintenance of the Strategic Road Network (SRN) in England. The SRN includes all major motorways and trunk roads. The SRN in the vicinity of the application location is the A49 trunk road.

The application seeks permission for a new single carriageway link road and associated works.

We have reviewed the information submitted as part of the planning application and are satisfied that sufficient information has been presented to allow the planning application determination process to proceed without objection from Highways England.

Highways England recommends conditions are placed on any grant of planning consent the Council may determine in order to ensure the design and construction of the Southern Link Road is in accordance with the relevant standards and to ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

Annex A, attached, details of the recommended conditions and the supporting reasons for them.  
– This states :

*HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.*

*This response represents our formal recommendations with regard to application P151314/F and has been prepared by Adrian Johnson an Asset Manager for Highways England.*

*Highways England received the application on 6th June 2014, and a review of the supporting documents has highlighted the need to secure a legal agreement between Highways England and Herefordshire Council to ensure that the design and construction of the proposed southern link road takes place in accordance with the relevant design standards and also to minimise the impact on the Strategic Road Network during construction works.*

Conditions have been recommended.

### 4.4.2 Response to Consultation in March 2016:

Thank you for forwarding me additional details in connection with the above referenced planning application. Highways England is responsible for the operation and maintenance of the strategic road network in England. The network includes all major motorways and trunk roads. The strategic road network in the vicinity of the application site is the A49 trunk road.

Highways England was originally consulted on this planning application on 19 May 2015 and following clarifications being presented to Highways England by the applicant, we were content that the proposals did not represent a severe impact on the strategic road network, and could therefore be dealt with by way of recommending conditions be attached to any planning permission which may be granted. These would ensure that the physical interface between the SLR and the A49 trunk road was designed in accordance with the Design Manual for Roads and

Bridges. We also required a Construction Traffic Management Plan to be agreed with Highways England to ensure the ongoing safe and effective operation of the A49 during any construction works.

We have reviewed the additional information uploaded to Herefordshire Council's online planning portal and have concluded that no information has been presented that would alter our position. We therefore reconfirm our recommendation of planning conditions being attached to any planning permission which may be granted.

I note that our previous response, dated 9 June 2015, has been uploaded to the online portal and is therefore available for reference. Please do not hesitate to contact me if you require any more information or clarification

## **4.5 Historic England**

### **4.5.1 Comments received following initial consultation in May 2015:**

In our view we do not consider that sufficient evidence has been provided to understand the impact of the proposal on the significance of any heritage assets and their setting. It does not therefore meet the requirements of paragraph 128 of the National Planning Policy Framework (NPPF). We recommend that you seek further information, as set out below, before determining the application and ask that you forward a copy to us so that we can provide you with our advice.

- Clarification on methodology used in determining the impact upon the historic environment, as part of the route selection process.
- The Written Scheme of Investigation for archaeological assessment and report/s containing evidence for impact upon known and unknown below ground archaeology (e.g. planning statement table 3.2, p39)
- Information explaining how the permanent significant residual adverse impact upon three listed buildings/structures within 1 km of the scheme, including Haywood Lodge, grade II\*. (e.g. paragraph 5.1.6 of Planning Statement) will be addressed.

Additional information concerning how impact upon the significance of the historic environment, including Haywood Lodge, has been determined, in line with Good Practice Advice note 3, which came into effect on 25th March 2015.

Clarification on the methodology and process used for the heritage desk based assessment /cultural heritage chapter of EIA.

We will also write with more details regarding the above issues which will provide more clarification on our response to this application. We have outstanding concerns and are unable to agree that the current application is consistent with the NPPF section 12.

### **4.5.2 Historic England - Further comments received following consultation in May 2015**

Thank you for inviting Historic England to comment on the Planning Application 151314 for 'Existing Roundabout Junction of A49 (T) and B4399 to a new roundabout with the A465 then joining the B4399, South West of Hereford'. As you will be aware Historic England submitted our comments and initial concerns on 3 June 2015 with regards to a number of issues and the need for additional information. We stated in this initial response that we would expand upon these comments and concerns in more detail. This letter aims to address Historic England's additional concerns in greater detail.

To offer some context Historic England were invited to a meeting on 19 March 2015, in Hereford with Herefordshire Council and Parsons Brinckerhoff, to discuss the proposed Southern

Hereford Link Road (now Planning Application 151314) in respect of the historic environment and concerns that we had previously raised.

Historic England set out their initial concerns about the route selection methodology and the process undertaken to decide the preferred route, in a letter on 13 October 2014, following the public consultation on four preferred routes. As we stated in our response we were disappointed that Historic England had not been specifically included in this public engagement exercise, or the one that took place earlier on the eight potential routes. However, we were grateful that our comments were eventually accepted. In brief, our main concerns at the time related to the process undertaken for selecting the preferred route and the lack of heritage assessment. We considered that more detailed heritage assessment was required prior to deciding which of the four options should be taken forward as the preferred route and that additional heritage assessment would assist in guiding the most appropriate location for this development.

At the meeting on 19 March 2015 we further discussed our concerns over the route selection methodology, as well as the lack of detail available to us regarding the preferred route. Within our representation to Planning Application 151314 on 3 June 2015 we further re-iterated the need for clarification on the route methodology/selection process and whilst we recognise that the Council's Planning Department must make a decision based on the planning application they have received, we still have outstanding concerns about the process undertaken to reach this stage.

During the meeting on 19 March 2015 Historic England agreed to respond to the Desk Based Assessment (DBA) that had been produced by Parsons Brinckerhoff to accompany the proposed route planning application. We were not given a date by which to respond and as such our comments are incorporated into this response.

We raised the lack of identifiable mitigation measures for the historic environment, including with regard to impacts on setting, within both the DBA as well as discussed by Parsons Brinckerhoff within the meeting on 19 March 2015. We also raised concerns about the information provided to date and were told that we would receive additional photo montages from various viewpoints that we had requested as part of a Landscape and Visual Assessment and up to date information about the road layout and height of the embankment etc. We did not receive any of this information. We appreciate that the planning application has now been submitted with some of this additional information.

I enclose a copy of our representation from 13 October 2014 for your completeness. These comments still stand; though please note that in the interim our organisation has changed its name from English Heritage to Historic England. All future correspondence should be addressed to Historic England.

#### *Specific comments regarding the draft Desk Based Assessment received January 2015*

The following comments are in response to point five of our representation on 3 June 2015 relating to the methodology used to produce the Heritage Desk Based Assessment and specific points of clarification.

Executive summary – we require some clarification over the judgement that the harm to Haywood Lodge, Grade II\* heritage asset will be 'moderate/large adverse manner'. We raise some comments relating to the table approach used to reach this judgement, later in this response.

We are pleased to note the inclusion of Herefordshire Councils current Local Plan policies, including Policy HBA4 Setting of Listed Buildings which sets out that 'development proposals which would adversely affect the setting of a listed building will not be permitted. The impact of

the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations'. Additionally, Policy LA2, LA3, ARCH1 and ARCH2 are useful inclusions to the DBA, in this particular case and we are keen to see how they are applied.

Table 1 Criteria Used to Determine Importance of Heritage Assets – we seek some clarification on the criteria defined within this table. Historic England considers that Conservation Areas and Areas of Archaeological Importance (A of AI) should be within the High (National) category to reflect their status in policy and law (we note in the updated DBA that the A of AI have been incorporated within the higher category). We then consider that all assets within the Low (Local/Borough) category should be advanced to the Medium (Regional/ County) category. All assets within the Negligible (Neighbourhood/Negligible) category should then be advanced to the Low (Local/Borough) category. The Uncertain/Potential category also raises some questions as it may be that there are sites of national importance such as archaeology that have as yet not been assessed.

We would also like to clarify the statement that if assets are within the High (National) category such as Listed Buildings, what is meant by 'mitigation to be avoided'? And how is the planning application taking account of this criterion? Specifically in the case of Haywood Lodge Grade II\*, however, there are also a number of other listed buildings along the proposed route.

We support the inclusion of Table 2: Definition of Heritage Values and the use of Historic England's Conservation Principles categories of 'significance'.

Furthermore, we would like to clarify the reasoning behind Table 4: Criteria Used to Determine Scale of Harm (Impact). It is our view that the definition for substantial harm is very narrow and should be consistent with the definition of Substantial Harm within the National Planning Policy Framework (NPPF). Additionally, we consider that it would be useful to have a definition for 'Less than Substantial Harm', to reflect the terminology in the NPPF.

Under Substantial Harm and Moderate Harm is the term 'significant change in environmental factors' what does this refer to and how does the DBA compare the level of harm for this indicator?

When considering the information within Table 5: Impact Significance Matrix, we require additional information to understand the conclusions reached within this assessment. We consider that when amendments are made to the earlier tables, the judgements within Table 5 will need to be amended and the scale of harm is likely to be different to the ones presented within the document at this stage. We have concerns that the level of harm to heritage assets may be greater than is currently considered within the DBA.

Paragraph 3.2.11 states that mitigation measures are possible, however, is this consistent with the approach in Table 1 where mitigation should be avoided and within the strategy set out in the Local Plan policies, set out above. Additionally, we are concerned that to date the mitigation measures proposed within Planning Application 151314 are very limited and do not sufficiently address the areas of harm identified.

Table 12: Step 2 – Definitions of Sensitivity for the Settings of Heritage Assets and Table 12: Step 3 – Criteria for assessment of magnitude of an impact on the Setting of a Cultural Heritage Asset, we have some concerns regarding the methodological approach and seek clarification.

We are pleased to see recognition of the designed landscape/ setting aspect of the significance of Haywood Lodge, referenced within paragraph 6.3.9 last sentence, Plate 4, paragraph 6.3.10 third sentence and Plate 6 of the DBA. This is further supported by a recorded painting by artist George Lewis in 1815 which shows the relationship between the setting of Haywood Lodge and Hereford Cathedral, a view which remains unspoilt today. How has the impact to the setting

and designed landscape been taken into consideration by the material provided to date. We are concerned that this has not been fully addressed.

Paragraph 6.3.11 we have some concerns about the statement that the 'immediately adjacent section [of the proposed road] may not be readily visible from the assets, due to it being cut into the local topography, there is the potential for an increase in noise and light from vehicles on the road'. We have requested some additional photo montages from Parsons Brinckerhoff which we await and also confirmation regarding the height of the embankment over the railway. From the information we have seen to date and site visits conducted, we are of the view that the road will be highly visible from Haywood Lodge and will impact the setting of the lodge and its designed landscape across the long ranging views to Hereford Cathedral. We also disagree that there is only 'potential' for noise and light pollution from the new road as given its siting within the setting of Haywood Lodge and the lack of any development within the field currently, there is likely to be a significant increase in noise and light pollution. The Environmental Statement submitted with the planning application states in paragraph 6.6.6 that there will be residual noise and visual impacts to the setting of Haywood Lodge.

Paragraph 6.3.12 we note the reference to the elevated section and the disruption of the long ranging views, and the 'potential to create a more dynamic and noisy setting'. Paragraph 6.3.13 goes on to add that the setting of Haywood Lodge does make a substantial contribution to the significance of the asset; however the impact on the setting is only regarded as moderate. We require additional clarification on how this assumption has been reached and we require additional information relating to the harm to significance, including setting.

We also raise concerns about the loss of inter-visibility between Merryhill Farmhouse and Haywood Lodge as this is an element of the setting of both heritage assets and will be lost through the development of a new road on this route. How has this impact been taken into account and what opportunities are there to avoid or minimise this impact?

Paragraph 8.2.2 recognises that there is potential for below ground archaeology within the inner study area, that could be affected by the proposed development. We would require an archaeological assessment to accompany the development proposals. We note that within the material accompanying Planning Application 151314 there is a commitment to a Written Scheme of Investigation (WSI) and that there will be reports available regarding archaeological assessment of the site. In order to make a fully informed judgement about the level of harm to the significance of heritage assets along the proposed route, we require this information to be provided, prior to the determination of the planning application. This relates to point two of our representation on 3 June 2015.

Paragraph 8.2.3 states that there will be a direct physical impact on three heritage assets, HA09, HA10 and HA12 yet the degree of harm is referenced as 'moderate'. Is this an accurate interpretation of the information presented? In the case of HA10 the significance of the asset is unknown which is considered insubstantial information to base a judgement.

The DBA should be updated to reflect the 'Good Practice Advice Note 3: The Setting of Heritage Assets' published March 2015, which replaces the previous English Heritage Guidance 'The Setting of Heritage Assets' published 2011. This relates to point four of our representation on 3 June 2015.

We request additional information regarding the mitigation strategy as currently it appears very weak for the historic environment. Local Plan Policy HBA4 states that development that adversely affects the setting of a listed building will not be permitted and Table 1 states that for a High (National Importance) asset then mitigation should be avoided. We would be grateful to receive further information regarding these points.

## *Comments on Planning Statement accompanying Planning Application 151314*

Paragraph 2.11.1 relates to some detailed information regarding the mitigation strategy in relation to the embankment. We are concerned about the height of the embankment and the impact it will have on heritage assets, namely Haywood Lodge Grade II\* and its setting and consider that the mitigation measures currently submitted do not address the impact to the heritage asset.

Paragraph 2.12.11 we have concerns about the statement that there may be a future widening of the road as this would create a more significant impact for the historic environment.

Paragraph 2.15.1 we note that Haywood Lane will be used as the access point for construction vehicles and materials and we are concerned how this will impact on the setting of Haywood Lodge Grade II\*.

Paragraph 3.2.10 additionally raises concerns regarding the route selection methodology. We had previously been told that four of the routes had been ruled out specifically due to their impact on Ancient Woodland. However, this route that is now the preferred route will pass through Ancient Woodland. We seek further clarification on the route selection methodology, as raised above.

We are also aware that there are sites of archaeological importance located throughout the area, yet currently there is no information available regarding the impact to archaeology or avoidance/mitigation measures. This is a significant concern.

Paragraph 4.2.13 states that there will be no direct impact to heritage assets as a result of the proposal, however, without the results from the archaeological assessment this is not yet known. Additionally, it is accepted that the proposal will impact on the setting of several listed buildings, which is why we have raised the need for further information and how the proposal has considered the advice within Good Practice Advice Note 3: The Setting of Heritage Assets, March 2015.

We further note the use of Local Plan policies within the Planning Statement and have queries regarding how the site will conform to the policies, especially Policy HBA4 Setting of Listed Buildings. It is accepted that there is a Written Scheme of Investigation included as part of this application, on page 23, however we have not found this available on the Council's website. This is also reflected on page 40 of the Planning Statement. We would be grateful to receive a copy.

Paragraph 4.3.13 introduces the Callow and Haywood Neighbourhood Development Plan policies, particularly Policy CH1; how will the proposal seek to 'maintain the area's sense of tranquillity'?

Paragraph 5.1.6 recognises that there will be 'permanent residual effects' after applying the mitigation strategy and a 'significant adverse impact on three listed buildings/structures within 1km of the Scheme'. We raised at point three of our representation on 3 June this point and are concerned that the harm cannot be overcome to the historic environment. We seek clarification about how the Council will address this point raised within the applicants Planning Statement.

Paragraph 5.1.7 also states that the EIA indicates that there is 'a high potential for buried archaeology within the proposed route'. 'A programme of fieldwork to inform a mitigation strategy has been agreed with the HC Archaeological Advisor'. Historic England is concerned that as yet the harm to some archaeology remains unknown and that without appropriate evidence base it would be inappropriate to inform a mitigation strategy. Depending on the results it may mean that this is an inappropriate location for development or there may be avoidance/mitigation measures that would be appropriate, once the evidence is available.



We await your response to our concerns regarding the Planning Statement.

#### *Comments on Environmental Impact Assessment accompanying Planning Application 151314*

Many of our comments on the Heritage Desk Based Assessment are the same as our comments on the Cultural Heritage chapter of the Environmental Statement (EIA), as they appear to reflect much of the same information.

We note the use of Historic England advice 'Seeing the History in the View' as the source for Tables 6.1, 6.4 and 6.6. Whilst we support the advice contained within this document, it is relevant to settings within a view only and we recommend that the DBA and EIA reflect terminology within the NPPF and the latest Historic England advice within Good Practice Advice Note 3: The Setting of Heritage Assets, March 2015 which is a more holistic approach to settings. Good Practice Advice Note 2: Decision taking in the Historic Environment is also relevant to define and understand significance. Our comments from the DBA above remain and we consider that the table needs to be amended for example; Conservation Areas should be within the 'high/national' category. We raise again clarification regarding the Mitigation column which states that in the case of 'high/national' mitigation is to be avoided.

#### *Archaeology*

Paragraph 6.5.1 discusses the impact upon buried archaeological remains and earthworks and states that there are likely to be physical impacts to archaeology and in certain cases the harm to archaeology is unknown. It is important that appropriate evidence base is submitted to inform the application in order for an appropriate determination to be made. As referenced within this response Historic England requests the results of additional archaeology assessment prior to the determination of the application.

Paragraphs 6.6.2 and 6.6.3 discuss the physical impact upon buried archaeological remains further and note that in some cases it remains unknown what archaeological remains exist and what the impact may be. The Historic Environment Record indicates a high potential for archaeology in this area and as such Historic England remains concerned about the impact to archaeology and does not consider that it has been assessed fully at this stage. The description carries on to state that there will be a loss to historic hedgerows and field patterns and that the mitigation for this is to record the loss of heritage assets only.

#### *Built Heritage*

Paragraph 6.5.8 states that there is likely to be 'disruption of the setting and appreciation of the cultural heritage assets caused by the addition of a new road across previously undeveloped countryside' and that the impacts will be 'permanent'.

Paragraph 6.6.6 should be updated to reflect current advice in Good Practice Advice Note 3: The Setting of Heritage Assets, March 2015 as the 2011 guidance has now been deleted. The mitigation measures currently proposed do not reduce or overcome the harm to Grade II\*asset Haywood Lodge or other heritage assets along the route. Paragraph 6.6.10 states that the impact to Haywood Lodge will be 'significant' and that noise and visual impact will be permanent residual effects which will 'have an appreciable change in the ability to understand and appreciate the Listed Building and its setting'.

Paragraph 6.9.1, raises similar conclusions as within the DBA and states that there will be residual impacts for heritage assets that Historic England does not consider have been fully addressed and as such we require clarification on the points raised within our representation on 3 June 2015 and within this additional supplementary representation.

We would welcome any visualisation images that reflect mitigation measures for the historic environment and heritage assets affected by the proposal.

We would welcome on-going discussions with the Council and their consultants Parsons Brinckerhoff to address our concerns. We await the additional information that we have requested and we will then be in a position to make a judgement on the planning application.

#### 4.5.3 Historic England - Comments received following consultation October in 2015:

Thank you for your letter of 19 May 2015 notifying Historic England of the above application. Following our initial response to this application of 4th June 2015, and our subsequent letter of 18th June 2015, we have received additional information regarding the application, we are now responding more fully.

##### *Summary*

The planning application is for a new road, about 4.2 km in length, south of Hereford, linking the A49 with the A465. Historic England has no objection to the principle of a Southern Link Road, but has some concerns about the selected route, SC2, that is the subject of this application. Part of the road would be on an embankment about 330 metres in front of Haywood Lodge, a Grade II\* listed house, Heritage List for England unique identifier ref: 1296921. Haywood Lodge is likely to be the site of a Lodge serving a royal hunting estate that was rebuilt to serve a gentry estate in the early 18<sup>th</sup> century and further adapted in the 1860s.

##### *Historic England Advice*

###### *The Significance of Haywood lodge.*

Haywood Lodge is a Queen Anne house dating largely from the early 18<sup>th</sup> century, listed Grade II\*. The current house appears to have been built on the site of an earlier Lodge relating to Haywood Forest. The prominent location with panoramic views, the survival of earlier foundations and other earlier elements within the present structure, and the lack of alternative locations for the documented earlier Lodge site, all indicate that the current house occupies a more ancient site. A Lodge is recorded from the 16<sup>th</sup> century relating to Haywood Forest, an area subject to Forest Law, and managed as a private estate on behalf of the Crown. In 1570 Queen Elizabeth I leased 915 acres within the Forest to her Nephew, 'within the bounds and precincts of the ancient Forest of Hay'. Haywood Forest is shown on maps of the area e.g. Saxton's of 1557 and Jon Bleau's map of Hereford 1648. The Lodge is also shown on later sources including Buck's 1732 etching of 'Prospect of Hereford', and Isaac Taylor's map of Central Herefordshire 1754. Although the Forest was not necessarily heavily forested throughout the past, there are a number of mature old oak trees close to Haywood Lodge and in the wider area, a wooded prominence at Beech Grove, and other areas of fenced woodland, all of which are remnants of once more wooded landscape.

The setting of Haywood Lodge is the environment in which it is experienced, and there is a relationship between it and the wider landscape which explains its former social and economic function, and context over centuries. The relationship with the wider landscape is maintained in views from the house that are extensive in all directions. The principal view from the front of the house retains a particular landscape context looking directly through part of the historical Forest area towards Hereford and the Cathedral tower. This view was one of a series (now housed at Tate Britain) of Haywood Lodge painted by George Lewis in 1815, and this view can be experienced in the present day.

The consultant's assessment of significance does not fully document the association of Haywood Lodge with the landscape around it. In terms of setting, the consultants have included

some research (mainly map regression) into the history of the landscape, but not sufficient to describe its development over time.

#### *The route selection.*

A number of route options have been considered. In our consultation response of October 2014 regarding the four short-listed routes, and in subsequent correspondence, Historic England has raised concerns about the assessment process undertaken to determine the preferred route.

The Southern Core Corridor Assessment commissioned in 2012 identifies routes SC5 and SC6 as the preferred options in terms of heritage appraisal alone. The Preferred Option Report of 2014, discounts four routes, including SC6, due to, in summary, 'direct impact on Ancient Woodland'. The four remaining routes, including SC5, were assessed and ascribed the same level of impact for the historic environment (-1.5).

It is therefore unclear to us how the lesser impact upon heritage of SC5 and SC6 identified in 2012 was considered within the route selection process thereafter. It also appears that the historic environment has been afforded less weight than natural environment designations and we are unclear as to the justification for this within the NPPF.

Historic England therefore has concerns that the evidence base and assessment that has informed the route selection process, and the relative weight afforded to the historic environment, is robust enough to allow demonstrable compliance with the NPPF section 12.

#### *Impact and Mitigation*

The favoured route, SC2, in the area of Haywood Lodge will be upon a raised embankment about 480 metres long, and about 3.4 metres above ground level where it passes about 330 metres in front of Haywood Lodge. This will have an impact upon the ability to understand and explain the interrelationship between the house and landscape, especially regarding the medieval Haywood Forest, and the development by the 18<sup>th</sup> century of a gentry estate. In terms of this identified significance, the greatest impact is likely to be upon a key view from the Lodge towards Hereford Cathedral that is not much altered from George Lewis's painting of 1815.

Harm to the historic environment is identified within the Cultural Heritage Desk Based Assessment and Environmental Statement supporting the application. Harm mainly relates to noise, lighting from vehicles, and impact upon the setting of Haywood Lodge, through development within its setting.

In terms of the NPPF definitions of harm, the consultants, Parsons Brinkerhoff, equated this harm with 'less than substantial harm' at a meeting of 24<sup>th</sup> September 2015. In this context 'Substantial harm' is rare, usually relating to some direct physical loss of designated heritage assets, which we agree does not apply in this case. This is not-to-say, however, that the level of harm is not significant.

The harm is assessed by the consultants, e.g. within the Heritage Desk Based Assessment, Table 17, November 2014, and the Environmental Statement of April 2015, as a 'moderate - large adverse' impact upon Haywood Lodge. The Environmental Statement of April 2015, para. 6.6.10, assesses the magnitude of impact on the setting of Haywood Lodge as 'significant' and that noise and visual impact will be permanent residual effects which will have 'an appreciable change in the ability to understand and appreciate the Listed Building and its Setting'.

Proposed mitigation includes lowering of the gradient of the proposed embankment and some planting. We disagree with the consultants view that that there is no further scope to mitigate the impact of the road on the historic environment. A more detailed understanding of the historic landscape could inform improved planting into the landscape to mitigate the visual impact to

some degree. At the same time careful attention to the design of the road could help to mitigate it through measures to ensure that the light from vehicles, and noise levels, are kept to a minimum. The detailed design of the road as it passes over the embankment, as well the design of bridges will benefit from more work to lessen impact. We also reiterate that we are not convinced that the evidence base informing the route selection has benefitted from a thorough historic environment assessment.

#### *National Policy.*

We consider that in this case the NPPF para. 134 is the relevant paragraph that the local authority should consider in its weighing of harm against public benefit. The conservation of the heritage assets in a manner appropriate to their significance is one of the Government's 12 core planning principles, (NPPF para. 17). Local authorities should therefore identify and assess the significance of heritage assets that may be affected by proposals and take this assessment into account when considering the impact of a proposal on a heritage asset (NPPF 129). When considering impact, Herefordshire Council is required to give 'great weight' to the conservation of Haywood Lodge, one of very few houses of this quality and importance in Herefordshire. Any harm or loss should require clear and convincing justification (NPPF132).

#### *Recommendation*

The application should be refused or deferred to allow further consideration of the most appropriate route, and mitigation measures to minimise harm to the historic environment.

#### 4.5.4 Historic England - Further comments received following meetings with Historic England in November 2015 and January 2016:

We have had further meetings regarding the proposed scheme. We have received and assessed further details which include analysis of route options, a new option route termed 'HE', and updated mitigation proposals.

#### *Summary*

Historic England's initial responses to the planning application consultation were made on 4th and the 18th June 2015, following which further information was received on 29th September 2015. We made a fuller response on 23rd October raising a number of further issues. Our letter of October 23rd also set out our views on the significance of Haywood Lodge. A meeting was held in Hereford on 25th November 2015 and issues raised at that meeting were summarised by Historic England in emails of 27th November and 8 December 2015. In response, four technical notes, prepared by Parsons Brinkerhoff for Herefordshire Council, were received on 14th December 2015, addressing each of the issues raised.

#### *Historic England Advice*

The technical notes received in December 2015 are:

1. Summary of heritage appraisal of all route options (ref 3512983BP-HHR),
2. Additional Historic Landscape Assessment,
3. Topographical analysis to inform potential route adjustment (ref 351298BP-HHR-HWYS-07),
4. Additional information on landscape mitigation,

We have also received information from Mr Priddle of Haywood Lodge including a report on the heritage value of Haywood Lodge by Edward Nash, and a review of landscape and visual impact assessment by Carly Tinckler.

The applicant's technical notes of December 2015 address the following areas:

1. We requested further explanation as to why the Southern Core Corridor Assessment of 2012 identified SC5 and SC6 as preferred in terms of heritage alone (as stated in the Parsons Brinkerhoff letter of 29th September 2015), yet the Preferred Option report of 2014 assessed SC5 as having the same level of impact as three other routes (that had also been part of the 2012 assessment). The 14th December 2015 WSP/ Parsons Brinkerhoff technical note details heritage appraisal of all routes. The report gives additional information concerning routes SC5 and SC6. Although these routes had been previously said to have been the preferred options in terms of heritage appraisal alone, the additional information sets out that this did not sufficiently reflect the full Southern Core Corridor Assessment Report 2012 (SCCAR) that defines both routes as having large adverse impacts.
2. We requested further information about the engineering design that had informed a preferred route decision. We had understood from a meeting on 19th March 2015 that the relative impact of engineering design was not fully available to inform the decision to choose SC2. The report on route options (ref 3512983BP-HHR) details numerous stages at which engineering design was included within the route assessment process. (2.1.2).
3. We asked for further information on the relative importance given to historic woodland, especially in the discounting of SC6. The report (ref 3512983-HHR) confirms the consultation process regarding ancient woodland and argues that this has been appropriately considered in terms of relative importance.
4. We requested further historic landscape analysis to allow a fuller understanding of the significance of Haywood Lodge. The report by Parsons Brinkerhoff gives further historical analysis of the landscape and concludes that the exact location of the view shown in Lewis's paintings has not been clearly identified, and that there is no map or historic documentation linking the current site of Haywood Lodge to the site of an earlier medieval lodge.
5. The topographical report gives further information on the relative engineering character of route options. In particular we requested that route SC8, or one based upon it but further to the north, be analysed as it seemed to us that this might be a way of reducing impact upon the significance of Haywood Lodge. The report includes a comparison of SC2 and SC8. An additional route based upon SC8 but further to the north, was also tabled at the meeting of 27th January, 'route HE'. All three of these routes go over the railway and under Haywood Lane.
6. Landscape mitigation response. The Parsons Brinkerhoff report of December 2015 sets out options including a false cutting, screen planting, a solid noise barrier on all embanked sections, and lowering the gradient of the south facing side of all embankments. The proposals are shown (applied to SC2) on two Parsons Brinkerhoff drawings, both numbered DWG\_NUM and dated 7th December 2015.
7. As a result of the meeting in Birmingham on 27th January 2016, the applicant team agreed to send further information as follows:
  1. Clarification of the material considerations, other than historic environment, that had resulted in SC6 being ruled out at the SCCAR, 2012 stage;
  2. Clarification on their opinion of the location of the view shown in the Lewis paintings; and,
  3. Engineering information regarding the alternative HE route in a format to match other routes.

The further clarification note regarding these queries was received on 4th February.

The applicants have highlighted non-historic environment factors relevant in the decision not to take SC6 forward, including that the route has more traffic management issues due to tighter radii of bends, has a greater impact on residential properties near its western end, and would have a greater impact on ancient woodland. In terms of historic environment impact SC6 is under 300 metres from Belmont (listed Grade II\* and an unregistered park and garden) and within 150 metres of Merryhill (listed Grade II), the north crenelated tower of which may have been built to command views of the Belmont designed landscape. SC6 is also assessed by the applicant as having a major impact on the undesignated Historic Environment, based largely upon Historic Environment Record finds spots. In our view these find spots are not necessarily a good indicator of relative sensitivity and we would afford them less weight than the consultants have. We therefore determine that the impact upon the historic environment of SC6 is somewhat less than is concluded in the SCCAR, 2012.

In terms of the contribution of setting to the significance of Haywood Lodge, we accept that there is some equivocation in determining the exact location of the viewpoint depicted in Lewis's paintings. It is likely that Haywood Lodge was established at the present location before the 18th century, and may, therefore, be the site of the lodge shown in some early maps. We also accept that the details of those early maps are not sufficient to be certain of this. The relationship with the landscape, however, although much changed from the medieval forest shown on earliest maps, is part of the setting of Haywood Lodge and is part of its significance.

Topographical analysis to inform potential route adjustment aimed at reducing the impact of development within the setting of Haywood Lodge includes comparison of SC2 and SC8, (that both go under Haywood Lane and over the railway). Although further away from Haywood Lodge, crossing the railway c.180 metres north of SC2, SC8 would be higher where it crosses the railway, with a road deck level c.4m higher than SC2. This would require a higher (c.7m compared to c.6.5m) and longer (c.650m compared to c.550m) embankment than SC2. SC8 would also require a longer bridge span as it crosses the railway at more of an angle.

We asked if a route to the north of SC8 would be an option to reduce impact upon Haywood Lodge. In response route 'HE' has been assessed by Parsons Brinkerhoff. The analysis sets out that although route 'HE' would cross the railway at a level not dissimilar to SC2, it would require a higher and longer embankment than both SC2 and SC8, and require a substantial cutting in the area of Beech Grove up to 9.5metres deep. To be weighed against the increased size of construction, is the advantage in terms of impact upon the significance of Haywood Lodge by the road being further away - at the railway crossing SC2 is c.330 metres away, SC8 is c.510 metres away, and HE is over 600 metres away.

In terms of mitigation, including landscape mitigation, we agree that, if an embankment is built, a solid barrier is preferable to a false cutting due to the increase in the bulk of an embankment overall that would result from a false cutting. A 1.5 metre barrier for the whole of any embanked area including a railway bridge, combined with enhanced planted screening and a lowering of the gradient to the south side of an embankment to 1:4, is an improvement on earlier proposals. The photomontages tabled at the meeting of 27 January 2016 indicate likely scenarios and we are aware that these have also been submitted as part of the current application.

In NPPF terms we have previously agreed that the level of harm caused to Haywood Lodge that would be caused by the construction of SC2 within its setting would be 'less than substantial'. We have now received significant additional information that we have assessed. Our view is that the level of harm remains 'less than substantial'.

### *Recommendation*

In our view the level of less than substantial harm caused is greater for SC2, and less for SC6 than has been set out. The Council should fully consider this within the weighing up exercise

required of them (NPPF paragraph 134), and ensure that 'great weight' is given to the conservation of designated heritage assets (NPPF paragraph 132).

It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

#### 4.5.4 Historic England comments received following consultation in April 2016

We have received amended proposals for the above scheme. We do not wish to comment in detail, but offer the following general observations.

##### *Historic England Advice*

The amended details are mainly as expected following our discussions and as detailed in our consultation letter of 18 Feb 2016. We reiterate our advice of that letter. We understood, however, that a 1.5 metre parapet screen would extend for the whole of the south side of the embanked section where it can act as a noise and visual barrier. The Council's 'Landscape Mitigation Response' of December 2015 sets this out in the 'general note on extending the bridge parapet', and my letter of 18<sup>th</sup> February 2016 also makes reference to extending the parapet at 1.5 height on the embanked section (page 3, paragraph about landscape mitigation). The parapet would need to be softened by design and colour, and be partly screened by a planting scheme. A planting scheme should include semi-mature species to enable screening benefit to be achieved as quickly as possible. If the planning authority wishes to grant planning permission for SC2 we recommend that the mitigation measures in respect of a parapet containment barrier, planting scheme and lowering of the gradient to the south side of the road between Haywood Lane and the rail crossing are secured by condition.

##### *Recommendation*

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

## **4.6 Natural England**

### 4.6.1 Natural England - Comments received following consultation in May 2015

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

##### *Internationally and nationally designated sites*

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 1.3 km of the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as River Wye Site of Special Scientific Interest (SSSI). The application site is within 25km of the Usk Bat SAC, Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Sites SAC which is a European site. These site are also notified at a national level as SSSIs. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have (1) . The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.

<http://www.defra.gov.uk/habitatsreview/implementation/process-guidance/guidance/sites/>

We note that the consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment. It does contain a report by the applicants which details the possible impacts on nearby sites of European and international importance.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal on its own is unlikely to have a significant effect on the River Wye SAC European site, and can therefore be screened out from any requirement for further assessment, however we note that there are differences between the text, HRA screening document and drawings on the location and number of underpasses for otters and bats and proposed mitigation/enhancements. These proposals should be clarified prior to determination of the overall proposal.
- the proposal, in combination with further developments of the western relief road, is unlikely to have significant effects insofar as it could pre-determine future options for later phases of the western relief road.

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The documents provided with the proposal include a summary of the River Wye SAC, its interest features and possible indirect impacts of the proposal on the site. The main effect pathways are identified in annex C of Hereford Southern Link Road Habitat Regulations Screening Assessment.

The summary concludes that with the implementation of suitable "mitigation" measures there will be no significant impacts on the River Wye SAC. "Mitigation" (or avoidance) measures include the development and implementation of a construction management plan to avoid hydrological impacts, standoff areas from habitat that otters may use and the design of corridors for otters to traverse the line of the proposed road. We note that there are different proposals in the different documents and we advise these issues are resolved prior to determination.

The emerging local plan includes policy for the development of a western relief road. In that emerging local plan (Policy HD3 – Hereford Movement) it suggests that an options appraisal was undertaken for improved communication and that the initial section of the chosen option (a



western relief road) would probably be this proposal. The documents in this application should make reference to the emerging local plan and the draft habitat regulations assessment that accompanies it. Natural England responded to the submitted local Plan and draft habitat regulations assessment and we repeat the advice that was given then (copy enclosed of consultation 121590).

#### *Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Site SAC*

Please note that part of these SACs are within Wales and Natural Resources Wales is the statutory consultee responsible for the parts in Wales. *No objection*

We note that the consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment. It does contain a report by the applicants which details the possible impacts on nearby sites of European and international importance.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on the Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat SAC, European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects. Please refer to the details in annex C of Hereford Southern Link Road Habitat Regulations Screening Assessment.

#### *Usk Bat SAC*

This SAC is wholly within in Wales and Natural Resources Wales is the statutory consultee responsible for this site.

#### *SSSI*

This application is in close proximity to River Wye Site of Special Scientific Interest (SSSI).

Our advice regarding the special interest of the SSSI is the same as for the SACs mentioned above. Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice relating to river Wye SSSI contained in this letter, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

## *Ancient and Semi Natural Woodland*

This proposal will result in the destruction of part of Grafton Wood, which is listed on Natural England's National Inventory of Ancient Woodlands as an Ancient & Semi-Natural Woodland. Natural England has produced [Standing Advice](#) on this issue and we would refer you to this. You may also wish to look at the standing advice on Natural England's archived site for more details

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://naturalengland.org.uk/Images/ancient-woodland-standing-advice\\_tcm6-37627.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://naturalengland.org.uk/Images/ancient-woodland-standing-advice_tcm6-37627.pdf)

We would remind you that ancient woodland is irreplaceable and damage to ancient / semi-natural woodland should be avoided as set out in section 118 of the National Planning Policy Framework and in particular the following paragraph:

□ "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The Applicant has undertaken a Woodland Botanical Survey Report with the objective "to evaluate whether the woodlands within the survey area qualify as ancient woodland and to assess them against standard criteria for evaluating ecological value". We note in the report that it states "Ecologically speaking, the data collected as part of this study do not support the hypothesis that Grafton Wood is ancient woodland as there are few AWIS or woodland plants in general." Grafton Wood has been listed on National Inventory of Ancient Woodlands as an Ancient & Semi-Natural Woodland because it fits the definition, Ancient woodland in England is defined as an area that has been wooded continuously since at least 1600 AD.<sup>2</sup>

We would like to remind the Local Planning Authority of the following:

Wood-pastures, even if there is only a thin scatter of trees, can be a distinct form of ancient woodland and may be included on the ancient woodland inventory. Wood-pastures, often with populations of veteran trees, are typically associated with parks, areas of present or former common, upland grazed woods, and Royal Forests, or may be part of a Registered Parks and Garden. Many have not been included on the Ancient Woodland Inventory because their low tree density meant that they did not register as woodland on the historical maps consulted. Where ancient wood-pastures are identified they should receive the same consideration as other forms of ancient woodland. Since it may have been cut over many times in the past, ancient woodland does not necessarily contain very old trees.

### *Soils and Land Quality- further information needed.*

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. The site consists of 34.3 ha of agricultural land and the non-technical summary of the environmental statement states that 31.2 ha of grade 2 land will be lost. Our maps show that the general area is graded at a strategic level as grade 1 and 2 agricultural land and our data indicates that the area has a high predictive likelihood of BMV . This information is available on [www.magic.gov.uk](http://www.magic.gov.uk). There is available a detailed Agricultural Land

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Classification survey for a small part of the eastern area. This shows that this part of the site which was surveyed is 'best and most versatile land'. Copies of the survey reports and plans can be supplied on request.

Further information on the Agricultural Land Classification system and its uses is available on our [website](#).

2. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped. In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

3. Government policy is set out in Paragraph 112 of the National Planning Policy Framework which states that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'*

4. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

5. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.

Detailed guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) (including accompanying [Toolbox Talks](#)) and we recommend that this is followed.

6. We note that the report on soils in chapter 9 of the environmental statement states that no intrusive investigations of the route and soils has been undertaken as part of the assessment (para 9.2.22). Reliance on published data has been used to assess impacts on soils.

7. In addition we are unsure what mitigation is proposed for the temporary loss of soils during construction or permanent loss of the 31.2 ha of best and most versatile land. Table 9.11 has no indication of any mitigation for the impact on soils. Natural England would advise that appropriate mitigation of the temporary loss and disturbance of soil is explained. In addition the reuse of soil to be permanently lost should be detailed.

8. The assessment of impact on best and most versatile land concludes that the overall impact is slight or moderate. (table 9.11) based on two parameters, sensitivity and magnitude. Natural England advises that the sensitivity of the grade 2 land is high. The magnitude of the impact is assessed as minor /adverse in the report (paragraphs 9.7.5 and 9.7.15). Table 9.5 of the report details the criteria to assess the magnitude of effects. Given the permanent loss of 31.2 Ha of best and most versatile land Natural England would assess the magnitude to be greater than minor given the definitions in table 9.5, we advise, given the process in the environmental statement, that this affects the overall, net impact and consequent assessment.

## *Green Infrastructure and potential for Priority Habitat creation*

Multi-functional green infrastructure (GI) can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. GI can be designed to maximise the benefits needed for this development, such as promoting opportunities for recreation, improving links between communities and promoting sustainable transport. Sensitive lighting can reduce the impacts on species, like bats and otters, and improve views of the night sky. The Bat Conservation Trust has produced [Interim Guidance: Artificial lighting and wildlife - Recommendations to help minimise the impact of artificial lighting](#) and [Bats and Lighting in the UK](#) which you may wish to refer to.

The proposal presents an opportunity to deliver some good multifunctional green infrastructure. Withy Brook and Newton Brook downstream of Belmont Pool through to Newton Farm have a flooding problem (see Martin Jackson's email dated 8/4/13, Appendix 1- Consultation Response of the Flood Risk Assessment). The proposal would be a good opportunity to provide flood alleviation through flood storage, pools, tree planting or a combination of these. Trees could be planted or natural regeneration of grasses and scrub could be allowed alongside the watercourses to slow water flow and store flood water. This would improve habitat availability for species like otters. There is also an opportunity to improve connectivity between woodlands and create managed woodland rides adjacent to woodland. We note that Veddoes Copse and an unnamed woodland fall within the Applicants ownership. We would welcome a proportion of the green space being delivered as Priority habitats as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006, thus contributing to national (Biodiversity 2020) and local biodiversity targets. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.' Suitable priority habitats for the site include: lowland meadows, ponds, hedgerows and traditional orchards. We strongly encourage you to share this advice with the applicant to maximise opportunities to incorporate green infrastructure and biodiversity enhancements during the development of the detailed proposal. Additional evidence and case studies on green infrastructure, including the economic benefits of GI can be found on the Natural England's website.

### *Other advice*

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo conservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

## *Protected Species*

We have not assessed this application and associated documents for impacts on protected species. Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

## *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

### 4.6.2 Natural England - Comments received following consultation in October 2015:

Further to our response dated the 13 July 2015 and having read the amended plan and additional information we wish to make the following comments:

#### *River Wye SAC- No objection*

We note that the Applicant has provided further information and clarification of the mitigation measure and we welcome this.

#### *Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Site SAC*

No objection

We refer you to our previous response dated the 13 July 2015. We have no further comments to make.

#### *Usk Bat SAC*

This SAC is wholly within in Wales and Natural Resources Wales is the statutory consultee responsible for this site.

### *River Wye SSSI*

We have no further comments to make.

### *Ancient and Semi Natural Woodland*

We refer you back to our previous advice and have no further comments to make.

### *Soils and Land Quality- advise condition*

We note that the further information contains the available detailed Agricultural Land classification survey for a small part of the eastern area. We acknowledge that in Chapter 13. Community and Private Assets the value of the agricultural land was assessed as high and the effect without mitigation judged to be major adverse. We would suggest for clarity it would have been helpful for these statements to be also made in Chapter 9.

### *Geology and Soils.*

We welcome the clarification on mitigation against temporary loss of soils during construction. We would welcome the inclusion of a commitment to handling soil under suitable weather conditions in the mitigation strategy. We would advise that the following condition is attached to the planning permission if it is granted:

‘To protect soils and ensure adequate soil function (e.g. plant growth, water attenuation, biodiversity) we advise that a Materials Management Plan should be submitted and agreed with the council prior to the commencement of any works. The plan should describe how soils and their function will be protected during and after construction’.

### *Green Infrastructure and potential for Priority Habitat creation*

We have reviewed the additional comments regarding green infrastructure and have no additional comments to make.

### *Other Advice*

Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, Local Site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority’s landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

## **4.7 Network Rail**

### **4.7.1 Network Rail - Comments received following consultation in May 2015:**

Thank you for your email dated 19<sup>th</sup> May, together with the opportunity to comment on this proposal.

Whilst there is no objection in principle to this proposal, this will be subject to the applicant agreeing to Network Rail’s technical engineering requirements and provided all necessary land

and construction consents, clearance procedures and licence documentation is completed prior to any works taking place.

Our Asset Protection Manager has also identified the potential closure of a private accommodation level crossing and Network Rail will expect this to be closed as part of this scheme.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

#### Comments following consultation of October 2015:

Whilst there is no objection in principle to this proposal, this will be subject to the applicant agreeing to Network Rail's technical engineering requirements and provided all necessary land and construction consents, clearance procedures and licence documentation is completed prior to any works taking place.

Our Asset Protection Manager has also identified the potential closure of a private accommodation level crossing and Network Rail will expect this to be closed as part of this scheme.

There is a SCT cable route that carries FTN fibre (telecoms equipment), copper, legacy telecom and signalling core on the down side of the railway running from the North past the mast which is GSM-R/FTN site 3266 Sharp Stonebridge. South of the site at approx. 4m 35 chain the cable route crosses to the Up side via a UTX. The drawings of the bridge show that it is likely that cable routes will not require a diversion. However all cable routes and any location cases REBs etc. in the area will require protection during construction works. This must be done at the developers own cost.

If this scheme is granted planning permission, a Bridge Agreement and an Asset Protection Agreement / Basic Asset Protection Agreement must be agreed between Network Rail and the developer. As these works could affect the safety of the railway written approval and supervision will be required from Asset Protection Wales, written engineering approval will also be required from Network Rail before an work commence.

In addition to that above the following standard conditions should apply:

- Network Rail (the company) offers no support to the development.
- The property structure appears to form the title boundary with Network Rail and therefore in order to carry the works, in particular to carry out any fencing works, access may be required on to the company's land. There is to be no access on to the company's land without the company's prior consent. All structural works must be contained within the curtilage of the property title and no encroachment may take place on the company's land without formal consent including foundations.
- Should any works take place where there is potential for any plant or materials, including scaffolding, to fall on to the company's land in the event of failure, then these works will require the company's supervision.
- All surface water drainage should be directed away from the company's land to the public mains system. Soakaways are not acceptable on this site.
- Should the works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the company and the utility companies have buried services in the area in which there is a need to excavate. The company's ground disturbance regulations applies. The developer should seek specific advice from the company on any significant raising or lowering of the levels of the site.

- I recommend all Method statements and Risk assessments are reviewed by the company prior to any works taking place particularly where any substantial excavations are planned.
- Any lighting scheme or structure colouration must not affect the safe operation of the railway

#### 4.7.2 Network Rail - Comments received following consultation in March 2016:

Network Rail is currently in discussions with the developer regarding the proposed works and a Basic Asset Protection Agreement (BAPA) is currently in progress. The developer should continue to liaise with Network Rail's Asset Protection Engineers.

It should also be noted that this will be subject to the applicant agreeing to Network Rail's technical engineering requirements and provided all necessary land and construction consents, clearance procedures and licence documentation is completed prior to any works taking place.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

##### *PILING*

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

##### *EXCAVATIONS/EARTHWORKS*

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

##### *SIGNALLING*

The proposal must not interfere with or obscure any signals that may be in the area.

##### *PLANT, SCAFFOLDING AND CRANES*

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

##### *LIGHTING*

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

##### *FOUNDATIONS*

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.



### *DRAINAGE*

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

### *GROUND DISTURBANCE*

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

### *ACCESS POINTS*

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

## **4.8 Internal Council Consultations**

Internal Consultation responses have been received as follows from the following officers and are produced in full below:

- Built and Natural Environment Service Manager -
  - 4.9 County Archaeologist (Archaeology) –
  - 4.10 County Ecologist (Ecology)
  - 4.11 Historic Buildings Officer (Heritage)
  - 4.12 Landscape Officer (Landscape)
- 4.13 Environmental Health Manager
- 4.14 Land Drainage
- 4.15 Minerals and Waste
- 4.16 Public Rights of Way Manager
- 4.17 Resilience Team
- 4.18 Transportation Manager

## **4.9 Service Manager Built and Natural Environment (Archaeology)**

### **4.9.1 Response received to consultation May 2015:**

Thank you for consulting me about this application. I make the following *initial* comments. Further, more detailed and finalised comments to be provided after completion of the current fieldwork [see below].

#### *SUMMARY COMMENTS AT THIS STAGE*

- As indeed is normal, I am commenting only on archaeology as commonly understood. Other aspects of the historic environment (eg listed buildings etc) are a matter for my colleagues in the Built and Natural Environment section of The Council.
- The proposed development is compliant with archaeological policy as regards potential harm to the setting of [archaeological] heritage assets in the landscape. In my view, any

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

harm (to the setting of e.g. Scheduled Monuments) would be minimal, and in consequence this is not a significant issue.

- On the basis of currently submitted information, I would also say that there is no compelling prima facie evidence of any archaeological heritage assets of substance directly at risk from the development. This I must say is in contrast to many infrastructure schemes, and is in contrast to some of the other proposed route options for this road.
- On the other hand, as is often intrinsically the case with extensive 'greenfield' areas of this kind, the existing information base is limited and possibly unrepresentative. There is an appreciable risk of previously unrecorded/unsuspected below-ground archaeological remains being present. This risk needs to be better understood.
- Accordingly, as was previously advised prior to the application being submitted, it is necessary for the current information base to be supplemented by archaeological field evaluation data. Such an evaluation is currently underway on site, and the basic results should be available within the next couple of months or so. This evaluation will assist in the determination of the application; the application should not be determined until these results are clear.
- Therefore, although in other respects the proposed development is currently compliant with archaeological policy, it is not yet fully compliant with Para 128 of the NPPF and 'saved' Policy ARCH1 of the UDP (relating to field evaluations specifically).
- However, I anticipate this matter being resolved shortly. After the conclusion of evaluation fieldwork, I shall provide comments on what has been found and its likely implications.

#### 4.9.2 Response received to consultation in October 2015:

Further to my initial comments made on 03/06/2015 (please refer), and having particular regard to the recently submitted field evaluation report, I now have the following *final* comments to make. In essence I have no objections to the development, subject to the attachment of mitigatory archaeological conditions to any grant of planning permission

1. In my initial comments, I made it plain that I was only commenting on archaeology as commonly understood (matters relating to buried ancient remains and significant above ground *archaeological* features such as Scheduled Monuments). Additionally, I made it plain that the submitted archaeological information was in general adequate, and that the application was - in most part - compliant with archaeological policy.
2. However, I also drew attention to the specific lack [at that time] of necessary archaeological field evaluation data. On that single basis, I regarded the application as failing to comply with Para 128 of the NPPF and 'saved' Policy ARCH1 of the UDP. There was a potential risk relating to below ground remains to clarify.
3. The field evaluation report has now been submitted. I consider the documentation provided here to be of an acceptable standard, and no further information is required to form a final view.
4. In broad terms, within the intrinsic evidential limits that would apply to any field evaluation, the results of the evaluation were generally negative, indicating comparatively low potential for affected archaeological remains within the application site, or that remains in evidence were of comparatively low value. The single exception to this would appear to be the area of Iron Age activity seemingly present close to Grafton Wood.
5. As regards this limited area of activity, I have considered the probable archaeological implications in some detail. My conclusions are that whilst the remains are certainly of interest,

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and are likely to be of local importance, they are not likely to be of a significance requiring preservation in situ, or to underpin any valid objection. They are of a nature that typically and justifiably would involve 'preservation by record' (ie archaeological recording prior to/during development as envisaged by Para 141 of the NPPF and 'saved' Policy ARCH5 of the UDP).

6. Accordingly, in Line with Para 141 of the NPPF, and 'saved' Policy Arch 6 of the UDP I have no objections to the application, but would strongly advise the attachment of standard archaeological 'programme of work' condition E01/C47. In practice this would lead to appropriate archaeological excavations, watching briefs etc., prior to and during development.

#### 4.9.3 Response received following consultation in November 2015:

Although I had not anticipated making further comments about this proposal (my comments of 09/10/2015 were clear and conclusive), I note a small number of representations received since then which may be perceived in some quarters as being of concern. These representations in summary appear to argue that:

1. The Iron Age remains found during the field evaluation are "considerable" and "rare" (n.b. the leading formulaic template to this effect included in a number of almost identical reps).
2. The "settlement" they represent is insufficiently researched, and would not be researched further were the SLR to be granted permission.
3. The site of the remains would be lost or destroyed were the SLR to be granted permission.

For reasons of clarity and for the avoidance of doubt I think I should make the following plain:

As regards (1), the contents and implications of the submitted evaluation report have been quoted out of context and to some extent misconstrued. In fact, the remains are limited in scope, and in a broader frame not unusual. Indeed, as Dr Keith Ray points out in his recently published work "The Archaeology of Herefordshire: an Exploration" ironworking/processing sites in the county have a very long history and are almost ubiquitous in many areas.

As regards (2), whilst the remains are inarguably of research value, they are not of substantial importance in the wider arena, and they do not need to be *additionally* researched *now* in order to arrive at a sound planning decision. The representations appear to misunderstand the nature and purpose of field evaluation. As is explicitly stated in policy, information to be supplied at this stage should be - and only needs to be - "proportionate". In any case, under the advice I gave in October, a significant amount of important research would take place anyway under condition, were the SLR to be granted permission.

As regards (3), whilst there may be some [actually very localised] loss as a result of the proposed SLR works, this loss would be appropriately mitigated by the programme of archaeological works already recommended. Also, as some of the archaeological remains are very close to the surface, if the SLR was *not* built, those remains would be subject to unmitigated loss anyway as a result of ongoing, uncontrolled agricultural processes. The 'do nothing' option is not necessarily the least damaging.

I therefore re-state my advice of 09/10/2015, un-amended. This advice was that the proposal was acceptable in terms of archaeology, subject to the imposition of suitable archaeological conditions.

#### 4.9.4 Response received to consultation in March 2016:

With reference to the above:

- I have already commented extensively on this scheme (I refer particularly to my emails of 03/06/2015, 09/10/2015, and 16/11/2015). The application I found acceptable subject to the attachment of advised conditions.
- My position remains clear, and remains the same. There is nothing in any of the more recently submitted material that would alter my position.
- Therefore, there is nothing that would justify or necessitate me making any further comment.

4.9.5 Response received to request for comments on representation submitted (Haywood Lodge – Preliminary Report – Haywood Lodge, Landscape Assessment of pool and associated features)

*Inc (1. "Historic context for a relict Georgian water garden at Haywood Lodge" David Whitehead, May 2016," 2. "Haywood Lodge - landscape assessment of pool and associated features" - Preliminary Report, DL Archaeology, May 2016, and 3. "A copy of the plan showing the relationship of Haywood Lodge and the Georgian Garden to the proposed route SC2").*

Thank you for having copied me into this correspondence. As indicated in my previous completed advice on the SLR, I would regard this continued matter as principally for colleagues in building conservation and landscape to comment upon - should they wish to do so. However, since asked (and especially given the description /perception of some of the documentation as 'archaeological') I do now think it appropriate in this case to provide some brief additional comments of my own. I hope they are of help.

- As regards the nature of the recent work done on behalf of Mr Priddle, I note in particular Document 2. whilst it is accepted that this assessment has been undertaken by reputable and accredited archaeologist[s], it is unclear what the scope and purpose of the work actually is. The assessment does not appear to have been conducted to a formal brief and design (an explicit standards requirement of the Chartered Institute for Archaeologists) and does not fit into any overall assessment strategy as sound environmental assessment demands. The methodology only really encompasses some limited field survey and photographic recording, and although the information provided is of interest, in my view it adds little that is new and verifiable.
- In the documentation in general there is a tendency to stack limited data and the initial interpretation thereof onto a rather questionable and leading prior premise - that of the 'Georgian garden' so-called (which the representation regards as a special entity). It should be pointed out that the way this postulated feature is indicated in Document 3 and elsewhere goes significantly beyond the cartographic and other evidence here. It should also be pointed out that many of the kind of landscaping and water management features present in the orchard are common features anyway in subsidiary valleys in the marches region, and for a host of reasons. The special collective quality and relevance of the features in *this* orchard has not been demonstrated.
- Whatever the nature and historic interest of the features here, there is a history of extensive and complex land use changes in the locality, changes that are not necessarily linked to the Lodge per se. These changes (including but not limited to the orcharding earthworks, the construction of a larger and more formalised road in front of Haywood Lodge, and the construction of the Hereford to Abergavenny railway have already appreciably changed the context and normal understanding of the land around The Lodge. In baseline terms, the setting as it stands is evidently a greatly altered one, and doubtless you will form your own conclusions about that.

## 4.10 Service Manager Built and Natural Environment (Ecology)

### 4.10.1 Comments received to consultation in May 2015:

In this first set of responses I have some general observations to make. I have not been party to the iterative process of deciding the preferred route from the many originally proposed. However, it is clear that it avoids the most important areas designated for their biodiversity value and predominantly traverses agricultural land with minimal impact upon the rural ecology at this location. As with most road schemes there is inevitably a severance of connectivity mainly for species commuting within the landscape and mitigation for this generates the main controversy.

The ecological documentation submitted is wide-ranging in its coverage of the preferred route and comprehensive in coverage of ecological issues. I cannot comment on the timescale or imperatives driving the project but the ecological surveys carried out were by-and-large, adequate for the purposes of identifying impacts upon protected species and habitats within the route corridor.

There are constraints which have been encountered in surveying within the active season for flora and fauna which are dealt with below. However, my strongest opinion on this is that, for the most part, the ecological impact assessment is based upon a single season's data. For some habitats surveyed this was important although for the most critical, Grafton Wood, it is clear that the impact upon rare/pristine ancient woodland flora and fauna will be minimal and very well compensated for. My detailed comments are as follows:

#### *Vegetation and habitats*

I am content that, within the constraints of survey commissioning, the Preliminary Ecological Assessment (Phase 1 habitat survey), Hedgerow, Arboricultural and Woodlands reports have produced reasonably definitive appraisals of the various plant communities. Some aspects such as the vernal and pre-vernal flora in Grafton Wood are not documented as the vegetation survey was conducted in September. Structure and composition of the autumn plant communities can be used (with statistical validity) to derive National Vegetation Classification habitat types and this has been carried out successfully on Grafton Wood. However, early flowering plants (and perhaps some rarities) might well be missed as highlighted by one of the objectors in relation to bluebell (*Hyacinthoides non-scripta*). The presence of this plant would not be surprising as it quite a widespread species and can be a fairly resilient constituent of woodland edge, hedgerow, scrub and even grassland. This does highlight the need to provide more than a snap-shot survey of Habitats of Principle Importance (HPI) such as Ancient woodlands. The Ancient Woodland candidate status of the woodland appears to have been upgraded on the basis of historic continuous woodland cover rather than the ecological indicator species present.

I note that the Botanical Survey report of the woodlands declares Grafton Wood not to qualify as an HPI woodland within the Ratcliffe Criteria table but states also that Natural England list part of it as HPI. This perhaps reflects the poorer and more deficient character of the woodland vegetation within the northern section which the report states is 'degraded woodland with human influences'. The Southern relief Road will pass through this section of the wood in which appears that it is primarily the trees cover alone which gives it commonality with the rest of the woodland block (see Terrestrial Invertebrates below).

In my meeting with the ecology team I requested avoidance of Grafton Wood. However, it would seem that there are constraints of engineering and safety issues of the road as it links to the roundabout. I would agree that the biodiversity in this section of the woodland has been compromised and, given that compensation has been offered as extensive woodland planting of adjacent field(s), I raise no objection to the route passing through at this point. I have cross-referenced trees at Grafton Wood to be removed with bat roost and emergence survey data and

find that no protected species are to be affected by this felling. Generally, the trees within this section are mature but relatively young but a full exploration of the flora remains to be done including that of cryptogams (mosses, liverworts and lichen). I propose that this should be undertaken in 2016 prior to any development to ensure any translocations necessary may be effected. The loss of habitat in Grafton Wood amounts to 0.53 will be compensated for by 3.42 hectares of planting of native woodland.

Trees have been taken from Grafton Wood in the normal course of management in the relatively recent past and the same seems to have been done to Un-named Woodland 2 which is the other woodland impacted. The removal of trees here has left the centre of the woodland open and further three trees (ash *Fraxinus excelsior*) including a mature coppice stool are programmed for felling to make way for a swale to facilitate road run-off. These trees are not highly significant trees for any protected species. Their extraction is not of major consequence in the whole scheme and can be compensated for by future planting. Indeed the compensatory planting proposed in this vicinity will ensure loss of habitat on the northern boundary is adequately offset. In addition, I welcome the arboricultural report's recommendations for tree protection across the piece.

A number of other trees along the route are to be removed only one of which is of high value in terms of form, health, aesthetics and biodiversity. T15. This and other trees of which the impact will be moderate appears unavoidable from a construction point of view. These trees have been investigated for bats either by climbing inspections or emergence surveys. None have been found to harbour bat roosts. Many of the 'targeted' trees are hedgerow trees with significant landscape value but with the landscape mitigation to be put in place for the road there should be a net gain for biodiversity as well. The accelerated decline of tree T6 seems unavoidable.

As with the landscape, the extenuation for loss of hedgerows should give net gains. The hedgerow report identifies a number of important hedgerows to be breached. The hedgerow network provides just that. Consequently, the species most likely to utilise hedgerows have been investigated and reported upon. Full dormice surveys have been carried out with nil result and no further comment is made regarding this species. However, implications for hedgerows as features for other wildlife especially bats, has proved more problematic. Hedgerows have the status of HPIs for very good reason – they are the premier boundary features surrounding agricultural fields with which much of the countryside's biodiversity is associated and link to other habitats. The scheme proposes to compensate for the loss of 750 metres of hedgerow with planting of 4.5 kilometres of new rich hedgerow which is a substantial biodiversity gain.

Where other HPIs are contained within non-statutory sites of Hayleasow Wood, Newton Coppice and Spring Grove Special Wildlife Sites (SWS), a Construction Environmental Management Plan (CEMP) advises precautionary measures for protecting them. I welcome these measures which include the erection of Heras fencing where the SWS boundaries come within 100 metres of the construction area along with methods for tackling dust generated and run-off. I also welcome the proposal to produce an Ecological Protection Plan overseen by an ecological clerk of works.

### *Breeding birds*

The report on breeding birds identifies a significant assemblage of birds and documents 14 species of conservation concern. The 745 breeding territories across the route spanned a range of birds of conservation concern of which approximately 50 % comprised boundary and tree nesting species with one ground nesting (skylark) and the rest associated with buildings. Therefore, it can be seen that potentially there is an impact that needs to be addressed not just in mitigation of the impact upon, but in enhancements for, breeding bird habitats within the landscape scheme.

The bellwether species for breeding birds in this landscape is barn owl for which a definite roost has been identified just west of the railway line. The optimal hunting territories for this species appear to lie further north of the road track with some to the south but with much of the route line being less than moderate foraging habitat. The key aspect to limiting impacts upon barn owls is to discourage their presence near the road by creating more attractive conditions away from the carriageways. As with all bird species there is an unpredictable element to their activities.

To avoid nesting activities bringing a halt to construction I note that aversion measures may be introduced. This needs careful planning and consideration. For instance, avoiding sowing a crop along the line of the route to prevent skylarks nesting could be offset by adopting skylark plots in nearby arable cropping as well as wider crop spacing by the landowners affected by the route. Losing hedgerow will inevitably introduce a lag period between this loss and the maturation of new hedgerow planting. The scheduling of these mitigations will require some refinements.

### *Bats*

The survey information on bats provided for the area traversed by the SLR give a good snapshot of the utilisation by the various bat species of the existing features. Clearly, there are 'hotspots' of bat activity with documented directional and species observations. A wider landscape survey have established, or at least inferred, what flight behaviour constituted regular commuting between roosts and foraging areas. However, regardless of this, it is apparent that the bat activity in the path of this road requires substantial mitigation and I can see that this might be the standard approach. Where it is essential for a multi-purpose bridging by the SLR of minor roads and the railway, it is desirable to accommodate bat mitigation into such structures. However, the contribution of mitigation proposals to the engineering specification for bridging appears to be significant and disproportionate. I believe alternatives should be investigated and would like to know what has been explored in relation to this.

#### The Highways Agency's A Review of Bat Mitigation in Relation to Highway Severance

A Review of Bat Mitigation in Relation to Highway Severance shows some quantitative (although not statistically validated) that culverting is a 'better used' specification to maintain bat flight-lines, particularly of diameter over 1.5 metres up to 5 metres. Small culverts were well utilised by lesser horseshoes but not by other species. Medium sized culverts were shown to be actively used by brown long-eared and notably by relatively large numbers of Myotis species.

The SLR bat activity surveys note a dominant number of pipistrelle species with a very small number of lesser horseshoe bats and, perhaps most importantly, a significant number of Myotis species amongst those found. In the Highways Agency Review the clutter adapted species such as Natterer's bat and whiskered bat were among the Myotis using the medium culverts. It is my view that an 'under road' culvert mitigation should be the mitigation of choice along this stretch of the road for bats and other mammal species rather than the two underpasses where these will incur unreasonable road elevation and embankment development.

The necessity for these embanked carriageways with the substantial underpasses for wildlife is a crucially important engineering issue which impacts upon the landscape. Although routinely adopted on other road schemes I am unclear as to the necessity to elevate the road here where a roundabout with the wildlife culverts proposed but under the carriageway coupled with linear features could well suffice as wildlife conduits and perhaps take less engineering to construct. The establishment of features to 'funnel' animals to and from culverts should be done well in advance of the scheme of development at these points. I wonder about the need to 'raise the road' here for multi-user functionality for the Grafton Lane crossing if the road is to be closed off.

I might also ask the question 'Is there evidence for flight-line dependent species of bat utilising the hedgerow network to access more distant roost sites or for seasonal migration?' I note the

intention to establish temporary echo-location linear features to enable continuity of use by the bats in areas affected.

### *Great Crest Newts*

It appears that GCN are concentrated around the railway line but at a distance from breeding ponds breeding. Mitigation for this species I believe might relatively easily achieved through a reasonable avoidance measures approach. Loss of potential terrestrial habitat for this species is to be recompensed by the installation of two ponds in addition to a further cluster of ponds near Haywood Lodge providing potential for extending the range of the species. Where construction affects habitat within 250 metres a Natural England protected species licence may be required; the data acquisition from survey for this should be underway in this survey season which has implications for an early 2016 start on the road considering the time taken to secure these approvals.

### *Reptiles*

Reptiles are as expected concentrated along the railway line but the common lizard at Grafton Wood is an interesting find and further site survey/checks to translocate individuals at known locations away from the construction area preferably to appropriate habitat nearby. There is a narrow window in autumn for the site checks proposed to avoid disturbing hibernating reptiles as well as amphibians which the CEMP goes some way to addressing with ecological clerk of works input and supervision.

### *Badgers*

Only outlier setts have been located within the proposed construction areas. Mitigation should allow for preventing this species gaining access to cross the road.

### *Terrestrial Invertebrates and Fungi*

Predominantly a trees, hedgerow and woodland study, this report revealed some interesting invertebrate finds of a Nationally Scarce leaf beetle (*Chrysolina oricalcia*) and uncommon weevil species (*Taeniapion urticarium*). Whether these can be protected from any impacts should be investigated although their presence is likely to be due to the woodland continuity and prevailing conditions rather than just the presence of food plants. As might be expected the oak trees particularly sported a diversity of invertebrate species; the age of the trees in Grafton Wood might be revised to 150 to 200 years in response to Keith Alexander's report of the sites. I note in the Environmental Statement asserts that loss of invertebrates from Grafton Wood is of local significance (section 8.6.55). I would disagree in relation to the above species noted as Nationally Scarce.

Hayleasow Wood was found to harbour the Nationally Scarce false darkling beetle (*Orchesia minor*) whilst the ancient woodland indicator Brown snail (*Zenobiella subrufescens*) was found at Un-named Woodland 1 (at the Green), Grafton Lane. Hedgerows also produced a number of commoner invertebrates whilst a pollarded veteran oak north west of Un-named woodland 2 and adjacent to the proposed road had habitat for Brown Tree Ant (*Lasius brunneus*) and click beetle (*Procraterus tibialis*). Trees at this location are to be retained.

### *The riparian zones*

Within areas where the road will cross riparian zones, there is potential for impact upon otters which are using the watercourses and associated with the R. Wye as a qualifying feature. Mitigation has been proposed to accommodate this and any construction effects on the riparian vegetation should be mitigated fully relating to disturbance. The aquatic survey documentation is particularly useful in detailing a series of indices for the water quality and conservation value



of the Withy Brook and other watercourses along the route line. Monitoring will compare this data with the follow-up information for assessing post construction impact upon these watercourses. The CEMP proposes a pre-commencement survey for the Newton and Withy Brooks which should act as the baseline for monitoring. In addition to measures such as speed limiting near the Withy and Newton Brook crossings, I welcome the mitigation for otter via fencing to reduce risk of road fatalities.

The CEMP also addresses various other impacts of the road building process seeks to avoid potential run-off and pollution effects through protocols and practical direction of the workforce. Much of this is also discussed within the HRA document and I am satisfied that it addresses Habitats Regulations sufficiently to adopt this as the HRA screening report for Natural England (NE). Consultation has taken place between the consultants and NE on the draft screening document and their suggestions for including the cumulative effects of the other section of the relief road were taken up.

#### 4.10.2 Response received to consultation in March 2016:

As an overall comment in this, my final response to this scheme for the Southern Link Road, it is regrettable that there seems to be little possibility for small variations in the route to avoid impacts upon ancient woodland and an especially important veteran oak tree adjacent to Pykeways known as T15. It is the latter issue which is my principal concern and I cannot support the removal of this tree given the loss of biodiversity value. I am still of the mind that the route avoids the most important areas designated for their biodiversity value and predominantly traverses agricultural land.

Clarifications have been given justifying the necessity for wildlife underpasses in preservation of continuity and the necessary height provision to conform to recommended standards. I accept with some qualification (see later comments) that the incorporation of these structures into the scheme is necessary for ecological integrity within the landscape. My original comments on this proposal still stand regarding the ecological appraisal carried out with respect to the proposed line of the road. Not-with-standing my view in my opening remarks above, my view on the assessment of habitat within Grafton Wood remains in accord with the current findings.

On a recent spring visit to the site this year (2016) I note that there was some vernal botanical interest notably a scattering of small patches of wood anemone (*Anemone nemorosa*) and bluebell (*Hyacinthoides non-scripta*) within the northern section of Grafton Wood. There is clearly some ancient woodland flora remaining in the form of bulb and corms from these species as an edaphic vegetative component. In my professional view as a woodland ecologist, this now represents a vestigial remnant of the ancient woodland field layer. There may be some residual botanical interest in the bryophytes within ground layer but woodland thinning and clearance has significantly altered the micro-climate within the section of woodland to be traversed by the new road. Removal of trees in silvicultural management has severely compromised the natural history of this area of the site and the habitat is now open with almost complete depletion of understorey growth. The changes are very significant as evidenced by the paucity of shade loving ancient woodland plants and the epicormic growth on remaining English oak trees responding to increased light levels.

In addition to the above characteristics of this area of Grafton Wood, the prevailing woodland floor vegetation has become dominated by agricultural ruderals such as broad-leaved dock (*Rumex obtusifolius*), thistles (*Cirsium spp* notably marsh thistle (*C. palustre*) and spear thistle (*C. vulgare*)) alongside a coarse and tufted grass community abundant in cocksfoot (*Dactylis glomerata*), yorkshire fog (*Holcus lanatus*), couch (*Elymus repens*) and meadow foxtail (*Alopecurus pratensis*). This is by no means an extensive list but is representative of the poverty of the sward conditions. This whole section of the wood is also water laden the persistence of which is indicated by the presence of frequently occurring milkmaids (*Cardamine pratensis*) and some willow (*Salix spp.*). In fact the presence of this combination gives the herb

layer more of the features of a site transitioning to marshy grassland than typical ancient woodland characteristics.

There are some areas of natural regeneration of oak, ash and willow within this section of Grafton Wood which gives some encouragement that reversion to closed canopy woodland may occur again in the future. However, I believe the extent of change currently exhibited shows recovery to this state would take substantial period of careful management. Management would first have to wrestle with control of the abundant ruderals established and in the seed bank. I note there is no intention to translocate any soil/flora from the site; in my considered view this is a wise decision given the significant problem with controlling the noxious ruderal weeds present. The time taken to reduce/manage this weed growth effectively until shade bearing plants can sustain themselves, may be commensurate with the time taken to establish the same conditions in new woodland planting adjacent to the site.

My professional view, under the current proposal for this road it would be preferable to secure a decent, in-perpetuity, management regime for Grafton Wood (including the northern section and the adjacent new planting proposed) if approval is given. This is my minimum recommendation if Grafton Wood cannot be avoided by this development. No further information from the SLR ecologists has been forthcoming regarding exploration of the flora and cryptogams (mosses, liverworts and lichen). I propose that this should be undertaken in 2017 prior to any development to determine if any translocations can be effected.

With the loss of trees with saproxylic invertebrate and fungal interest in Grafton Wood, some continuity may be possible by strategically retaining the felled wood within the woodland.

In my original response I highlighted the necessity for embanked carriageways with the substantial underpasses for wildlife is a crucially important engineering issue which impacts upon the landscape. I fear that the need for embankment of the carriageway has been placed at the door of 'bat commuting requirement' and it is important to emphasise that there is some additional height requirement but the need for raising the carriageway is to allow clearance for vehicular access as well.

I commented before that, of the trees to be removed, the situation regarding loss of biodiversity from isolated trees like T15 is of greater significance and I believe great effort should be made to conserve this tree through speed restriction. T15 is of high value in terms of form, health, aesthetics and biodiversity. At the time of my original comments the impact upon this tree was considered unavoidable from a construction point of view. A study of the possibility of taking a wider radius curvature at this location near Pykeways was proposed which would result in removal of lesser trees but leave T15 albeit potentially compromised by some incursion into its root protection area (un-assessed). I understand this option has been ruled out due to road speed modelling requirements and the road speed would suffer an appreciable reduction. This is a similar argument put forward for the unavoidable breach of Grafton Wood. I am not an engineer but the lower road speeds on approach and exit from the roundabout close to T15 would assist in its retention and I feel that the value of this tree has been given insufficient weight in the engineering decision making process in respect of the layout of this section of the route. I would urge Committee to explore this avenue for retention of T15 which is likely to be some 350 years old or more.

In respect of the route between A49 and the proposed roundabout with the A465, I find myself satisfied with issues of protected species and mitigation proposed. However, in respect of the route between A465 and Pykeways, at this end stage of planning application appraisal, I do not feel a satisfactory resolution has been reached in the matter of retention of T15.

My recommendation to approve the scheme is subject to this section of the route being re-worked to avoid T15.

In the event that the scheme is given approval, I suggest the following conditions are attached:

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

*The recommendations for species mitigations and habitat enhancements set out in Section 8.8 the Ecology Statement of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015, and as informed by the detail of the individual ecological reports, should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of site works, including site clearance, working method statements for protected species present as applicable should be submitted to the local planning authority for approval in writing. The plan shall be implemented as approved.*

*An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.*

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

*The recommendations for species and habitat enhancements set out in Section 8.12 the Ecology Statement of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015 and as informed by the detail of the individual ecological reports should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of site works, including site clearance, a species and habitat protection and enhancement scheme should be compiled alongside recommendations for landscape management proposals into an Ecology Management Plan conforming to BS42020:13 Biodiversity: Planning and Development for submission to, and approval in writing by, the local planning authority. [The scheme shall be implemented as approved.*

*An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.*

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

#### **4.11 Service Manager Built and Natural Environment (Heritage)**

##### **4.11.1 Response received to consultation in May 2015:**

The proposed road known as the Southern Link Road would be constructed as a 2 lane single carriageway, 3.6km in length, and extend from the A49 Rotherwas roundabout to a proposed roundabout linking with the A465. A further link, known as the Clehonger Link would extend from the proposed roundabout on the A465 to connect to the B4349.

A Cultural Heritage Desk-Based Assessment accompanies the planning application. As this Assessment is informing the design of the road in respect of its relationship with the historic assets within the vicinity of the route, it is this document upon which the following comments are based.

#### *Comments in relation to Section 2 Policy, Approach and Guidance*

The Assessment has used English Heritage's 2011 guidance 'The Setting of Heritage Assets' to assist with the evaluation of the historic assets' setting. It should be noted that this guidance was replaced in March 2015 by Historic England's 'The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3'. Some of the guidance in this document remains constant; however, the Assessment should be updated as necessary to reflect the latest guidance.

This section identifies policies from the Herefordshire Unitary Development Plan that are considered relevant, including Policy HBA4 Setting of Listed Buildings. However, no reference is made to Policy HBA8 Locally important buildings. Policy HBA8 allows for buildings to be assessed on a continuous basis to determine whether they are of local importance because it is unlikely that that all such buildings will be identified in advance. Table 1 in section 3 of the Assessment identifies locally listed buildings as being of Medium (Regional / County) Cultural Importance / Sensitivity. The gazetteer of heritage assets in Section 5 does not identify any buildings to be of local importance and seems to be limited to the assets identified in the Herefordshire Historic Environment Record. Although locally important buildings do not enjoy full protection of statutory listing, the impact on their setting is a consideration when development is proposed. Paragraph 135 of the National Planning Policy Framework also states that 'The effect of an application on a non-designated heritage asset should be taken into account in determining the application.'

#### *Comments in relation to Section 5 Gazetteer of Heritage Assets*

Section 5 of the Cultural Heritage Desk-Based Assessment identifies provides a gazetteer of heritage assets, dividing them into those within 300 metres of the proposed route (the inner study area) and those more than 300 metres (outer study area). The gazetteer provides a useful starting point to commence the initial first step recommended by Historic England to identify which heritage assets and their settings are affected. The gazetteer identifies that there are a number of listed buildings and structures within 300 metres of the route.

The Assessment identifies Merryhill Farmhouse and Stables as being more than 300 metres from the proposed route of the road but less than 400 metres. Grouping heritage assets into those in an inner or outer study area is of some use and parameters need to be set; however, to some extent the set distance is a guideline and not a substitute for observations on the ground. The listed buildings at Merryhill Farm are only just outside of the inner study area; they are in an elevated position; and there is a degree of inter-visibility with the group of buildings at Haywood Lodge and Haywood Lodge Farm which are identified as within the inner study area. It is important that the impact on the setting of the buildings at Merryhill is given the same level of consideration as the heritage assets within the inner study area.

The historic buildings at Haywood Lodge Farm are not listed with the exception of the grade II listed pig sties to the southwest. However these buildings including 1 & 2 Haywood Cottages have local interest because of their historic connections with grade II\* listed Haywood Lodge estate and also because of the contribution they make to the character and appearance of the area. See comments regarding buildings of local importance under paragraph 2.2. These undesignated historic assets are considerably closer the proposed road than 300 metres and in the case of Haywood Lodge Cottages this is less than 100 metres. Their rural setting would be affected by the cutting below Haywood Lane, as well as the embankment and bridge over the railway line to the east. The impact of the road on their setting therefore also needs to be

considered as part of the Assessment. A more comprehensive study on the ground is therefore needed to identify buildings that are potentially of local interest.

### *Comments on Section 6 - Setting Assessment*

None of the statutory listed assets would be physically affected by the proposed road; however there will be an impact on their setting and this is acknowledged within this section. The Assessment is making use of the stepped approach recommended in English Heritage's 'The Setting of Heritage Assets' (2011). Step 2 involves assessing whether, how and to what degree the settings make a contribution to the significance of the heritage assets. Table 11 presents a list of the potential attributes of a setting that may help in determining significance. This list is the same as that contained within the 2015 guidance. The table provides a useful starting point for the assessment of each historic asset. Not all the attributes will be applicable to a single asset and equally there may be relevant attributes to a particular asset that are not on the list.

Including Table 11 within the Assessment is useful; however it is only a starting point. Some analysis of the assets and their setting has been provided but it lacks depth. For example, in relation to Merryhill Farmhouse and Stables, the extent to which the agricultural fields surrounding the farm contribute to significance is not explored in any detail. There is a historic and visual connection between Haywood Lodge and Merryhill Farm and the shared setting of the rolling agricultural landscape needs to be analysed in more detail since the landscape would be significantly changed due to the barrier created by the proposed road.

Paragraph 3.1.3 in Section 3 refers to a site visit carried out in October 2014 to assess character and identify visible historic features, but it is not apparent that any information was collected from the assets identified in the gazetteer, or from within their grounds. How the asset is experienced is a key part of the assessment to establish the attributes of a setting. This needs to be done by a visit to the asset, not just an assessment from the existing highway / footpath or route of the proposed highway.

With reference to Haywood Lodge, paragraph 6.3.12 mentions the long-ranging views from the house but neglects to mention that there is an artistic representation of this view that is nationally recognised.

In the light of the above comments it is suggested that each relevant attribute from Table 11 is assessed in a systematic way for each asset. From this a more informed conclusion can be reached in terms of the contribution the setting makes to the significance of the asset. The analysis could be set out in the form of table with accompanying narrative, possibly with each relevant attribute graded for its contribution to significance, for example as might be done for a conservation management plan.

It is not clear how the Assessment goes from step 2 to the conclusion of step 3. Step 3 in the Historic England guidance is assessing the effects of the proposed development, whether beneficial or harmful, on that significance. In relation to Haywood Lodge, paragraph 6.3.12 of the Assessment notes that the elevated section of the road will impinge on the immediate views from the house and that the road has the potential to create a more dynamic and noisy setting in the immediate surroundings. Paragraph 6.3.12 identifies that the setting of the heritage assets at Haywood Lodge make a substantial contribution to their significance. The conclusion is that the impact on setting is moderate / large adverse. While as noted above there has been some work on assessing the harm to significance, the level of information is insubstantial and then jumps to the conclusion but with no explanation of how this interpretation was arrived at. Due to the height of the proposed road embankment 9.35 metres above the existing ground level together with the increase in noise and light pollution, there is a strong possibility that the impact on the setting will be more than moderate. This comment applies equally to all the affected historic assets, not just Haywood Lodge. The Assessment needs to follow a logical path from the assessment of the setting, through to assessing the potential effects and the

degree of harm (or benefit). The final conclusion needs to be transparent with the information that has led to this conclusion clearly set out.

The proposed road will inevitably introduce more noise and light pollution than is currently experienced along the majority of the route. Even if parts of the route are not illuminated there will still be vehicle lights during dusk / night time and other periods of poor visibility. How a historic asset is experienced is part of the assessment when considering the contribution a setting makes to the significance of a heritage asset. A rise in the level of noise and additional artificial light associated with the new road is likely to affect that experience. To what degree noise and light pollution will or will not affect the heritage assets has so far not been assessed in sufficient detail. With reference to paragraphs 6.3.40 - 6.3.42 which considers Clehonger Court and its associated assets, even though the property is adjacent to the B4349 and the A465 is nearby, the highway infrastructure is currently relatively low-key in that area. However the proposed round-a-bout and the junction of the Clehonger link with the B4349 seems likely to need additional infrastructure such as artificial lighting. This has not been considered as part of the analysis of the impact on the assets at Clehonger Court.

#### *Comments on Section 8 – Likely Impact of the Proposed SLR*

This section summarises the significance of setting for each historic asset; the level of impact of the proposal and the significance of that impact on the setting. This information is set out in the form of a table. It has already been stated in the above comments that the preceding information leading up to this point does not make it clear how the final conclusion is reached. While the use of matrices can assist in analysis, the Historic England guidance points out that setting is a matter of qualitative and expert judgement and so matrices and scoring systems cannot necessarily provide a definitive answer. Narrative is needed to support this type of material, explaining why for example the significance of a setting is judged moderate, why the impact is minor and why the conclusion has been reached that the significance of the impact is slight adverse.

#### *Comments on Section 9 – Mitigation Strategy*

Historic England's guidance advises that if harm to the historic asset is identified, the next step is to look at options for reducing harm. Options may include the relocation of development or changes to its design. Screening the development can be an option where relocation is not possible or the design cannot be adjusted; however the guidance also points out that screening can also have an intrusive effect if used inappropriately.

The visual impact of the development has been identified as having adverse effects including large adverse in the case of Haywood Lodge. The visual impact from the proposed road is particularly significant as it approaches Haywood Lane from the east due to the height of the embankment which at one point is 9.35 metres above the existing ground level. The proposal for the embankment to have 1 in 4 slopes where it crosses the railway line will help to soften its appearance as will planting the bank with shrubs and intermittent trees. However, how effective this will be is questioned given the degree of harm that has currently been identified. The embankment does not work with the natural form of the land and is likely to appear as an unnatural feature in the undulating agricultural and wooded landscape in spite of the proposed screening. This section of the route goes through a particularly sensitive area due to the cluster of historic assets, including the grade II\* Haywood Lodge. The Assessment already identifies an adverse effect on the setting of some of these assets. In Section 8, Table 16 states that with heritage assets of national value mitigation is to be avoided. It is unclear what this actually means, but if it is taken to mean that the proposal would not be acceptable if mitigation is necessary, then it is questioned why this route through such a sensitive area is being pursued especially when it requires such extensive engineering work.

## Conclusion

The Cultural Heritage Desk-Based Assessment is an important part of the evidence that is used to inform the road proposal. There are concerns that the assessment of the setting in relation to the significance of the identified historic assets has not been done in sufficient depth. There is no narrative accompanying the conclusions shown in the matrix tables relating to the significance of the impact and so it is unclear how this conclusion has been arrived at. The initial scoping of historic assets has failed to include buildings / structures that may be of local importance. Harm to the setting of Haywood Lodge has been identified yet the mitigation proposed is minimal and the road particularly prominent at that point being raised on an embankment. Noise and light pollution from the road has barely been considered in terms of impact on the experience of the historic assets. Further work on all of the above needs to be undertaken so that sufficient information is provided to properly assess the scheme against the tests set out in the NPPF para 132 – 136 and the requirements of Policy HBA4 and HBA8 of the Herefordshire Unitary Development Plan.

### 4.11.2 Response received to consultation in October 2015:

The further information that has been submitted is noted. In relation to comments from building conservation provided on 10<sup>th</sup> August 2015, it is disappointing that none of the following have been addressed:

1. The assessment of the setting of the heritage assets along the route appears to still not include information collected from visiting the buildings or their grounds. How the heritage asset is experienced is a key part of the assessment to establish how the setting contributes to significance. One of the recently documents submitted is a letter dated 8<sup>th</sup> September 2015 in response to Historic England's comments. In relation to setting issues the letter states that the assessment of Haywood Lodge was expanded to address the issues raised by Historic England, but it did not result in any change to the assessment of the effect or the impact. With regard to the long views out from the house towards Hereford Cathedral the letter states *'The view may be enhanced from the upper storeys of the house. However, the proposed Southern Link Road, including the embanked section, will not have a major adverse impact upon these elevated views.'* During a site visit to Haywood Lodge undertaken in July 2015 which included viewing the route from the upper floors, I observed that the road was likely to have a significant impact on these views. It is understood that representatives from Parsons Brinkerhoff visited Haywood Lodge on 24<sup>th</sup> September 2015 and had the opportunity to view the route of the road from the house and particularly from the upper floor. The findings from this visit have not fed into the assessment.
2. The levels of harm indicated in the matrix tables lacked accompanying narrative to show how these conclusions had been arrived at. This is still the case. The thought processes need to be transparent and easily understood since consultation should be inclusive.
3. There is still no account taken of the impact of the scheme on locally important buildings. The NPPF is clear in Para. 135 that the effect of an application on non-designated heritage assets should be taken into account in determining the application. A notable omission from the assessment is the group of historic buildings at Haywood Lodge Farm.
4. It is noted that the application includes studies on noise and light from the road; however this information needs to feed through to the heritage assessment. The additional noise and light pollution will affect how the heritage assets are experienced and this should be considered as part of the heritage assessment.

5. The concern over the proposed level of mitigation remains. In relation to the embankment between the railway line and Haywood Lane, the proposed mitigation is inadequate to address the visual impact the road will have on the nearby heritage assets. A fundamental problem is that the road at this point is unable to integrate with the natural contours of the landscape at a particularly sensitive location because of needing to bridge the railway line. Historic England's comments are noted about gaining a more detailed understanding of the historic landscape and using that to inform improved planting into the landscape to mitigate the visual impact to some degree. They also refer to improving the design of the road. These suggestions from Historic England should be fully explored.

The additional visualisation from Viewpoint 32 is noted; however it is a distant view and therefore only provides a limited idea of how the road would appear in the vicinity of Haywood Lane.

As previously discussed, the setting of a heritage asset contributes to its significance. Harm to that setting therefore impacts on the significance of the asset. The proposed road would not result in direct physical harm to the designated heritage assets, nor would their settings be totally destroyed. The likely impact of the road is probably not substantial harm as defined by the NPPF but the level of harm is significant in the case of Haywood Lodge. The assessment has identified that the impact on the setting of Haywood Lodge is moderate/large adverse. If further work is undertaken as requested to assess the relationship of the asset with its setting, including the relevance of the wider landscape, it is possible that the level of harm will be more acute than estimated in the assessment. Even if this is not the case, the level of harm is still significant but the response in terms of design and landscape mitigation has not addressed the magnitude of the impact.

Paragraph 132 of the National Planning Policy Framework is clear that when considering the impact of a development proposal on a designated heritage asset, great weight should be given to the asset's conservation. There is still concern that the impact of the road on the heritage assets along the route has not been fully considered. The scheme should not progress while there are still deficiencies in relation to the assessment of the impact upon setting, and also doubts about the adequacy of the proposed mitigation.

#### 4.11.3 Response received to consultation March 2016:

1.0 These comments are made in addition to those already submitted by the Building Conservation Team (Ref: J. Poole, 10 August 2015 and 5 November 2015) in relation to this application. They must therefore be read in conjunction with the previous two sets of comments.

2.0 These comments are made in response to the submission of extra information regarding particular aspects of the proposed route, and clarifying information regarding the route selection process. The information had previously been requested by Historic England and by the Council's Building Conservation Team. Dialogue with Historic England has been ongoing throughout the consultation process.

3.0 In order to properly assess and comment on the submitted clarifications, particularly regarding the route selection, the new information needed to be understood within the context of the original process, to understand the conclusions reached.

4.0 This response will take the form of a summary, then comments on each document separately, followed by an overall conclusion.



## 5.0 SUMMARY OF FINDINGS:

- Overall it is concluded that, from a heritage point of view, Route SC2 is of concern in relation to the impacts on historic significance.
- The route itself does not comply with Core Strategy Policy LD4 as it does not protect, conserve or enhance the heritage assets on which it has an impact. It is contrary to the first two points of Core Strategy Policy LD4. This is due to the acknowledged Moderate/Large Adverse impact of SC2 on the setting of a high number of heritage assets (an impact which is considered to be conservative in its assessment and therefore may be higher), and the lack of positive contribution that would be made by the route to the local distinctiveness of the area.

When assessed against the NPPF Chapter 12, relating to the Historic Environment, the Preferred Route SC2, due to the acknowledged Moderate/Large Adverse impact, is considered to cause “less than substantial harm”. This engages NPPF paragraph 134 which requires that the harm be weighed against the public benefit. The advice about assessment against the NPPF is in accordance with that given by Historic England (18 February 2016).

## 6.0 Response to Historic England by Agent (dated 8<sup>th</sup> September 2015)

The methodology used to assess the significance and setting of the heritage assets and consequently the harm caused by the SLR proposal seems to provide broad bands of assessment. This means that differentiation between the impacts on assets of different significance is not easily reflected in the assessment.

The mitigation measures proposed will go some way to screen the road from the various heritage assets along the SLR route. However the measures largely seem to only address views out from Haywood Lodge rather than mitigating for the presence of the road within the setting of Haywood Lodge. The 1 in 4 embankment with the proposed planting may gradually provide some level of screening of traffic on the SLR when viewed from Haywood Lodge and the other buildings along Haywood Lane, but the 1 in 2 embankment and scrub planting will do little to mask traffic when viewing Haywood Lodge and other heritage assets from north of the SLR.

In the Preferred Option Report of November 2014, the route selection process attributed Minor to the “direct impact on the significance of the setting of a grade II\* and three grade II listed buildings at Haywood Lodge”. This has fed directly into the score for the Appraisal Summary Table for each Route Option, which in turn has led to the selection of Route SC2. The subsequent DBA assigns a Moderate/Large Adverse impact to the same group of buildings. It’s unclear to me how this higher impact level has been fed back into the route selection process and model.

## 7.0 Historic Landscape Assessment (December 2015)

This Assessment relates to Haywood Lodge and its surrounding landscape. It was a desk-based exercise involving historic maps and the George Lewis paintings of Hereford from Haywood and was requested by Historic England. Though it is not clear from the Assessment, a site visit was made to Haywood Lodge and a tour of the cellars and house was undertaken in addition to the desk-based exercise.

In relation to the map regression part of the Assessment, the conclusions appear valid, however prior to the submission of this report another representation was received which utilised some other maps and reached other different conclusions (“A Brief History of Haywood Lodge” C J Priddle, August 2015). Assessment of the same range of maps would have been helpful.

In relation to the evidence of an older structure on the site of the current Haywood Lodge, I noted that there was no commentary on this within the Assessment. The Assessment states: "No map or historic documentation was found to suggest the presence of an earlier hunting lodge on the site of the current lodge." Given that the cellars of Haywood Lodge had been visited, the stone staircase and stone mullioned windows are clearly older than the above ground structure it would have been helpful if the evidence of existing historic fabric had been detailed and discussed.

Potentially, information such as this may alter the understanding of the significance of the grade II\* heritage asset and indeed the contribution that the setting has on that significance. Given that the SLR is within 350m of Haywood Lodge and closer to its grade II listed boundary (listed in its own right), this could increase the level of harm, even though it has already been assessed as Moderate/Large Adverse. There could be a case for assessment of the contribution of the setting of Haywood Lodge to its significance being substantially reduced by the SLR being located at the proposed elevation and at the proposed proximity to the grade II\* heritage asset and therefore a resultant greater harm being caused.

#### 8.0 Topographic Analysis – 14 December 2015

This document highlights the lack of differentiation made between heritage assets, despite allocating them a value relating to their importance as the first step in the Cultural Heritage Desk-Based Assessment (February 2015). This value seems to be largely disregarded when making comment about whether a particular route option would go closer or further away from a particular asset. Hence moving the route further away from a grade II\* listed building, which would generally be considered to result in a reduction in impact, appears to be outweighed by the route moving closer to a grade II listed building and a site of archaeological importance, noted as local in the DBA. There is consistently no variation in importance attributed to the heritage assets being impacted, although I understand that analysis may have been carried out.

The Analysis paper would indicate to me that from a heritage perspective, route SC8 may have merit simply because it would move away from the Haywood Lodge complex with its grade II\* and grade II buildings thus reducing the impact of the road in views from and to the Lodge. However, this would have to be balanced against the need for a slightly higher and longer railway bridge.

#### 9.0 Additional Information Request from Historic England – 14 December 2015

Historic England requested clarification on route selection because the first step to alleviate harm is to avoid it. Looking at the Summary Table 1 of the Road Options, which merely reiterates the conclusions of the 2012 and 2014 Assessments, and then referring back to the 2014 Preferred Options Report (POR) itself it is noted that paragraph 8.5.2 states that "this option would encroach within 300m of but be largely screened from the Listed Building complex at Haywood Lodge". Paragraph 8.5.3 goes on "It would have a minor impact on the settings of the listed structures at Haywood Lodge, resulting in a slight to moderate effect."

It is noted that there is no distinction made between SC2 and SC2A in terms of impact although one has a bridge and embankments and the other does not. Clearly the impact of one would not be the same as the other; however the two routes have been assessed as the same (slight/moderate). The level of impact was reassessed in the DBA of April 2015 (moderate/large adverse).

Historic England, the LPA and the agents discussed various alternative routes and possible mitigation solutions, particularly for the area around Haywood. It is acknowledged that no one route satisfies all criteria, however in heritage terms the level of harm caused by SC2 may be higher than has been assessed. Historic England are also of this opinion, as stated in their advice submitted on 18 February 2016.

## 10.0 Locally Important Buildings Settings Assessment (Jan 2016)

This Assessment was requested by the Building Conservation Team in August 2015. Three buildings were assessed; those at Haywood Lodge Farm and one other building, 4 Haywood Lodge Cottages, to the south of the railway has been mentioned. The three assessed buildings have been considered from public vantage points. It would have been helpful if an assessment of views out from these buildings and of their internal intactness, or otherwise, had been made, particularly in respect of the converted granary. This information would have further informed the judgement on significance.

The SLR is rarely at grade, as shown on Drawing 3.3 (Route Plan and Longitudinal Section) being generally either on an embankment, in a cutting, or transferring between the two. This means that the heritage assets, designated and non-designated, and the landscape are having a new landform imposed upon them or within their settings.

The overall conclusions of the Assessment are considered to be on the lower side of the impact range for the heritage assets. For example, I would assess the impact as being greater in the case where the SLR is within a cutting but still less than 50m from Haywood Cottages, a local heritage asset.

## 11.0 Impact of Proposed Landform (covered by various documents)

Landform is a cross-cutting issue with various implications, including impact on heritage assets, which is why it is considered here. The LVIA Section 7.6.2 states "The overarching principle upon which the landscape design is grounded is to assimilate the proposed scheme with the surrounding landscape character and reduce visual impacts where they are identified". There has been an intention, stated in several places, to create the route "at grade"; however the SC2 route has to cross two roads and a railway. As a consequence, it is mostly either on an embankment of about 9.5m or in a cutting of 8.9m rather than following the contours of the locality. The road therefore crosses the existing ground level in five places along the route. As a consequence SC2 has imposed a new landform in the existing landscape. It is both the landform and the traffic on the route that impacts on the various heritage assets.

The new landform does not blend the route into the existing landscape, either with or without the proposed planting and extra parapet. This is particularly the case when viewing Haywood Lodge from the north east looking south west, where, as stated previously, the bank is 1:2 and covered only with scrubland. The extent of the new landform only serves to highlight the route and the impact it has on the setting of the various listed buildings along its route. This is particularly the case for the embanked areas, but given the depth of the cuttings and therefore the width of the scar at existing ground level, this will have a harmful impact in the landscape and therefore in the setting of heritage assets. The local heritage assets identified are particularly close to the cutting (50m) though this has only been given a "minor" value for the magnitude of impact upon its setting.

Existing topography and constraints such as the railway line necessitate the use of cuttings and embankments. This limits the degree of assimilation that can be achieved. From a heritage perspective, this would result in harm to the setting of designated and non-designated heritage assets which would, in turn, impact adversely on the significance of those assets.

The level of harm to the some assets may, in places, been under-estimated, for instance regarding the impact of the cutting on the Locally Important Haywood Lodge Cottage nearest the cutting. In other instances the fundamental structure of the heritage assessment prevents any differentiation between the levels of designated listed buildings or of the levels of harm that can affect a heritage asset on a medium/fine grain basis. The assessment is at the highest possible impact level without direct physical impact on the heritage asset. However, while the

mitigation proposed is acknowledged in my view it would not offset the visual harm to the setting of heritage assets.

#### 12.0 Haywood Lodge Orchard Pool (submitted on 18<sup>th</sup> May 2016 by Mr Priddle, the owner of Haywood Lodge)

Initial investigations and research have very recently been carried out into various features within the orchard to the north east of Haywood Lodge, across Haywood Lane. The theory presented in the report is that the features form part of an 18<sup>th</sup> century pleasure garden to Haywood Lodge.

The archival research carried out so far has not unearthed designs for the landscape at Haywood Lodge but the on-site features do show a holding tank, on Haywood Lane, a pool with stone lining and dam and various stone walls and apertures to control the water flow. The visible items on site have been noted and appear to relate to the history of Haywood Lodge; however there is currently no dating evidence from site or from the archives.

In the future there may be reason to reassess the extent of Haywood Lodge in terms of influence, setting and significance. Given that the orchard and the dammed pool in question extend to within a few metres of the SLR and its embankment, the level of harm to the wider heritage asset may or not increase as a result of the SLR. However, at present, the level of significance and historic interest has not been proven.

### **13.0 CONCLUSIONS**

The SLR, in terms of Heritage, needs to satisfy NPPF Chapter 12 and Core Strategy Policy LD4.

The SLR impacts on heritage assets, as has been clearly shown within the application documentation. The highest Significance of Impact is stated as Moderate/Large Adverse on the grade II\* listed Haywood Lodge, grade II Cider House and Gates and Railings to Haywood Lodge. Merryhill Farm and Merryhill Stables, both grade II listed, have been assessed as Slight/Moderate Adverse for Significance of Impact, as has the Scheduled Ancient Monument (SAM), the Church Of St Peter. Most of the other heritage assets along the route and within the study area also will be subject to some degree of adverse impact. The stated levels of impact on heritage assets are generally agreed, given the methods employed, though I would consider the levels to be slightly higher than the applicant in general terms.

In assessing the impact of a scheme on designated and non-designated heritage assets, the identification of harm to high value assets requires the reassessment of that scheme to avoid the harm. Only then should measures be undertaken to mitigate the harm. The SLR scheme, as with all the other rejected routes, has been assessed as causing harm to heritage assets and the “avoid” exercise seems to have been carried out using the data from 2012 and 2014, before the DBA reassessment. There was no consequent change in the route.

Policy LD4.1 requires that proposals “Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance.....” Though the proposals are not due to have a direct impact on historic fabric it has been clearly established that SLR will have an adverse impact on the settings of a high number of heritage assets, in particular the grade II\* Haywood Lodge and its associated grade II buildings and structures. As a consequence the proposal does not comply with Policy LD4.1.

Policy LD4.2 requires that “where opportunities exist, contribute to the character and local distinctiveness of the wider environment”. Given the embankments and cuttings proposed that form the majority of the route, the road cannot be fully blended into the landscape and from a heritage and setting point of view is therefore going to be more rather than less intrusive. The

landforms proposed will not contribute to the character and local distinctiveness of the area and therefore the proposal is not considered to comply with Policy LD4.2.

PolicyLD4.3 relates to schemes where works are being carried out directly to heritage assets and therefore does not relate to this scheme.

Policy LD4.4 relates to schemes where heritage assets are to be lost (wholly or in part) and requires recording of evidence and the advancement of understanding of the assets to be publically available. This can be covered by condition on any approval granted.

Policy LD4.5 relates to schemes involving direct works to heritage assets rather than within their settings. It is not considered that this element of Policy LD4 is relevant to this scheme.

Since the SLR is not actually causing the loss of historic fabric, only harm to the setting and therefore the significance of heritage assets, the relevant NPPF Paragraph has to be 134, which deals with “less than substantial harm”, rather than the “substantial harm” of 133. Paragraph 134 requires “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.” The level of harm to Haywood Lodge in particular, being the highest graded listed building affected by the proposal, is considered to be very high within the range of “less than substantial harm”.

NPPF paragraph 132 requires “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.” Many of the comparisons made between heritage assets within the reports seem to make no distinction between the relative values of those assets. Whilst “great weight” should certainly be given to their conservation, care has to be given to balance the significance of one asset against another appropriately.

Overall it is concluded that, from a heritage point of view:

- The selection of Route SC2 is of concern in relation to the impacts on historic significance.
- The route itself does not comply with Core Strategy Policy LD4 as it does not protect, conserve or enhance the heritage assets on which it has an impact.
- The “less than substantial harm” of the scheme engages NPPF paragraph 134.

As a result the application proposal cannot be supported in heritage terms.

## **4.12 Service Manager Built and Natural Environment (Landscapes)**

### **4.12.1 Response received to consultation in May 2015:**

The proposal is for a 2 lane single carriageway, 3.6km in length, known as the Southern link road, extending from the A49 Rotherwas roundabout to a proposed roundabout linking with the A465. An additional road, also part of this application and known as the Clehonger Link will extend from the A465 proposed roundabout connecting to the B4349.

On reading the submitted Environmental Statement and conducting 3 site visits carried out on 11<sup>th</sup>, 30<sup>th</sup> June and 16<sup>th</sup> July 2015, I have the following comments to make:

- *Landscape Impact:*

With respect to landscape character the route of the proposal crosses the boundary of two distinct character types. For a distance of 330m the proposal passes within the National

Character Area 104 South Herefordshire and Over Severn<sup>1</sup>, at a local level the landscape character type is defined as Principal Settled Farmlands<sup>2</sup> extending from the A49 Rotherwas roundabout to the field boundary with Grafton Wood.

NCA 104 is defined as; *fertile undulating arable farmland with large to medium fields with commonly low hedgerows and ageing hedgerow trees. Large sandstone farmsteads and numerous churches and manor houses in small hamlets.* Principal Settled Farmlands as set out within the Landscape Character Assessment is; *a rolling lowland area of central Herefordshire. A landscape of domestic character defined chiefly by the scale of its field pattern. These are settled agricultural landscapes of dispersed settlements with small winding lanes nestled within a matrix of hedged fields and hedgerow trees. The mixed farming land use reflects the good soils typically found.*

The Urban Fringe Sensitivity Analysis<sup>3</sup> considers the sensitivity of the landscape to development. It uses the following criteria; visual prominence of the area, the degree of harmony between the existing built environment and the landscape, the historic landscape, the presence of landmark features, its scenic quality, the landscape condition, the presence of detractors and its amenity value. The proposal falls within Area 4C Grafton - Lower Bullingham. Area 4C is high-medium sensitivity (*the key characteristics of the landscape are vulnerable to change and/or have high value as a landscape resource*). The primary reasons for this are its; *contribution to the rural setting of the city, its tranquillity and maintenance of its dispersed settlement pattern.* I accept that when using a 3 point scale as set out within Table 7.9<sup>4</sup> of the Environmental Statement, a moderate sensitivity rating for this landscape is appropriate.

Within this landscape character type the proposal will extend from Rotherwas roundabout westwards in the direction of Grafton Wood. It will incorporate an embankment at its highest point reaching 3.3m and will necessitate breaks in hedgerow at H1 and H2. A culvert will be introduced for a field ditch at the boundary with Grafton Wood.

The stated impact upon the landscape as indicated in Table 7.18<sup>5</sup> in year 1 without mitigation is slight adverse. The mitigation proposals<sup>6</sup> within this section indicate shrub planting along the embankment, a new hedgerow with trees along the northern boundary and new woodland with pond, to the south of this section of the proposal. The stated residual effect at 15 years is therefore described as neutral. Whilst it is accepted that the mitigation addresses the loss of landscape features; hedgerow and arable land, the alteration to the field pattern and the remodelling of the landform is a permanent change to the landscape.

The remaining 3.27km of the proposal extending from Grafton Wood to the A465 falls within the National Character Area 100 Herefordshire Lowlands<sup>7</sup> and Wooded Estatelands<sup>8</sup>. The key characteristics of the Herefordshire Lowlands consist of *wide river valleys, intensive arable farming with low hedges. Orchards and hop yards. Steep wooded hills and undulating valley sides. With historic parks, large farmsteads and frequent hamlets.*

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<sup>1</sup> Natural England National Character Area 104 <http://publications.naturalengland.org.uk/publication/5018311469301760>

<sup>2</sup> Herefordshire Council Landscape Character Assessment updated 2009  
[https://www.herefordshire.gov.uk/media/5787595/LCA\\_2009\\_V1\\_sec.pdf](https://www.herefordshire.gov.uk/media/5787595/LCA_2009_V1_sec.pdf)

<sup>3</sup> Herefordshire Council Urban Fringe Sensitivity Analysis 2010  
<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/urban-fringe-sensitivity-analysis>

<sup>4</sup> Environmental Statement 2015 Chapter 7, 7-23

<sup>5</sup> Environmental Statement 2015 Chapter 7, 7-49

<sup>6</sup> Environmental Statement Volume 2, Figure 7.4

<sup>7</sup> Natural England National Character Area 100

<http://publications.naturalengland.org.uk/publication/4827527503675392>

<sup>8</sup> Herefordshire Council Landscape Character Assessment updated 2009

[https://www.herefordshire.gov.uk/media/5787595/LCA\\_2009\\_V1\\_sec.pdf](https://www.herefordshire.gov.uk/media/5787595/LCA_2009_V1_sec.pdf)

The primary characteristics of Wooded Estatelands, of which the proposal site and its immediate surroundings exhibit several, are; *large discrete blocks of woodland of an ancient semi natural character, often irregular in outline and prominently situated. These are linked by prominent hedgerows which define scale and provide structure to the Landscape. Large estates are a noticeable feature within this landscape.*

The Urban Fringe Sensitivity Analysis defines the landscape from the railway line to the A465 area *5F Ruckhall and Merry Hill as being of high sensitivity. (Its key characteristics are very vulnerable to change and/or have considerable value as a landscape resource.)* The rationale for this is; *the landscapes sense of isolation from Hereford, its tranquillity and high quality rural landscape.* I would therefore concur with the sensitivity rating high as shown in Table 7.9 of the Environmental Statement.

Along this section of the route, the arboriculture report<sup>9</sup> indicates that the proposal will necessitate the bisection of Grafton Wood (W1), the loss of which will be 14 (Category B and C<sup>10</sup>) Oak trees. Within Woodland 2 (W2) close to the proposed Central bat underpass, 3 (Category B and C) Ash trees will be felled and the stumps left in situ. At Woodland 3 (W3) adjacent to the railway line 755 square metres of mixed species trees will be removed along this north eastern edge. 4 additional standing trees comprising T3 Alder and T4 Ash T10 & T14, Oak will also be removed. A total approximation of hedgerow loss is 1,460 linear metres, from H3 to H15 also truncating H8<sup>11</sup> (HA12) (Figure 6.1) an historic parish boundary hedgerow. The proposal will incorporate 8 structures; 3 culverts and 2 bat underpasses, a bridge at Grafton Lane, a bridge over the railway line and underpass at Haywood Lane. These structures will necessitate a series of embankments and cuttings the length of the route with the road touching ground level at only 4 points along its course (excepting the connection with the A49 & A465). The most significant of these embankments in terms of height is at the railway bridge where the height of the carriage way will be 9.3m above ground level, and at Grafton Lane underpass where the proposal will reach 6.8m above ground level the greatest depth of cutting shown to be 9m below ground level at Haywood Lane.

Table 7.18 of the Environmental Statement states that in its operational phase in Year 1 without mitigation the effects of the proposal on the landscape character NC100 and Wooded Estatelands will be moderate adverse. The proposed mitigation includes a number of measures; the slackening of southern embankment at Chainage1500-1900<sup>12</sup>, and at Ch900 to 1200 along the northern embankment. As well as extensive planting of scrub and shrub along embankments, with new hedgerows and intermittent hedgerow trees, these will help to mitigate the loss of landscape features. The stated residual effect as shown in Table 7.18, after mitigation at Year 15 is slight adverse. However the alteration to the existing pattern of the landscape which includes the bisection of Grafton Wood, the truncation of hedgerows and the substantial remodelling of the landform are permanent alterations to the landscape character. These alterations will result in a permanent change to the pattern, scale and layout of this highly sensitive landscape. This change will be further exacerbated by the introduction of the urbanising features of the carriageway into this natural landscape, I would therefore conclude that the potential significance of effects is likely to be major adverse.

- *Visual Impact*

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<sup>9</sup> Environmental Statement Volume 2 Appendix 7.1 BS5837 Arboriculture Report

<sup>10</sup> Tree quality classification system in accordance with BS5837:2012 Trees in Relation to Design Demolition and Construction

<sup>11</sup> Environmental Statement Volume Appendix 6.1 Heritage Assets

<sup>12</sup> Environmental Statement Figure 3.3

The visual impact of the proposal will vary across the length of the proposal as a result of a number of factors. Several of these factors relate to the form of the proposal; its height and the mitigation provided. As well as the landscape in which the proposal sits; the existing landform and where views are afforded, the extent of the intervening built form and vegetation and the sensitivity of relevant receptors. From Chainage 0 to 600 the proposal is unlikely to have any large adverse effects given the nature of the existing rolling landform and the limited height difference between ground level and the proposal as shown in Viewpoint 1<sup>13</sup>. Similarly from Chainage 2100 to 2600 where the proposal descends into a cutting there are unlikely to be any large adverse effects beyond those immediately adjacent to the proposal as indicated in Viewpoints 12 and 14 and shown as Slight Adverse at Year 15 within Table 7.20<sup>14</sup>. A number of locations however are identified below with supporting reasoning as to where there is potential for adverse significance of effect:

- The existing Public Right of Way GF3<sup>15</sup> which currently passes through Grafton Wood will be extinguished and rerouted alongside the proposal for an approximate length of 500m, passing through the proposed Grafton Lane underpass before heading northwards and re-joining the existing route. Users of this right of way are considered highly sensitive receptors and will experience the full effect of the proposal in close proximity as indicated in Viewpoints 3 and 4. As stated in Table 7.20 users will experience Large/Very large adverse impact in Year 1 of the proposal.
- Similarly users of Public Right of Way HA7 and HA<sup>16</sup> rerouted beneath the railway bridge and Newton brook underpass respectively, will experience the proposal at close proximity and will experience Large adverse effects for a short section of the footpath.
- At Grafton Lane underpass indicated in Viewpoint 4 both the residential property The Green a high sensitivity receptor as well as road users along Grafton Lane considered medium sensitivity receptors will experience a close direct view of the proposed Grafton Lane underpass and as shown within Table 7.20 Very large adverse impact.
- Views of the proposal from elevated land at Haywood Lane in particular along the section of road between Viewpoints 11 to 19 will be experienced by both users of this scenic route (medium sensitivity receptors) and residential properties most notably 1 & 2 Haywood Cottages (highly sensitive receptors). Users will take in to the west, clear views of the cutting descending to a depth of 9m below Haywood Lane, as well as views extending eastwards across the landscape taking in the embankment and bridge over the railway line which reaches 9.3m above ground level, a predicted effect which is considered to be Very Large / Large adverse in Year 1.

The mitigation proposed, which includes extensive shrub and tree planting, will assist in assimilating the proposal into the surrounding landscape. Where it is anticipated to be most effective is where embankments are slackened to form less engineered level changes, in addition to blocks of woodland planting. Certain vistas however such as that looking eastwards along the proposal from Haywood Lane may be softened by mature planting running either side of the proposal but cannot be obscured.

- *Clehonger Link*

The Clehonger Link falls within the National Character Area 100 Herefordshire Lowlands and at a local level the Wooded Estatelands landscape character type. This section of the proposal lies

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<sup>13</sup> Environmental Statement Volume 2, Figure 7.5 Illustrative Views

<sup>14</sup> Environmental Statement Chapter 7, 7-55

<sup>15</sup> Herefordshire Council Public Right of Way reference number

<sup>16</sup> Herefordshire Council Public Right of Way reference number



within area 5G Belmont of the Urban Fringe Sensitivity Analysis and is deemed a landscape of high sensitivity due to its important open views and tranquillity.

This link extends 580m in length and is shown to cut across the existing field pattern necessitating breaks within hedgerow H16, 17 and 18 and the loss of 2 oak trees. T16 and T15 surveyed as category A and described within the Arboriculture report as a superb tree. It will require the alteration of the existing road pattern; a short section of the B4349 and the U73200 will be closed, allowing for access only. The proposed change in road levels indicated within Figure 3.3 appear to be far less pronounced; rising to only 0.329m above ground level and cutting in at a maximum depth of 1.78m at Ch300.

The visual impact for the Clehonger Link is assessed within Viewpoints 16, 17 and 18 of the Environmental Statement. Given the limited change in level the visual impact is unlikely to be significantly adverse save for where the proposal passes in close proximity to the residential property Pykeways, shown in Viewpoint 17, which will experience clear views of the proposal, as well as additional adverse effects brought about through noise and lighting.

It is noted that along the Clehonger Link a pedestrian and cycle route is proposed along its length and this is welcomed. The Southern Link Road however does not appear to provide a connection to this cycle route and this is unfortunate.

- *Construction Phase*

It is my understanding that the duration of the construction phase is envisaged to last 2 years. Construction will commence at both ends of the proposal and will necessitate the provision of 3 compounds; a western, eastern and central compound to support the construction of the Railway Bridge and Haywood Lane underbridge. A haul road will be laid out along the proposed route, which confines the impact of the construction process to the footprint of the road and its immediate surroundings. The extent of the works required will necessitate the removal of vegetation, formation of embankments and cuttings as well as elevated carriageway works. These works will bring about further effects in terms of vehicular movement and noise. In a number of locations these effects have been identified as large adverse for a transitory period, as shown within Viewpoints 3, 4, 10, 11, 13, 17, 18, 19 in the main where substantial remodelling of the landscape is required.

- *Conclusions*

With respect to landscape impact the proposal will result in a number of identified changes to the pattern and scale of the landscape character. These effects are irreversible. The management guidelines for Wooded Estatelands as set out in the Landscape Character Assessment recommend the following measures:

- Conserve and enhance all ancient woodlands.
- Conserve and restore the hedgerow pattern.
- Restore hedgerow linkage to all woodland blocks
- Promote new large scale woodland planting

For Principal Settled Farmlands the following guidelines are set out:

- Conserve and enhance the hedgerow pattern.
- Conserve and enhance tree cover along watercourses
- Seek to maintain a balance of arable and pastoral land use

The guidance for restoration and enhancement as identified within the Green Infrastructure Strategy <sup>17</sup> identifies the proposal as lying within two urban fringe zones and the eastern edge of enhancement zone HerLEZ7. HerFZ2 states *green infrastructure provision in this zone will focus on enhancing the character and connectivity of components of the landscape by encouraging the creation of woodlands orchards and species rich meadows*. HerFZ3 sets out that *whilst much of the historic character has been eroded; remnant areas of designed landscape field and hedgerow trees should be restored and enhanced*. Guidelines for HerLEZ7 recommend *the reinforcement and enhancement of the biodiversity value of linear features – the streams and the railway. The establishment of species rich grasslands, the promotion of public rights of way network and the planting of traditional orchards*.

LA2 of the Unitary Development Plan<sup>18</sup> states that proposals should demonstrate that landscape character has influenced their design scale nature and site selection and where a proposal is likely to adversely affect the overall character of the landscape development should not be permitted.

The visual impact as previously identified will be large adverse in a number of locations. Where the most significant visual effects occur are where the discrepancy between ground level and the height of the proposal is at its greatest and where the surrounding landscape affords elevated views of the proposal illustrating the contrast between the contours of the land and the height of the proposal.

LA3 of the Unitary Development Plan states important visual approaches into settlements, as well as green corridors and surrounding valued open countryside will be particularly protected. Development will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned.

#### Response received to consultation in October 2015:

In the light of the adopted Core Strategy all previous as well as newly submitted information is now considered in relation the following environmental policies:

LD1 Landscape and Townscape  
LD2 Biodiversity and Geodiversity  
LD3 Green Infrastructure  
LD4 Historic Environment and Heritage Assets.

I note the additional submitted information as part of the application:

- 10 additional sections of the proposed road as shown in Figures 2.2/3, indicating the heights and construction of the proposed underpasses as well as the railway underbridge.
- Information relating to Pond B -providing a rationale for the location of the pond with details of size and dimensions.
- The additional viewpoint 32 demonstrating the proposed road and railway underbridge from PROW HA7.

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<sup>17</sup> Green Infrastructure Strategy HC 2010  
<https://www.herefordshire.gov.uk/greeninfrastructure>

<sup>18</sup> Unitary Development Plan  
<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan/unitary-development-plan-text>

This additional information is welcomed as it provides the rationale for various aspects of the design; including the pond and the proposed mitigation. As well as drawings which provide further clarification of the potential visual impact of the proposal.

#### Response received to consultation March 2016:

I have read the additional information submitted as part of the application including the topographical analysis to inform potential route adjustment, the historic landscape assessment, the landscape principles and mitigation response. I note the additional drawings including the railway underbridge general arrangement as well as the sectional drawings illustrating 3 mitigation alternatives.

The proposed solid parapet extending along the structural approaches and departures of the railway underpass would benefit from a timber coating as set out in the landscape Mitigation Response.

The proposed mitigating planting scheme would benefit from a number of semi mature species in order to assist in assimilating the proposal into its surroundings (as recommended by Historic England)

### **4.13 Environmental Health Manager (Pollution Environment and Place)**

#### **4.13.1 Response received to consultation in May 2015:**

##### Lighting scheme

The proposed lighting scheme must comply with the design and installation standards set out in the revised British Standard BS5489-1:2013.

The lighting scheme must also comply with the Institute of Lighting Professionals guidance notes on the design and installation of street lighting for roads.

I note that there are sensitive receptors close to the proposed lighting to illuminate the proposed roundabout and, so long as there is no compromise to road safety, would support the proposal for the lights at the end of the roundabout illumination to be dimmed at night as to minimise the impact on residential occupants.

##### Environmental Statement and Noise report

15 years after operating, it is predicted that there will be 7 dwellings that are anticipated to have a moderate (5-10dB(A) L10 18hr) increase in noise and 1 dwelling that is predicted to have a major increase (>10dB (a) L10 18hr) in noise.

Although the report identifies that the increase in noise levels is insufficient to lead to mandatory insulation measures under the Noise Insulation Regulations, my strong recommendation is that these premises be offered financial assistance to install insulation measures to mitigate against the long term noise impact on their properties.

This insulation could be installed prior to the construction of the road as it is these same properties which are likely to be impacted by the construction of the road itself.

Further details are requested on the specific proposals for the suggested low noise surfacing, any barriers and specific evaluation of the noise at these 8 affected properties, taking into account proposed insulation measures mentioned above.

The objective is that the internal noise standards for these properties comply with BS8233 2014 'Guidance on sound insulation and noise reduction in buildings'. So a report must include all proposed mitigation measures and demonstrate that the standards of internal day and night

time noise as defined by BS8233: 2014 (design criteria for internal sound pressure levels within residential properties) for each residential property inside and outside can be met.

#### Draft Construction Environmental Management Plan

I am reasonably satisfied with the proposals for the management plan for the construction of the road with regard to mitigation measures aimed at reducing impact on the general amenity of the residential occupiers in the vicinity.

In particular I look forward to receiving noise method statements which incorporate mitigation measures, including the specific screening at the closest Noise Sensitive Receptors. The insulation measures proposed above will assist in reducing the impact of construction works. I look forward to receiving proposed noise limits for each separate work site as specified.

#### Hours of construction

To minimise the impact on residential occupants in the area, I recommend that the hours of construction and delivery to and from site be restricted to 7.30 to 18.00 Mondays to Saturdays and 8.00 until 13.00 Mondays.;

#### 4.13.2 Response received to consultation in March 2016:

With reference to the potential noise and nuisance issues that might arise during the construction of the southern link road, I understand that a substantial amount of detail is yet to be finalised and that a detailed Construction Environmental Management Plan to be approved in writing by the local authority will be required as a key condition of planning permission.

We have already commented on the Draft Construction Environmental Management Plan and advise that our Service wishes to be consulted on and to comment on the detailed Construction Environmental Management Plan to be submitted. It is expected that this will include substantial detail, as indicated in the draft plan, in relation to the control of dust and noise during the road construction works with robust management and monitoring systems in place. This will also include identification of compound locations, screening, generation of power and use of plant and equipment on site. It is fully expected that best practice will be followed and that the an Environmental Co-ordinator will be appointed by the contractor to ensure consultation and communication channels are maintained during the construction of the road, if planning permission is granted

#### 4.13.3 **Environmental Health Officer (Air Quality)**

I refer to the above application which is currently receiving your consideration and make the following comments with respect to Air Quality and the Environmental Statement.

1. These comments do not refer to the potential effects of air quality on ecological systems, as it is presumed others will be doing this.

2. Section 5.5.3 refers to diffusion tube data from Herefordshire Council and states that the 2011 data is not available. 2011 diffusion tube data is available.

3. I have no adverse comments to make on the assessment methodology chosen and note that the model has been verified with Herefordshire Council nitrogen dioxide (NO<sub>2</sub>) diffusion tube data.

4. (5.5.5.) In summary, the report states that air quality in the study area is good with concentrations within the air quality objectives for NO<sub>2</sub> and particulate matter less than 10 microns (PM 10 ) at urban background locations. Elevated concentrations of NO<sub>2</sub> have been

recorded at heavily trafficked roads and junctions experiencing queuing traffic. Concentrations of NO<sub>2</sub> generally increase north from the proposed scheme towards the city centre, consistent with the declaration of the Air Quality Management Area ( AQMA ). Concentrations of particulate matter are within their respective air quality objectives.

5. (5.6.12) The report states, overall the proposed scheme would result in a reduction in NO<sub>2</sub> annual mean concentrations in Hereford, whereas increases in concentrations are predicted at a handful of receptors on the outskirts of Hereford. At these locations, concentrations remain well below the annual mean objective for NO<sub>2</sub>.

6. (5.6.13) In 2017, with the scheme in operation, the concentrations of NO<sub>2</sub> are predicted to be below air quality objectives at all receptors ( $\leq \mu\text{g}/\text{m}^3$ ) with impacts of negligible significance. Similarly in 2032, with the predicted drop in pollutant concentrations, predicted concentrations are well below ( $\leq 30 \mu\text{g}/\text{m}^3$ ) the annual mean objective for NO<sub>2</sub>.

7. ( 5.16.6 ).As concentrations of NO<sub>2</sub> are  $\leq 60\mu\text{g}/\text{m}^3$  at all receptors in 2017 and 2032 it is highly unlikely that the 1hour short term air quality objective (  $200 \mu\text{g}/\text{m}^3$  ) will be exceeded, based on Defra guidance.

8. (5.6.17) .The report states that annual PM<sub>10</sub> concentrations are not significant as predicted concentrations did not exceed the annual objectives at all receptors. Similarly, no exceedances of daily PM<sub>10</sub> objectives are predicted and impacts are also imperceptible.

9. (5.9)The report states that operational cumulative effects can be expected to arise because of increases in vehicle movements. However, cumulative growth in vehicle usage associated with committed development was taken into account in traffic data from the Transport for Hereford Model, which provided the baseline for the air quality assessment. Consequently, the assessment of operational impacts within the air quality chapter is essentially a cumulative assessment .It is still unclear whether the Transport for Hereford Model takes into account traffic movements from the future by pass road.

10. A qualitative assessment of the potential for significant construction dust effects has been undertaken following the IAQM guidance. There are no residential buildings present within 20m of the site and no national or internationally designated sites for nature conservation .Therefore construction activities have the potential to generate only slight temporary impacts on air quality, particularly dust generated by earthworks, track-out and construction .Particulate matter ( PM<sub>10</sub> ) impacts will be negligible due to low background concentrations. Any risk, from construction will be managed, with good site practices and appropriate mitigation measure (as suggested in Section 5.2)

11. In conclusion it is considered that the air quality effects associated with the proposed scheme are unlikely to lead to a significant increase in emissions, degradation of air quality or increase in exposure below the level of a breach of an air quality objective or result in sustained annoyance in the local population from dust effects.

On the basis of the above, I have no adverse comments to make about the proposed development.

#### **4.14 Land Drainage Engineer**

##### **4.14.1 Response to consultation in May 2015**

As the Council currently uses Parsons Brinkerhoff to provide land drainage comments, it was felt appropriate that independent comments be sought on this proposal. WSP UK Ltd provided these comments on the submission.

Thank you for your recent correspondence regarding the proposed Hereford Southern Link

Road and your request for advice on flood risk and drainage grounds. We have reviewed the information provided to us (as summarised below) on the planning portal in conjunction with the relevant policies in the National Planning Policy Framework (NPPF), the Planning Practise Guidance along with Policies S2, DR4, DR7, DR8 and P15 of the Herefordshire Unitary Development Plan. We have also considered the comments provided by ourselves as part of the screening response as those by HCC and other consultees. I can confirm our comments are as follows:

We have reviewed the following documents:

- Food Risk Assessment, Parts 1 and 2
- Environmental Statement Chapter 14 (Road Drainage and Water Environment), and reviewed the groundwater aspects of Chapter 9 (Geology and Soils) in light of groundwater quantity as groundwater 1s not covered by Chapter 14
- Consultation Responses
- Groundsure Report
- Drainage Layout
- Water Constraints Map (Figure 14.1)

Our comments on each part of the technical submission are outlined below:

#### *FRA*

The FRA (Section 4.1.4) makes reference to an ISIS model having been developed to support the scheme, however, no details on this have been provided within the FRA. We require this to determine the acceptability of the flood risk associated with the culvert on the Withy Brook. We would also prefer to see the key elements described within the FRA or associated appendix in terms of maps/figures showing the flood extents/ depths, this could be through cross sections extracted from the model.

Particularly as the FRA states that *"the model indicates that this would cause flooding out of the channel through the existing culvert beneath Grafton Lane."*.. *"At Grafton Lane it is expected that flood water may be diverted along Grafton lane to the north and the south."*

We require a more robust evidence base to demonstrate that the proposed culverts will not lead to an increased risk of flooding to third party land (including agricultural) or can adequately convey the flows before we can approve this application.

The FRA states that there are perched aquifers which have limited flood risk but makes no reference to the GI undertaken for the scheme such as the boreholes detailed in the accompanying Road Drainage and Water Environment ES Chapter.

The FRA refers to the FMfSW which was replaced by the uFMfSW in December 2013, do Herefordshire CC consider the FMfSW to be a more accurate representation of the flood risk in the county? If not then the applicant should make reference to any changes in flood extents.

The SLR crosses catchments and channels the runoff to two ponds where it is discharged to watercourses, whilst the FRA has determined that the discharge will be limited to greenfield rates, no discussion has been provided as to the difference in outfall locations and whether this has any impact in terms of flood risk or volumes.

In previous comments from HCC there was a request to consider providing attenuation on both the Withy Brook and Newton Brook, both of which currently experience flooding. This has not been considered within the FRA.

The FRA focuses on the new SLR, however, insufficient details are provided regarding the implications of the highways into which it will tie, for example the FRA in Section 5.3.23 states that realignment of the A465 is to be undertaken but does not detail the implications on impermeable surface and whether any attenuation proposed on the existing A465 to ensure that water discharge rates are not increase.

We require further details as to what allowance has been made within the calculations on the capacity of the attenuation ponds as to the volumes of water (as well as where) that is expected to flow on to the SLR from adjacent land as a result of surface water flows. To ensure that the highway drains and attenuation ponds can be adequately sized and therefore accommodated within the areas marked/covered by this application.

There are some contradictions in the FRA regarding the potential for infiltration and groundwater flooding, these should be addressed. On this topic Section 6.3.3 states that a dominant soil type is 2 – whereas the descriptions of infiltration in other sections would infer that 3 or 4 would be more suitable and therefore, there may be implications on the size of the ponds.

A large proportion of the road is designed to be situated on a new embankment, infiltration isn't suitable on made ground and therefore the volume of runoff reaching the ponds may be higher than anticipated. Confirmation in the calculations of the amount of infiltration assumed in the swales should be confirmed within the calculations.

It is stated that it is proposed that there is no runoff from the first 5mm of rainfall. This indicates that the first flush of rainfall falling on the highway will infiltrate to the ground. This initial runoff carries a high level of pollutants what precautions will be taken to stop the spread of these pollutants to the surrounding ground?

We require further evidence in Table 6.2 on the impacts of the discharge rates and attenuation provided. This should include 1:100 year plus +climate change and a low end return period to demonstrate that there is no adverse impact during the frequent events. This is to ensure that the scheme does not have an adverse impact on flows as requested by HCC in April 2013.

The FRA does not include any microdrainage outputs, although it states that a network model has been constructed to determine the performance of the proposed drainage infrastructure. This needs to be provided for our review.

There is inconsistency in the amount of climate change applied to the design, with the report stating that 30% increase in rainfall intensity is applied, relating to a 100 year design life where as the design drawings reference 20%. The design life of the project should be confirmed and thus the amount of climate change to be applied

## *ES CHAPTER*

The ES chapter should consider the comments for the FRA, which is one of its appendices. In addition to this we consider that the risk of flooding elsewhere should be considered (Section 14.5.23).

## GROUNDWATER

There are potable and agricultural abstractions from groundwater within the vicinity of the scheme, no assessment has been made in either Chapter 14 (Road Drainage and Water Environment) or Chapter 9 (Geology and Soils) of the potential impact on water quantity, although an assessment on quality has been made. The borehole records (as detailed in Chapter 9) outline a rapid ingress. If this water is intercepted as a result of the scheme (i.e. construction of the cutting and associated dewatering) will there be any impact on the groundwater quantity and therefore adverse impacts on the properties that rely on the groundwater?

## WATER FRAMEWORK DIRECTIVE ASSESSMENT

No Water Framework Directive Assessment (WFDa) has been prepared to support the application. Instead the applicant has provided some detail expected in a WFDa in the Chapter 14 of the ES, this is considered to be insufficient. As a minimum the WFD should determine WFD compliance over a series of steps that are intended to establish the potential impacts of the scheme, at an appropriate level of detail, and then to examine whether the identified impacts contravene the conditions of the WFD.

Confirmation is required that the assessment has considered the two existing highways into which the SLR will link.

## PLANNING RESPONSE

Given the requirement for additional information at this point we recommend that the additional information as detailed above is provided prior to the council granting planning permission. However, if you are minded to approve this scheme, on the basis of the information submitted to date we would like to discuss suitable conditions.

### 4.14.2 Response received to consultation in October 2015:

#### Comments on Water Framework Directive

Thank you for your recent request regarding a review of the Water Framework Directive Assessment to support the proposed Hereford Southern Link Road. We have reviewed the Water Framework Directive Assessment dated September 2015 and I can confirm our comments are as follows:

We have not been consulted with any further information that would address our comments raised in our letter dated 8th July 2015 following our review of the FRA and ES Chapter.

Should you be minded to move towards granting permission with suitable conditions, we recommend that we are consulted to ensure that the outstanding flood risk aspects are suitably incorporated.

In terms of the WFD assessment, we consider that whilst this does not fully address all the potential issues or mitigation measures. The potential impacts and mitigation measures can be inferred from the report, therefore we consider that with suitable conditions these can be addressed during detailed design.

In terms of the WFD assessment we recommend the following condition:

To ensure that the scheme does not lead to adverse impacts on the WFD status of the affected and downstream waterbodies, mitigation measures as detailed within the WFD assessment



along with suitable channel enhancements to offset the proposed culverts are to be approved by the LPA prior to the commencement of the scheme.

#### **4.15 Minerals and Waste**

##### **4.15.1 Response received to consultation in May 2015:**

Thank you for consulting me on the above application. An important part of the project will be the management of waste materials (eg. excavated materials) and new construction materials.

Policies covering Waste Management in the Herefordshire Unitary Development Plan are Policy S10, W3 and W11. The application includes a generic SWMP template, but does not appear to quantify or qualify any likely waste arisings. This is stated to accompany the 'Draft Construction Environmental Management Plan' although the relevant section 13 'Waste Control' is just a page and a half of the large ES. Both suggest that re-using excavated material for construction on site where possible is the priority, along with a 'limit [to] the disposal to landfill'.

Whilst these preferences are welcomed, a project of this scale needs more firm commitment, and an evaluation of the likely arisings, at this application stage. Besides soil, overburden and possibly stone or gravel, there would be volumes of vegetation/green waste and other material from clearance of the route and from surplus materials imported for construction. The engineers must have some idea of estimated likely volumes at this stage and before the Council can fully assess the proposal and its impact with regards to Waste an assessment of the impact is needed.

The draft SWMP is just a template, but it contains generic data some of which is not correct or relevant. For example, it lists on page 8 three apparently random sites in Herefordshire as 'landfill sites close to the site' which could theoretically take surplus excavated material. These are Leominster landfill, 'Williams landfill' (actually St Donats Farm Burghill), and The Lea, Ross on Wye. All are in fact former land raising sites long since fully filled and restored – not at all suitable for this purpose and actually not near to the application site. There are other similar sites not listed, but in any case there are no licensed landfill sites in this county at present.

All surplus soils and excavated materials not able to be used on site must go to one of the following places:

- A site with planning permission for development which actually requires this type of material
- A site with a specific separate planning permission for deposit of the spoil, and restoration to a beneficial use
- As a last resort to a licensed waste operator having a transfer station, such as Eastside/Wye Valley, KTH or Quickskip

For a project on this scale, a sound assessment is necessary in advance to avoid the kind of difficulties which arise if this is not planned for. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

Without a full assessment of the type, volume and handling of the waste which will occur as a result of the development I cannot conclude if the development is in accordance with policies S10, W3 and W11 within the HUDP.

##### **4.15.2 Response received to consultation in October 2015**

Further to my comments submitted on the 17<sup>th</sup> July 2015, the agent has brought to my attention the details submitted within section 9 and 10 of the submitted Environmental Statement relating

to Geology and Soils and Materials. The comments below now reflect the information contained within these two sections. In summary however, subject to appropriate conditions controlling waste management on the site during the phased development, I raise no further objection to the proposal.

The former Planning Policy Statement (PPS) 10; Planning for Sustainable Waste Management was superseded by the National Planning Policy for Waste published on 16<sup>th</sup> October 2014. This sets out the detailed waste planning policies and should be read in conjunction with the National Planning Policy Framework and the National Waste Management Plan for England. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable approach to resource use and management. It recognises, as does local policies within the Herefordshire Unitary Development Plan, that positive planning plays a pivotal role in delivering the country's waste ambitions through helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

Within section 9 of the Geology and Soils section of the Environmental Statement, it is recognised that The Site Waste Management Plans Regulations 2008 was revoked by the UK Government in 2013. Therefore it is no longer a legal requirement to produce a Site Waste Management Plan (SWMP) for construction schemes over £300,000 in value. However, in paragraph 10.2.5 the statement confirms that due to the potential for highway schemes of this nature to use large amounts of raw materials and to generate quantities of waste, it is considered best practice to produce a SWMP. Therefore potential waste generated by the proposed scheme would be managed by a SWMP.

The purpose of the SWMP is to ensure waste management provisions complement the construction activities on site and that all waste emanating from the proposed scheme are dealt with in an appropriate manner and follow the waste hierarchy. As previously identified a draft SWMP has been produced and submitted in support of the application. However, in addition to this an assessment has been undertaken in accordance with IAN 153/11, which aims to identify and quantify the effects associated with material use and waste, during construction. The assessment has identified the cut and fills balance.

In paragraph 10.5.8 it is identified that the proposed Scheme would require approximately 221,400m<sup>3</sup> of fill material for construction and approximately 146,400m<sup>3</sup> will be won on site through ground excavations. There will therefore be a shortfall of 75,000m<sup>3</sup> which will be imported. It is stated that the types of materials required to construct the proposed scheme include fill material, concrete and reinforced and structural steelwork. All will be sourced locally where possible. The scheme will not import waste for the purpose of filling. This can be controlled through the SWMP, once the final details of the construction have been finalised.

In paragraph 10.5.11 it is confirmed that that all potential waste generated by the proposed scheme would be managed by the SWMP. The purpose of the SWMP is to facilitate the principles of the waste hierarchy and minimise the production of waste from the outset of the scheme. It is anticipated that such measures are to be incorporated into the final design and construction details of the proposed scheme and implemented during construction.

It is noted that at initial design it has been assumed that all of the excavated material can be re-used within the site. However, in table 10.2 landfill sites for Construction waste within close proximity to the site have been identified. I'm satisfied with the information contained within section 10 of the Environmental Statement at this stage of the scheme. A SWMP is welcomed and should be conditioned to form part of a Construction and Environmental Management Plan (CEMP). Prior to any works commencing on the development, the CEMP should be submitted and approved in writing by the Local Planning Authority, identifying the various phases of the development and incorporating site preparation, details of mitigation and implementation and management of construction activities. As well as covering matters relating to Ecology, Landscape restoration and traffic movements, the plan should include the detailed SWMP which

will include a scheme for the recycling and disposing of waste resulting from the construction works and restoration works should be submitted

#### **4.16 Public Rights of Way Manager**

Response received to consultation in May 2015:

The Public Rights of Way Manager has made the following comments:

The proposal has been discussed with the Network Regulation Manager. Providing the necessary diversions are carried out as stated in the Design and Access Statement, PROW have no objection.

#### **4.17 Resilience Team (including comments from West Mercia Police)**

Response received to consultation May 2015:

Herefordshire Council's Resilience Team has no comments to make on this application. The following is the only other comment I received from West Mercia Police.

"I reply in relation to your e-mail dated 22nd May 2015 inviting any comments in relation to the site of the Hereford Southern Link Road Planning Application P151314/F.

I respond on highway related matters in Herefordshire on behalf of Warwickshire Police and West Mercia Police.

Although I have no objection to the new Southern Link Road and associated roundabout/link road engineering measures being introduced I would ask that all the Department for Transport design criteria are fully met throughout all the construction phases and that the Police through myself are regularly updated and where necessary invited to multi-agency progress meetings. Clearly as the construction develops there will be an impact on the A49/A465 traffic flows and no doubt Local Authority and Emergency Service needs will have to be addressed.

#### **4.18 Transportation Manager**

Response received to consultation in May 2015:

The Transportation Manager recommends that any permission which this Authority may wish to give include the following conditions:-

Submission for approval two months prior to commencement on site of a Construction Traffic Management Plan to include, but no limited to, detail of site access points, construction traffic routing in particular with respect to Haywood Lane, temporary road diversions, any footpath and road temporary closures, and to include a programme of works

CAT Details of wheel cleaning apparatus and locations  
CAY Access to the site shall be from A49(T) and A465 roads with limited access from Haywood Lane, to be agreed and set out in the CTMP.

CAZ parking for site operatives

Informatives I45 for works in highway, I06 PROW diversions and I11 mud on highway .

## 5. Representations

5.1 As confirmed above in Section 4, three periods of consultation have been undertaken since the submission of the application. These have been grouped within this section as follows:

- **Parish Council responses**
  - 5.2 Allensmore Parish Council
  - 5.3 Belmont Rural
  - 5.4 Callow and Haywood Group Parish Council
  - 5.5 Clehonger Parish Council
  - 5.6 Hereford City
  - 5.7 Kingstone and Thruxtone Parish Council
  - 5.8 Lower Bullingham Parish Council
  - 5.9 Much Dewchurch parish Council
  
- **Non statutory consultees and organisations**
  - 5.10 Campaign for Better Transport
  - 5.11 Campaign to Protect Rural England
  - 5.12 Cycle Hereford
  - 5.13 Forestry Commission
  - 5.14 Hereford Civic Society
  - 5.15 Hereford Ramblers
  - 5.16 Herefordshire Wildlife Trust
  - 5.17 Hereford and Worcester Gardens Trust
  - 5.18 Royal Society for the Protection of Birds
  - 5.19 Sustrans
  - 5.20 The Woodland Trust
  
- **Letters of representation / objection**
  - 5.21 – 5.35 Summary of letters of representation
- **Petition**
- **Woodland Trust campaign**
- **Letters from Local MP – Jesse Norman.**
- **Letters of Support**

The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151314&search=151314>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

### Parish Council Responses

The route of the SLR passes through the parishes of Grafton, Haywood (Callow and Haywood Group Parish Council) and Clehonger. Adjacent parishes of Allensmore, Belmont Rural, Hereford City, Lower Bullingham, Kingstone and Thruxtone and Much Dewchurch also been consulted and their comments are reproduced in full below.

### 5.2 Allensmore Parish Council

Response received to consultation in April 2016:

I do not believe that Allensmore PC originally submitted a comment on this application but the PC have discussed the application and object to the proposal totally.

### 5.3 Belmont Rural Parish Council

#### 5.3.1 Response received to consultation in May 2015:

Belmont Rural Parish Council has considered this application and wishes to make the following observations/comments:

- This Parish Council wishes to register an objection to this application on the grounds that insufficient consideration has been given to alternative sustainable transport options or other travel options
- There has been insufficient time to consider the 107+ documents forming part of this application
- We feel the objectives identified for this development will not be met as we have seen no evidence of a strategic integrated transport policy which would address issues of traffic flows
- The proposed development will have a detrimental impact on the visual amenity of the area.
- If you would like further information on any of these comments, please feel free to contact us.

#### 5.3.2 Response received to consultation in October 2015:

None

#### 5.3.3 Response received to consultation in March 2016:

None

### 5.4 Clehonger Parish Council

#### 5.4.1 Response received to consultation in May 2015:

I am writing on behalf of the Clehonger Parish Council to **object** to the Planning Application, as detailed above, for the following reasons:

- 1) Lack of consultation with those affected, including late notifications of meetings held to discuss and prevention of entry by concerned residents who were not deemed to have received an invitation (restriction of access). Also this includes an example of residents who only discovered the potential for the involvement of their property, by chance, when viewing a map at a meeting.
- 2) Lack of communication and information received to keep communities informed of changes and developments.
- 3) No traffic analysis impact assessment for the latest addition to the application in terms of the additional road end in Clehonger. It is not believed that this road will address the issue of congestion through the city of Hereford. The High ways Agency, in a letter 7 Aug 2014 to Herefordshire Council, indicated that they would expect to see evidence that sustainable transport measures have been tried and tested before a new road is built .Under current guidance the building of new road infrastructure could only be justified in policy terms when other avenues such as travel planning and sustainable transport modes has been developed and issues identified. By excluding the Sustainable Transport package the road on its own does not accord with the existing policies of the UDP or the new policy SS7 from the Core Strategy. Investment in buses and “active travel” will only be provided if funding is still available after the costs of the new road (estimated to be over £27million) have been covered.

- 4) No cost-benefit analysis has been published. No assessment of what other sustainable transport options may be available, have seemingly been undertaken, and the scheme actively encourages car/vehicular usage.
- 5) It is believed that the selection of the final route applied for was not advertised.
- 6) Concern for residents regarding the sheer scale and height levels of the proposal in terms of raised flyovers, reaching in some instances over 9 meters in height.
- 7) Concern over traffic noise, exhaust air pollution and light pollution for residents
- 8) Concern over the impact on the countryside and on local ancient woodlands, including the flora and fauna contained therein.
- 9) Concern over the potential destruction of agricultural land, including smallholdings, and with consequent impact on potential items of archaeological significance and impact to listed properties and vestiges of ancient Royal Forest, which are all of landscape value, and are part of our national heritage.
- 10) Overall design of the road is flawed and that due process in regard to this application has not been followed. The impact of this road, across the proposed route, is not believed to be compensated by its usefulness. .“The majority of traffic on the Belmont Road will not divert to this new Southern Link Road .56% of traffic originating in the Belmont area travelling northbound along the Belmont Road had a final destination within Hereford to the north of the River Wye (22% travelled to the city centre)” (Parsons Brinkerhoff)
- 11) It has been implied that there will be advantages of diverting heavy goods traffic to and from Wales – including linking to the Rotherwas Enterprise Zone. However this does not seem to have taken account of the height restrictions, bridge and bends, on the A465 at Pontrilas which restricts the use of this road for heavy loads.
- 12) Clehonger Parish Council would like to take this opportunity to reiterate a statement made earlier in the process and to which no formal reply has been received, thus:

*“Clehonger Parish Council requests the removal of the link between the A465 and the B4349 from the plans for the implementation of the A465/A49 “Southern Link Road” in the current South Wye Transport Plan. This link would involve the destruction of mature oak trees, of high landscape value, and disruption to homes on its route. In the context of future plans for a Western Relief Road, as included in the Herefordshire Core Strategy, this proposed link would pre-empt and predict the potential progress of the road to the north across agricultural land, without further consultation with the public. It is likely to result in a roundabout with five exits, and two roads crossing between the A465 and B4349, and double disruption from two staged road building for people in nearby homes. The Parish Council proposes that it would be preferable to decouple this route from the Southern Link Road and to postpone future consideration, to a later date, as part of consultation on the route of the Western Relief Road. In the meantime the Parish Council considers that a less costly solution to improving the junction on to the A465, from the B4349, could be investigated. The Parish Council would appreciate a further site visit, to include members of the Parish Council, to discuss and consult further on the implications for the Parish of Clehonger and the impact on the people who live within it.”*

#### 5.4.2 Response received following consultation in October 2015:

- Ecological Network map.

This part of the Core Strategy Local Plan which states (para 5.3.16) “Development within and adjacent to these core areas and associated buffer zones will need to be sympathetically designed to ensure there are no adverse impacts upon them.”

Grafton Wood is in the Ecological Network Map as a Core Area, It is bisected by the proposed road, as is the woodland to the east of the proposed A465 roundabout which is Newton Coppice...Para 118 National Planning Policy Framework states that Ancient woodland is “irreplaceable.”

9/9/15 Parsons Brinckerhoff response to Natural England acknowledges loss of ancient woodland but says it is for Herefordshire Council to judge benefits of SLR against loss of ancient woodland. PB says compensatory area of woodland will be created but by definition this is not Ancient Woodland with benefit of biodiversity as a result and cannot be mitigated or replaced. See Natural England's submission 13/7 for further info.

Since 2013 there has been no funding for any staff to record and maintain the evidence of the range of animals, plants and organisms throughout seasons which calls into question thorough investigation of impact on species. Existence of road will present a threat to wildlife cutting through corridors. E.g. hedgehogs 95% lost since 1950s – roads a significant factor

THE SOUTHERN LINK ROAD CANNOT CONCEIVABLY HAVE "NO ADVERSE IMPACT" UPON THE CORE ECOLOGICAL AREAS & BUFFER ZONES. IT IS CONTRARY TO THE NATIONAL PLANNING POLICY FRAMEWORK BY REDUCING ECOLOGICAL RESILIENCE.

- Impact on Historic landscape

See Historic England letter dated 8/9 which expresses concerns about the route's impact on Grade 2 listed Queen Anne Hayward Lodge and its relationship with landscape in historic environment, probably a more ancient site associated with Haywood Forest, and suggests the assessment of impact is flawed. An embankment is proposed 300 metres in front of the lodge, 3.4 metres above ground level

Parsons Brinckerhoff states the impact is only moderate rather than significant. But this is questionable.

- Archaeological report

The archaeological report has revealed an Iron Age settlement on the path of the proposed road. This site is likely to be effectively destroyed with limited scope for the "considerable" potential for research on this site further investigation. As the report states "The historic environment is a non-renewable resource and therefore cannot be directly replaced. The archaeological site is rare within Herefordshire, with few sites being excavated (outside of hillforts).

In general we share the concerns of our neighbouring council, Kingstone and Thruxton, that the road involves the "destruction of a large swathe of beautiful countryside and ancient woodland." and historical heritage

- Clehonger Link

We note that consideration has been given to an alternative option for this link which would have a reduced impact on the garden at the rear of Pykeways and the mature oak, and that although that could be a possibility, it was concluded that the originally proposed alignment based on a 360m radius horizontal curve (as submitted for Planning Consent in May 2015) still provided the most appropriate highway design solution for the Clehonger Link.

We continue to be extremely concerned about this proposed link as:-

There has still been no thorough cost benefit analysis of its value. It should not be planned in isolation from the proposed longer term Western Relief Road proceeding to the North, and could potentially lead to a total decimation of the surrounding area with a subsequent additional road linking into the roundabout, and destruction of the grade value of agricultural land.

The interim possible alternative of improving at considerably lower cost the existing junction of the A465 and B4349 has not been given any consideration

Consultation of local people about the later addition of this link was inadequate.

Residents in our community who live at Pykeways have been, and continue to be, extremely badly affected by this proposal. The whole issue has been handled badly. They are threatened with extreme disruption and long term nuisance. This includes the acknowledged worst impact of the lighting pollution from the road.

Although we oppose the Link, if it does go through planning we would suggest the alternative route is taken, mitigating the impact on Pykeways and avoiding a 300 year old oak tree which would in other circumstance be worthy of a Tree Preservation Order.

- Impact on Agricultural land

The National Planning Policy states “Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The proposed Southern Link Road causes the loss of a minimum of 31.2 hectares of Grade 2 agricultural land for its entire length between the A49 and A465. The amount of loss of the highest Grade 1 land for the new western spur near Clehonger Court, is not specified by Parsons Brinkerhoff.

**BUILDING THE SOUTHERN LINK ROAD ON THE BEST & MOST VERSATILE AGRICULTURAL LAND IS CONTRARY TO NATIONAL PLANNING POLICY**

- Impact on residents and visitors to the area

The height of the road will have a major visual impact and seriously affect the amenity value of the countryside,, and the Increase in noise, light and CO2 pollution has not been adequately considered and has been glossed over Traffic issues The proposed weight restriction on the A465 at the Great Western Way once the SLR is in place will have the effect of re-routing HGVs onto alternative routes, including the SLR (See PB 30/9)As is the case with any new section of road, the opening of the SLR and Clehonger Link will be associated with the rerouting of traffic in the area as vehicles are attracted to the new route, to take advantage of a reduction in journey time and improvement in accessibility. As a consequence some of the existing local routes in the surrounding area will experience a net reduction in traffic flow and others (particularly those close to the new road) will experience a net increase.

See:

[http://www.hereforhereford.co.uk/wp-content/uploads/2015/10/SLR\\_TRAFFIC\\_FLOWS\\_MAPPED\\_V2.jpg](http://www.hereforhereford.co.uk/wp-content/uploads/2015/10/SLR_TRAFFIC_FLOWS_MAPPED_V2.jpg)

The modelling shows that when the Southern Link Road is opened in 2017:

- a) A465 Belmont Road traffic on the would decrease by 13% (on section B below the Asda gyratory).
- b) A49 Ross Road Traffic would increase by 15% (on the section L below the Asda gyratory).
- c) Traffic on A49 Greyfriars Bridge would remain unchanged at 45,000 per day.



This shows that vehicles are mainly transferring from the A465 to the A49 to come into Hereford, and will do nothing to solve issues on Greyfriars Bridge and make the A49 more congested. The greater increase in vehicles on the A49 shows that the road is not tackling the causes of congestion in Hereford – the high number of car journeys made “internally”.

If we now look at the situation in 2032, compared with 2012:

d) A465 Belmont Road shows an increase in traffic of 5% on the section B below the Asda gyratory.

e) A49 Ross Road shows an increase of 56% in traffic on the section L below the Asda gyratory.

We still have not received any response to our original proposal that the Clehonger link be decoupled in order to allow all options to be considered and proper consultation concerning the link road to take place in order that all options can be considered concerning the link road. This being have a link road, no link road and improvements to the current junction joining the B4349 and A465.

#### 5.4.3 Response received to consultation in March 2016

The following additional comments are made:

- There are questions being asked over the correctness of the ability of the Herefordshire Council to determine a planning application on which they have material and disclosable pecuniary interest in terms of land ownership. It has now become quite widely publicised that the prime driver for the building of this road is to join up land for extensive housing stock infill.
- There are questions being asked over the carrying out of a true cost/benefit analysis for the road with most expert opinion stating that there will be no tangible relief to the impact of traffic. The projections are that traffic on the SLR transferring from the A465 to the A49 will in all probability cause tailbacks beyond the roundabout and block the A49, B4399 and the SLR, for example holding up traffic heading into Rotherwas from the south.
- There is some misinformation being broadcast that the plans reflect "popular acclaim following local consultation". For example: *"During the development of the scheme the link from the A465 to the B4349 was included as a direct result of consultation with county councillors, parish councillors and members of the public. The Clehonger Link was requested to provide a direct link to the SLR from the B4349. It was included in response to these specific requests and also in response to concerns raised about the safety of the existing junction of the A465 and B4349"*. This is **not** the case with local residents reporting that they were refused entry to "consultation" meetings and chosen invitees were presented with a series of "what ifs" to choose the least contentious option from. **No mandate for any such comment, or approval of route, was ever given to any "opinion" from representatives of Clehonger Parish.** It is also reported that some local affected persons only discovered that this was the case at a meeting quite far into the process of route selection. This does not demonstrate the purported local consultation.
- There are still grave concerns for the destruction of ancient woodland and natural habitat areas.
- The intrusion of the large structures, flyovers and roads, noise and light pollution across part of the most beautiful countryside remains of great concern to all.
- Consideration of other alternative transport options and better use of the funding, in terms of maintaining key existing routes, does not appear to have been given a thorough thought process.

## 5.5 Haywood and Callow Group Parish Council

### 5.5.1 Response received in response to consultation in May 2015

I am writing on behalf of the Callow & Haywood Parish Council to **object** to the Planning Application, as detailed above, for the following reasons:

#### Consultation Process

- 1) There has been a lack of clear and consistent consultation with those affected, including late notifications of meetings held to discuss and prevention of entry by concerned residents who were not deemed to have received an invitation (restriction of access).
- 2) There has been a lack of communication and information received to keep communities informed of changes and developments.
- 3) It is believed that the selection of the final route applied for was not advertised.
- 4) It is not believed that this road will address the issue of congestion through the city of Hereford. The High ways Agency, in a letter 7 Aug 2014 to Herefordshire Council, indicated that they would expect to see evidence that sustainable transport measures have been tried and tested before a new road is built. Under current guidance the building of new road infrastructure could only be justified in policy terms when other avenues such as travel planning and sustainable transport modes has been developed and issues identified. By excluding the Sustainable Transport package the road on its own does not accord with the existing policies of the UDP or the new policy SS7 from the Core Strategy. Investment in buses and “active travel” will only be provided if funding is still available after the costs of the new road (estimated to be over £27million) have been covered.
- 5) It is believed that the overall design of the road is flawed and that due process in regard to this application has not been followed. The impact of this road, across the proposed route, is not believed to be compensated by its usefulness.
- 6) It has been implied that there will be advantages of diverting heavy goods traffic to and from Wales – including linking to the Rotherwas Enterprise Zone. However, this does not seem to have taken account of the height restrictions, bridge and bends, on the A465 at Pontrilas which restrict the use of this road for heavy loads.
- 7) The Road, Route SC2, will fail to remove the “rat-run” along Haywood Lane, Callow and Knocker Hill. This was a stated aim of the proposed route and was, additionally, a Neighbourhood Plan objective. The proposed A465 roundabout is situated too far to the South West and drivers from Belmont trying to reach the A49 are unlikely to travel a further 1.3 km to access SC2 and will most likely continue to use Haywood Lane.

#### **Adverse Impact of selected route design**

- 8) Route SC2 will potentially destroy open countryside, particularly due to the proposed bridge over the railway (9.355 meters above existing ground level) at Haywood and due to the bridge over Grafton Lane (6.835 meters above existing ground level). These are “urban” intrusions to the landscape and are incongruous with the countryside aspect of the area which, once lost, will be gone forever.

9) Route SC2 will cause visual, noise and light pollution due to the elevated highway, particularly over the railway. Visibility of the road will be from the directions of Grafton, Knocker Hill and Haywood Lane. The noise projection, due to the elevation, is likely to be extensive with a 3.0km distance estimated.

10) Route SC2 will adversely impact on local ancient woodlands, including the flora and fauna contained therein. Assessment of species analysis taken has been re-visited by an informed parishioner who confirms that the reports included in the application appear flawed as certain species have been noted as not found when they do in fact exist at the locations noted. A 12 month research programme should have been undertaken.

11) Route SC2 imposes on land of significant historic importance: see Hereford and Worcester Garden Trust letter of objection to Herefordshire Council dated 18<sup>th</sup> June 2015.

12) Route SC2 will cause irreversible damage to the setting of heritage assets, particularly Haywood Lodge (Listed Grade 2 starred, which is in the top 5.5% of National Heritage Assets) and Merryhill Farm; this application does not comply with National Planning Policy Guidelines, English Heritage (now Historic England) guidelines or European Legislation which states that Heritage Assets and their settings should be protected.

13) Route SC2 will irreversibly damage the amenity of homes, homes mainly chosen for their hereto un-spoilt rural setting: particularly The Green (Grafton) and the cluster of buildings at Haywood (Haywood Lodge Cottages, Roman Byre, Haywood Lodge etc.)

Callow & Haywood Parish Council overall are extremely concerned about the adverse impact that this road is likely to have on an area of particularly beautiful countryside and on all of the people, plants and animals that live there. The Parish Council thank you for the consideration of the points they have raised in objection to this application.

5.5.2 Response received following consultation in October 2015:

None

5.4.3 Response received following consultation in March 2016:

The Callow & Haywood Parish Council has considered the new material, as presented, regarding application 151314 and comments that the mitigation is perceived to be of "exceptionally low quality and that it is not going to be effective".

**5.6 Hereford City Council**

5.6.1 Response received following consultation in May 2015:

Objection - Other less environmentally damaging routes have been proposed and should have been given preferential consideration over this option which will cause avoidable damage to adjacent properties.

5.6.2 Response received following consultation in October 2015:

Objection - Our position remains as previously stated, with an additional point that a TRO should be in place to ensure HGV's use the new route when it is developed. Cllr Edwards asked for his abstention to the general objection be noted as the road is welcomed by many residents in Newton Farm, but strongly supports the TRO proposal.

5.6.3 Response received following consultation in March 2016:

None

**5.7 Kingstone and Thruxton Parish Council:**

5.7.1 Response received following consultation in October 2015:

KTPC objects to the planning application on the following grounds:

1. It alleviates no traffic issues and is only being built to release land for extensive house building.
2. Extensive housing south of the river will add further to the issues of traffic congestion, shortage of jobs, recreation, water provision, school places and health management - not to mention the major and irreversible destruction of a large swathe of beautiful countryside and ancient woodland.
3. Sustainable transport measures should be in place, it is believed that this is not the case.
4. The sheer height of it in places will impose a major visual impact.
5. Increase in noise, light and CO2 pollution has not been adequately dealt with.

**5.8 Lower Bullingham Parish Council**

5.8.1 Response received following consultation in May 2015:

The application 151314 is SUPPORTED by the Parish Council

5.8.2 Response received following consultation in March 2016:

The PC asks that a time limit is put on any planning conditions applied to the application if the application is approved and that these will be implemented within the timeframe outlined in the planning conditions

**5.9 Much Dewchurch Parish Council**

Response received following consultation in October 2015:

MDPC believe the proposed new link road would alleviate some of the traffic flowing through Much Dewchurch and Wormelow, Haywood lane would also benefit with less traffic short cutting from the A49 to the B4348.

MDPC support this planning application.

**Non Statutory consultees and organisations**

**5.10 Campaign for Better Transport**

Response received following consultation in October 2015:

Campaign for Better Transport is an environmental campaign group that promotes sustainable transport policies. Our vision is a country where communities have affordable transport that improves quality of life and protects the environment.

We would like to formally object to the Southern Link Road proposal on the grounds that it will:

- Waste public money, creating a lot of harm for little or no benefit
- Result in considerable loss of best and most versatile agricultural land
- Lead to the loss of ancient woodland at Grafton Wood and elsewhere contrary to the National Planning Policy Framework (NPPF), paragraph 118
- Damage the landscape and cause harm to the setting of Hereford contrary to the NPPF, paragraph 109
- Cause substantial light and noise pollution
- Harm heritage assets such as the setting of Haywood Lodge and destroy an Iron Age settlement contrary to the NPPF, paragraphs 131 - 133
- Do very little to relief traffic in Hereford, given that only 15% of all traffic is through traffic

In addition, other more sustainable and less damaging alternatives to a new road have not been properly considered. Given that 85% of all traffic is heading into Hereford itself and not through it, there should be plenty of opportunities to reduce this through a series of measures to improve the infrastructure for pedestrians, cyclists and public transport. In doing so, this is likely to make the centre of Hereford a more attractive place which would strengthen the local economy. This approach sits far more comfortably with the NPPF which advocates that “economic, social and environmental gains should be sought jointly and simultaneously through the planning system”. In contrast, it is difficult to see how the current proposal would meet this requirement.

## 5.11 Campaign to Protect Rural England (CPRE Herefordshire - HCPRE)

### Responses received to consultation in May 2015:

HCPRE strongly objects to this planning application because:

1. The road is completely unnecessary as it will not achieve its main objective, which is the reduction in city centre congestion.
2. Reasonable alternatives to this road have not been properly evaluated as required by European Directives.
3. The road will cause substantial environmental damage, including to important heritage features, and loss of ancient woodland and high grade agricultural land.

### Further comments:

HCPRE strongly objects to this planning application because:

- A. The road is completely unnecessary as it will not achieve its main objective, which is the reduction in city centre congestion.
- B. Reasonable alternatives to this road have not been properly evaluated as required by European Directives.
- C. The road will cause substantial environmental damage, including loss of ancient woodland and high grade agricultural land.

- 1. The road is completely unnecessary as it will not achieve its main objective, which is the reduction in city centre congestion.**

The Council knows that this road will cause substantial environmental damage, including loss of ancient woodland and the highest grades of agricultural land, and damage to heritage and

archaeological features. Yet the Council claims that the environmental damage is all justified because "the main objective of the scheme is to reduce congestion".

This is contradicted by the Council's own traffic forecasts included in the application documents. The Environmental Statement Appendix 5.1 "Traffic Data for Air Quality Assessment" shows that, when the SLR is operational:

- (I) the average daily volume of vehicles going over the Greyfriars Bridge will be unchanged (AADT just under 46000)
- (II) Small reductions in traffic volumes on the A465 Asda to Tesco stretch, between 9% and 13% (1800 to 2600 less vehicles per day), are countered with a 15% increase (3300 more vehicles per day) on the Asda to Holme Lacy Road section of the A49.

Therefore the argument that reductions in congestion outweigh the substantial negative environmental impacts cannot be sustained.

## **2. Reasonable alternatives to this road have not been properly evaluated as required by European Directives.**

This SLR project is derived from the Marches LEP's "Strategic Economic Plan" (Final Version dated 31st March 2014). This Plan has not been subjected to strategic environmental assessment, in breach of SEA Directive 2001/42/EC.

One consequence of this breach is that there has been no evaluation of the SLR against reasonable alternatives as required by Article 5(1) of the Directive. Such reasonable alternatives would include:

- (I) Complementary / sustainable transport measures In a letter to Herefordshire Council dated 7th August 2014 (copy attached as PDF), the Highways Agency stated:

*"The Agency notes that the "South Wye Transport Package provided a series of complementary transport measures. This is welcomed in principle as under current guidance the building of new road infrastructure could only be justified in policy terms when other avenues such as travel planning and sustainable travel modes had been developed and shown not to address the transport needs and issues identified."*

This Highways Agency guidance is consistent with NPPF paragraphs 29 and 30, and especially paragraph 32 which states: *"Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, depending on the nature and location of the site, to reduce the need for major transport infrastructure."*

Herefordshire Council has not developed any of the complementary (sustainable) transport measures outlined in the South Wye Transport Package. These measures have not even been properly specified, appraised or costed.

- (II) Measures to address transport to schools and colleges

In 2010 the Council produced a map showing the difference between term time and non-term time AM peak traffic flows at nine locations around the city centre. This showed that, outside term time, morning peak traffic flows decreased significantly at all nine locations. The smallest decrease was 23%, the largest decrease was 52%. For the South Wye area, peak flows on the A465 were down by 27%, and on the A49 down by 28%.

This suggests that, if reducing city centre congestion is the primary economic objective, addressing transport to schools and colleges should be considered before spending £30m on

an environmentally damaging road with questionable benefits. Encouraging walking and cycling to school would also result in health benefits.

(III) an Eastern Link Road

This would link Rotherwas to the Ledbury Road via a second river crossing. In a letter to the Marches LEP dated 4th March 2014, Jesse Norman MP requested the inclusion of the Eastern Link Road in the Strategic Economic Plan, describing it as “...*certainly the most cost-effective single piece of road infrastructure*”, as it would cost less than £20m and reduce traffic on Edgar Street by 20 - 30%. The SLR will cost £30m and will not reduce traffic on Edgar Street. An Eastern Link Road could improve city centre congestion and access to the Enterprise Zone. In a letter to Balfour Beatty dated 6th August 2014, Jesse Norman MP noted “*it is unclear how, for example, a Southern Link Road would compare with an Eastern Link Road in a cost-benefit analysis, especially in relation to improving access to the enterprise zone*”.

The two economic objectives for the SLR, set out in the Planning Statement para 3.6.5 are to reduce congestion, and to enable access to the Enterprise Zone. While we are not promoting an Eastern Link we do feel that the SLR needs to be evaluated against an 1 Eastern Link Road in terms of the achievement of these objectives. Therefore we would contend that the SLR planning application is premature, because this evaluation has not been carried out.

**3. The road will cause substantial environmental damage, including to important heritage features, and loss of ancient woodland and high grade agricultural land.**

The road will cause substantial environmental damage, including to important heritage features, and loss of ancient woodland and high grade agricultural land.

HCPRE has long opposed an Eastern By Pass. We have not reached a view on the suggested eastern spur to provide a second river crossing but not a by pass.

- (I) **Ancient woodland:** The proposal will result in the destruction of part of Grafton Wood, listed on Natural England’s National Inventory of Ancient Woodlands and we would reference S118 of National Planning Policy Framework - “*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*”. We would also reference the Objection of the Woodland Trust and fully support their grounds for objection relating to Grafton Wood and other woodland that will be affected by this development.
- (II) Also, the fact that the supporting document “R ES Vol 2 App 1.1 ESSR Final 22.6MB” states in para 1.6.8 that the SLR routes would pass through Grafton Wood which is “not designated” when in fact it is designated calls into question the selection of this route i.e. would this route have been chosen if this error had been rectified?
- (III) **Agricultural Land:** This development will result in the loss of 31.2ha which according to the environmental statement is grade 2 land. In fact this area is classed as best and most versatile agricultural land and we would reference para 112 of the NPPF: “*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*”.
- (IV) **Visual Impact:** According to the Amey final report issued 18/05/2012 “*SC1 and SC2 (the subject of this application) cross over the railway line requiring significant approach embankments in the vicinity of Haywood Lodge having significant visual impact upon a*

*small number of properties in the vicinity and on the landscape as a whole with little potential for mitigation.”*

- (V) Parsons Brinkerhoff (PB) acknowledge in their Planning Statement April 2015 “*All of the options cross greenfield land and have an adverse impact on the environment, including increasing traffic noise, reducing air quality, and impacts to the landscape and heritage assets.*”
- (VI) We would also reference the Review of Landscape & Visual Impact Assessment commissioned by Mr & Mrs Priddle and submitted by them as part of a further objection. This concluded with a clear statement that “*The proposed scheme would introduce an alien, engineered and highly urbanising feature into a high quality, sensitive and valuable landscape. It would also result in the permanent loss of land which contributes to the historic setting of an important Grade 11\* building. Many of the effects could not be mitigated, and the proposed measures themselves are likely to give rise to adverse effects, being uncharacteristic of, and inappropriate in, the landscape.*”
- (VII) HCPRE endorses this finding and in particular the final point in the author’s conclusion that “*The implication of inadequacies in the assessment process is that if decisions are based on flawed information, the decisions themselves may well be flawed.*”
- (VIII) this is a historic landscape as has been pointed out by other objectors yet the application still awaits a full landscape and archaeological evaluation. In the absence of these we believe the application to be premature.
- (IX) **Hedgerows:** A total of eight hedgerows located within the scheme meet at least one of the criteria under the Hedgerow Regulations 1997 to be classed as Important and in total. 1,460 linear meters of hedgerows will be lost as a result of the proposed scheme. (ES vol 2 app 7.1 BS5837 Arboriculture report Pt 1”, section 4.4.1).
- (X) ES vol 2 app 8.4 Terrestrial Invertebrate report, 3.2.34 advises regarding Grafton lane’s hedges, “*the invertebrate fauna was found to be relatively abundant and to include a number of uncommon species.*”
- (XI) **Heritage features:** The planned route will cross a landscape of some importance both historically and culturally as well as containing several known heritage assets. For example Haywood Lodge and landscape of the Belmont estate.
- (XII) Historic England in its response, 4th June 2015, echoes the concerns of many respondents namely that insufficient evidence has been provided to properly assess the impact on heritage assets and their settings. It concludes that in its view the application does not conform to the guidance in the NPPF Section 12, Conserving and enhancing the historic environment. In an email of 10th August 2015 this is reinforced by the comment that “*Some analysis of the assets and their setting has been provided but it lacks depth.*”

## Conclusion

1. Other objectors have set out in greater detail many of the points we have raised which HCPRE endorses. Also worth noting is that Herefordshire Council’s current Strategic Housing Land Availability Assessment - Interim Rural Report list sites that have no potential for housing development as follows:

- (I) *Ancient woodlands*
- (II) Areas within flood risk zone 3 (Exception test is required)
- (III) Local Nature Reserves
- (IV) Sites of Special Scientific Interest (SSSI)



- (V) Special Areas of Conservation (SAC)
- (VI) *Historic Parks and Gardens (Registered and Unregistered)*
- (VII) sites which do not have a physical point of access into the site and no prospect of creating an access within or close to the landholding.
- (VIII) Sites that could have significant impact on the AONB landscape

2. On two counts (our italics) this area would not qualify for housing development but is being proposed for highway development. Is this inconsistent?

3. HCPRE shares the concerns of others on the following:

- (I) inadequate and possibly flawed consultation in the preparation for this application i.e. the no road option plus
- (II) the problems with the current planning application consultation i.e.

- (I) inaccessibility of the online supporting documents because of poor labelling and the formatting making online reading a slow and difficult process;
- (II) The fact that the consultation has extended beyond the advertised determination date but has not been publicly advertised;
- (III) The fact that a number of key evidential documents have still to be obtained and made available e.g. archaeology, updating the Package Assembly Report.
- (III) The absence of a specific Business Case Review in support of this application.
- (IV) As it stands the Application lacks the full body of evidence required by law and regulation to enable a fair and balanced decision to be made without risk of legal challenge.

4. HCPRE's contention is that this application should be refused

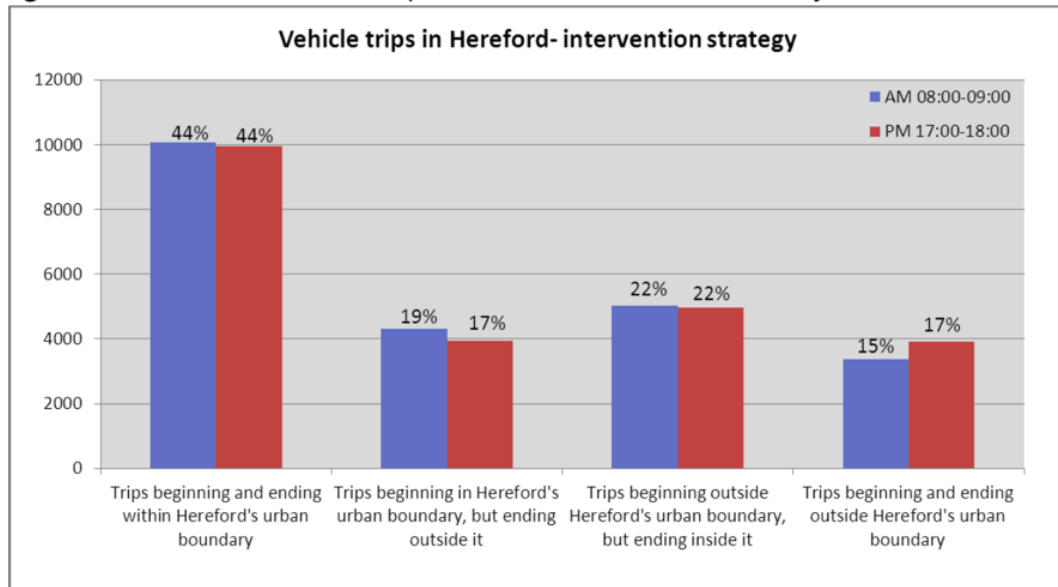
## 5.12 Cycle Hereford

### Response received to consultation in May 2015:

We continue to object to this proposal (see our objection to the 2014 Consultation on the SWTP).

#### **Flawed evidence base**

Analysis of the congestion — the main reason for the proposal — is inadequate. In particular, there is no analysis of the origins and destinations of the trips causing the congestion. This analysis should be a key consideration in option generation. The main component of traffic on Hereford's road network is traffic on trips which start and end in the city, as shown in the latest Annual Progress Report for the Local Transport Plan:

**Figure 19- Peak demand vehicle trips within Hereford's urban boundary**

There is no evidence provided to show that the scheme is the most efficient way to achieve the benefits claimed for it. And none can be provided, **because the proposals for sustainable modes remain at draft stage.** (See for example Transport Assessment Executive Summary). There has been no economic evaluation of the potential of sustainable modes to achieve the objectives assigned to this scheme and no evidence that the scheme represents value for money.

### Flawed process

The process of scheme development is deeply flawed. It is inconsistent with government guidance on sustainable development and Department for Transport guidance on option generation and evaluation. This requires that substantially different options (not different road alignments) should be tested to the same level.

### Contrary to national and local policy

The proposal is manifestly contrary to national and local policy on sustainable development and sustainable transport. It is contrary to the Network Capacity Management Hierarchy of the Local Transport Plan ('Step 1 - Demand Management: Use smarter choices to promote alternatives to solo car use.')

The scheme, with sustainable measures reliant on an unsustainable one, will not 'balance the transport system in favour of sustainable travel', as required by the NPPF (para 29).

### Discriminatory treatment of road users

We object to the priority given to travel by car in the Transport Assessment, which is in no way 'multi-modal', as is made clear by the Executive Summary of the Assessment. The treatment of journey time and journey time reliability as a measure of importance only to car occupants is discriminatory. It prejudices transfer of trips to sustainable modes where these are slower. It ignores the importance of bicycle trips where these could be faster than trips by car. We consider it to be an inequitable use of public funds when one mode of transport only is treated seriously in evaluation and investment. We object to lack of explicit consideration of pedestrians and cyclists (and horse riders) in the scheme design.

## **Unjustified destruction of natural habitat**

We object to the destruction of natural habitat in principle and here especially where there is no credible justification and where no meaningful attempt at solutions underpinning sustainable transport and land use has been made.

### **5.13 Forestry Commission**

#### Response received to consultation May 2015

Thank you for seeking our advice about the impacts that this application may have on Ancient Woodland. We are pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of the Government's National and Regional Forestry Policy
- Information on the importance and designation of ancient and native woodland

From this, you will see it is Government policy to discourage development that will result in the loss of Ancient Woodland, unless the development offers overriding public benefits. Ancient woodlands are widely regarded as irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed

These comments are based upon information available to us through a desk study of the case, including the Ancient Woodland Inventory (maintained by Natural England) and our general local knowledge of the area

### **5.14 Hereford Civic Society**

The majority of members of Hereford Civic Society object to this planning application because the road is completely unnecessary as it will not achieve a reduction in city centre congestion, the stated aim.

The Herefordshire Councils own traffic forecasts, included in the application documents states that:

When the SLR is operational:

- 1) The average daily volume of vehicles going over Greyfriars bridge will be unchanged (AADT just under 46000)
- 2) Small reductions in traffic volumes on the A465 Asda to Tesco Stretch, between 9% and 13% (1800 to 2600 less vehicles going over Greyfriars Bridge will be unchanged) are countered with a 15% increase (3300 more vehicles per day) on the Asda Holme lacy Road Section of the A49.

Ref: The ES Appendix 5.1 "Traffic Data for Air Quality Assessment"

Therefore the argument that reductions in congestion outweigh the substantial negative impacts cannot be sustained.

### **5.15 Hereford Ramblers**

### 5.15.1 Response received to Consultation May 2015:

Thank you for giving us the opportunity to comment on the above project with reference to Public Rights of Way.

#### **GENERAL OVERVIEW**

The proposed Southern Link Road (SLR) extension intersects three parishes and four Public Rights of Way (PRoW), namely Grafton CF3, Haywood HA7 & HA3 and Clehonger CH9.

We ask that you provide a footpath and cycleway along the length of the proposed SLR and there is provision to access this footpath and cycleway, where each footpath meets / crosses the SLR. This will help meet your Design & Access Statement for an Integrated Transport System, into the future.

Three application documents were consulted:

1. Proposed PRoW Network A1 size map Drg. No.: TRP/02/02. Project 3512983L-HHR
2. Planning Statement Report
3. Design & Access Statement

#### **SITE VISITS**

Ramblers made site visits on the 26<sup>th</sup>. May 2015 – A49T to Grafton Village and 29<sup>th</sup>. May – Haywood Lodge, Merryhill, Hayleasow Wood & the Clehonger Link.

#### **PEDESTRIAN ACCESS**

##### A49T to GRAFTON VILLAGE

Footpath GF3 leaves the A49T from a point just south of the existing B4399. We understand that GF3 will remain as is, until it emerges on the northwest side of Grafton Wood.

**Ref: Design & Access Statement, Items 6.2.7 & 6.2.8.**

The proposal is to divert GF3 westwards at this point, to follow the southern fence line of the SLR to 'The Green', on Grafton Lane. The path will join Grafton Lane and turn north under the SLR.

The suggestion of an additional section of footpath from The Green SO49598, 36613 to SO 49568, 36903, is most welcome, leaving the lane available to vehicles and cycles.

The original section of GF3, running from Grafton Wood to Grafton Village, will be eventually extinguished. Please add 'pedestrian' access to the **Planning Statement 2.12.4 & 5.4.3.**

We have no objection to this diversion, providing the intersection at Grafton Wood (north) is available to walkers during construction. It appears that heavy use will be made of the SLR route to deliver building materials, especially to the Eastern Compound.

Footpath GF3 must be provided with a smooth switch over and suitably waymarked.

##### Footpath HA7

**Design & Access Statement Ref: 6.2.9 & 6.1.10** covers the route of this footpath from B.O.A.T. HA14 to Haywood Lane.

We noticed clearance of the crop north-westwards from near railway crossing and guessed that this may be the SLR route. The footpath HA7, west of here, hugs the north side of the hedge until the metal gate on Haywood Lane is reached. We note that this section will be diverted through the SLR underpass and will use 'the farm accommodation track'. This may be difficult in winter weather but **we accept this route in principle. Design & Access Ref: 6.2.11.**

### Footpath HA3

#### **Design & Access Statement Ref: 6.2.12, 6.2.13 & 6.2.14**

Footpath HA3 is a little more difficult to trace on the ground, at the Hayleasow Wood end (A465).

It is proposed to divert the last part of the footpath to accommodate the south-eastern arm of the new island on the A465. The suggestion of using the Newton Brook Underpass at SO 478, 371 is viewed with caution and **we seek clarification of possible flooding of the footpath by the brook.**

The diversion will follow the north side of the field hedge, westwards to the public bridleway HA6 at SO 475, 371 and then north to the A465. The old section of HA3 up to the A465 will be extinguished.

### Footpaths CH10 & CH9

#### **Design & Access Statement Ref: 6.2.15 & 6.2.16**

CH10 starts on the north side of the A465, adjacent to the Golden Post Cottage, and leads us on to the path CH9 leading towards Clehonger Court. We understand that the northern end of CH9 and the unclassified road U73200 will be severed by the proposed Clehonger Link. The old part of B4349 from Clehonger Court eastwards and the northern part of the unclassified road U73200 will be closed to vehicular traffic.

#### **Design & Access Statement Ref: 6.2.17 & Planning Statement Ref: 2.9.4**

##### **Drawing TRP-02-02 Proposed Public Rights of Way Network**

A new path for equestrians, pedestrians and cyclists is proposed at the top of CH9, alongside the southern boundary of the Clehonger Link, finishing at the northern end of the stopped off road U73200. It is assumed that pedestrians will not be prevented from continuing into CH8 at Clehonger Court. We may require to discuss the at-grade crossing of the Link road in more detail and we look forward to setting a date for this

#### 5.15.2 Response receive to consultation in October 2015:

DOCUMENT 109 – Alignment options for Grafton Lane.

##### Item 2.1.5

It is appreciated that the dimensions of the underpass may have to be increased, to allow large farm vehicles access to either side of the SLR, but we are concerned that there is no information relating to diverted CF3 footpath access within the three alternative options. The lowering of Grafton Lane would not enhance the walking experience, with possible flooding and mud generation. The third option appears to offer direct field access to the SLR for farm vehicles but again, no mention of the footpath alongside the southern boundary of the SLR.

Would you please report on GF3 access in more detail, when the road routing is confirmed?

DOCUMENT 110 – Revised Horizontal Alignment option for the Clehonger Link

##### Item 2.1.2

It is noted 'that the new Clehonger Link has not been subject to detailed design at the time of writing this note' Dated 30<sup>th</sup>. September 2015.

### Item 3.3.3

Safety is paramount in the design of the Clehonger Link B4349. We are pleased to note that a speed limit will be imposed along the length of this link, from A465 to the crossing at footpaths CH9/CH8 - Clehonger Court/Copper Beaches. Please note that footpath CH9 runs south from this junction joining CH10 mid-field, leading S.W. to the A465.

With the expected increase of traffic along the A465, we have concern at the crossing point from bridleway HA6 on the south side of A465 to footpath CH10 on the north side of the A465.

Can a Cross-on Demand light be provided at this point?

In general, there has been a lack of detailed drawings of the proposed footpath network diversions. This has not encouraged local residents/users to comment.

### 5.15.3 Response received to consultation in March 2016:

We are concerned that the information on the proposed routing of the footpaths is becoming buried by the additional information on, realignment of underpasses, landscaping mitigation, land scoping of embankments, positions of drainage ponds and storage areas for construction equipment.

For example:

1. Landscaping Principles September 2015, item 7.6.5 suggests, 'To minimise the impacts of the proposed Scheme on the landscape, species rich native hedges would be planted alongside the road to tie into existing hedgerows and maintain wildlife corridors'. There is no indication of where the hedges are in relation to the proposed diverted footpaths. Look at the Grafton Wood to Grafton Lane section. Additionally and more importantly, is how the footpath is contoured down to the Grafton Road and routed through the overpass. Could you please add footpath detail to the existing General Arrangements.

2. The routing of the SLR through the ancient woodland of Grafton Wood is a disgrace. The advisory notes back in 2014 implied that the footpath GF3 would be re-routed at the northern edge of Grafton Wood, implying that the proposed SLR would skirt the northern edge of the wood.

3. The railway underpass drawings at Haywood Lane also ignore the routing of footpath HA7. Is it intended to make a separate tunnel for the footpath or risk running it alongside the railway?

4. Footpath HA3 is proposed to cross underneath the SLR, close to Hayleasow Wood. The underpass is referred to as Wildlife Underpass, no mention of pedestrian access. Can we have more detail of this underpass and where the footpath is located? Has maintenance been considered in the long term?

Ramblers have tried to take a positive view of the SLR project but, as in life, many members are troubled by the possible loss of such an attractive amenity, close to Hereford. These PRow feature often in our local walking program and lead through to other areas of Herefordshire.

## 5.16 Herefordshire Wildlife Trust

### Response received to consultation in October 2015:

#### **Destruction of Ancient Semi-natural woodland:**

The SC2 route bisects the woodland block now known as Grafton Wood, formerly part of Heywood Forest and destroys 0.53 ha of the woodland, approx. 10% of the habitat resource. This woodland is identified as Ancient Semi-natural Woodland in the recent revision of the Herefordshire portion of the Ancient Woodland Inventory. Reports submitted by Parsons

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Brinckerhoff indicate that it is a wood pasture site and that there are records of important saproxylic invertebrates (small creatures dependent on dead wood habitats, crucially requiring long term continuity in the supply of dead wood within veteran trees) such as the Brown Tree Ant. HWT have also received reports of Stag beetle in the vicinity of Grafton wood, this nationally scarce saproxylic beetle is listed under Schedule 5 of the Wildlife and Countryside Act 1981.

The Environmental Assessment also identifies indirect impact on Grafton Wood, un-named woods 1 and 2 and Hayleasow Wood from construction works, dust, emissions, soil compaction, run off from works areas, spillage and inadvertent encroachment during construction eg for storage, stray personnel and accident incursions etc. These are judged to be of medium magnitude with significant impacts at a District level.

### **Destruction of hedgerows and ancient/veteran trees**

The Environmental statement indicates that 1,460m of existing hedgerows will be lost and assesses the loss as a permanent, negative impact of medium magnitude and significant at a District level. The Arboriculture report indicates that there will be a loss of 43 mature trees, including the loss of the veteran tree labelled T15 which is judged to have high impact. It also identifies significant risk to veteran trees labelled T5 and T6. There are also likely to be impacts during construction of a group of veteran apple trees, with saproxylic invertebrate interest.

### **Impacts on protected species**

Loss of woodland, and hedgerows at Grafton Wood are considered to have medium magnitude significant as District Level for bats, which are European Protected Species (EPS). The environmental statements also highlight the presence of otters (also with EPS status) in the Withy Brook (a tributary of the River Wye SAC) and identifies potential impacts on these species. In addition the reports highlight 14 species of birds of Conservation Importance, including skylark and barn owl and also slow worms, lizards and saproxylic invertebrates. The impacts on EPS, including habitat fragmentation and direct mortality are largely dismissed in the HRA screening report and potential impacts on species are omitted the Planning Statement 3512983L-HHR prepared by Parsons Brinckerhoff.

### **Policy Framework to protect ASNW, hedgerows and Veteran Trees**

The National Planning Policy Framework, section 118, 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

See also other relevant environmental policy in relation to ASNW, hedgerows and veteran trees as provided by the consultation responses of the Forestry Commission and the Woodland Trust.

### **Balancing benefit and loss (NPPF 118)**

Herefordshire Wildlife Trust is not satisfied that the benefits from construction of the southern link road, on the existing alignment outweigh the losses. The stated aims of the South Wye Transport Package are to:

- Reduce congestion and delay
- Enable access, particularly to developments such as the HEZ
- Reduce the growth in emissions such as CO<sub>2</sub>, NO<sub>x</sub> and PM<sub>10</sub>s
- Reduce traffic noise
- Encourage physical activity
- Reduce accidents

We do not consider that the documents provided in support of this application demonstrate that this link road will produce a significant reduction in congestion and emissions. The HEZ already has sufficient access via the Rotherwas Link Road (which itself caused significant environmental damage). In addition, the South Wye Transport Package was intended to be an integrated 'package' of measure including sustainable transport options, and these are not provided in the material submitted in support of this proposal. We refer you to detailed analyses submitted by other consultees and objectors such as CPRE, Dr Nichola Geeson and Victoria Wegg-Prosser on behalf of Here for Hereford (who also cover in detail the severe visual impacts of the development on landscape, which is not within our remit).

We note that some options to minimise environmental damage to Grafton Lane and to the veteran tree T15, have been evaluated but ruled out on the basis of maintaining desirable traffic speeds of 40mph and meeting standards set out in the Design Manual for Roads and Bridges. We do not concur with this judgement.

### **Mitigation proposals**

We note that an area of woodland is to be replanted to compensate for the woodland and tree losses along the route is being located on an area that will have been used a storage and work compound and hence likely to have been subject to compaction and possible contamination. This will also be the case for the newly planted hedgerows along the route. Whilst we welcome these proposals in principle, they will not adequately compensate for the loss of 'irreplaceable' ASNW on the basis that:

- There will be a significant time lag before the trees are of sufficient age to be of value for saproxylic invertebrate. (this time lag would be reduced if some fruit trees were incorporated in the design since these are early senescing trees which also support a saproxylic fauna)
- Although the new wood is contiguous with Grafton, there is no guarantee that there will be appropriate habitat connectivity/continuity for saproxylic species unless Grafton Wood, the new woodland and the new hedges are brought into assured, long-term, sympathetic conservation management

### **Summary**

Herefordshire Wildlife Trust objects to this proposal on the basis that:

- It causes significant damage to ASNW and veteran trees in contravention of national policy (as well as causing significant visual impact on the landscape)
- Newly planted replacement woodland and hedgerows will not replicate or replace the habitat quality of the habitats that will be destroyed
- The development of the new plantings into good quality secondary woodland and hedges which will complement, and compensate for the partial loss of Grafton Wood, cannot be guaranteed unless there is assured, long-term, sympathetic conservation management of these natural assets (ie of Grafton Wood, the new woodland and the new hedges).
- There are likely to be significant impacts on European Protected Species and other species of conservation importance, which have not been adequately addressed, largely from habitat loss and fragmentation and direct mortality (during construction and operation).
- The proposal cannot demonstrate sufficient benefit in terms of its stated objectives of reductions in traffic congestion, air pollution etc to outweigh this damage to irreplaceable natural assets
- The alternatives (including a no road option) have not been subject to sufficient detailed objective evaluation

We urge Herefordshire Council to act in compliance with the NPPF, and refuse this application.



## 5.17 Hereford and Worcester Gardens Trust and Woolhope Naturalists Field Club

### 5.17.1 Response received to consultation in May 2015:

I am writing on behalf of the Executive Committee of the Hereford and Worcester Gardens Trust and the Woolhope Naturalists Field Club, who have asked me to make the following general points in opposition to the proposed road.

1. The new road will have a considerable impact upon an extensive and important cultural landscape and will have an adverse effect upon a number of known heritage assets and, because there has been little expert evaluation of the route by well qualified landscape historians and/or archaeologists, an unknown number of hitherto unnoticed assets may well be damaged.

2. The road will cross the surviving rump of the medieval royal forest of Haywood, which, for at least 1000 years has had a significant influence upon the social, economic and cultural history of the city of Hereford. Royal forests elsewhere in England are generally identified, mapped and protected. The woodlands the road clips or ploughs through are the last remnants of this ancient forest and have a distinct character as ancient woodland. Moreover, somewhere in this area there is a royal 'hay' or *haga*, which gave its name to the forest. This is an enclosed feature, into which the deer were driven. Domesday Book shows that the citizens of Hereford were involved in this process. It may well be in the vicinity of Haywood Lodge and potentially, under the new road. Moreover, near where the new roundabout is proposed on the A465 there is the hundredal meeting place for the English enclave living to the west of the Wye in Welsh Herefordshire – this was somewhere near Webtree. In other counties of England e.g. Gloucestershire such public meeting places, dating from the Dark Ages have been mapped and recorded as landscape features. They represent the first stage in the development of local government in England. Arguably, this site is more important than Magna Carta. There is a great deal of literature on the Forest of Haywood and the importance of public meeting places but I see no mention of it in the associated documentation attached to this application.

3. Haywood Lodge is one of the finest Queen Anne houses in Herefordshire. As its name suggests it was a feature in the royal forest and probably a centre of administration visited by kings, like John who spent much recreational time in Haywood Forest. It appears, from a cursory glance, that Haywood Lodge had an extensive man-made landscape, which stretched across Haywood Lane towards the line of the road. As a royal centre we might expect a Little Park and even a designed landscape of some kind. I see no reference to detailed fieldwork and documentary research here to evaluate the setting of this listed building.

4. For much of its route the new road passes through the extended landscape of the Belmont estate, which at its climax in c.1830 extended as far as Dewsall. Indeed, Dewsall Lodge on the Callow marked the entrance to the estate created by John Matthews with the help of Humphry Repton and the architect, John Nash. On the route of the approach road – Haywood Lane - there were at least three ornate cottages designed by Nash, architect of Regents Park, Buckingham Palace etc. and other embellishments. The designs are in the Brighton Pavilion Library. The road crosses an important annex to the parkland that surrounds Belmont House, which was developed as a model farm in the Regency period – a *ferme ornee* - as it was called at the time. Belmont is a locally registered historic area of parkland and therefore a community asset that requires careful evaluation.

5. The 19<sup>th</sup> century development around Belmont Abbey, which includes a number of listed buildings, was a major element in a recent public inquiry into the development of land at Home Farm. The appeal by the developer was rejected because of the impact the new estate would have had on the setting of the heritage assets at Belmont Abbey. The present proposal threatens the setting of the Abbey when seen from the south.

Thus, the application seems very premature as a historic landscape of considerable cultural value is likely to be severely damaged by the present route of the road. A comprehensive review of the impact of the road upon a large number of heritage assets – known and unknown – is essential before any decision can be made.

#### 5.17.2 Further response received to consultation in May 2015 (received Sept 2015):

A few weeks ago I was invited to Haywood Lodge by Anthony Priddle and, for the first time, I had a chance to look at the immediate setting of the house. Its use as a farmstead in the early 20<sup>th</sup> century has eradicated most of the elements of a polite landscape in the immediate vicinity of the house, notwithstanding, some fine service buildings, barns, orchard enclosures etc.

Haywood Lodge is, of course an important house, closely related in style to Eye Manor, Langstone Court and Berneithen; all of which have extended landscapes with enclosures, terraces and small parks. I have suspected for some time that something similar must have existed at the Lodge, perhaps across the modern road where in recent years an orchard has been established. We must remember that the straight road from Dewsall to Belmont did not exist until the early 19<sup>th</sup> century when Col. Matthews of Belmont acquired Haywood. It is not on Taylor's county map of 1754, for instance. As you know it became the approach road to Belmont House with a lodge, designed by John Nash, introducing the estate perched beside the road at Callow/Dewsall.

A close inspection of the orchard reveals a number of features that suggest that it was once managed as a pleasure ground exploiting the remains of a well-documented, medieval quarry.

1. The centrepiece is the pool, made irregular today by the intrusion of the Hereford and Abergavenny Tramway and the later railway. On the side of the pool towards the house there is a terraced walk that continues to the east (railway side) across a stone-built dam, where there is a cast iron estate fencing – probably late 18<sup>th</sup> or early 19<sup>th</sup> century in date – which provides a barrier protecting viewers from the deep water below.
2. The pool started life, I think, as one of the medieval quarries, located in Haywood Forest, which provided stone for the Cathedral, Wyebridge and the walls of Hereford. Indeed under an apple tree to the NW of the pool there is a large well-cut ashlar block of stone, selected, then discarded for a building project. A closer inspection of the site would no doubt provide more examples of worked stone. Any visible tooling would help date it.
3. Moreover, there are living reminders of the ancient forest in the shape of two magnificent oaks. The largest is a *Quercus petraea* (sessile or durmast). This is the native oak for west Herefordshire, which since the 18<sup>th</sup> century has been ousted by planting *Quercus robur* (pedunculate or the so-called English oak). With the felling in the 1980s of several large oaks at Dewsall, this is probably the largest surviving oak in Haywood Forest; a fitting substitute for the named Haywood Oak, which survived as decrepit veteran at Haywood Farm until the late 19<sup>th</sup> century.
4. Below the largest oak, where a small stream feeds the pool at its NW corner, there is a good deal of stonework; some of it embedded in the base of the oak but on the far side of the gully (W) the stone is coursed, forming a wall in which there is an aperture. I am almost certain that this represents the remains of a Georgian cold bath or plunge pool. This would probably have been open on the pool side but with walls on the east (before the oak encroached) and on the south – effectively damming the watercourse – the water would have been diverted in a channel towards the aperture in the west wall and debouch, with exclamations of pleasure, upon the bathers within. We might anticipate mixed bathing since unlike the Victorians the Georgian lacked prudery. Similar cold baths exist or have existed at Foxley, Wilcroft (Bartestree), Downton, The Lodge (Richards Castle), Holme Lacy, Moccas Court and Harewood. The last has recently been re-excavated and preserved by Prince Charles and is similar to that at Haywood,

in that the water came into a stone enclosure from above. It was also partially roofed, which may also have been the case at Haywood.

5. The channel of the stream that fed the bath can be traced back to a culvert under the road, which suggests that the stream was acknowledged when the road was built in c.1800. The spring probably existed to the west of the Lodge and, in fact the road may have interrupted its flow to the bath house, which by c.1830 was probably redundant, as bathing in the pleasure grounds became passé and was replaced by sea-bathing. Within the orchard there are slight signs of other terraces and raised areas suggesting the approach to the pool and bathhouse was subject to some sort of landscaping.

Thus, there appears to be an important landscape here, which began life as an adjunct of the royal forest, within the curtilage of its lodge and was subsequently gentrified as the pleasure grounds of the new house. Only a handful of bathhouses are known in Herefordshire albeit the literature on this aspect of Georgian life is growing fast. This is therefore an important find and had it been recognised and written-up properly in the 1990s, it would have been an obvious candidate for Registration; now its survival rests upon its position within the curtilage of a listed II\* building. Of course, its position within a few yards of the proposed relief road, where it rises up on an embankment, raises some pertinent questions in terms of protection and conservation.

### 5.17.3 Response received to consultation in October 2015:

We would like to respond once again to the present application:

1. Naturally we applaud the most recent letter from Historic England (undated), which draws attention to the vulnerability of Haywood Lodge and its surroundings. A Grade II\* listed building with a recently discovered unregistered historic garden – see my letter to you of 24<sup>th</sup> September 2015.
2. We also believe that your consultants' assessment of the significance of Haywood Lodge and its historical context leaves a lot to be desired and as it stands is a formulaic statement, which shows little engagement with either the site today or in the past, notwithstanding the large amount of documentary evidence available in public repositories where its history can be charted from before the Norman Conquest to the present day.
3. We would also like to reiterate the significance of the views of Haywood Lodge by George Lewis (1782-1871), at present in Tate Britain. These images have been discussed in a variety of contexts, not least their significance in commemorating Waterloo (1815) – an anniversary we are very much aware of today. The consultants should have looked at Christopher Payne, *Toil and Plenty: Images of the Agricultural Landscape in England, 1780-1890* (1993); M. Rosenthal, *British Landscape Painting* (1982) and John Barrell, *The Dark side of the Landscape* (1980) where their significance is discussed in full.
4. The consultants should also have been aware of two recent appeal decisions relating to Hereford's hinterland where the impact of a proposed development upon existing assets, helped to carry the day. These are Belmont (S122747/0-November 2013) and Aylestone (W1850/A/14/2227072-April 2015). On both occasions historic images played a role in determining the outcome. At Belmont it was Edward Welby Pugin's perspective drawing of Belmont Abbey (1878) with Hereford Cathedral in the background and at Aylestone a series of watercolours by David Cox, a contemporary of Lewis, played a similar role. Herefordshire Council should recognise that in the romantic era (c.1770-1830) Herefordshire was Arcadia and artists flocked to the Wye Valley and its environs to capture its unspoilt scenery. Heritage assets are enhanced by historic images.

5. Historic England also notices that Haywood Lodge appears of Buck's *Prospect of Hereford* (1732). His viewpoint was the slopes of Aylestone Hill. Today the Aylestone-Eign Hill ridge to the east of the city is a designated Conservation Area, from which Buck's view can still be enjoyed. The relict landscape of Haywood Forest, from Callow to Belmont, still provides a wooded prospect above the expanding housing of modern Hereford. When the SLR crosses this landscape, raised on an embankment, it will be in full view from Buck's viewpoint. The consultants have not considered how the new road will impact upon the Aylestone –Eign Hill Conservation Area and the listed buildings that enjoy the view. Moreover, visitors to Hereford may visit the Churchill Gardens on Aylestone Hill to enjoy the same westerly prospect or climb the tower of Hereford Cathedral to look towards Haywood and Wales beyond. This is part of the frisson of border life, which brings tourists to Hereford. Not only is the view from Haywood to Hereford Cathedral significant, but in many respects the reverse view is equally iconic, and similarly threatened.
6. Finally, the consultants make no assessment of the landscaping activities of John Matthews of Belmont House and his heirs and successors. Haywood Lane was the main drive from Callow to Belmont and was created in c.1800. Many of the existing features in the landscape were the result of a campaign of estate improvement by the Mathews family between c.1790 and 1830. This may have involved Humphry Repton and certainly gave employment to his partner, the architect John Nash. The Brighton Pavilion Album of Nash's designs contain nine sketches for cottages and estate buildings. Two of these exist today and a third is in ruins on the edge of Spring Grove which will be trashed by the new road. The consultants know nothing about this and yet it is dealt with in the Council's Proof of Evidence for the Belmont Inquiry in November 2013. Moreover, it is fully discussed in *Journal of the Picturesque Society* 13 (1995), which is catalogued in Hereford City Library. The SLR is not only destroying fine countryside but is also ploughing across a landscape developed as *ferme ornee* which still bears all hall-marks of John Matthews good taste. The obituary to Matthews published in the *Hereford Journal* 18 January 1826 notices his extensive embellishments to his estate, reminding readers that 'the scenery of our highly favoured county has borrowed additional charms from his tasteful hand (which are) discernible at a glance'. And so they are still if you bother to leave the office.

It seems to us that this application is fatally flawed and Historic England should have it called in and settled at a full public inquiry

### **5.18 Royal Society for the Protection of Birds (RSPB)**

The RSPB wishes to object to the detailed route of the proposed road towards its eastern end, where it cuts through Grafton Wood. We understand this woodland has been identified as an area of ancient woodland, albeit one that has been somewhat modified and degraded over time. It is clear from the map on p3 of the Environmental Statement that alternative routes SC6 and SC7, which would have had less of an impact on Grafton Wood, were considered and discounted. Whatever the merits of the preferred route further west, it seems clear that adopting the line of route SC7 at least at its eastern end would significantly reduce the impact on Grafton Wood, while adopting the line of route SC6 at the eastern end would avoid direct impacts on Grafton Wood more or less entirely. And, as far as we can tell, shifting the eastern end of the preferred route to curve north of Grafton Wood would not significantly increase impacts on any residential property, which we accept is a very important consideration.

We would be pleased to know what considerations (other than cost) led to the line of the preferred route at its eastern end being chosen, when the direct impacts on an area of ancient woodland could have been much reduced by one of the above alternatives.

## 5.19 Sustrans

Sustrans is the UK Charity that enables people to travel sustainably or journeys under five miles. Our work makes it possible for people to choose healthier, cleaner and cheaper journeys with between places to live in.

We would like to formally object to the Southern Link Road proposal

We are interested to understand whether more sustainable alternatives to a new road have been considered. Given that 85% of all traffic is heading into Hereford itself and not through it, there should be plenty of opportunities to reduce this through a series of measures to improve infrastructure for pedestrians, cyclist and public transport. In doing so, this is likely to make the centre of Hereford all the more attractive place which would strengthen the local economy and improve retail vitality.

Given the issues of congestion, increased physical inactivity and air quality this is a perfect opportunity to invest in sustainable transport and help move away from the car as the main source of transport when a significant proportion of daily car trips in Hereford are short car trips that could easily be walked or cycles. A 21<sup>st</sup> Century city embraces the opportunities sustainable transport provides hence our objection to this scheme.

## 5.20 The Woodland Trust

### 5.20.1 Response received to consultation in May 2015

As the UK's leading woodland conservation charity, the Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,250 sites across the UK, covering around 23,000 hectares (57,000 acres) and we have 500,000 members and supporters.

Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since AD 1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be re-created and cannot afford to be lost. As such, the Woodland Trust aims to prevent the damage, fragmentation and loss of these finite irreplaceable sites from any form of disruptive development.

The Woodland Trust objects to the proposed development as it will cause direct and irreversible loss to numerous areas of ancient woodland, namely Grafton Wood (grid ref: SO480374), Hayleasow Wood (SO500366), and an unnamed wood at S0491365; and a number of veteran trees.

### **Policy**

National Planning Policy Framework paragraph 118 states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

The Natural England standing advice for Ancient Woodland and Veteran Trees (published April 2014), paragraph 4.8.1 states: 'Ancient woodland is of prime ecological and landscape

importance, providing a vital part of a rich and diverse countryside. In particular, ancient woodland:

- is exceptionally rich in wildlife, and supports many rare and threatened species;
- may contain surviving descendants and features from the original natural forests;
- acts as reservoirs from which wildlife can spread into new woodlands;
- has valuable soils due to their undisturbed nature;
- is an integral part of England's historic landscapes and the biological and visual functioning of a landscape;
- contains a wealth of features of historical and archaeological importance little altered by modern cultivation or disturbance;
- contributes to people's sense of place and imagination.'

Keepers of Time, a statement of Policy for England's Ancient and Native woodland jointly written by Defra and the Forestry Commission states that "the existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland." One of the objectives set out in Keepers of Time is to "take steps to avoid losses of ancient woodland and of ancient and veteran trees and to sustain the total extent of other native woodland (ensuring that gains exceed losses)."

Herefordshire's Unitary Development Plan (UDP), Policy LA5 states that:

*"The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:*

- 2. resisting proposals that would cause loss or damage to trees (including veteran trees), hedgerows, mature traditional orchards or woodlands which are worthy of retention. In particular, proposals affecting protected trees and Ancient and Semi-Natural Woodlands will be subject to rigorous examination.*
- 4. Where appropriate taking into account as a material consideration the Woodland Management Guidelines produced for the Malvern Hills and Wye Valley AONBs and the Government's England Forestry Strategy together with Forestry Commission guidance on Ancient and Semi-Natural Woodlands."*

Paragraph 5.2.4 of the UK Biodiversity Action Plan (UKBAP) includes objectives to conserve, and, where practicable, enhance:

- the quality and range of wildlife habitats and ecosystems;
- the overall populations and natural ranges of native species;
- internationally important and threatened species, habitats and ecosystems;
- species, habitats and natural and managed ecosystems characteristic of local areas; and
- biodiversity of natural and semi-natural habitats where this has been diminished over recent decades.

Section 40 of the Natural Environment and Rural Communities Act 2006 requires all public authorities (including LPAs), in exercising their functions to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

#### Impacts on ancient woodland

The applicants have made it clear that there will be significant impacts on areas of ancient woodland and also veteran trees. In particular the Trust is concerned about the following:

- Permanent and temporary loss and damage to ancient woodland and veteran trees, including their value as precious habitats;

- Large-scale removal of woodland and planted areas which could likely lead to direct mortality during site clearance and construction phases;
- Fragmentation and degradation of the surrounding wooded environment as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats;
- Large amounts of disturbance occurring from adjacent infrastructure particularly during construction phases, including noise, light, traffic and vibration;
- Large amounts of pollution occurring from adjacent infrastructure particularly during construction phases, including dust, use of hazardous materials and spillages of chemicals, fuels or waste materials;
- There will inevitably be safety issues in respect of trees adjoining newly constructed areas and infrastructure, with branches and even whole trees being indiscriminately lopped/felled, causing reduction of the woodland canopy;
- There will inevitably be changes to the hydrology stemming from large areas of hard-standing altering ground water and surface water quantities. Also the introduction of water run offs from road development will result in changes to the characteristics and quality of the surface water as a result of pollution and contamination;
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

The proposed development impacts upon a number of areas of ancient woodland. Ancient woodland is irreplaceable and its loss cannot be mitigated for. Evidently any such development within this area would cause lasting, significant damage and impact heavily upon the integrity of the entire area. Any development that adversely impacts and results in the destruction of ancient woodland is highly inappropriate and in direct contravention of a number of national and local planning policies.

Grafton Wood occupies a slightly different form to what would be expected from ancient woodland in that it mainly consists of openly scattered trees within a grassland area. Although this woodland has shown a low species diversity it is nevertheless an important woodland in terms of habitat and unique in its character to the area. The presence of a number of mature trees within this woodland likely provide suitable habitat for important woodland fauna, i.e. bats, birds, invertebrates, etc. As this woodland is due to be bisected by the proposal, it is highly likely that the entire woodland would be severely altered as a result. Direct loss and fragmentation of Grafton Wood will be highly detrimental to other small pockets of surrounding woodland and habitat. Many indirect impacts are also likely to occur as a result, with dust, soil compaction, spillages and waste largely affecting the woodland, particularly during the construction phases. These impacts will largely be irreversible and permanent in their nature.

The unnamed wood at S0491365 (Unnamed woodland 2) will likely suffer the same impacts as Grafton Wood. The small size and close proximity of this woodland to the development will be highly deleterious to the entirety of the woodland. It is noted within the applicant's Botanical Survey that a low number of AWI species were found within the woodland. This can likely be attributed to the size and damp nature of this woodland and it is important that this should not be seen to devalue the woodland. The drainage design of the scheme is attributed to causing direct damage/loss whereas indirect effects will occur as a result of construction impacts, i.e. dust, noise, soil compaction, vibration, etc. Again a number of these impacts are likely to be permanent and cause irreversible damage.

Hayleasow Wood is another ancient woodland in very close proximity to the development. This habitat is considered to be of significance at a county level and contains a high number of AWI species, verifying its important status. Hayleasow Wood is unlike the other two ancient woodlands impacted by the development in that it will unlikely suffer from any direct damage/loss. However it will be subject to construction impacts as with the other woodlands in close proximity to the scheme. There is a possibility that this development could result in

irreversible damage to Hayleasow Wood unless appropriate measures are taken into consideration to sufficiently safeguard the woodland from outside influences.

Development in ancient woodland can lead to long-term changes in species composition, particularly ground flora and sensitive fauna, i.e. nesting birds, mammals and reptiles. Majorly adverse impacts would occur as a result of the removal of large areas of woodland, much of which contains high quality, valuable trees, to make way for the construction of this proposal.

The production of dust is an inevitable part of construction activities. Flora within ancient woodland is particularly sensitive to dust. Dust deposition within the woodland will damage the ancient woodland on site and likely cause continual reduction of the habitat quality.

Traffic through/adjacent to ancient woodland will have a detrimental impact through a large increase in emissions. In the UK, nitrogen oxides are produced primarily by vehicle emissions. Increasing nitrogen can alter the outcome of competitive interactions, changing the character of woodland vegetation, largely in terms of species composition. There is evidence from woods across Britain that species increasing in cover are more likely to be associated with high nutrient status conditions. Some species have shown consistent increases (e.g. nettle (*Urtica dioica*), rough meadow grass (*Poa trivialis*) and pendulous sedge (*Carex pendula*)) or decreases in abundance correlated with modelled nitrogen changes.

New planting of trees cannot be considered as mitigation for the loss of irreplaceable ancient woodland, it can only be classed as compensation. The planting of new trees would not replicate the ancient woodland habitat likely to be lost to the development as it takes centuries for ancient woodland to develop and evolve.

#### Impact on ancient/veteran trees

Ancient and veteran trees are a vital and treasured part of our natural and cultural landscape. Ancient and centuries old veteran trees in the UK represent a resource of great international significance. Veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able.

A 'veteran tree' is usually in the second or mature stage of its life and has important wildlife and habitat features including; hollowing, decay fungi, holes, wounds and large dead branches. It will generally include old trees but also younger, middle aged trees where premature aging characteristics are present.

Four veteran oak trees are present within the zone of influence and listed on the Ancient Tree Inventory under the following details:

- 1421 34 - Pedunculate oak
- 142135 - Pedunculate oak
- 142138 - Sessile oak
- 142141 - Hybrid Sessile and English oak

There are also a number of notable trees listed on the Ancient Tree Inventory that fall within the zone of influence, these are:

- 1421 36 - White poplar
- 142137 - White poplar
- 1421 39 - Pedunculate oak
- 142140 - Pedunculate oak

As with ancient woodland adjacent to the proposal, veteran trees are likely to suffer from the impacts of construction, resulting in irreversible damage and the possible death of said trees. It



is stated within the Arboriculture Report that it is possible to retain these trees and that no veteran trees would be destroyed 'although indirect effects may occur'. The report further states the likely loss of at least one veteran tree due to overwhelming impacts affecting its health. Highly probable soil compaction and root damage could result in permanent and irreversible damage, with indirect impacts, such as dust, run-off and spillages, also very likely to negatively impact upon the trees.

Due to the significant concentration of large, notable and veteran trees in the area, the veteran trees likely to be damaged or lost provide some of the closest potential replacement habitat for any rare species associated with decaying wood habitat, aging bark and old root systems. The larger the concentration of old trees in an area and the longer they have been present on site the richer the variety of species you will find among them. For this reason it is essential that no trees displaying ancient/veteran characteristics are lost as part of the development.

Trees are susceptible to change caused by construction/development activity. As outlined in "Trees in relation to design, demolition and construction, BS 5837:2012", the British Standard for ensuring development works in harmony with trees, construction work often exerts pressures on existing trees, as do changes in their immediate environment following the construction of a building. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.

#### Impacts on woodland wildlife

Local faunal populations will likely be affected by noise and light pollution generated from the development during its construction phase and also after completion. The loss and fragmentation of habitats will be an inevitable consequence of the development, and likely cause much stress to local populations, with potential impacts to wildlife in the wider environment of the area.

Noise associated with road developments and construction comes from a range of sources, including construction vehicles and high-level traffic activity. Noise levels will be elevated and likely remain constant over time. They are likely to limit the distributions of animal species that are intolerant of noise and negatively affect their reproductive success near to woodland edges. This may be beneficial at some sites if, as a result, deer pressure is reduced but bird diversity has been found to be lower in noisier sites.

Light pollution in construction areas may be generated from temporary lighting, vehicle lights and security lights, and includes chronic or periodically increased illumination, unexpected changes in illumination and direct glare. Artificial illumination reduces the visibility of the moon and the stars, affects species orientation differentially and may serve to attract or repulse particular species. This affects foraging, reproduction, communication, and other behaviour, consequently disrupting natural interactions between species. Light pollution near to ancient woodland is, therefore, likely to substantially affect the behaviour of species active during dawn and dusk, and twilight/nocturnal species, such as moths, bats, and certain species of birds, resulting in the decline of some species.

Ancient woodland and wood pasture host an abundance of invertebrates that provide good foraging for bats and birds. Mature and over mature trees often associated with these habitats are particularly important and have high potential attributed to cavities and deadwood within the canopies.

According to the Bat Roost Report, Grafton and Hayleasow Wood have recorded high numbers of passes for bats including the following species: Lesser horseshoe, Myotis, Long-eared, Common/Soprano pipistrelle, Nathusius' pipistrelle, Serotine, Barbastelle, Noctule,

Leisler's. This is a significantly high number of bat species for an area, many of which of nationally important and rare species.

The road will result in fragmentation due to the physical gap it causes in the habitat features bats would follow. The impact of fragmentation will likely be exacerbated by artificial lighting that may line the route and deter bats. Should bats attempt to cross where they have previously done (despite the gap and any lighting) there is the risk of collision.

As well as the completed road resulting in fragmentation there is the construction phase which will cause further losses of habitat due to the associated infrastructure and additional lighting. The large number of mature, over-mature and veteran trees within the area likely provide suitable roost sites or resting places for local bat populations. It is highly likely that there will be a number of adverse impacts to bat populations locally and also within the wider environment of the area.

For wildlife particularly sensitive to noise and light pollution there are a number of measures that should be implemented to lessen the impacts. During construction and upon completion of the proposed development, any sources of lighting should be directed well away from woodland edges. Noise bunds should also be implemented between any ancient woodland and the development, with particular consideration during construction phases.

Overall, the development proposal is likely to result in the loss of numerous foraging areas for much of the wildlife in the area. Commuting routes will be fragmented and there will be significant and unacceptable loss of ancient woodland habitat. The Trust believes that any proposed mitigation of these impacts would not be sufficient. The development will result in significant negative impacts on local wildlife populations, and as a result puts the development in direct contravention of local and national policies that aim to conserve and enhance biodiversity.

### Buffers

As stated above, woodland wildlife populations are exposed to damaging external impacts from outside the woodland site. Intensity of land use adjacent to ancient woodland results in an increase in external impacts, also known as 'edge effects'. Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. They can result in changes to the environmental conditions of the ancient woodland, changing the stable conditions within the woodland.

The newly published (April 2014) Natural England standing advice for Ancient Woodland and Veteran Trees paragraph 6.4 states:

"Development must be kept as far as possible from ancient woodland, with a buffer area maintained between the ancient woodland and any development boundary. An appropriate buffer area will depend on the local circumstances and the type of development. In a planning case in West Sussex the Secretary of State supported the arguments for a 15m buffer around the affected ancient woodland, but larger buffers may be required."

A buffer is a landscape feature used to protect a sensitive area from the impacts of development (or other harmful neighbouring land use). A buffer may go around the whole area to be protected, or it may be along one edge. The buffer could be planted with trees or shrubs or it could be an area of land which the development is not allowed to encroach upon (e.g. a grassy strip). Buffers may also contain man-made structures such as fences, walls and earthworks.

Creation of new areas of woodland or buffer zones around semi-natural habitats, and more particularly ancient woodland, will help to reduce and ameliorate the impact of damaging edge effects, serving to improve their sustainability. The size of the buffer is dependent on the intensity of land use adjacent to ancient woodland.

Due to the close proximity of the development to numerous areas of ancient woodland, in particular Hayleasow Wood and the unnamed wood at S0491365, the Trust recommends that a buffer of at least 50m is implemented between any stands of ancient woodland and the proposed development. This buffer should be planted with 50% semi-natural vegetation in order to create a phased habitat that will allow any negative impacts to be largely alleviated. Ancient woodland itself cannot be considered to be a buffer to ancient woodland.

### Conclusion

Ancient woodland is irreplaceable and cannot be recreated. Many aspects of the proposal are likely to affect the highly valuable and important ancient woodland/veteran trees found south of Hereford, as well as the associated wildlife populations; the majority of which is considered to be significant at a district and county level. As such it would be highly significant if these important habitats were lost from the area. Any loss and fragmentation of ancient woodland would have a deleterious effect on the wider environment and network of habitats, whether ancient or non-ancient, or woodland, hedgerow or wetland.

The Woodland Trust strongly objects to the planning application. We believe the ancient woodland and associated habitats affected by the development to be of significant importance to the character of the area. Any direct loss and damage to ancient woodland/veteran trees as a result of the development is highly inappropriate and entirely unacceptable.

If you are concerned about any of the comments raised by the Woodland Trust then please do not hesitate to get in contact with us.

#### 5.20.2 Further comments:

It has come to our attention that 3 trees likely to be affected by the South Herefordshire Relief Road have been added to the Ancient Tree Inventory (ATI). The trees in question are also included in the Tree Protection Plan produced for Herefordshire Council by Parsons Brinckerhoff and are as follows:

ATI number: 146479 – a veteran Pedunculate Oak tree with an estimated girth of 5.00m and identified as T7 within the TPP

ATI number: 146493 – a notable Pedunculate Oak tree with a girth of 3.45m and identified as T6 within the TPP

ATI number: 146492 – a notable Pedunculate Oak tree with a girth of 3.90m and identified as T8 within the TPP

National Planning Policy Framework, paragraph 118, states *"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the **loss of aged or veteran trees** found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."*

*As such it is important that these trees are taken into consideration in the context of the application. The applicants should seek to reduce and/or completely negate the possible impacts that the proposed road would have on these trees as with the ancient woodland and other veteran trees that will be impacted upon. Ancient woods and trees are irreplaceable and*

take centuries to develop their important and characteristic features. Any damage or loss of ancient/veteran trees is entirely unacceptable.

### 5.20.3 Response received to consultation in March 2016:

As the UK's leading woodland conservation charity, the Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,250 sites across the UK, covering around 23,000 hectares (57,000 acres) and we have 500,000 members and supporters.

Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since AD1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be re-created and cannot afford to be lost. As such, the Woodland Trust aims to prevent the damage, fragmentation and loss of these finite irreplaceable sites from any form of disruptive development.

The Woodland Trust previously commented on this application in June 2015. Following the submission of further information the Trust would like to clarify that we maintain our **strong objection** to the proposed link road on the basis of irreversible damage and loss to numerous areas of ancient woodland and a number of veteran trees.

#### **Policy**

National Planning Policy Framework paragraph 118 states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

The Natural England standing advice for Ancient Woodland and Veteran Trees (published April 2014), paragraph 4.8.1 states: 'Ancient woodland is of prime ecological and landscape importance, providing a vital part of a rich and diverse countryside. In particular, ancient woodland:

- is exceptionally rich in wildlife, and supports many rare and threatened species;
- may contain surviving descendants and features from the original natural forests;
- acts as reservoirs from which wildlife can spread into new woodlands;
- has valuable soils due to their undisturbed nature;
- is an integral part of England's historic landscapes and the biological and visual functioning of a landscape;
- contains a wealth of features of historical and archaeological importance little altered by modern cultivation or disturbance;
- contributes to people's sense of place and imagination.'

Keepers of Time, a statement of Policy for England's Ancient and Native woodland jointly written by Defra and the Forestry Commission states that "the existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland." One of the objectives set out in Keepers of Time is to "take steps to avoid losses of ancient woodland and of ancient and veteran trees and to sustain the total extent of other native woodland (ensuring that gains exceed losses)."

Herefordshire's Unitary Development Plan (UDP), Policy LA5 states that:

“The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:

2. resisting proposals that would cause loss or damage to trees (including veteran trees), hedgerows, mature traditional orchards or woodlands which are worthy of retention. In particular, proposals affecting protected trees and Ancient and Semi-Natural Woodlands will be subject to rigorous examination.

4. where appropriate taking into account as a material consideration the Woodland Management Guidelines produced for the Malvern Hills and Wye Valley AONBs and the Government’s England Forestry Strategy together with Forestry Commission guidance on Ancient and Semi-Natural Woodlands.”

Paragraph 5.2.4 of the UK Biodiversity Action Plan (UKBAP) includes objectives to conserve, and, where practicable, enhance:

- the quality and range of wildlife habitats and ecosystems;
- the overall populations and natural ranges of native species;
- internationally important and threatened species, habitats and ecosystems;
- species, habitats and natural and managed ecosystems characteristic of local areas; and
- biodiversity of natural and semi-natural habitats where this has been diminished over recent decades.

Section 40 of the Natural Environment and Rural Communities Act 2006 requires all public authorities (including LPAs), in exercising their functions to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

### **Impacts on ancient woodland**

Three ancient woods will be affected by the proposed road development to varying degrees of damage and loss. These woods are Grafton Wood (grid ref: SO480374), Hayleasow Wood (SO500366), and an unnamed wood at SO491365.

The applicants have made it clear that there will be significant impacts on these areas of ancient woodland and also to a number of veteran trees in the area. In particular the Trust is concerned about the following:

- Permanent and temporary loss and damage to ancient woodland and veteran trees, including their value as precious habitats;
- Large-scale removal of woodland and planted areas which could likely lead to direct mortality during site clearance and construction phases;
  - Fragmentation and degradation of the surrounding wooded environment as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats;
  - Large amounts of disturbance occurring from adjacent infrastructure particularly during construction phases, including noise, light, traffic and vibration;
  - Large amounts of pollution occurring from adjacent infrastructure particularly during construction phases, including dust, use of hazardous materials and spillages of chemicals, fuels or waste materials;

- There will inevitably be safety issues in respect of trees adjoining newly constructed areas and infrastructure, with branches and even whole trees being indiscriminately lopped/felled, causing reduction of the woodland canopy;
- There will inevitably be changes to the hydrology stemming from large areas of hard-standing altering ground water and surface water quantities. Also the introduction of water run offs from road development will result in changes to the characteristics and quality of the surface water as a result of pollution and contamination;
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

The proposed development impacts upon a number of areas of ancient woodland. Ancient woodland is irreplaceable and its loss cannot be mitigated for. Evidently any such development within this area would cause lasting, significant damage and impact heavily upon the integrity of the entire area. Any development that adversely impacts and results in the destruction of ancient woodland is highly inappropriate and in direct contravention of a number of national and local planning policies.

As with ancient woodland adjacent to the proposal, veteran trees are likely to suffer from the impacts of construction, resulting in irreversible damage and the possible death of said trees. It is stated within the Arboriculture Report that it is possible to retain these trees and that no veteran trees would be destroyed 'although indirect effects may occur'. The report further states the likely loss of at least one veteran tree due to overwhelming impacts affecting its health. Highly probable soil compaction and root damage could result in permanent and irreversible damage, with indirect impacts, such as dust, run-off and spillages, also very likely to negatively impact upon the trees. It is essential that no trees displaying ancient/veteran characteristics are lost as part of the development.

The development proposal will result in the loss of numerous commuting and foraging areas for much of the wildlife in the area, particularly for the area's extensive bat population. The significant numbers of mature, over-mature and veteran trees that would be lost to the development would also be devastating to the saproxylic invertebrates (creatures that rely on deadwood habitat – a regular and important feature of mature trees) in the area. The development will result in significant negative impacts on local wildlife populations, and as a result the development is clearly in contravention of local and national policies that aim to conserve and enhance biodiversity.

In the case of woods that are adjacent to the development rather than directly affected by it, it is hugely important that these are safeguarded by suitable protective measures.

Due to the close proximity of the development to Hayleasow Wood and the unnamed wood at SO491365, the Trust recommends that a **buffer of at least 50m** is implemented between the proposed development and these areas.

The Trust would also like to re-clarify that new planting of trees cannot be considered as mitigation for the loss of irreplaceable ancient woodland. As a compensation consideration, this aspect of the development should only be taken into consideration once the application has been decided. It is important to note that the planting of new trees would not replicate the ancient woodland habitat and large range of mature trees likely to be lost to the development as it takes centuries for ancient woodland and trees to develop and evolve.

The development in its current form doesn't appear to address any of the Trust's previous concerns. As such the Trust would like to clarify that we **remain strongly opposed to the development** on the basis of significant loss of ancient woodland and veteran trees, with the impacts mentioned above forming the basis of the Trust's objection to the scheme.

## Conclusion

Ancient woodland is irreplaceable and cannot be recreated. The proposed development will be highly impactful on the environment south of Hereford, with losses to ancient woodland, veteran trees and other habitat. Local wildlife populations and significant areas of ancient woodland, that are considered important on both a district and county level, will also be subjected to harmful damage.

The Woodland Trust **strongly objects** to the planning application. We believe the ancient woodland and associated habitats affected by the development to be of significant importance to the character of the area. Any direct loss and damage to ancient woodland/veteran trees as a result of the development is highly inappropriate and entirely unacceptable

## Representations

- 5.21 There have been in excess of 1750 letters of objection received in respect of this application. Around 1250 of these were generated via the Woodland Trust Campaign. In addition to this a petition of 243 signatures has also been received by the Council, the content of which is detailed at paragraph 5.41 below.

Officers have carefully considered each of these letters and the issues and objections raised therein. The detailed and extensive nature of a number of responses, whilst necessarily being summarised in this report have necessitated the inclusion of links to the full documents within this report. 9 letters of support have also been received and these are considered at paragraph 5.42 below.

All of the letters of representation received can be viewed on the Councils Website at:

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151314&search=151314>

- 5.22 A summary of the issues raised are detailed below within the sub-headings (alphabetic order) :
- 5.23 Air Quality
  - 5.24 Alternatives
  - 5.25 Amenity
  - 5.26 Archaeology
  - 5.27 Biodiversity and Nature Conservation (including Ancient Woodland and trees)
  - 5.28 Consultation Process
  - 5.29 Community and private Assets
  - 5.30 Flooding and Drainage
  - 5.31 Funding / Costs
  - 5.32 Heritage
  - 5.33 Traffic impacts
  - 5.34 Non Motorised Transport (cycling, walking etc)
  - 5.35 Landscape
  - 5.36 Loss of agricultural land
  - 5.37 Minerals, Geology and Waste
  - 5.38 Noise, Vibration and dust
  - 5.39 Other matters / General comments
  - 5.40 Woodland Trust campaign
  - 5.41 Petition against - 242 Signatures
  - 5.42 Letters of Support
  - 5.43 Letters from Jesse Norman MP

### 5.23 Air quality

- More traffic on the A49 will reduce air quality along this road;
- It will increase travel by car; resulting in greater CO2 emissions;
- Will pollute the woodland areas along the route.
- ES not found any significant impact on 'The Green' but unclear whether this is because no significant impacts or because affects low number of properties the methodology adopted in the air quality assessment prevents there being a significant impact. – if this is the case this is not acceptable in a rural area and methodology should be changed.
- PB have offered more information on noise mitigation but in view of the proximity of Haywood Lodge cottages to the to the new bridge fear that this will be excessive due to conjunction with the existing heavily trafficked Haywood Lane.
- Potential for noise reduction screens and earth bunds that are used in Europe.
- PB acknowledges that air pollution is increased as a result of the proposed scheme 'all schemes will have a slight adverse impact on greenhouse gasses due to vehicles travelling greater distances and at higher speeds.'

### 5.24 Alternatives and route selection

- Unable to find consideration of alternative routes for the scheme prior to 2012 or why they are no considered suitable.
- No safeguarded route now but previous safeguarded route should have been considered as an alternative unless good reason is shown why not.
- No documents shown that any consideration has been given to move the proposal away from 'the Green', Grafton lane and given the number of impacts that the scheme would have this is a material consideration when considering the stated benefits of the scheme outweigh the impacts and whether those impacts have been minimised.
- The lack of consideration to alternative routes or amendments to the preferred alignment raises concerns that the Council (landowner) is seeking to maximise the amount of land being acquired to the north so that it can be sold for development.
- SC2A is a better scheme as it mitigates impact to a degree and would be cheaper.
- The original route, shown in the UDP in 2002 is vastly superior.
- The supporters of SC2 initially (with only one lower bridge) may / do not support this route now with a much higher bridge and another bridge over Grafton which nobody know anything about.
- Heritage issues not considered in enough or sufficient detail (see 'Heritage' below)

### 5.25 Amenity

- The proposed SLR will permanently damage the amenity of homes: homes mainly chosen for their unspoilt rural setting; particularly The Green (Grafton) and the cluster of buildings at Haywood (Haywood Lodge cottage, Roman Byre, Haywood Lodge etc.) as well as homes along the Clehonger link.
- The occupants of 'The Green', Grafton lane, make the following points 9 (in relation to their property):
- Raise issue of red line ownership boundaries
- Non - Technical Summary says low noise surfacing 'would' reduce adverse effects whereas detailed assessment in the noise chapter says 'could'.
- Confusion within documentation (ES and CEMP) as to whether construction traffic will use Grafton lane.
- Unable to find details of the alternatives pre – 2012.
- No consideration has been given to altering the route away from The property – given the number of significant impacts upon the home this is material consideration when considering whether the stated benefits outweigh the harm



- Mitigation proposed does not try and mitigate the specific impacts being caused. The visualisations make it clear that the proposed mitigation is not be adequate or sufficient and the impact on the property remains significant. Residential impact means that the proposal would fail to comply with policy SS1 of CS.
- Residents at Pykeways object, noting amongst other issues, the long term nuisance and major light pollution due to the proximity of the road to their dwelling and garden (see comments in traffic impacts section above)

## 5.26 Archaeology

- The opportunity to research into a considerable and rare iron age settlement at Grafton will be lost forever. Findings should trigger a wider investigation, at least to take in Grafton Wood;
- Archaeology report makes no reference to the old hedgerows, banks, pools and ditches along the ancient track that can be traced from Dinedor (between A49 and northern tip of Grafton Wood). Being on the edge, this is likely to be destroyed if it is a storage area;

## 5.27 Biodiversity and Nature Conservation (including Ancient Woodland)

- The proposed SLR will pass through ancient woodland, Grafton Wood and will clip the edge of another (unnamed) Ancient Woodland. Natural England states that Ancient Woodland is irreplaceable.
- Planning permission should be refused in order to comply with the requirements of NPPF para 118 that states 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- Impact upon the Ecological Network Map (2013)
- Impact upon SSSI / SAC - in combination with further sections of the road is likely to have an adverse effect on the Wye SSSI.

### Loss of habitats

- Council ignores its own stated aim to protect ancient woodland.  
*In July 2014 the South Wye Transport Package in formation produced by Parsons Brinckerhoff clearly stated that, "National policy now considers ancient woodland as an irreplaceable habitat which is unlikely to be fully mitigated." From eight options four were excluded because they damaged ancient woodland at Newton Coppice and Hayleasow Wood. In the same month David Lovelace published his AWI revision which became part of the National AWI. Instead of following its own guidelines the council ignored this and proposing a route that damages Grafton Wood and Unnamed Wood 2.*
- Council makes decisions based upon incomplete and inaccurate Parsons Brinckerhoff ancient woodland flora report.  
*In July 2014 Parsons Brinckerhoff states that "Woodland botanical surveys were undertaken by a competent botanist experienced in undertaking woodland surveys, on the 18<sup>th</sup> and 19<sup>th</sup> September 2014." They then admit that "Ancient Woodland surveys should be spread throughout the year in order to identify AWI species which flower in different seasons." All reputable sources including the Woodland Trust state that the best time to identify woodland plants is spring and early summer. Parsons Brinckerhoff also state "Comprehensive tree surveys to identify the abundance of ancient or veteran trees were not carried out." An arboriculture survey was carried out by a different team. No attempt has been made to survey woodland flora at the most appropriate time of year for AWI indicators.*

- Council and public led to believe that Grafton Wood is inferior to the other four ancient woods surveyed.  
*The survey of 2014 states "Ecologically speaking, the data collected as part of this study do not support the hypothesis that Grafton Wood is ancient woodland as there are few AWIS or woodland plants in general. Grafton Wood is an example of scattered trees / parkland habitat." They then go on to say "Floristically no ancient woodland habitat is present and thus Grafton Wood was not considered to have high ecological value as ancient woodland." Natural England clearly states "Where ancient wood pastures are identified they should receive the same consideration as other forms of ancient woodland". In June 2015 I identified seventeen species of plant that were not mentioned in the Parsons Brinckerhoff report. These were photographed and verified by Hereford Nature Trust and included Bluebell, Violet and a rare White Bugle. So far this Spring I have identified Primrose, Wild Strawberry, Wood Anemone, Lesser Celendine and Honeysuckle. It is clearly untrue that no ancient woodland habitat is present. No attempt has been made to correct the misleading, factually incorrect impression given by the Parsons Brinckerhoff report. Comments made in the latest 2016 report continue to perpetuate this ignorant fallacy.*
  
- Council and public led to believe that the route of SC2 cannot be changed:  
*The 2016 report states "The scheme has been designed in order to minimise the impact on Ancient Woodland except where unavoidable." SC2 requires the felling of trees on the side of tiny Unnamed Wood 2 which will probably result in wind throw as the wood has been cleared of Ash and replanted with native trees and a wildlife pond created. This was pointed out last year but no attempt has been made to alter the course of the road even though it is on a straight stretch of road. SC2 cuts right through Grafton Wood fragmenting and completely isolating the top of the wood. No attempt has been made to move the road so that only the tip of the woodland is lost, even though this has been shown to be possible in SC7. Herefordshire Wildlife Trust does not believe that keeping a 40mph speed limit will not allow changes to be made. No attempt has been made to alter the route of SC2. It may be inconvenient but the truth is that less harmful modifications are possible and can move the road away from ancient woodland and houses.*
  
- Council and public led to believe that mitigation proposals are generous.  
*The revised 2016 report says that a new area of woodland will connect to the existing top of Grafton Wood. "This is a larger than the area to be lost and will also compensate for operational air quality and road spray effects. It will be planted as a species-rich native woodland and will therefore be higher quality than the area to be lost." Once again Parsons Brinckerhoff perpetuate the myth that Grafton Wood is not really of value. The Forestry Commission states "Creating new woodland cannot provide a direct replacement for ancient woodland - the habitat is irreplaceable. However, if an area of ancient woodland is lost to development, native woodland habitat creation, at a large scale, could be considered as part of a compensation package." They also go on to say "An ancient woodland ecosystem cannot be moved. It has developed over hundred and sometimes thousands of years – it is this presence at the same site that makes it ancient woodland." Parsons Brinckerhoff fails to mention the damage done to wild life by the road fragmenting Grafton Wood. No measures apart from one culvert to allow animals to cross the road. No mention of bat crossings. No mention of screens to protect wild life from traffic and reduce the disruption caused by lights at night and noise. No mention of measures to protect the boggy area of woodland by the road from polluted water runoff. No mention of any compensation at all for Unnamed Wood 2. The mitigation proposals are minimal and do not reflect the fact that this is ancient woodland.*
  
- Council and public led to believe that SC2 is sympathetic to the landscape.  
*Amey made a summary of environmental assessment and favoured routes on the 18<sup>th</sup> May 2012, They stated "All alignments will have a negative impact on the landscape with alignments SC1 and SC2 having the greatest impact due to the extensive embankment to the railway crossing." They then went on to say "SC1 and SC2 cross over the railway requiring significant approach embankments in the vicinity of Haywood Lodge having significant visual impact upon a small number of properties in the vicinity and on the landscape as a whole with little potential*

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

for mitigation.” Since then Parsons Brinckerhoff have gone on to raise the bridge over the railway line from over 6mtrs to over 9mtrs. They also intend to build a bridge over Grafton Lane. This means that half of the route will be built up. With a cutting taking the road under Haywood Lane only around a quarter of the route follows the natural contours. With 50% of SC2 built above the natural contours of the land this southern flyover will be visually intrusive and broadcast both light and sound.

- Council and public led to believe that SC2 will reduce congestion and enable access to HEZ.

*The original proposals relied upon Sustainable Transport Max to compliment a Southern Link road. This was supposed to reduce emissions, reduce traffic noise and encourage physical activity. SC2 has no cycle lane to link with the Rotherwas relief road. It will enable Rotherwas bound vehicles to get there quicker and reduce the traffic on Grafton Lane and Knocker Hill. It will not reduce congestion caused by vehicle wanting to go into the city. Looking at Google Maps traffic congestion shows that moving vehicles from the A465 to the A49 will only result in greater congestion on the A49. Reduced congestion can only be alleviated by a second river crossing allowing for a flow and return of traffic but SC2 has to be considered as a standalone.*

- Council and public led to believe that SC2 represents good value for money.  
*Conflicting information for the different road options continues to confuse. In May 2012 Amey in their report said that SC2 would cost £17,556,229 at 2010 prices. In 2013 Cllr Hamilton told the Hereford Times that the then preferred option SC7 would cost between £11-12 million pounds. Mairead Lane in December 2013 supplied me with costs of £15,664,955 followed by a cost of £9,559,611 when a list with SC7 was included. Cllr Hamilton resigned. These costs did not include the Clehonger link. Since then Parsons Brinckerhoff gave costs of £16-20 million pounds and Hereford council released figures of £25 million in December 2015. The new 2016 proposals to use wider banking and cuts will increase costs further. In three years Mairead Lane has confusingly provided figures ranging from £15.5 million falling to £9.5 million then up to £25 million.*
- Further argument for keeping clear of Grafton Wood is given in the archaeology report which gives credence to Grafton Wood being used in iron age to fuel the iron smelting;
- Unacceptable that the road alignment not been moved to avoid damage to unnamed wood 2;
- Much or all of the woodland close to SC2 is considered to be ancient and the new road would impact upon it – light, noise, particulate pollution and loss of existing green infrastructure corridors;
- No evidence that consideration been given to run off from raised road, contamination of the spring and wind throw of mature trees caused by felling;
- Avoidance of the Ancient woodland is possible - a minor deviation of the route of the SLR would leave it intact;

### Mitigation

- Mitigation planting for ancient woodland being undertaken on the area used for construction area likely to have been heavily contaminated; solid compaction. This means the area will not be suitable for mitigation planting.
- Reports do not quantify how they arrive at the assessment of impact of loss of so much ancient woodland, hedgerows and veteran trees as ‘a minor impact on landscape features’/

### Trees and hedgerows

- Plans and documents relating to existing trees and proposed planting are not sufficient to be able to make any meaningful comment on acceptability;
- PB documentation omits or inaccurately depicts aged and veteran trees such as the oak trees adjacent to Pykeways – noting only one in the centre of the route (Central bat underpass).

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Incomplete survey – did not survey hedge to south of route between Grafton Wood and A49;

## 5.28 Concerns raised by Local residents / Land Owners

- Bullinghope Court (Mr and Mrs Watkins) - Support in principle for road but strenuous objection to remove from them a substantial part of their freehold land to the south of the proposed road being approximately 3.42 has (8.45 acres) that is prime grade 2 agricultural land. – Losing a total of 15 acres would have a significant effect on farm business which they feel is unfair and unacceptable.
- Land is required for mitigation purposes and a convenient temporary compound for them to construct the road. No objection to compound but object to permanent removal for a woodland, pond and ecological mitigation, habitat and landscape programme afterwards. It is capable of and should be restored for food production.
- HC owned land could be used for a mitigation project (which is already scrub, waste, barren land that could be used rather than prime agricultural land.
- Reason for objections:
- Lack of maintenance by HC of land taken for mitigation and habitat for Rotherwas Access road – no work has been done to these areas since road first built;
- 8.45 HA is a significant amount of their holding;
- Current plan dissects the largest field on my Leys Farm which is approx. 36 acres and more or less rectangular. The dissection of this by the proposed road would make the field into two triangle shapes both of which are more or less unworkable for arable cropping. This will substantially reduce the viability of the farm.
- Meeting with scheme leaders have been had to discuss a crossing place – this has so far been refused and it is suggested that all traffic has to go around the road which is difficult route for the access to that off lying field.
- Discussed footpath diversion that could follow road, including the woodland, rather than cross and dissect the field.
- No sign of this mitigation area until February 2015 when referred to at a public meeting as an afterthought;
- There could, reasonably be options to enlarge Grafton Wood in the alternative;
- No need for scrub when woodland would be a far better arrangements as a wildlife corridor on either side of the proposed road, and the land adjoining Grafton Inn (old Clay pit) would be far more suitable for the purpose rather than taking prime agricultural land.
- Why place all the ecological are in one spot – why not spread along the route.
- Interferes with the Violette Szabo trail.

## 5.29 Consultation process

### Pre-submission

- The proposed SLR has been materially altered since the 2014 consultation by the addition of 6.8m bridge over Grafton Lane near 'The Green' This design change was generated as an afterthought (to mitigate impact on the local bat population) The bridge and associated embankment significantly altered the quality of the environment for those in the Grafton area. The associated consultation process has been dubious (similarly road levels over the railway have also been raised since 2014).
- This proposal is not the same as was consulted upon over preceding years for the following reasons:
  - Exact location of road (up to 18m out)
  - A new bridge at Grafton rather than at existing ground level
  - Increased height of the bridge over the railway

- 'discovery' of a new ancient woodland at Grafton Wood;
- Continued late notification of interested parties in meetings to be held about proposed route.
- Access restricted to those that had been invited only.
- Misleading questions and maps.
- No option to vote for 'no road' – so mislead into thinking that there had to be a road.
- The consultation in January 2015 was not advertised?
- Concerns that affected parties were not properly consulted or included in the consultation process;
- Poor consultation with the Statutory bodies following route selection;

#### Application process

- Insufficient time to comment on the application especially due to amount of information.
- Poorly labelled website and documents too large.
- Lack of completed data. E.g package of measures, archaeology, wildlife and ecology reports

### **5.30 Flooding and drainage**

- Despite ongoing discussions with PB in respect of the route of the road through the land owned by the Morgan Family (Leys Farm) (to the east of the SLR route, east / south of Grafton Lane and Grafton Wood) the introduction in the scheme of the proposed attenuation pond which (after 25 years of consideration) has appeared on the drawings – presently it is proposed site represents the highest point on the route but by engineering and excavation end up being the lowest point.
- Grafton lane regularly floods – understood to be due to poor ditch maintenance by the Council and because of the culvert which is currently under the lane is not big enough. Concern scheme will exacerbate the flooding and restrict access more frequently.

### **5.31 Funding / Cost**

- Misuse of public money as it is not possible to show that it provides value for money. Alternative options have not been considered or assessed from an economic perspective.
- Money could be better spent on other transport initiative
- The predicted cost of the road is £27 million would be better spent on reducing the need to travel around Hereford City by providing good cycling infrastructure and better public transport.
- Environmental costs not been accounted for – e.g. Loss of high grade agricultural land or loss of ancient woodland.
- Councillors have advised that the funding is exclusively reserved for the SLR – this is challenged. Can it be used for other projects as noted by MP Jesse Norman?
- No costing of waste distribution / transportation
- The costs of the bridges and embankments that are now needed to cross Grafton Lane were not included in the estimates during route selection;

#### Clehonger Link:

- The 'add on' came without formal consultation or research with the local electorate.
- No cost benefit analysis of the 'Clehonger link' has been undertaken.
- The link is not part of the Local Growth Fund allocation, which was secured through Marches LEP and did not feature in BCR (benefit cost ratio) calculations for the SLR.
- It cannot be claimed that the award of funding demonstrates value for money for this link when the funding award preceded the Link Proposal.
- Funding proposals have been linked to the three strategic housing sites rather than just Bullingham and have not been based on the SLR as a stand-alone road scheme therefore

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

distorting the benefits of the scheme. Therefore incorrect figures have been used and BCR needs to be recalculated.

- Route chosen by a process not appear in accordance with the Treasury green Book - was chosen on basis of cost estimates and not on the basis of the highest Risk adjusted net present value and no assessment was made of the sustainable transport measures as to how they performed economically.
- There is a funding shortfall to deliver the 'active travel measures' and big risk that these won't be delivered at all.
- Cost of £30million for a schemes is staggering and unacceptable for a scheme that the that the applicant already knows cannot provide congestion relief within the city, the real cause of delays to the HEZ, and this does not take into account additional trips generated by housing development that the applicant has openly acknowledged is part of the rationale for the scheme

### 5.32 Heritage

- Would be contrary to para 132 of the NPPF by reason of the substantial harm such a road would do to the setting of the grade II\* listed building.

#### Haywood Lodge

- The SLR will cause irreversible damage to the setting of Heritage assets, particularly Haywood Lodge (Grade II\* Listed) – which is in the top 4% of national heritage assets. This application does not comply with the NPPF or English Heritage (now Historic England) guidelines which state that Heritage Assets and their settings should be protected.
- The history of the area has not been properly researched, surveys or written about and therefore heritage assets are not valued accurately or valued highly enough. These assets should not be damaged forever without a lot more research and discussion.
- Haywood Lodge is a Grade II \* listed building that lies in close proximity to the proposed route. Mr and Mrs Priddle, the owners of Haywood Lodge and the associated buildings and land have made extensive and detailed representations through their own submissions and via their consultants, Nash Partnership and Carly Tinkler. Many other representations that have been made, including Historic England and the Councils Historic Buildings Officers, refer to the content of these.
- The level of detail contained within these reports, including photographs and montages, is very difficult to summarise and officers would draw your attention to these reports in full that can be found on the Council website (Links have been included for ease of reference)
- 18<sup>th</sup> May 2015 Haywood Lodge – landscape Assessment of pool and associated featured: preliminary report. prepared by 'dillarchaeology' and David Whitehead; Historical context for a relict Georgian water-garden at Haywood lodge

<https://www.herefordshire.gov.uk/documents?id=3e34f828-1e71-11e6-96d8-0050569f00ad>

The report concludes:

- 6.1 *The survey of the pool and its associated features is based upon what is currently exposed. It is acknowledged that significant features relating to its development may be hidden and it would be appropriate to complete this research.*
- 6.2 *The historical research and analysis of historic maps by David Whitehead set out the historical context for a water garden to the front of Haywood Lodge and the scaled plan and photographic record provides a description of the pool and its associated features.*

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 6.3 *Although these works do not provide a thorough Investigation of the remains, which would require significant archaeological investigation, they do provide evidence for a degree of landscape design that may be related to the Georgian period but is probably multi-faceted with older elements.*
- 6.4 *Further investigation of the pool and its associated feature, In particular the in-filled valley, would probably reveal features that add to the growing evidence of a designed landscape - a water garden - to the front of Haywood Lodge.*
- 6.5 *It is of concern. If the proposed Southern Link Road Is constructed (to the Immediate North of the described water garden), then the Impact would be very adverse on the setting of the garden and the extended curtilage of Haywood Lodge.*
- 6.6 *Additionally, It Is believed that the deep piped water supply to the pool via the cold plunge could be destroyed and/or polluted by the road construction.*
- 6.7 *The combination of environmental and physical damage to the garden, could arrest the further restoration of this important find.*

In addition to the DLArchaeology report, the landscape assessment undertaken by David Whitehead. This report considers that considers 'The Lost Garden', The documentary evidence; The mapping evidence for the putative Pleasure grounds; Haywood Lane and the Prospect House, ; Haywood Lodge as a Farm; and, The Context for the putative Garden

21<sup>st</sup> April 2016: - Responses to PB SLR mitigation Documents (Anthony Priddle Architects LLP)  
<https://www.herefordshire.gov.uk/documents?id=58977aa9-0acd-11e6-ab66-0050569f00ad>

20<sup>th</sup> April 2016: Setting and significance of Haywood Lodge, Grade II\* (Nash Partnership)  
<https://www.herefordshire.gov.uk/documents?id=146137ba-0d47-11e6-ab66-0050569f00ad>

*This document is structured and includes the following:*

1. *The Statement of Significance ...which incorporates knowledge gained by several parties since the planning application was first submitted.*

*This aspect is important because at the time the "preferred route "was first selected the applicant's advisers had neither visited Haywood Lodge, nor the Hereford Record office .If at the time they had known that Grafton Wood as designated Ancient woodland they would have rejected route SC2, for the same reasons they rejected four other routes all of which would have been less harmful to the setting of the grade 2\* asset. The applicant's historic landscape adviser has still not sought access to the Lodge.*

*In consequence the primary route selection process should have been systematically revisited but there has been no evidence that this has been done.*

2. *The harm the application proposal will cause to the setting and perceptions of significance of the asset, and the further adversity the suggested "mitigation" will bring.*
3. *The systematic flaws in the route selection process in relation to best practice, the objectives of Environmental Impact Assessment and the Historic England Guidance on assessing impact of development in relation to the setting of listed buildings .*

30<sup>th</sup> October 2015: Letter from Nash Partnership  
<https://www.herefordshire.gov.uk/documents?id=12b0d318-8223-11e5-94b9-0050569f00ad>  
 This letter outlines the position in respect of

10<sup>th</sup> August 2015: Anthony Priddle Representation  
<https://www.herefordshire.gov.uk/documents?id=dfc46f32-427b-11e5-be57-0050569f00ad>  
 August 2015 – Haywood Lodge Landscape report – Carly Tinkler (appendices to the above)

<https://www.herefordshire.gov.uk/documents?id=1753c038-4270-11e5-be57-0050569f00ad>

This concludes:

*The proposed scheme would introduce an alien, engineered and highly urbanising feature into a high quality, sensitive and valuable landscape. It would also result in the permanent loss of land which contributes to the historic setting of an important Grade II\* building. Many of the effects could not be mitigated, and the proposed measures themselves are likely to give rise to adverse effects, being uncharacteristic of, and inappropriate in, the landscape.*

*It is acknowledged that the new relief road is required, and that it is not possible to avoid all adverse effects arising from its construction and operation; however, it is essential that further evaluation of alternative routes is carried out, as it seems likely that there are options which would not give rise to such significant levels of harm as are predicted for the proposed scheme.*

*The need for careful consideration of landscape and other environmental issues in the route selection process has been emphasised in the Callow and Haywood Submission Draft Neighbourhood Development Plan - May 2015. This clearly explains the importance of the rural landscape and its value to the local communities, and sets out policies which are intended to protect and enhance it.*

*Any future evaluation process must be thorough, robust, evidence-based, transparent, and carried out in accordance with published guidance. The EIA has not taken into account some of the most important aspects of the landscape through which the proposed road would pass. This lack of a good quality assessment means that the judgements which have been made about landscape value, sensitivity and capacity, and the significance of effects on landscape character and views, cannot be relied upon.*

*The implication of inadequacies in the assessment process is that if decisions are based on flawed information, the decisions themselves may well be flawed*

July 2015 – Review of ES (Engain)- Appended to Mr Priddle`s Representation

<https://www.herefordshire.gov.uk/documents?id=ed263168-426e-11e5-be57-0050569f00ad>

This report is concluded:

*It is my view that the ES is not compliant with the EIA Regulations, for the following reasons:*

- 1. It does not comply with the requirement to explain the alternatives considered by the Council.*
- 2. It does not present clear reasoning for the chosen route option.*
- 3. The public and statutory consultees have not been properly informed or consulted on the route options, and the public participation process is therefore not compliant.*
- 4. The ES does not demonstrate compliance with the guidelines for options selection under the DMRB*

July 2015 – Heritage Value of Haywood Lodge (Grade II\*) (appended to Mr Priddle`s Representation)

<https://www.herefordshire.gov.uk/documents?id=0d1d80ad-426e-11e5-be57-0050569f00ad>

This report concludes:

*11.1 Haywood Lodge is a Grade II\* listed building and, as such, amongst the 5.5% valuable historic built assets in Britain.*

*11.2 As the research in this study and commentary has shown it is a building with a remarkable provenance which testifies to the history of this part of Herefordshire over many centuries. Both*



*in its name and in its building fabric it testifies to its former role as a Royal hunting lodge, lying within a large late medieval hunting estate. The setting of the hunting estate was significant when, in the early 18th century the lodge was substantially modelled to create from the forest a country seat for the gentry for whom the provenance of the site and its distant and pastoral views would have been an important element in its selection. This aspiration is evidenced by the four paintings by George Lewis now in the Tate Britain Gallery in London.*

*11.3 This study has shown that Haywood Lodge is one of only six rural dwellings of Grade II\* listed status in the County of Herefordshire and 1 of only 9 when those of Grade I status are added.*

*11.4 Despite changes to both the building and the amount of tree cover in the surrounding landscape the Lodge is still able to convey many aspects of its unusual status and provenance.*

*11.5 It commands a substantial setting incorporating its own grounds and boundaries, remnant trees of the ancient hunting forest and more recent orchards, its relationship with the gently pastoral landscape in front of it, including the visibility of Beech Grove and glimpses to the far distance involving the Cathedral at Hereford and the hills beyond.*

*11.6 Its visual relationships both from and towards the house were crucial to the perceptions of its creator, George Wellington, in the Queen Anne period.*

*11.7 The route for the Herefordshire Southern Relief Road, SC2 that has come forward as a planning application on behalf of Herefordshire Council, would, if built, have a devastating impact on the setting and amenities and the significance of this important heritage asset. It would greatly diminish its significance by making the provenance of the house less evident, interposing massive works of engineering in cutting, embankments and bridges in place of visual relationships with scattered woodland. It would sever the visual relationship between the house and its intermediate and distant views, relationships which justified the Lodge having its unusual status and untypical richness of design, detrimental to its story and its significance.*

*11.8 In view of its value and the scale and impacts of change proposed, the degree of harm to this asset would be significant.*

*11.9 As the applicants admit, the SC2 design offers very little scope for mitigation. The only area of mitigation the application has proposed, a lowering of the gradient of the road embankments on one side would itself introduce land forms alien and untypical in a gently pastoral landscape where ground slopes rarely exceed 1 in 10 now. The proposed planting of trees on these slopes would add visual significance to the alien nature of this land form which will completely change the balance of the landscape which gave rise to the 18th century remodelling and its gentry estate.*

*11.10 The English Heritage guidelines featured in the report make it clear that where such harm would result from development, mitigation should instead mean a re-examination of the development proposed through the consideration of alternative routes changes to the design to reduce harm. Here, the applicant has acknowledged there is a degree of harm, to the heritage asset of Haywood Lodge, but concluded the benefits of the road outweigh this harm.*

*11.11 But the applicant's planning case does not set out how these issues have been balanced and why this conclusion has been reached.*

*11.12 This report has shown that the applicant's conclusion in the Environmental Impact Assessment studies that the SC2 scheme would have a moderate to large impact on the setting of Haywood Lodge is flawed. This report illustrates that the evaluation the applicant's team have made of the value of Haywood Lodge has been inadequate for the following reasons;*

- *The research behind it has not investigated the provenance of the house prior to the early 19th century and its connections with the ancient hunting forest.*
- *It has not involved a detailed examination of the building and the significance of views to and from it.*
- *It has not explored the relevant setting of the asset and the role of the wider landscape around it in the assessment of its significance.*

*11.13 Furthermore the applicant's selection is flawed by inconsistency. Four of the eight routes considered were rejected on the grounds of the route affecting ancient woodland. As this was done before the applicant's assessment of heritage value issues, without the benefit of consultation with English Heritage as primary statutory consultee, or the evidence in this report the selection process has not yet weighed up the relative heritage asset value of ancient woodland with the impact on this Grade H\* listed building.*

*11.14 It has subsequently come to light that Grafton Wood is classified as ancient woodland and will be radically changed by route SC2.*

*11.15 Such a selection process has to bring an equal level of testing to a much larger range of options, so due weight can be given to heritage asset issues in building and landscape in the light of sufficient expert advice, so that the options are subject to a better informed scoring process.*

*11.16 Among the options rejected there are some that locate the proposed SLR where it would lie more naturally in the existing land form and where, through the use of shallow cuttings, sympathetic earth mounding and tree planting such a major piece of transport infrastructure could more readily be absorbed into this gently pastoral landscape. Some of these routes offer opportunities to mitigate its landscape, acoustic and visual repercussions much more satisfactorily than the massive embankments and high bridge proposed here to bring the road over an already embanked railway line. It is evident from the information contained in this report, the comments from Historic England with regard to the depth of the study and comments from the Herefordshire and Worcestershire Garden Trust that the process that has led to the selection of route SC2 is deeply flawed and is insufficient to allow this application to go forward to a positive determination.*

*11.17 Haywood Lodge is a house whose architectural appearance clearly identifies it as of unusual status and visually sophisticated design both externally and internally. That status arose through its provenance as the site of a former Royal hunting lodge within a substantial hunting forest. Such assets are too rare (1 in only 6 properties of Grade N\* status in the County), to allow its setting and its significance to be permanently harmed by such a poorly researched and tested selection process.*

*11.18 It is essential to the long term presentation of heritage assets that society has chosen to value with this Grade II\* listed status that they can find owners who will care for them and manage their grounds in ways that will recognise their value to the wider community. Such owners become their long term guardians.*

*11.19 But at the point Mr and Mrs Priddle bought Haywood Lodge, 19 years ago, its phase of life as a working farm had led to neglect and much repair and restoration work was needed.*

*11.20 Changing its setting so radically as the SC2 route proposes would inevitably lead to a diminution in its significance and in its long term prospects of care as its amenities and the subtlety and value of its relationship with its near and distant landscape would be changed forever.*

11.21 *The selection process for this road must be re-opened based on a much greater depth of appreciation and understanding of the significance of the landscape and cultural heritage built assets of its route corridor.*

11.22 *The Directive 2011/92/EU of the European Parliament states:*

11.23 *Page 7: For the protection and promotion of cultural heritage comprising urban historical sites and landscapes, which are an integral part of the cultural diversity that the Union is committed to respecting and promoting in accordance with Article 167 (4) TFEU, the definitions and principles developed in relevant Council of Europe Conventions, in particular the European Convention for the protection of the Architectural Heritage of Europe of 3 October 1985, the European Landscape Convention of 20 October 2000, the Framework Convention on the Value of Cultural Heritage Society of 27 October 2005 can be useful.*

11.24 *"In order to better preserve historical and cultural heritage and the landscape, it is important to address the visual impact of projects, namely the change in the appearance or view of the built or natural landscape and urban areas, in environmental impact assessments"*

11.25 *Page 9: "In order to stimulate more efficient decision-making and increase legal certainty, Member States should ensure that the various steps of the environment impact assessment of projects are carried out within a reasonable period of time, depending on the nature, complexity, location and size of the project Such time-frames should, under no circumstances, compromise the achievement of high standards for the protection of the environment, particularly those resulting from Union legislation on the environment other than this Directive, and effective public participation and access to justice."*

#### **Impacts upon other heritage assets:**

- Impact upon Grafton Lodge (grade II) and Grafton bank are described as being adverse and permanent.
- The Piggery is a Grade II Listed building – owner not consulted during process.

#### **References to legal cases:**

*Attention drawn to case: Forest of Dean District Council v Secretary of State for Communities and Local Government & Anr. Case Number: CO/4852/2015.*

*The proposed development in this case was assessed as having "less than substantial harm" to Mantley House Farm Complex, but the assessment as to whether the harm outweighed the public benefit of the development was key to this decision. (Less than substantial harm is not insignificant "harm" of a listed building).*

*In his decision, Judge Coulson referred to the Court of Appeal comments in Barnwell, that "a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering".*

*Para 28 of **Sullivan LJ judgement in Barnwell** said "Even if the harm would be "less than substantial", the balancing exercise must not ignore "the overarching statutory duty imposed by section 66(1), which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings"*

### 5.33 Traffic impact

- The SLR will fail to address congestion through Hereford and down Belmont Road and Ross Road. Only 15 - 17% of traffic entering Hereford is through traffic, the remaining 85% is destined for Hereford itself. The SLR would still only forces Hereford bound traffic over one river crossing;
- The majority of traffic on Belmont Road is unlikely to route via the new SLR because it originates north or to destinations within Hereford.
- The SLR will fail to provide the SWTP and is therefore contrary to the aims of the LTP and the guidelines of Highways England.
- The modelling shows:
  - Average daily volume of vehicles going over Greyfriars bridge will be unchanged when SLR is operational;
  - Small reductions in traffic volumes on the A465 Asda to Tesco Stretch (between 9% and 13% - 1800 – 2600 less vehicles per day
  - A 15% increase (3300 more vehicles per day) on the Asda to Holme lacy Road section of the A49.
- Will do little or nothing to relieve congestion unless it is part of a larger scheme for a by-pass;
- Will push all traffic onto the A49 instead;
- Trips crossing Greyfriars Bridge remain the same. There is only one bridge;
- Adding traffic to the existing queues on Ross Road. Traffic already queues onto the Grafton Roundabout – adding traffic to this will make further delays on the A49;
- All traffic is heading to Hereford so will meet at Asda roundabout in any case;
- Will add to the traffic congestion on the A49;
- Encourages Increase in carbon emissions and use of private motor car contrary to CS policy SS4;
- Scheme is designed for road users only, 60mph route to actively promote car and HGV use. The scheme makes no provision for cyclists or public transport;
- No cycleway or shared footway proposed along its length;
- Connecting this road to existing footpath and cycle network would have built resilience into the road design for the future;
- What measures have HC trialled to reduce traffic by sustainable means (required by law) before deciding the SLR;
- No evidence or suggestion in the appraisals that the implementation of the sustainable measures will materially affect journey times and user costs in relation to the HEZ. – The report is clearly written as part of a wider Western relief road.
- Modelling methodology and appraisal is not robust – with insufficient information and explanation of the findings.
- No evidence of commitment of the application to resolve access and congestion issues by measures other than major road infrastructure – e.g. non road elements of the SWTP or congestion caused by trips that have their origin and destination within Hereford.
- Would like to see evidence that a bus lane could be provided down Belmont road as suggested (displacing over 100 on road car parking spaces);
- Money better spent on other transport improvements;
- Keeping / improving school busses;
- Better routes for kids to get to school by walking / bus;
- Tackling school traffic problems is key;
- More buses / subsidies are needed to tackle the problems;
- Improved public rights of way;
- Great Western way was extended to meet Grafton Lane – but not shown on any maps or promoted anywhere! Could be a park and cycle route?

- This will increase traffic on the unofficial eastern by pass via Mordiford, immediately causing congestion of the Home lacy, Mordiford and Dormington roads. All light traffic will use these roads to reach Ledbury and Worcester;
- Encouragement of traffic to use the Bridge Sollars road to access Leominster / Brecon. This road is not built to carry HGV's and rush hour traffic. Commuters from Rotherwas will now find it quicker to access Kings Acre / Roman road areas even though longer journey;
- There is still no full description of the active travel measures and risks that the SLR could be built with no other elements of the SWTP being delivered is extremely high;
- Traffic will be affected by wind on the embanked sections – especially where 7m high over the railway;
- Growth of use of double deck trailers in UK and these would not clear the restricted bridges at Pontrilas and Belmont Road.
- Proposed bridge at Grafton Lane, it should be noted that access for large farm vehicles will need to be made at the established access point (opposite The Green) and that they will not be able to see what is coming from the Hereford direction. This combined with the rat running, flooding and freezing with cause accidents.

### **Inclusion of the Clehonger Link –**

The proposed design of the road omits a bus stop on the Clehonger road junction, close to local residents reducing transport choice.

Transport consultants were employed by the owners of Pykeways that are affected by the Clehonger Link due to the close proximity of the proposed road and the fact that the application site (red edge) includes a part of their garden.

Two detailed technical notes have been submitted that challenge the proposed alignment of the link, the need for the link and details the impact. I would draw these documents to the members' attention:

- Technical Note 1 (received 18/6/2015)  
<https://www.herefordshire.gov.uk/documents?id=27d83090-254a-11e5-be57-0050569f00ad>
- Technical Note 2 (received 21/10/2016):  
<https://www.herefordshire.gov.uk/documents?id=39ae5209-91b9-11e5-8a56-0050569f00ad>

The applicants responded to these in their later submissions and the following response was then received, that summarises the issues:

### **Proposed Alignment of the Clehonger Link**

*The proposed alignment of the Link passes through the rear garden of Pykeways however I maintain that the alignment could be adjusted to avoid this. WSP|PB acknowledge in their latest letter that the horizontal design standards can be applied flexibly and that the alignment could be adjusted to avoid the Pykeways land. However, they go on to state that in their opinion the chosen alignment represents the best design solution available and that in the absence of a significant impact on the Pykeways property, no change to the alignment will be made. The significance of an impact is of course subjective and Mr and Mrs Harris continue to believe, as do I, that the impacts will be significant and unnecessary particularly given that alternative alignments are available.*

*It is clear that further dialogue with WSP|PB on this matter is unlikely to result in changes to the proposed alignment of the Clehonger Link. Notwithstanding, my view remains that the design standards are such that the Clehonger Link alignment could be adjusted to avoid the Pykeways land and indeed should be adjusted to avoid the Pykeways land.*

### Cost / Benefit Analysis for the Clehonger Link

*The above comments are made on the assumption that the Clehonger Link actually forms a fundamental requirement of the Southern Link Road project which in itself is not something that I believe has been satisfactorily demonstrated through the planning application. Throughout my previous representations I have continually requested details of a comparison between the costs and benefits of the Southern Link Road with and without the Clehonger Link basis. The latest WSP|PB letter acknowledges that the cost benefit of the Clehonger Link in isolation has not been calculated but that it is included in the overall assessment of the scheme.*

*In my view the above approach is incorrect. Interestingly, WSP|PB state that the Clehonger Link was added to the scheme as a direct result of consultation with county councillors, parish councillors and members of the public. This suggests that initially the designers of the scheme did not believe that the Clehonger Link was a fundamental element of the wider Southern Link Road scheme, i.e. it was added as an afterthought based only on local opinion rather than being based on a detailed consideration of the respective benefits, dis-benefits and associated costs. The initial Strategic Outline Case document available as the first document on the South Wye transport package page of Herefordshire Council's web site reinforces this point as it does not include the Clehonger Link.*

*It is understood that if the local councillors were to be asked for their opinion now the majority would not be in favour of the link's inclusion. Relatively minor safety and capacity improvements could be introduced to the A465 / B4349 junction instead which would then avoid the need for the significant expenditure required to deliver the Clehonger Link as currently proposed. In turn this would also avoid the unnecessary use of the Pykeways land.*

*WSP|PB identify that funding of the Southern Link Road (including the Clehonger Link) forms part of the wider South Wye Transport Package (SWTP) for which the Department for Transport (DfT) will provide £27m and Herefordshire Council £8M. They also maintain that the award of funding from DfT for the scheme, as submitted, clearly demonstrates that the overall SWTP represents value for money. This may well be the case for the package as a whole however that does not mean that even better value for money could not be achieved if certain elements of the wider package, such as the Clehonger Link, were to be removed. I believe, that when considered in isolation, the benefits of the Clehonger Link are not proven and are unlikely to be sufficiently high to offset the costs. As such, if the Link were removed from the overall package then the value for money would likely increase. In these straightened financial times I believe Local Authorities have a duty to ensure that all opportunities to maximise value for money are taken and in this case I do not believe that the applicants have demonstrated that this has been achieved. I maintain that a full cost benefit analysis of the Southern Link Road on a with and without the Clehonger Link basis must be undertaken in order to identify whether or not the Link represents good value for money. Without the availability of this I believe the Council does not have sufficient information to determine the application favourably.*

### Western Relief Road

*Emerging Herefordshire Council policy, as confirmed through the recent Cabinet approval of the Local Transport Plan 2016 – 2031, identifies the intention to provide a Western Relief Road for Hereford.*

*Although the Southern Link Road is a separate scheme, common sense would dictate that if it is to be constructed it should be delivered in such a way that does not prejudice the potential future delivery of the Western Relief Road.*

*Constructing the Clehonger Link, as currently proposed, would clearly prevent a direct connection between the Southern Link Road and the Western Relief Road at the A465*

*roundabout unless the roundabout were to be made significantly larger and a fifth arm added. This would add significant extra costs to the future construction of the Western Relief Road which could be avoided if the Clehonger Link were to be removed from the current Southern Link Road proposals. As mentioned previously, maximising value for money is a key duty of Local Authorities and in this case removal of the Clehonger Link would not only likely increase value for money in relation to the current Southern Link Road proposals, but also avoid likely additional costs in relation to the potential future Western Relief Road.*

*It should be noted that previous correspondence with WSP|PB identified that the Western Relief Road could not be taken into account as part of the Southern Link Road proposals as the former was not adopted Council policy. Following the recent Cabinet approval of the latest version of the Local Transport Plan this argument is no longer valid and therefore the most appropriate and cost effective connection between the two schemes needs to be fully considered now. This clearly does not include provision of the Clehonger Link as currently proposed.*

*In summary, I strongly believe that the applicant has not appropriately justified the need for the Clehonger Link through an appropriate cost benefit analysis and without this the Planning Authority cannot guarantee that value for money will be achieved. Furthermore, provision of the Clehonger Link at this time prejudices the ability to implement the Western Relief Road which has recently become part of adopted Council policy. At the very least, implementation of the Clehonger Link now would add significant costs to the Western Relief Road in the future which again does not represent joined up thinking or long term value for money. If the Clehonger Link is to be included within the Southern Link Road proposals then its alignment could be and should be realigned to avoid the Pykeways property.*

#### **5.34 Non-Motorised transport issues (walking, cycling)**

- Will sever an important local footpath
- Loss of access to the National Cycle route (NCR) extended Great Western Way Cycle route during construction.
- Why have cycle routes not been included?
- PB state that no demand for cycle route, yet also say 'it is apparent from the data that the proportion of the working population cycling to work in the two wards south of the Wye is much higher than the England and Wales average, and above the regional average. They also acknowledge ' Whilst there are some good quality off road routes for active travel, there are gaps in the network, especially for east- west journeys'
- Impact on the enjoyment of these footways and cycleways because you will be able to see the road, if not see it;

#### **5.35 Landscape and visual impact**

- Development is contrary to every single policy of HCS policies protecting the landscapes of Herefordshire (LD1, LD2, LD3 and LD4);
- No adequate assessment of how the harm done to the landscapes can be justified or outweighed by the purported benefits of this road;
- It is inevitable that the character of the landscape, which is currently pastoral would be adversely affected.
- The elevation of the road, in particular over the railway, will have a devastating effect.
- The SLR will destroy the open countryside and high grade arable farm land by cutting across and rising above the natural contours;
- The proposed bridge over the railway at Haywood will be 9.4m above the existing ground level/ the bridge over Grafton lane will be 6.8 metres above existing ground level. The bridge over Grafton lane will be 6.8m above existing ground level. These are urban intrusions in the landscape;

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Herefordshire's principle asset is its unspoilt countryside and once lost, it's gone forever;
- Much of the countryside is being destroyed by the road;
- Bridge should be lowered over Grafton lane to 4m.
- There does not need to be a bridge at Grafton lane so long as landowners can have access across the SLR to tend to their fields. No reason why the lane cannot be truncated. If SLR followed contour more closely then there was an underpass for cycle / footway the rat run would be a thing of the past, accident risk reduced, cyclists' walkers and bats would be happy. Cost of the SLR be lower and visual impact reduced.

### **5.36 Loss of Agricultural Land**

- Cuts through prime agricultural land (grade 1 and Grade 2)
- Contrary to para 112 of the NPPF that states that '*Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*'
- *This application destroys 31.2 hectares of Grade II land.*
- *Planning Statement omits the impact on of the Grade 1 land to the west of the A465 lost as a result of the extensions of the SLR to the Clehonger link.*
- the applicant has failed to provide an Agricultural Impact Assessment which is required in order to comply with the EIA Directive 2011/92/EU, NPPF and the DMRB

### **5.37 Minerals / Geology**

- Construction of the Clehonger link would be contrary to policy due to location of the minerals protection zone (contrary to policies S9 and M5 of saved UDP);
- Lack of information available about waste – until this is provided then the proposal contrary to Councils waste policies;
- No robust Waste Management Plan has been provided.
- Rumoured some 700,000 cubic metres are to be moved to accommodate the SLR and that parts of the road will be more than 8m high. Why can't the road follow the ground levels. With slight adjustment the route could run across the railway where it is in cutting.

### **5.38 Noise, dust and vibration**

- The proposed SLR will cause visual noise and light pollution due to the elevated highway, particularly over the railway. This will be visible from Grafton, Knockerhill and Haywood lane. Because of the roads elevation, it will project traffic noise for up to 3kms in each direction;
- The 'at best' situation would increase noise levels at cedar Folly (Grafton Lane) by 10db and at worse by 28 DB which would be unacceptable and a continual source of noise pollution and noise disturbance to the family and other local residents some of who live much close. The noise will be far from 'negligible' as claimed;
- The elevation of the road has not been factored into the modelling;
- 'The Green' – identified as being one which will suffer significant impact in respect of noise generated during construction and operation of the scheme. No meaningful mitigation against use of road (60mph that encourages cars and HGV use) only mitigation is quieter road surface that is acknowledged in the ES a 'could' achieve noise mitigation of up to 3.5Db and would only reduce level of impact to something below the significant threshold;
- There has been no assessment of 'The Green' for vibration impacts assessments undertaken have not taken into account that substantial parts of house have not foundations and water is secured from a well – consequently direct impacts during construction or scheme use have not been properly considered.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781



- ES acknowledges that there are negative impacts upon the environment, including increase traffic noise;

### 5.39 Other Matters / General

- The benefits of the SLR are not proven;
- Sustainable transport measures likely to have more impact than the road;
- There is no benefit / need to improve access to Hereford Enterprise Zone;
- BP acknowledge in 2015 (April) that *“it was acknowledged that the ascertain in the exhibition that the new road will unlock barriers to development of the HEZ and further housing is misleading, as the location would never have been chosen and approved if significant barriers to development existed”*.
- Ignore parish plan
- Development would fail to meet any of the criteria for the SWTP:
  - o Reduce congestion and delay;
  - o Enable access to developments such as the HEZ;
  - o Reduce the growth in emissions;
  - o Reduce traffic noise;
  - o Reduce accidents;
  - o Encourage physical activity;
- Cost of development under estimated or not calculated at all;
- No weight been given to cost of environmental impact;
- No costing of waste distribution / transportation;
- Is being promoted to support housing on Council Owned land;
- Why don't you just get on with the Bypass;
- No proper tenancy agreements with the smallholders and it seems the Council has a beneficial to the Council – with residential value instead of agricultural.

### 5.40 Woodland Trust – Website Campaign

The Woodland Trust ran a nationwide campaign via their website that generated 1238 letters of objection (to 22nd May 2016) to the proposed scheme. Each letter started with the following paragraph:

*‘It is unacceptable that three ancient woods and a number of veteran / notable trees will be subjected to damage and loss. Please reconsider the route of this link road so that no ancient woods or trees are affected by the scheme’*

*Whilst the majority of these letters did not add anything further, many others raised specific concerns and objections. The content of these letters can be summarised as follows:*

- Ancient woodland is an irreplaceable habitat whose loss if not acceptable according to the NPPF;
- England has only 2% ancient woodland coverage and cannot be replaced. Ancient and veteran oaks for example support 500 species of insect and animal;
- Once they are gone they are gone forever;
- This woodland (Grafton Wood) hardly been touched in 70 years;
- Far too many trees and woodlands being destroyed to make way for roads and buildings;
- We should be increasing tree cover and linking the existing patches together;
- Government should grant local councils money to plant extensively across the county with new native woodlands;
- Herefordshire will one day be one giant farm with ever expanding towns dotted around; with no wildlife or woodlands left;
- Very few ancient woodlands in England – they need to be protected;

- To impact any of the ancient woodland of the county in road building would be to the detriment of the very assets that set Herefordshire apart, make it a growing tourist attraction and which are once lost, irreplaceable. Such roads will inevitably lead to more loss of pasture and woodland;
- Woodlands in the Countryside are a rarity;
- It is an act of environmental vandalism;
- Global warming and damage to eco systems is so prevalent – important for councils and government to lead the way and protect these for our children;
- Mature trees cannot be replaced by saplings; new trees take years – they will take years to reach maturity. Suggest that in the early days you would need to plant 500 saplings for each tree lost;
- Biodiversity associated with Ancient Woodland cannot be replicated;
- The benefits of trees – physically, psychologically, socially and spiritually has been proven;
- Part of the countries natural heritage;
- Herefordshire well known for its beautiful countryside and would be a crime to fell the historic woodland when unlikely to solve the cities problems;
- Harm to 9 species of Bats;
- Roads do not take priority over long term preservation of the natural landscapes, environments suitable for wildlife and rural / rustic nature of Herefordshire that attracts visitors;
- Vital that decision making processes which impact upon natural systems take into account the habitat of plants and animals which have no voice;
- Tree removal contributes to flooding;
- Trees clean the soil, store carbon, give us oxygen, prevent soil erosion and absorb water preventing storm flooding;
- No good reason provided as to why the SLR should not be rerouted
- Once woodland, and the eco systems it supports is lost, it can never be replaced – if there is an alternative then surely this must be taken.
- Plans should be flexible enough to accommodate the preservation of the woodland.
- This application / proposal should be put on hold until the whole bypass route has been agreed;
- Route should go East not west;
- Support for relief road / road but not through the woodlands;
- 3 minutes extra journey time to avoid an ancient woodland. No brainer;
- If we must build – do it wisely and carefully;
- Traffic management cannot be the only priority of the Council
- Should consider other alternatives – Cycling / Park and ride – spend money on changing travel habits in the city;
- Site Compound – Successful replanting of constructors compound is difficult at the best of times, it is very poor mitigation for loss of mature and veteran trees and ancient woodland. Can replace footprint but not soil structure, ground flora and delicate habitat balance and trees will need to survive for generations;
- SLR will not solve congestion which is largely weekdays, term times, rush hours and will simply divert traffic between the Ross and Abergavenny Roads;
- SLR will not significantly improve access to the Rotherwas Enterprise Zone because of height restriction at Pontrilas;
- Funding for SLR appears questionably vague and poorly estimates;
- Ridiculous situation after years of consultations and discussions;
- Waste of money;
- Council has plans to build houses on their land that will make congestion even worse;
- 

5.41 A petition that included 242 signatures has also been presented. This petition stated:

Route SC2 should not be granted planning permission because:

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

1. SC2 will fail to address congestion through Hereford and down the Belmont and Ross Road. Only 17% of traffic entering Hereford is through traffic, the remaining 83% is destined for Hereford itself. There is still only one bridge onto which the traffic converges.
2. SC2 will destroy our open countryside by rising above the natural contours. The proposed bridge over the railway at Haywood will be 9.4m above existing ground level. The bridge over Grafton Lane will be 6.8m above existing ground level. These are urban intrusions in the landscape.  
Herefordshire's principle asset is its unspoilt countryside and once lost, it is gone forever, The previous consultants, Amey, reported that SC2 would have significant visual impact on the landscape and this and the increased noise levels due to extensive embankments near the railway would be "very difficult to mitigate"
3. SC2 will cause visual, noise and light pollution, due to the elevated highways, particularly over the railway. This will be visible from Grafton, Knockerhill and Haywood lane. Because of the roads elevation it will project traffic noise up to 3kms in all direction.
4. SC2 will cause irreversible damage to the setting of the Heritage assets, particularly Haywood Lodge (listed Grade II starred, which is in the top 4% of national heritage assets). The present Queen Anne building evolved from a Royal hunting Lodge, situated in the Royal Forest of Hays, used by the Crown since before the Norman Conquest. This application does not comply with National Planning Policy Guidelines, English Heritage (Now Historic England) guideline of European Legislation which states that Heritage assets and their setting should be protected.
5. SC2 will irreversibly damage historic landscape and the vestiges of the ancient Royal Forest; The land that SC2 will occupy has a deep historic significance, due to its prominence in the royal forest of Hays.
6. SC2 will irreversibly damage the amenity of home; homes mainly chosen for their unspoilt rural setting; particularly the Green (Grafton) and the cluster of buildings at Haywood \*Haywood Lodge Cottages, Roman Byre, Haywood Lodge, etc.) as well as homes along the proposed Clehonger Link.
7. SC2 will pass through Ancient Woodland, Grafton Wood and clip the edge of another (unnamed) ancient Woodland.
8. SC2 has been materially altered since the 2014 consultation, by the addition of a 6.8m bridge over Grafton Lane near 'The Green' This design change was generated as an afterthought (to mitigate impact on local bat population) the bridge and associated embankment significantly affect the quality of the environment for those in the Grafton area. The associated consultation process has been dubious (Similarly the road level over the railway has also been raised since 2014)
9. SC2 will fail to remove the rat run along Haywood lane, Callow and Knockerhill. This was a stated aim of the proposed route and was additionally a neighbourhood Plan objective, the proposed A465 roundabout is situated too far to the South West and most drivers from Belmont trying to reach the A49 will not travel a further 1.3kms, but will continue to use Haywood Lane.

5.42 9 letters of support have also been received, including letters from Herefordshire Tertiary Education trust; Hereford Enterprise Zone Board, Interlink Express; Collins Design and Build, Chairman of the Marches LEP and the Haywood Country park supporters group plus a number of individual representations. These are summarised as follows:

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- In its alignments, SC2 is superior to routes proposed from an engineering point of view and obviously from an aesthetic point of view and cost as well;
- Avoid conflict with Merryhill lane underpass (cyclists);
- Elevation will ensure the ability for proper drainage
- The route alignment, being remote from habitations will also the surplus of excavations to be used more imaginatively;
- Comments on alternative route:
  - SC7 – follows highest possible route and would create massive scar on the landscape above Haywood Lane;
  - SC7 - Detrimental to cyclists, walkers and dog walkers using new cycleway (well used) and impact upon tranquillity;
  - SC2 would blight the fewest properties and also to a greater degree than the alternative routes suggested during consultation.
- Lived in many cities that have benefits of bypasses – result has been better highways and transport systems that encourage active commuting such as cycling and walking. EG – Chester. Relief road or bypass is ideal way of diverting traffic from small roads both in Hereford and countryside to encourage tourism and recreation. Whilst welcome investment in low carbon travel, those who rely on freedom and capabilities of cars should not be ignored.
- Long term introduction of the SLR will lessen traffic in the city centre and make areas such as the New Market development much more accessible.
- No reason why Hereford can't explore other ways of improvising our impact and de-carbonisation of transport.
- Impact upon the residents' house be a major consideration – 73 residents of Grafton and Merryhill signed a supports letter supporting SC2 and objecting to SC5 and SC7.
- Interlink have commented ' This is exactly what this area needs and is the only way the city will be able to progress, ie by investing in infrastructure. We as a business, having operated and invested in the city for the past 15 years, wholeheartedly support this project, and see it as the council do, the next stage of a bypass for Hereford
- The Marches LEP offer support and confirm that the SWTP was supported through the Marches Growth deal agreement with the Government and has received a £27m allocation for the schemes implementation. The LEP believe that the SWTP will promote economic growth within Hereford by reducing congestion and delay while tackling specific problems such as traffic noise, emission, accidents and low physical activity in the South Wye area. It will promote economic development by unlocking the barriers for both Housing and economic growth, including the future growth of Hereford Enterprise Zone.
- The LEP further believe that the SWTP will positively affect businesses in the Enterprise Zone, the wider Rotherwas Industrial Estate, by reducing congestion and delay and enabling active travel measures to be delivered in the South Wye area. Enabling business expansion once the Enterprise is further developed. This road is important to the future prosperity of the county, and the wider marches economy.
- Hereford Enterprise Zone Board is a government backed regeneration initiative responsible for the development of over 100 acres of employment land at Rotherwas, south east Hereford. Over its lifetime the project has the scope to deliver 1,500,000 sq ft of new employment floorspace, accommodating 4,000 jobs. As the largest employment site in the county, Rotherwas and the Enterprise Zone will fulfil a vital role in the expansion of the city's economic and employment growth.
- To continue the progress made to date and to enable the full build out of the Enterprise Zone the Enterprise Zone board recognise that additional capacity is required within the Hereford transport network. The board further recognise that the Southern Link Road is an important element in gaining this additional capacity. It is understood that the Southern Link Road will:
  - Promote economic growth within Hereford

- Improve, or enable, access of developments, such as the Enterprise Zone
- Reduces growth in congestion and delay
- Builds resilience into the local road network.
- The Board are also aware of the requirement to install a range of sustainable travel methods alongside the construction of the Southern Link Road.
- Although not the subject of this planning application, it is apparent that the Southern Link Road will become the first section of the Hereford bypass and that this will enable businesses within the Enterprise Zone to have improved road connections to the north of the county and beyond.
- The Board recognise that the Southern Link Road and the Hereford bypass will perform a role, alongside the new housing allocated across the city, the recent retail provision at the Old Market, the proposals for a new University, and the Enterprise Zone, in providing integral elements of the required transport Infrastructure to support Hereford's continued growth and ability to retain essential services within the city
- They remain interested to learn more about these proposals and can facilitate engagement with businesses on the Zone, and wider Rotherwas, on this matter once planning permission has been granted for the road element
- For the above reasons the Enterprise Zone board are supportive of planning application P151314/F for the new single carriageway (Southern Link Road) and associated works.
- Herefordshire tertiary education Trust has submitted a letter that makes the following comments:
- For the new university to achieve its full potential by 2033 with 5,000 students and at least 500 employees it is essential that the county and in particular Hereford City has the transport, utility and communications infrastructure to support this level of growth. Without that essential infrastructure the university will be unable to deliver its full transformative impact on the county's economy in terms of additional jobs, an improved skills base and growing the business sector.
- This Government's tacit support for Hereford's University project underlines NMITE's key national task to revolutionise UK engineering higher education and enhance industry productivity. Lack of infrastructure would severely limit NMITE's ability to grow to the critical mass essential to achieve these key national objectives.
- The Board of HTET recognise that creating a world class engineering university will need to be combined with a parallel development of the services and infrastructure for Hereford and the county. Ensuring and managing these developments will require the collaboration of all those interested in the social and economic prosperity of the County. HTET is keen to work with all parties to approach these complex but vital issues in a spirit of cooperation and willingness to deliver success for the city and county.
- It is our board's view that without the prospect of key infrastructure necessary for growth, that it is highly unlikely that NMITE can deliver the full local and national benefits expected of it.

5.43 Jesse Norman MP has also made representations on the scheme that notes a number of key points:

- SWTP – Welcomed but refers to letter of 6<sup>th</sup> August 2014 - requests cost benefit analysis of the SLR against an eastern link road., mitigation and consideration for people living in the vicinity, an appreciation of environmental concerns and clearer explanation of bus lane on A465. Concerns council not met aims set out in the original package.
- Main economic objection of SLR is to read traffic congestion. But councils own forecast demonstrate that when SLR is in operation – traffic over Greyfriars bridge will remain unchanged; only small reduction in traffic on A465 Asda to Tesco, increase on the Asda to Holme Lacy Road section. SLR would redistribute traffic from A465 go A49.
- Support for Eastern route as a feasible option to tackle congestion.
- The £27 million is not exclusively reserved for the SLR.
- Compensation due to noise, traffic and loss of property value (Blight)
- Copies of the letters can be seen at:

## 6. Officer's Appraisal

- 6.1 In the officers' appraisal, it is considered appropriate to consider the principle of development, followed by the impacts and effects of the development on each section of the Environmental Statement (ES). Within these, officers will summarise the findings of the ES, commenting, and drawing on the advice and expertise of the Statutory and Local consultees whilst outlining and addressing the concerns raised in the representations section above. Reference will be made, where considered appropriate, to the relevant national and local policies as well as the legislative framework. At the end of this analysis, officers will conclude and make their recommendation.

### The principle of development

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies from the development plan are identified in section 3 of this report to which the decision maker needs to accord appropriate weight in the determination of this application.
- 6.3 Herefordshire Local Plan – Core Strategy (CS) was adopted by The Council in October 2015 and forms the current development plan for the County. Callow and Haywood Group Parish Council have progressed their Neighbourhood Plan to Regulation 16 stage, and are awaiting the examiner's report, and its policies are considered sufficiently far forward to be attributed weight. There are no other neighbourhood plans that have sufficient weight or are adopted.
- 6.4 The National Planning Policy Framework (NPPF) is a material consideration. Both the development plan and the NPPF seek to achieve sustainable development. Both documents understand this concept as comprising three themes or dimensions. In the language of the CS, these are social progress, economic prosperity and environmental quality. They are mutually dependent.
- 6.5 A number of other documents are also relevant. They include national guidance, County-level supplementary planning documents the CS evidence base, and documents produced specifically for the locality, such as emerging Neighbourhood Development Plans (NDP). These are referenced at Section 3 and where appropriate within the report.
- 6.6 Policy SS1 of the CS replicates what is at the heart of the NPPF, namely promoting a presumption in favour of sustainable development. Sustainable development is about meeting the need of the present without compromising the ability of future generations to meet their own needs. The government has set three aims for sustainable development:
- Contributing to building a strong, competitive and responsive economy;
  - Supporting strong, vibrant and healthy communities; and
  - Continuing to protect and enhance our natural, historic and built environment

- 6.7 Paragraph 14 of the NPPF states:

Paragraph 14:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.*

*For plan making this means that:*

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:  
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
specific policies in this Framework indicate development should be restricted.*

*For decision taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*

*Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should*

6.8 Policy SS1 of the CS states that:

*When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.*

*Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.*

6.9 Strategically, policy SS3 of the CS acknowledges the need to work with developers, the Highways Agency (now Highways England) and transport providers to improve transport infrastructure, connections and choices in our main centres and rural areas (where reliance on the private car is often the only option). This is particularly important for local journeys in Hereford where a balanced package of measures including more walking and cycling, bus transport and a Relief Road would improve connectivity and travel choice, reduce congestion, enhance the public realm and foster local enterprise and tourism.

6.10 Policy HD3 of the CS seeks to facilitate access and maximise connectivity within the city by all transport modes to reduce congestion, support future prosperity and enable growth. The CS is complemented and supported by the Local Transport Plan (LTP). Transport modelling undertaken to understand the extent of the existing traffic issues and grow the city can be supported in the long term has indicated that new highway infrastructure supported by a package of sustainable transport improvements are required and confirms that sustainable transport measures on their own, without new highway infrastructure will not accommodate the additional travel demand derived from the planned growth in the CS.

6.11 CS Policy HD3 – Hereford movement states:

*Herefordshire Council will:*

- *Improve Hereford's economy by increasing connectivity to the national and local transport networks by reducing congestion and improving journey time;*
- *Improve health, wellbeing and the environment by improving air quality and reducing noise through maximising opportunities for the use of sustainable transport modes, particularly for short distance journeys.*

*Herefordshire Council will use a variety of funding mechanisms to deliver the following:*

- *Packages of transport improvements focussing on key routes into the city delivering a range of public realm improvements and improving access and connectivity for sustainable mode users;*
- *Behavioural change campaigns which will complement infrastructure delivery to encourage sustainable mode use and healthy lifestyles.*
- *Reduced reliance on car use by incorporating sustainable mode routes within new developments and connecting them with existing networks;*
- *Improvements to public transport infrastructure enabling improved access and integration between bus and to rail services;*
- *Convenient, safe and secure car parking facilities which attract shoppers and visitors and deter commuter parking in the city centre, through the development of Park and Choose sites; and*
- *A Relief Road to the west of Hereford to reduce the volume of traffic from the city centre and enable the delivery of walking, cycling and bus improvements on the existing highway network. The road will be designed and developed in such a way which avoids and mitigates adverse impacts or physical damage to or loss of habitats, noise pollution and vibration, light pollution, air pollution, flood risk and water quality on the River Wye SAC, as well as residential amenity and business interests. Consideration of the impact of the road on heritage assets, their significance and setting, as well as the historic character of the wider landscape will also be required. Further assessments will be undertaken as part of the Hereford Area Plan and subsequent planning application(s).*

*The pace of delivery of transport and movement infrastructure will be aligned with that of housing provision in accordance with policy SS3.*

- 6.12 The CS states that the key element of the long-term Hereford transport strategy is the requirement for a Relief Road. This vital addition to the city's transport network will enable the reallocation of existing highway for bus priorities and walking and cycling measures and the re-routing of the existing A49 Trunk Road (managed by the Highways England) removing longer distance traffic from the centre of the city.
- 6.13 The *Hereford Relief Road – Study of Options (Aug 2010)* reviewed all route options and assessed the impacts of the routes in relation to environmental, engineering and traffic impacts. The inner western corridor is the preferred corridor for the Relief Road based on the study's overall assessment.
- 6.14 The CS identifies that the first section of the Relief Road to be constructed will be the section between the A49 and A465, as part of the South Wye Transport Package (as identified in the *Local Transport Plan*). This has become known as the Southern Link Road (SLR) and has been progressed, through the local transport Plan (LTP) as part of the wider package but as a stand-alone scheme without assessment of the remainder of the Western Relief Road that will be progressed separately from the South Wye Transport Package (SWTP).
- 6.15 The SLR has been progressed as a separate project. The development of the SLR has taken into account the possibility of ultimately linking in to the Western Relief Road , ensuring



connectivity as it potentially continues onward, linking the A465 and the A4103 (to include a bridge crossing of the Wye) with the final section linking the A4103 to the western and eastern sides of the A49 in the north of Hereford.

- 6.16 This application for the SLR must be considered on its own merits, The scheme has been presented and assessed, in terms of its Environmental Impact Assessment as a stand-alone scheme. This is also true of its progression within the Local Transport Plan – featuring as an integral part of the South Wye Transport Package.
- 6.17 In terms of the policy position, whilst there is clear support, in principle for a scheme within the Core Strategy and LTP it is necessary to consider the impacts and specific effects of the proposed scheme. The last part of policy HD3 may apply to the ‘Relief Road’, but given the possibility of the SLR ultimately linking in to the western relief road, this application falls to be considered with this in mind.

CS Policy HD3 states:

*“The road will be designed and developed in such a way which avoids and mitigates adverse impacts or physical damage to or loss of habitats, noise pollution and vibration, light pollution, air pollution, flood risk and water quality on the River Wye SAC, as well as residential amenity and business interests. Consideration of the impact of the road on heritage assets, their significance and setting, as well as the historic character of the wider landscape will also be required. Further assessments will be undertaken as part of the Hereford Area Plan and subsequent planning application(s).”*

These issues, amongst others, have been carefully considered by the applicants from the outset, as evidenced within the assessments that formed part of the route selection process and then as part of the Environmental Impact Assessment (EIA) and accompanying Environmental Statement (ES).

- 6.17 Callow and Haywood Group Parish Council have progressed their Neighbourhood Plan to Regulation 16 stage, and are awaiting the examiner’s report, and its policies are considered sufficiently far forward to be attributed weight. The examiner’s report expected shortly and any update will be included in the ‘updates’ as appropriate. Policy CH2 is considered to be of particular relevance.

*Proposals for new roads and in particular the new southern link road will be required to incorporate the following to reduce adverse impacts on local landscape character, wildlife and local quality of life:*

*I. New roads should be routed carefully to integrate sympathetically with the natural landscape, and designed and sited to avoid encouragement of “rat running”.*

*ii. Any artificial lighting should be minimised; where provision of highway lighting is considered essential, lighting should be designed through use of appropriate luminosity and direction of lightflow to have a low impact on the surrounding landscape and housing, and should not leak unnecessary light into the night sky.*

*iii. Any new roads should be part of a high quality landscaping scheme involving short term and long term planting using indigenous and locally appropriate tree and shrub species to provide screening and sound and visual barriers.*

*iv. Suitable road surface materials should be used to reduce noise impacts. Use of concrete should be avoided. Use of artificial earth bunding is encouraged to reduce noise and improve visual amenity.*

*V. Access for wildlife should be provided where wildlife corridors are truncated or severed such as use of under passes, bridges etc*

*Vi. Roads should include provision of appropriate water management and storage to minimise run off into neighbouring fields and properties.*

*Vii. Roads should have continued access for public footpaths, cycleways (such as the sustrans national cycle network route 46) and bridleways via foot bridges which are of a high quality design and sited appropriately.*

*Viii. Continued access for landowners and farmers is a priority particularly where land holdings are affected by severance  
Existing local lanes should not be severed by the link road if at all possible.*

*9. Proposals for introducing quiet lanes, traffic calming and maximum speed limits of 20mph will be supported in principle on heavily used routes through the parish to discourage heavy traffic, if and when the proposed southern link road is completed. Particular consideration should be given to reducing opportunities for “rat running*

- 6.18 There is clearly broad in principle support for the proposed SLR within Policy HD3 of the CS and the emerging NDP policy above, subject to the consideration of the impacts and effects of the proposed development.

#### **Project background and alternatives considered**

- 6.19 The submitted documentation, along with many letters of representation refer to the consultation history and route selection process. This process was described in Chapter 2 of the ES (Project background and Alternative’s considered) and where queries have arisen through the process this information has been supplemented in respect of specific issues and included within documents that were subject to consultation in October 2015 and March 2016.

*Hereford Relief Road Study of Options (Amey, 2010)*

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/relief-road-studies>

- 6.20 The Hereford Relief Road Study of Options (Amey, 2010) was commissioned as evidence to support the preparation of the Core Strategy. It reviewed potential route options and assessed the impacts of each route using environmental, engineering and transport criteria in accordance with DfT’s Transport Analysis Guidance (WebTAG). It included an assessment of sustainable transport options and considered if the growth proposed in the city could be supported by sustainable transport proposals alone and without a relief road. It concluded that sustainable transport measures clearly improved the performance of the network, but that only in combination with a relief road do they provide the network capacity necessary to support the required growth. It recommended a western relief road on an inner corridor close to the urban fringe. This recommendation was included in the Core Strategy Preferred Option: Hereford document published for consultation in September 2010.

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/core-strategy-archive>

- 6.21 In more detail, the study of options considered four corridors. Two in the east, two in the west with northern and southern sections attached to either east or west. At this stage two options for the alignment of the SLR (SC1 and SC2) were appraised. Engineering assessment included consideration of a range of constraints including rail, road and watercourse crossings; junctions; topography; geology and ground conditions; hydrology and drainage; and utilities. Typical designs for overbridges and underpasses, along with the profile of each alignment option, were included in the Engineering Assessment Report and were taken into account in the environmental appraisal of route options.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

6.22 The methodology used for the environmental appraisal was undertaken in accordance with the Highways Agency's Design Manual for Roads and Bridges (DMRB, Volume 11). This appraisal fed into 'Appraisal Summary Tables' as required by WebTag. Overall, taking into account the heritage, environmental, transport and engineering considerations, SC2 was considered to be the preferred route to be taken forward for further appraisal. As set out in Table 5.1 of the Options Appraisal Report, Link SC2 was favoured due to the reduced impact upon ancient woodland and Special Wildlife Site. SC2 also had a more favourable local earthworks balance. SC1 had a greater severance effect on the properties in the vicinity of Abbey Farm, and greater potential for noise and air quality impacts on those residential properties close to any proposed junction.

*Southern Core Corridor Assessment Report (2012)*

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/relief-road-studies>

6.23 In May 2012 Herefordshire Council commissioned the Southern Core Corridor Assessment Report which considered further options for the SLR, taking into account consultation responses from residents and statutory bodies. This study developed the work undertaken in the Hereford Relief Road (HRR) Study of Options Report (Amey, September 2010), and the Highways Agency Hereford Bypass preferred route option (Department of Transport, 1988) and appraised six route alignments (SC1, SC2, SC3, SC4, SC5, and SC6).

6.24 Site visits were undertaken to verify the results of the 2010 HRR Study of Options Environmental Assessment and to assess the impacts of the new and revised routes. The alignment drawings identified all known environmental constraints and were issued to key stakeholders (Statutory Bodies) or consultation.

At this stage further appraisal work was recommended and none of the six routes were discounted. Indeed two further route options were identified as a result of local feedback.

***Preferred option report 2014***

<https://www.herefordshire.gov.uk/south-wye-transport-package>

6.25 Amey commenced appraisal of all the aforementioned routes to inform identification of the preferred route for the SLR, including the two further routes promoted by local stakeholders. Amey and subsequently Parsons Brinckerhoff undertook further assessment and refinement of these options in 2013 and 2014. At this stage options SC1, SC3, SC4, and SC6 were discounted. The reasons for discounting these options are reported in the Preferred Option Report 3 (Parsons Brinckerhoff, November 2014).

6.26 The remaining four route options (SC2, SC2A, SC5 and SC7) were subject to public consultation in July 2014. Just over 400 responses were received. The highest support was for option SC2 (35% of responses), followed by SC2A (23% of responses) which follows the same route corridor.

6.27 Again, route appraisal was undertaken using DMRB methodology and the appraisal of these four options was reported in Appraisal Summary Tables, in accordance with WebTag guidance, which are contained in Appendix B to the Preferred Options Report. In other respects, SC2 performed better than the other options as follows:

- It follows the ground profile and therefore is most likely to achieve a balance of bulk earthworks, thereby minimising the effects associated during construction of import of material. It is also not very deep cut and removes the potential for groundwater/drainage issues;
- It affects the least amount of private properties;

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- It goes over the railway and so respects Network Rail requirements; and
- It is the least expensive of the four options.

6.28 In response to this public consultation a further three alignment options were appraised (SC8, SC8A and SC9). Again, DMRB methodology was followed and the appraisal of these three options was reported in Appraisal Summary Tables in accordance with WebTag guidance, contained in Appendix B to the Preferred Options Report. Overall, taking into account the other environmental, transport and engineering considerations, option SC2 had the highest AST score.

*Confirmation of preferred option*

6.29 The preferred option report was considered by the Council in Autumn 2014. It was subject to scrutiny by the Council's General Overview and Scrutiny Committee. Cabinet considered in detail the appraisal (including heritage and environmental factors) and at its December 2014 meeting concluded that SC2 be adopted as the preferred route.

<http://councillors.herefordshire.gov.uk/documents/s50022534/Response%20to%20South%20Wye%20Transport%20Package%20Call-in.pdf>

6.30 Following confirmation of the route a further consultation in January 2015 a further consultation was undertaken on the preferred route that included further design details that have progressed to the planning application. It is at this stage that the more detailed design drawings that identify the heights of embankments and structures, required for mitigation (ecology and drainage) and to accommodate motorised travellers and non-motorised users are identified. Prior to this, much of the route was at grade level.

[https://www.herefordshire.gov.uk/media/1542877/Jan15\\_Panel\\_Low\\_Res\\_V2.pdf](https://www.herefordshire.gov.uk/media/1542877/Jan15_Panel_Low_Res_V2.pdf)

6.31 Criticism of the consultation process and in particular engagement with the local community, affected landowners and statutory bodies have been made through the submission of representations to this application. Nonetheless it is evident that there has been a lengthy and detailed period of consultation to reach the stage of route selection and the subsequent application submission.

6.32 In April 2015, the applicants published a record of public consultation process, the comments received and the analysis of the comments received in the *SWTP report on Consultation (doc. 69 to 73)*.

6.33 It is important for the committee to note that they are considering an application for planning permission for the route identified and described above. However it is accepted that the route selection process is relevant to that consideration because if the committee are satisfied that there would be an alternative route which would avoid some of the impacts of the current proposal that would be a matter for them to consider in the planning balance.

6.34 Criticism of the assessment methodologies, the level of detail that these reports went into; the changes to environmental designations and the vertical alignments of the proposed road and how these fed into the route selection process have been made. In addition comments and frustrations of various parties that have been involved in the consultation process about engagement with the landowners and affected residents have also been received. Officers have carefully considered these representation and the documentation relating to the route selection process. It is officers' opinion that, in taking into account the information above, and the supplementary explanatory texts provided by the applicant in response to queries raised during the application process, the alternatives have been properly considered in this process.

## Environmental Impacts and Effects

- 6.35 Environmental Impact Assessment is a process by which information about the environmental effects of a proposed scheme are collected, assessed and used to inform decision making. The purpose of the ES is to ensure that the decision taker makes their decision in the knowledge of any likely significant impacts on the environment. The main aims are:
- To provide a description of the scheme
  - To provide detailed information regarding the likely main environmental impacts of the Scheme having taken into account the measures proposed to avoid, reduce and if possible neutralise any predicted significant adverse impacts on the environment or to enhance the beneficial impacts of the scheme.
  - To enable Herefordshire Council to take into consideration any representations before deciding whether or not to proceed with the project, with or without modifications.
  - To provide an outline of the alternatives and reasons why these alternatives have not been presented as the Proposed Scheme in line with best practice.
- 6.36 The ES advises that the methods used in its preparation follow those set out in the guidance published by the Government in DMRB volume 11 (Environmental Assessment) as supplemented by Interim Advice Notes. The applicant has provided this ES and, as outlined in section 4, has submitted additional information in line with the EIA legislation that invites and allows additional submissions to be made that address identified impacts.
- 6.37 In making the assessment of environmental effects of the development and for the purposes of clarity, the appraisal will consider these issues in the order in which the ES has been prepared.

### Air Quality

- 6.38 Air quality in Hereford City caused by congestion is a driver for the proposed SWTP but it is also necessary to consider the impacts upon air quality during the construction and operation of the proposed SLR. Chapter 5 of the ES presents the local air quality assessment for the proposed scheme and includes a summary for the current local conditions and where appropriate, identifies mitigation measures for any significant effects that may arise.

The legislative requirements that relate to the assessment are set out in the ES (para 5.2).

- 6.39 The NPPF (para 124) sets out the requirements for local policies, which in this case is the Air Quality Strategy for Herefordshire and Worcestershire. Paragraph 120 is also applicable, stating:

*To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*

- 6.40 Core Strategy policy SD1 reinforces this in its requirement:

*'to ensure that new development does not contribute to, or suffer from adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution'.*

### Construction phase

- 6.41 The ES identifies the effects of construction dust associated with demolition, earthworks, construction and trackout (haulage) and consider the effects; namely the annoyance / loss of amenity and risk to health due to an increase in exposure.
- 6.42 These are all matters that have been raised in letters of representation to the Council. The report identifies the sensitive receptors (including human and ecological), and concludes that the construction activities have the potential to generate only slight temporary impacts on air quality, particularly dust generated by earthworks, trackout and construction.
- 6.43 It is proposed that any risks from construction will be managed with good site practices and a appropriate mitigation measures such as:

#### *Site management*

- *Records of dust and air quality complaints to be kept, including likely causes and mitigation measures to reduce impacts if appropriate*
- *Keep site perimeter, fences etc clean*

#### *Site Planning*

- *Consideration of weather conditions, dust generating potential of materials to be excavated prior to the commencement of works;*
- *Plan site layout to maximise distance from plant / stockpiles etc to sensitive receptors;*
- *Dusty materials should be removed from site as soon as possible*

#### *Construction traffic*

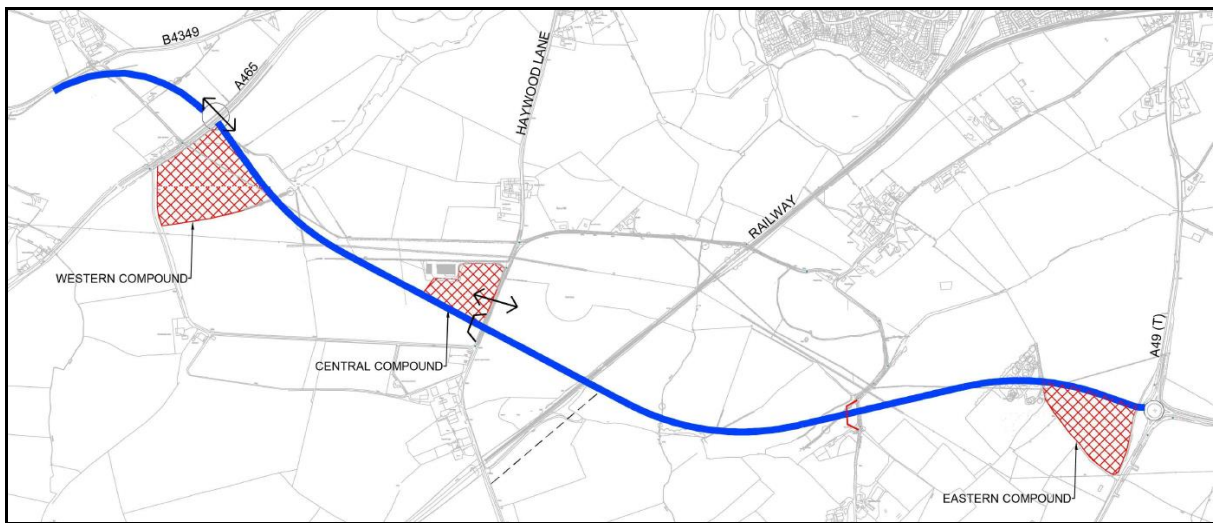
- *Loads entering and leaving site with dust generating potential should be covered and wheel washing facilities made available;*
- *No idling of vehicles;*
- *Vehicles to comply with speed limits (15mph on hard surfaces and 10mph on unconsolidated surfaces;*
- *Water assisted sweeping of local roads to be undertaken if material tracked out of site; and*
- *Install hard surfaces as soon as practicable on site and ensure that they are maintained and in good condition.*

#### *Site Activities*

- *Exposed soils should be revegetated as soon as practicable. Near to residential properties or sensitive ecosystems (<50m) use hessian. mulches etc where not possible to revegetate or cover with topsoil.*
- *Minimise dust generating activities, particularly near residential receptors / sensitive ecosystems during prolonged dry/ dusty weather unless damping / other suppressants are used.*
- *Ensure any site machinery is well maintained and in full working order;*
- *Ensure equipment is available for cleaning spills etc at all times;*
- *Sand and aggregates should be stored away from sensitive receptors and screed, shielded. Similarly concrete batching should take place away from receptors.*

- 6.44 These mitigation measures, along with others that have been identified as part of the submitted Draft Construction Environmental Management Plan (CEMP) are of particular importance when considering the location of not only the route, but the site compounds. These have close relationships with residential properties. The three compounds would be sited as per the extract below. The western compound being adjacent to the proposed new roundabout, opposite Golden Post House and Golden Post Cottage that lie to the west of the A465. The central compound lies on land to the north of Haywood Lodge Cottages whilst the eastern compound

does not lie in close proximity to residential properties, it lies some 250m from the Grafton Public House and Travelodge.



- 6.45 Conditions attached to any planning permission can ensure that these proposed measures are introduced and managed effectively throughout the construction phase. These conditions are detailed in full in the recommendations section.

#### Operation

- 6.46 The changes resulting from operational traffic are predicted to result in a reduction in nitrogen dioxide and particulate matter concentration alongside parts of the local road network, most notably Hereford itself. However, primarily along the proposed scheme itself traffic emissions are predicted to result in increases in nitrogen dioxide and particulate matter concentrations. Overall, the impacts at human receptors are negligible, with improvements in air quality noted in urban areas.
- 6.47 The ES also establishes and concludes that adverse impacts are predicted at ecological sites, namely Grafton Wood and Hayleasow, adjacent to the proposed scheme, but no exceedances of the statutory annual mean objective for NO<sub>x</sub> are predicted

The report concludes that the air quality effects associated with the proposed scheme are unlikely to;

- Interfere with or prevent the implementation of actions being taken by Herefordshire Council to improve quality
- Lead to a breach or significant worsening of an exceedance of UK air quality objective where there is a relevant exposure;
- Cause a new AQMA to be declared;
- Lead to a significant increase in emissions, degradation of air quality or increase in exposure below the level of a breach in an air quality objective; or
- Result in sustained annoyance in the local population from dust effects.

- 6.48 The Councils Environmental Health Officer has considered the information and provided a detailed response at para 4.13 above. This concludes that the air quality effects associated with the proposed scheme are unlikely to lead to a significant increase in emissions, degradation of air quality or increase in exposure below the level of a breach of an air quality objective or result in sustained annoyance in the local population from dust effects.

- 6.49 In order to ensure control of dust effects during construction, this matter will be addressed in the CEMP via conditions that are set out in the recommendation to this report.

- 6.50 Officers are satisfied that the proposed development is compliant with the requirements of policy SD1 of the Core Strategy and guidance contained within the NPPF.

### **Cultural heritage**

- 6.51 Chapter 6 of the ES assesses the potential effects of the SLR on cultural heritage. Cultural heritage comprises all elements of the historic environment including designated and non-designated heritage assets. In particular, it considers the potential effects of the construction of the proposed scheme (site preparation, earthworks and building works) on the known and potential archaeological remains, built heritage and the setting of the designated cultural heritage. It also considers the effects on the archaeology and built heritage during the operation of the proposed Scheme and potential cumulative effects.

#### Built Heritage

- 6.52 The ES identifies one Scheduled Monument and 21 Listed Buildings recorded within the Inner and Outer Study Area. The effects on these assets during the construction phase and operation have been assessed.
- 6.53 The impact on the setting of the Scheduled Monument, Bullingham Old Church (SMI 005357) is considered to be neutral/slight adverse. The impact on all but one of the remaining assets, a milestone, relates to their setting. The milestone (HA01/ LB 155380/LB 155380) located on the southwest side of the A465 has the potential to be physically impacted upon by construction works for the proposed A465 roundabout with the impact significance being moderate/large adverse, the impact upon the setting will be neutral (Table 6.17 of the ES).

In addition to the above assets there is one undesignated Historic Park within the outer study area, Belmont House Landscape Park (HER31136) which was considered in the initial stages of the assessment. The impact on the setting will be neutral and therefore this was scoped out of any further assessment.

- 6.54 The ES identifies that the setting of several assets, including Haywood Lodge (HA02/LB155374), its gates, gate piers, railings and garden wall (HA04/LB155375) and a cider house, hop kiln and stable (HA03/LB155376), has been assessed as being impacted upon in a moderate/large adverse manner. The setting of the remaining Listed Buildings will be impacted upon in a moderate/slight adverse to neutral/slight adverse manner.
- 6.55 A Cultural Heritage Desk based Assessment (Doc. 60) accompanies the planning application. This assessment informs the design of the road in respect of its relationship with the historic assets within the vicinity of the route. As can be seen from the comments of the Service manager for the Built and Natural Environment and Historic England comments at Section 4 there was criticism of this submission, concluding that there was insufficient evidence provided to understand the impact of the proposal on the significance of any heritage assets and their setting. These criticisms are echoed in other third party representations received following the consultation.
- 6.56 Further information was sought from the applicants following this initial consultation. This included submissions entitled 'Route Appraisal and the Consideration of Heritage Issues' and a 'Response to Historic England' along with supplementary plans, including additional sections. The additional archaeology reports were also submitted at this time.
- 6.57 Following a period of further consultation (as set out in Section 4) on these, and other documents, further comments were received from, Historic England and the Service Manager Built and Natural Environment continuing to raise concerns about the level of information provided, and seeking clarification on number of issues. In response to this, and following



several meetings and discussions with Historic England and the Council's Senior Building Conservation Officer, further supplementary information was received in March 2016. This included:

- Locally Important Buildings Setting Assessment
- Clarification Note – response to request from Historic England
- Technical note – Route Options
- Amended Underbridge General Arrangement
- Sectional Drawings
- Landscape Principles
- Landscape Mitigation Plan
- Updated and New Visualisations

A further period of consultation was undertaken as detailed in Section 3.

- 6.58 Officers also requested further plans to clarify the extent of the proposed parapet (overlaid on the Landscape Mitigation Plan) which was provided along with a further elevational plan, as requested by a local resident. This aided clarification of the location of the proposed parapet as described in the submission.
- 6.59 The detailed supplementary information and evidence that formed part of the two later periods of consultation as described in Section 4 above.

#### Non- designated Heritage Assets

##### *Buried Archaeological remains and Earthworks*

- 6.50 The Cultural Heritage Desk Based Assessment report provides a detailed historical and archaeological background and context for the scheme. This is supplemented by the Archaeological Evaluation (Doc. 120) that was the subject of consultation in October 2015.
- 6.51 As a result, one area of significance was identified. At least one feature of Early to Middle Iron Age date had been identified and it was considered very likely that other features would be broadly contemporary. The site was dated through the few shards of pottery present and it included evidence of metalworking from a pit containing smithing slag and a hearth bottom. The available artefacts suggested a short-lived period of activity for the site.

##### *Locally Important buildings*

- 6.52 Following receipt of comments from the Council's Senior Building Conservation Officer, the applicants produced a Locally Important Buildings Assessment (Doc. 126) that is a technical addendum to the *Cultural Heritage Desk-Based Assessment*. It provides an assessment of the impact on the setting of the Locally Important Buildings that could potentially be affected by the proposed SLR. These being: The Granary; 1 Haywood Lodge Cottage; and 2 Haywood Lodge Cottage. They once formed part of Haywood Lodge Farm, although all are now distinct and individual residential properties. The properties are all located to the west of Haywood Lane and north of Haywood Lodge, and lie between the Lodge and the proposed scheme.

##### *The law and policy interpretation*

- 6.53 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 6.54 The “*special regard*” to which Section 66(1) refers has been tested in recent appeals and Court cases. The Courts have held that the desirability of preserving the settings of listed buildings should be given “*considerable importance and weight*” when the decision-maker carries out the balancing exercise, not simply consideration. The following cases have had a particular influence on this.
- *South Lakeland DC v Secretary of State* [1992];
  - *East Northamptonshire DC v Secretary of State* [2013] (the Barnwell Manor case, considering the effect of a proposed wind turbine on the setting of a nearby Grade I listed building); and
  - *R (Forge Field Society) v Sevenoaks DC* [2014].
  - *Forest of Dean District Council v Secretary of State for Communities and Local Government & Anr.*
- 6.55 In *South Lakeland*, it was held that “preserving” means doing no harm. And in the two more recent cases the courts held that “having “special regard” to the desirability of preserving the setting of a listed building under section 66.
- 6.56 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “*considerable importance and weight*”.
- 6.57 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.58 However, as the Court of Appeal emphasised in *East Northamptonshire*, (often referred to a Barnwell manor) that said;
- “a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering”*.
- 6.59 The more recent Forest of Dean case expands and confirms the findings of the Barnwell Manor case and Forge Field Society cases. In his decision Judge Coulson referred to the Court of Appeal comments in *Barnwell* and in Para 28 of Sullivan LJ judgement in *Barnwell* said:
- “Even if the harm would be “less than substantial”, the balancing exercise must not ignore “the overarching statutory duty imposed by section 66(1), which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings*
- 6.60 Based on the above, where the authority concludes that a proposed development will cause harm to the setting of a listed building (or to a conservation area), a grant of permission can only be justified if there exist other material considerations of comparable importance and weight,

sufficient to override that strong presumption. This does not amount to an absolute prohibition on all new development in such circumstances; but it does mean that it will need to be very clearly justified.

6.61 The Court in *Forge Field Society* also considered the question of alternative sites. It held as follows:

*“... this was a case in which possible alternative sites for the development had to be considered. ... If there is a need for development of the kind proposed, which in this case there was, but the development would cause harm to heritage assets, which in this case it would, the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives.”*

6.62 The NPPF reinforces this One of its core principles being that planning should “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. Chapter 12 (Conserving and enhancing the historic environment) gives further guidance on how the planning system should deal with heritage assets. This is a very important factor in the consideration of this planning application and the relevant paragraphs of the NPPF are set out below.

*129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking into account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.*

*131. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*133. Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply;*

- *the nature of the heritage asset itself prevents all reasonable uses of the site; and*

- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

*134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

The definition of “significance” in the NPPF is:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”.*

And the definition of “setting” is as follows:

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.*

- 6.63 It may be noted that the distinction between para 133 and 134 relates to the degree of harm to the significance of the asset as a whole. The High Court in *Bedford BC v Secretary of State* recently considered the meaning of “substantial harm”, and held that

*“Significance may be harmed through alteration of the asset [listed building], ie physical harm, or development within its setting, ie non-physical or indirect harm. Significance may be lost through the destruction of the asset or, in a very extreme case, development within its setting. ... What the inspector was saying was that, for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.”*

- 6.64 The Court accordingly accepted the formula adopted by the inspector in that case, namely that for harm to be “substantial” in the terms of the NPPF, it would have to be “something approaching demolition or destruction” – in the context of non-physical or indirect harm, it would have to be an impact that would have such a serious effect on the significance of the asset that its significance was spoiled altogether or very much reduced.

- 6.65 However, both paragraphs require that the decision-maker balance the public benefit arising from a proposal against the harm to the significance of any heritage assets affected – para 133 requires a substantial benefit to outweigh substantial harm; whereas para 134 requires benefit, albeit to outweigh less than substantial harm.

- 6.66 So, either way, there needs to be a balancing exercise. Even where there is less than substantial harm, the decision in *East Northamptonshire* makes it plain that there is still a presumption against the grant of planning permission; and the more recent decision in *Forge Field* and *Forest of Dean* emphasises the strength of that presumption.

#### *Local Plan Policy*

- 6.67 Policy SS6 Environmental quality and local distinctiveness, sets the strategic approach to the conservation and enhancement of those environmental assets that contribute to the County’s distinctiveness such as settlement pattern, landscape, biodiversity and heritage assets. The policy is underpinned by more detailed sets of policies, including those dealing with local distinctiveness (LD1) and set out in chapter 5 of the Core Strategy. Here, it is recognised that

“Locally distinctive assets ... are finite and irreplaceable and any detrimental impacts can carry cultural, environmental, economic and social costs”

- 6.68 Policy LD4 is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed buildings and conservation areas, or not, ranging from individual structures and their settings, archaeological remains, to larger neighbourhoods of historic value, parks, gardens and other green spaces of local interest.

*Policy LD4 states:*

*Development proposals affecting heritage assets and the wider historic environment should:*

- 1. Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;*
- 2. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;*
- 3. Use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;*
- 4. Record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and*
- 5. where appropriate, improve the understanding of and public access to the heritage asset.*

*The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes should emphasise the original form and function of any asset and, where appropriate, improve the understanding of and public access to them.*

- 6.69 The historic environment and heritage assets are significant contributors to sustainable development. Important local buildings have a social value and can act as focal points for local communities. The historic environment is of cultural value as it illustrates the historical development of Herefordshire.
- 6.70 Heritage assets also bring economic benefits as Herefordshire's well preserved historic environments a major factor in its tourism industry and the county's quality of life can also serve to attract and retain investment. The sustainable re-use of existing buildings can also help mitigate climate change through reducing development pressures on greenfield sites, reducing demand for construction energy and materials and by minimising construction waste.

#### *Built Heritage*

- 6.71 As can be seen from the assessments provided by the Statutory Consultee, Historic England, and the Councils Service Manager Built and Natural Environment Manager (4.11 above), the assessment of the impacts and effects on both the built environment and buried assets have been lengthy and thorough, taking into account the very detailed and extensive reports submitted by the owners of Haywood Lodge (Mr and Mrs Priddle) and their consultants, that have previously been referred to in section 5.32 above.
- 6.72 The main focus of these representations and responses has been on the assessment of impact on the Grade II\* Haywood Lodge, its gates, gate piers, railings and garden wall (HA04/LB155375) and a cider house, hop kiln and stable (HA03/LB155376) and the understanding of the significance of this Heritage Asset. This is particularly important when

considering the proposal and how to apply the guidance of the NPPF (para 133 and 134) and the local development plan policies.

- 6.73 The impacts of the proposed scheme, on the built environment heritage assets, has been identified within the application documentation. The highest Significance of Impact is stated as Moderate/Large Adverse on the Grade II\* listed Haywood Lodge, Grade II Cider House and Gates and Railings to Haywood Lodge.
- 6.74 Merryhill Farm and Merryhill Stables, both Grade II listed, have been assessed as being impacted upon in a Slight/Moderate Adverse manner for Significance of Impact, as has the SAM at the Church Of St Peter. Most of the other heritage assets along the route and within the study area will also be subject to some degree of adverse impact, but to a lesser extent.
- 6.75 It is evident from the consultation responses received that there are some conflicts of opinion about the methodologies used in making the assessments. However, in line with paragraph 128 of the NPPF, the level of detail the applicant has now submitted has described the significance of the asset to a degree that is considered, by officers, to be sufficient to understand the potential impact of the proposal of their significance.
- 6.76 Once that level of detail has provided the understanding, it is then possible to make the assessment as to the degree of harm to the significance of the asset as a whole and establish whether paragraphs 133 or 134 of the NPPF would apply.
- 6.77 The High Court in *Bedford BC v Secretary of State* considered the meaning of “substantial harm”, and held that
- “Significance may be harmed through alteration of the asset [listed building], ie physical harm, or development within its setting, ie non-physical or indirect harm. Significance may be lost through the destruction of the asset or, in a very extreme case, development within its setting. ... What the inspector was saying was that, for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.”*
- 6.78 The Court accordingly accepted the formula adopted by the inspector in that case, namely that for harm to be “substantial” in the terms of the NPPF, it would have to be “something approaching demolition or destruction” – in the context of non-physical or indirect harm, it would have to be an impact that would have such a serious effect on the significance of the asset that its significance was spoiled altogether or very much reduced.
- 6.79 Since the proposed SLR is not actually causing the loss of historic fabric, only harm to the setting, the relevant NPPF Paragraph is considered to be 134, which deals with “less than substantial harm”, rather than the “substantial harm” of 133. Historic England and the Service Manager Built and Natural Environment have also confirmed that they consider the degree of harm to be “less than substantial” although both conclude that the ES underestimates harm.
- 6.80 Paragraph 134 requires “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 6.81 It is the local planning authority’s view that the level of harm to Haywood Lodge in particular, being the highest graded listed building affected by the proposal, is considered to be very high within the range of “less than substantial harm”.
- 6.82 Detailed representations received challenge this view, and maintain, through detailed analysis that the harm to the significance of the heritage asset is one that should be considered ‘substantial’ and that paragraph 133 should apply. In accordance with the NPPF, if it were to be

conclude the harm were substantial “local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” However as set out above, the applicants, local planning authority and Historic England are in agreement that harm in this case is less than substantial. If the Committee disagree with this analysis they will need to consider whether “substantial harm...is necessary to achieve substantial public benefits that outweigh that harm or loss

- 6.83 Many of the comparisons made between heritage assets within the applicants documentation seem to make no distinction between the relative values of those assets. Whilst “great weight” should certainly be given to their conservation, care has to be given to balance the significance of one asset against another appropriately.
- 6.84 Even where there is less than substantial harm, the decision in *East Northamptonshire* makes it plain that there is still a presumption against the grant of planning permission; and the more recent decision in *Forge Field* and *Forest of Dean* emphasises the strength of that presumption in that merely because a development proposal will cause less than substantial harm, that does not amount to a less than substantial objection.
- 6.85 Paragraph 129 of the NPPF requires the LPA to identify and assess the particular significance of any heritage asset that may be affected by the proposal taking account the available evidence and any necessary expertise. This assessment should be taken into account when considering the impact of a proposal on any heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.
- 6.86 In making this assessment it is considered necessary to ensure that all possible alternatives have been explored to ‘avoid or minimise conflict’. This was emphasised in the *Forge Field Society* case. It is therefore necessary to see whether there is any way in which it is possible to solve the problem without causing significant harm (whether “substantial”, in NPPF terms, or “less than substantial”) to the heritage asset or its setting or indeed any other heritage asset or its setting.
- 6.87 Attention is drawn to the consideration of these issues in the representations from Historic England and the Councils Service Manager Built and Natural Environment. Earlier in this report, officers outlined in detail the background to route selection. In response to Historic England queries, further documentation was submitted by the applicant to help clarify how the assessments and identification of the preferred route was made. At the request of Historic England, and as an outcome of a meeting with the applicant, Local Planning Authority representatives and Historic England, an assessment was also made in respect of an additional route.
- 6.88 Whilst there are clearly some conflicts of opinion in respect of the level of assessment made during this process, officers are satisfied that the route selection process was one that has been carefully and rigorously examined in consultation with stakeholders over what is a quite significant period of time. This process is well documented and examined in this application submission. Furthermore, queries raised have subsequently been answered and addressed in additional submissions.
- 6.89 It is also important to note that the route selection process was balancing a range of potential harms to various interests identified. Therefore while not every assessed route would have the same impact on heritage assets, other routes have been rejected for reasons identified and outlined by the applicants.
- 6.90 The application process, through the submission of additional information and consideration of alternative mitigation strategies and proposals, has sought to minimise impact of the proposed development on the heritage assets through the slackening of embankments, substantial

planting and landscaping and the inclusion of the parapet along the railway bridge structure (and reduction in the length of this structure by 1m). Whilst these measures are welcomed, they will not reduce the impact or harm to the significance of the assets, including their setting.

- 6.91 Core Strategy Policies, identified above, require development proposals affecting heritage assets and the wider historic environment to '*Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*'
- 6.92 In considering the impact upon built heritage, and recognising the identified potential impacts, the proposed development cannot be said to 'protect, conserve or... enhance' the heritage asset. As such, it would fail to comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy. This policy does not include a 'balancing exercise' to be undertaken. Nonetheless, the NPPF is a material consideration in the determination of this application and does require a balance to be made having regard to paragraph 134.
- 6.93 Having recognised the level of harm, and the conflict with the policy, it is necessary to weigh this against the public benefits of the proposal. Officers conclude that in this instance, the public benefits would outweigh the harm to the Heritage asset. A further explanation of this, in relation to the impact so the scheme as a whole is set out at the end of this report.

#### *Buried Archaeological remains*

- 6.94 Upon initial submission of the application, the County Archaeologist drew attention to the specific lack [at that time] of necessary archaeological field evaluation data and as such, the failure to comply with the requirements of Para 128 of the NPPF that identifies sites that includes or has the potential to include heritage assets with archaeological interest, the requirement to submit and appropriate desk based assessment and where necessary a field evaluation. The field evaluation report was submitted and included in the re-consultation documents. Officers are satisfied that the documentation is of an acceptable standard to make an informed view. This view was that, in broad terms, within the intrinsic evidential limits that would apply to any field evaluation, the results of the evaluation were generally negative, indicating comparatively low potential for affected archaeological remains within the application site, or that remains in evidence were of comparatively low value. The single exception to this would appear to be the area of Iron Age activity seemingly present close to Grafton Wood.
- 6.95 The probable archaeological implications were considered in further detail and the remains are confirmed to be of interest, but whilst they are likely to be of local importance, they are not likely to be of a significance requiring preservation in situ, or to underpin any valid objection. They are of a nature that typically and justifiably would involve 'preservation by record' (i.e. archaeological recording prior to/during development as envisaged by Para 141 of the NPPF and in accordance with criterion 4 of policy LD4 of the Core Strategy. Conditions are suggested that would secure appropriate archaeological excavations, watching briefs etc., prior to and during development and are also contained Heritage Sub-plan of the Construction Environment Management Plan (CEMP) conditions.

#### **Landscape**

- 6.96 Chapter 7 of the ES presents the assessment of the potential landscape and visual effects associated with the construction and operation of the SLR. The ES details the methods used to establish the landscape character of the area and visual receptors within the study area and then sets out the potential impacts upon the receptors during construction and operation, and assesses the potential effects. Mitigation measures are also provided along with a summary of



the residual effects. European and national legislation that has been taken into account is identified, including the Countryside and rights of Way Act 2000 and Hedgerow regulations 1997. The assessment has been carried out in accordance with the recommended guidance GLVIA3.

*Policy background*

6.97 NPPF core planning principle 5 states that land use planning decisions should:

*'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'*

6.98 It goes on at chapter 11 (para. 109) to say that the planning system should contribute to and enhance the natural and local environment by, *inter alia*, "protecting and enhancing valued landscapes, geological interests and soils.

6.99 Policy SS6 of the Core Strategy - Environmental quality and local distinctiveness, provides the strategy for improving the environmental quality, supporting the creation of sustainable communities through protecting existing built, heritage and natural environment assets. Balancing the provision of necessary development requirements within such circumstances often requires a rigorous approach to determining the most appropriate option in terms of minimising adverse environmental effects. The policy preamble suggests that developers need to work with the council and local communities to assess environmental factors in an integrated manner, with appropriate information informing decisions from the outset and with mitigation and compensatory measures being advanced where necessary. In addition, where opportunities exist to improve environmental quality, these should be pursued.

6.100 Environmental quality policies LD1, LD2, LD3 and LD4 of the CS seek to aid the delivery of the environmental objectives of the CS. Policy LD1 considers local distinctiveness and landscape and townscape and states:

*Development proposals should:*

- *demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*
- *conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;*
- *incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and*
- *maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure*

- 6.101 The Emerging Neighbourhood Development Plan policy CH1 and CH2 also seek to consider landscape design principles and the impact of the developments
- 6.102 The ES, following assessment, advises that within the study area, the landscape is one of an attractive rural landscape characterised by gently undulating landforms, small scattered woodlands and orchard trees that contain views locally. From higher ground at Haywood Lane, limited to middle distant views are possible towards the wooded ridge of Dinedor Hill and the distance glimpse views of Hereford.
- 6.103 It acknowledges that within the study area, the main transport corridors of the A465, A49 and B4399 (Rotherwas Access Road), the Hereford to Cardiff railway line together with overhead lines running east-west through the area and the presence of a large modern barn structure in the valley near Merry Hill; form visual detractors within the landscape and receptors close to these routes are affected by their presence. Properties in these locations typically have rural outlooks, which are often contained by surrounding landforms, trees and buildings. It describes properties situated primarily off Haywood Lane and Grafton Lane, are, for the most part not visually affected by these route corridors and although the railway line passes very close to Haywood Lodge and the north east of Grafton, its vegetated corridor and position in cutting at Haywood Lane makes it visually unobtrusive.
- 6.104 In evaluating the significance of the landscape effects of the proposed scheme, these are derived by assessing the sensitivity of the landscape against the magnitude of impact (including effectiveness of the mitigation measures) as shown in Table 7.3 (shown below):

**Table 7.3: Significance of Effect Categories**

		Magnitude of Landscape/Visual Impact				
		No change	Negligible	Minor	Moderate	Major
Landscape / Visual Sensitivity	High	Neutral	Slight	Slight / Moderate	Moderate / Large	Large / Very Large
	Moderate	Neutral	Neutral / Slight	Slight	Moderate	Moderate / Large
	Low	Neutral	Neutral / Slight	Neutral / Slight	Slight	Slight / Moderate

Typical descriptors of the significance of effect categories are given in Table 7.4.

Effects that fall within the categories of 'moderate', large and very large are deemed significant. Environmental effects can be either beneficial or adverse.

- 6.106 The ES also describes the methodology for undertaking the Visual Impact Assessment that seeks to understand the visual amenity of the area, informed by the character landscape assessment and potential extent of visibility of the project. The sensitivity of each identified visual receptors (High, Medium, and Low). The magnitude or degree of change arising from the proposed Scheme would depend on a number of factors such as a scale and nature of the proposed change, the proximity of the new works to the receptors and the number of people / receptors affected. In determining the significance to the visual effects the sensitivity of the potential visual receptors within the study area is combined with the magnitude of change. The evaluation of the significant of the visual effects of the project is derived by assessing the sensitivity of the receptors against the magnitude of change. This depends on the location, context and expectations of the viewer. The evaluation of the significance of the visual effects of

the project was derived by assessing the sensitivity of the receptor against the magnitude of the impact / degree of change in the view resulting from the scheme. Landscape and visual effects that fall within the categories of 'Moderate', Large and Very large are deemed to be significant.

- 6.107 Here a number of tables that provide a full assessment of these effects and impacts within the landscape chapter. Each of these identifies sensitivity, nature of change, magnitude of change and assessment of effect.

#### Landscape Character

- 6.108 The proposed route falls within two landscape character types at a national level these are National Character Areas (NCA);

- South Herefordshire and Over Severn; and
- Herefordshire Lowlands

At a local level, the character types are (as identified within Herefordshire Councils Local Character Assessment Supplementary Planning Guidance as:

- Principal Settled Farmlands; and
- Wooded Estatelands

- 6.109 The ES makes a detailed assessment of the sensitivity of the landscape, the predicted effects of the development during construction (without mitigation), during operation (year 1 without mitigation) and then during construction and operation at years 1 and 15 (with mitigation in place).

- 6.110 Conclusions are drawn as to the effects on landscape character in a summary document (Doc. 105). The ES asserts that the alignment of the road has been selected to minimise impacts upon existing trees and hedgerows and to avoid direct impact upon Hayleasow Wood. It concludes that the impact upon landscape features is therefore minor. As the scheme would replace through the proposed mitigation considerably more trees and hedgerows than lost the identified minor impact would result in a slight adverse effect. The residual effects are changes to the landform, lost patterns of hedgerows and loss of a small number of mature individual trees along the route.

- 6.111 The ES advises that the findings of the assessment are that the overall impact of the proposed scheme would be localised:

1. Having a negligible effect on NCA South Herefordshire and Over, with a slight adverse effect upon the local landscape type; Principal Settled Farmlands resulting in a neutral effect at 15 years following mitigation.
2. And having a minor impact upon the NCA Herefordshire Lowlands, with an initial moderate impact upon local landscape character type Wooded Estatelands and a residual effect of slight adverse following mitigation at year 15.

#### Visual Impact

- 6.112 Towards the end of the chapter, the summary documents consider the landscape impacts during construction and operation, referencing 21 representative key viewpoints (receptors) with and without mitigation.

- 6.113 This chapter also looks at the effects and impacts upon residential properties (residential visual receptors) within the study areas, grouping these into seven clusters, based on their proximity to each other. The majority of the impacts arising from this assessment (at year 15 with mitigation)

to these clusters are identified as being either Neutral or Slight adverse. However, some more significant impacts have been identified as follows:

- Group B – The Green – would experience a slight reduction in planting from mature landscaping but would still experience a Major adverse impact resulting in a large adverse effect due to the proximity of the Scheme that is on embankment.  
(This impact is considered in the Visualisations within the LVIA (Doc. 93 – Viewpoint 4))
- Group E - the proposed scheme would have a Moderate to Major adverse impact on Haywood Lodge Cottages and the Granary resulting in a Moderate to Large Adverse effect due to their proximity to the scheme. The proposed scheme would have a minor adverse impact on Haywood Lodge resulting in a Slight adverse effect as it would be substantially screened by intervening vegetation and landform.  
(This impact is considered in the Visualisations within the LVIA (Doc. 94. VP10 and VP11 and Doc. 95.VP19))
- Group G - The proposed scheme would have a Moderate / Large adverse impact upon Pykeways.  
(This impact is considered in the Visualisations within the LVIA (Doc. 94. VP16))

6.114 In addition to this, views from the bridleways that cross beneath the railway and number of PROWs', national cycle route (NC46) and main roads have also been assessed as detailed in the viewpoints. Views from local landmarks were also assessed and considered not to be affected due to scheme being either fully screened or at such a distances that it would barely be noticeable.

#### Mitigation

6.115 The rationale for the proposed mitigation is outlined in the ES and supplemented by the Landscape Principles Document (Doc 132).

##### *Operation*

*7.6.2 The proposed Scheme has been designed to retain existing vegetation wherever possible. The overarching principle upon which the landscape design is founded is to assimilate the proposed Scheme with the surrounding landscape character and reduce visual impacts where they are identified. The Landscape Mitigation Plan for the proposed Scheme can be seen in Figure 7.4.*

##### *Embankment Side Slopes*

*7.6.3 Some of the proposed Scheme will be elevated above adjacent ground levels in what is generally an open undulating landscape. Where appropriate, the embankment slopes will be eased to 1:4 slopes instead of the standard 1:2 engineered slope to blend better with the surrounding landform and minimise intrusion into views, some of which are in close vantage.*

##### *Design Features*

*7.6.4 In keeping with and to strengthen the landscape character; typically open undulating landform with scattered small woodlands and copses, new woodland is proposed adjacent to Grafton Wood. The proposed tree and shrub planting would more than offset that lost as a result of the scheme and create valuable landscape features and wildlife habitats.*

*7.6.5 To minimise the impacts of the proposed Scheme on the landscape, species rich native hedges would be planted alongside the road to tie into existing hedgerows and maintain wildlife corridors.*

7.6.6 In order not to 'over emphasise' the route in the landscape, native tree and shrub planting would be carefully located in areas of visual / ecological sensitivity and areas identified as less visually sensitive where the route passes through more open character landscape; cutting slopes will be designed with species rich grassland with intermittent scrub planting to blend with the grassed fields either side.

7.6.7 To aid the proposed Scheme drainage, shallow balancing ponds and linear grassed swales would be constructed, which would form new features in the landscape and become valuable wildlife habitats.

In determining the appropriate landscape design and choice of landscape elements to assimilate the Scheme with the surrounding landscape character, and reduce visual impacts where possible, the typical local baseline landscape features and character of the landscape through which the Scheme passes were taken into account. The local Landscape Types described in the Herefordshire Council's Landscape Character Assessment (Supplementary Planning Guidance, 2004, updated 2009) were also considered. It identifies the Scheme as lying primarily within the Wooded Estatelands with a smaller section to the east lying within the Principal Settled Farmlands.

The Landscape Mitigation proposals seek to reflect these characteristics by providing a small area of woodland and woodland edge as typical of the Wooded Estatelands. Hedgerows and intermittent trees to reconnect with the surrounding hedge field boundaries are also included and, in the case of proposed woodland at the eastern end of the Scheme, to reinforce the character and visual association with nearby Grafton Wood.

The new woodland area will be approximately 3.42ha size. This is larger than the area to be lost and will also compensate for operational air quality and road spray effects. It will be planted as a species-rich native woodland and will therefore also be higher quality than the area to be lost.

In addition, a balance has been made between a desire to maintain openness in the valley where this currently exists by limiting planting to low scrub and intermittent trees, but providing denser vegetation where visual impacts are deemed sensitive and /or ecological mitigation is required (e.g. to raise the height of flight of bat and bird species above that of passing traffic).

The landscape mitigation proposals have been developed as an iterative process that takes into account the desire to assimilate the Scheme successfully into the surrounding landscape, whilst taking into account the need for visual screening along with ecological and engineering considerations.

- 6.116 The Councils' Senior Landscape Officer has undertaken a thorough assessment of the information that has been provided and the representations that have also been received that challenge some of the assessment methods and outcomes, especially in relation to the landscape around Haywood Lane. Comments are produced in full in paragraph 4.12 (Section 4) above but some of the key issues are identified and considered below:

#### *Landscape Character*

- 6.117 The proposal will result in a number of identified changes to the pattern, scale and form of the landscape character Principal Settled Farmlands through which a small section of the proposal runs. Principal Settled Farmlands is defined as a landscape of *domestic character a rolling lowland area, defined chiefly by the scale of its field pattern (Landscape Character Assessment updated 2009)*. The proposal will incorporate an embankment reaching 3.3m as well as breaks in hedgerow 1 and 2. The mitigation proposes extensive shrub planting, new hedgerow with trees along the northern boundary as well as new woodland with a pond and addresses the loss of some of the landscape features; however the alteration to the field pattern and the

remodelling of the landform is a permanent change and likely to have a moderate adverse effects.

- 6.118 The remainder of the route passes through the landscape type Wooded Estatelands, the primary characteristics of which are *large discrete blocks of woodland of an ancient semi natural character, linked by prominent hedgerows which define the scale and provide structure to the landscape (LCA 2009)*. The local landscape and the immediate surroundings of the proposal exhibit all of these characteristics and the landscape sensitivity is high. The arboriculture report indicates the proposal will necessitate the bisection of Grafton Wood, the removal of 3 ash trees at Woodland 2 and 755 square metres of mixed species at Woodland 3. Four additional standing trees are also proposed for removal. An approximation of hedgerow loss equates to 1,460 linear metres (H3 to H15) as well as truncating an historic parish boundary hedgerow (H8).
- 6.119 The proposal will incorporate a number of structures which will necessitate a series of embankments and cuttings the length of the road. The most significant of these embankments in terms of height is at the railway bridge where the height of the carriage way is shown as 9.3m above ground level and the greatest depth of cutting shown to be 9m below ground level at Haywood Lane.
- 6.120 Officers would therefore conclude that the proposal will result in a number of identified changes to the pattern and scale and form of the landscape character. These effects would be permanent and cannot be mitigated for. The management guidelines for both landscape character types 'Wooded Estatelands' and 'Principal Settled Farmlands' are to conserve and enhance in particular ancient woodlands and the hedgerow pattern as set out within the Landscape Character Assessment SPG and is further reinforced within the Green Infrastructure Strategy which focuses upon enhancing the character and connectivity of the landscape components

#### *Visual Impact*

- 6.121 The visual impact of the proposal will vary across the length of the proposal as a result of a number of factors which relate to the form of the proposal including its height and depth in conjunction with the mitigation provided. As well as the landscape in which the proposal sits; the existing landform and where views are afforded, the extent of the intervening built form and vegetation and the sensitivity of the relevant receptors.
- 6.122 A number of locations however are identified, as detailed above, as potentially of substantial adverse significance of effect:
- Users of PROW GF3 and HA7 and HA16 will experience the proposal at close proximity and will experience large adverse effects for a short section of the footpath.
  - At Grafton Lane underpass, road users and the residential property The Green (a high sensitivity receptor) will experience a close direct view of the underpass and thus a very large adverse impact as shown in Table 7.20 of the E.S. This impact cannot be readily mitigated.
  - At Haywood Lane both road users of this scenic route (medium sensitivity receptors) and residential properties (highly sensitive receptors) will take in clear views of the cutting descending to a depth of 9m below Haywood Lane as well as views extending eastwards across the landscape taking in the embankment and bridge over the railway line the predicted effect of which is considered to be Very Large /Large adverse at Year 1 within the E.S.

- 6.123 The visual impact as previously identified will be large adverse in a number of locations, the most significant effects are where the discrepancy between ground level and the height of the proposal is at its greatest and where the landscape affords elevated views of the proposal.
- 6.124 The mitigation proposed which includes extensive shrub and tree planting will assist in assimilating the proposal into the surrounding landscape. It will be most effective where the embankments are slackened to form less engineered level changes as well as the additional woodland blocks. Certain vistas however such as the view east from Haywood Lane can be softened but not obscured.
- 6.125 Detailed comments have been made in representations and a number of further reports have been submitted in response to the application and the ES. Whilst there have been comments in respect to the lack of historic landscape assessment and the lack of detailed analysis of the landscape character at both national and local level, officers have been able to draw on the information available, their knowledge of the area and made detailed site visits in order to draw the conclusions reached above and those also reached in respect of landscape character an visual impact.
- 6.126 It follows that, officers are not satisfied that the character of the landscape has positively influenced the design of the proposal or that the development will integrate appropriately into its surroundings and therefore considers it to conflict with policy LD1 of the CS
- 6.127 The final part of LD1 relates to the maintenance and extension of tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and through new planting to support green infrastructure. The loss of trees, and the conflicts with policy are considered in more detail in the Nature Conservation section below, but the mitigation proposed foes some way to address the requirements of this policy, but cannot be considered compliant.

### **Nature Conservation**

- 6.128 Chapter 8 of the ES assesses the potential ecological effects associated with the proposed construction and operation of the SLR. It details the methods used to establish the features of ecological interest within the study area. It goes on to set out the potential impacts on receptors during construction and operation, and assesses the potential effects on populations at an appropriate geographic scale. Avoidance and mitigation measures are set out and a summary of any residual effects is provided.
- 6.129 Issues of nature conservation are also closely related to matters of air quality, noise, soils, landscape and water and as such there are some cross references. The ES details the legislation that has been used to underpin the ecological impact assessments that are reported.

### National Planning Policy Framework

- 6.130 The Core planning principles state that planning should 'contribute to conserving and enhancing the natural environment and reducing pollution'. Chapter 11 of the NPPF considers how the planning system should contribute to and enhance the natural and local environment. The following paragraphs are considered to be particularly relevant;

**109.** *...minimising impact on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

**118.** *When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites:*
  - *potential Special Protection Areas and possible Special Areas of Conservation;*
  - *listed or proposed Ramsar sites;*
  - *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

## Local Policy

### *Herefordshire Local Plan - Core Strategy*

- 6.131 Policy SS6 Environmental quality and local distinctiveness, sets the strategic approach to the conservation and enhancement of those environmental assets that contribute to the County's distinctiveness such as settlement pattern, landscape, biodiversity and heritage assets. The policy is underpinned by more detailed sets of policies, including those dealing with local distinctiveness (LD) and set out in chapter 5 of the Core Strategy.
- 6.132 Policy LD2 states that biodiversity can be defined as the variety of sites, habitats and species within a specific locality and is influenced by factors such as geology, topography and climate. Geodiversity and Biodiversity assets provide an important contribution to the distinctiveness of an area and is not confined to designated sites with many features serving as wildlife corridors, links and stepping stones that are vital to the survival and dispersal of species.

Policy LD2 – Biodiversity and geodiversity states:

*Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:*

1. *retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows:*



- a) *Development that is likely to harm sites and species of European Importance will not be permitted;*
  - b) *Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations;*
  - c) *Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.*
  - d) *Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.*
2. *restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and*
  3. *creation of new biodiversity features and wildlife habitats.*

*Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.*

Acknowledging that Green Infrastructure also plays a vital part in supporting the biodiversity policy LD3 is also considered to be applicable.

Policy LD3 –Green infrastructure states:

*Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:*

1. *identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;*
2. *provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and*
3. *integration with, and connection to, the surrounding green infrastructure network.*

6.133 The inclusion of new planting, wildlife enhancement, creation and links, links to the countryside and river ways, green transport corridors, open spaces and recreational facilities and sustainable drainage systems within or associated with development proposals are important and valuable contributions to green infrastructure. Landscaping of development sites should feature planting of appropriate native species wherever possible, ensuring there is sufficient space for plants to grow to maturity. Opportunities for new elements include establishing grasslands, wildflower meadows, wetlands, orchards or woodland. New green infrastructure features could include promoting and extending the public rights of way network, increasing public access and providing interpretive information.

6.134 Local policy in respect of the Herefordshire Biodiversity Action Plan (LBAP) and the Herefordshire Green infrastructure plan, are also referred to.

- 6.135 The detailed assessments of the various habitat receptors and the effects upon these from construction have been carefully considered in the ES and this, in turn has been considered by the Councils Ecologist who has commented in detail on the proposals. These comments can be found in Section 4 above.

#### Designated Sites (National Value)

- 6.136 A detailed assessment of effects on the identified Special Areas of Conservation (SAC's) has been undertaken with the only significant effect being identified as being the potential for otter mortality during construction phase or in a road traffic collision during operation, (albeit very unlikely) due to the potential for them to be using Withybrook, (as a tributary to the River Wye). As the Wye SAC is also a Site of Special Scientific Interest (SSSI) the same assessment has been made.

#### Non - Statutory designated sites (County Value)

- 6.137 Three Sites of Importance Nature Conservation (SINC's) are identified as being hydrologically connected and downstream of the proposed SLR. These are Withybrook SINC, Newton Brook SINC and Belmont Pools and Environs SINC and construction could lead to negative impacts upon water quality. These potential impacts during construction could be addressed through the measures included within the Construction Environmental Management Plan as per the recommended conditions. Impacts during operation relate to air quality, and the report concludes that these would be of a negligible magnitude and not significant.

Hayleasow Wood, Newton Coppice and Spring Grove are all designated as Special Wildlife Sites (SWS) and are adjacent to the proposed site. Hayleasow Wood and Newton Coppice are also designated as Ancient Woodlands (see further comment on this below)

- 6.138 The closest point to the SWS is 10m increasing to 50m along the majority of the perimeter nearest the proposed site. Due to sites proximity, there may be some impacts during construction from dust, emissions, soil compaction, run off or damage from personnel, equipment or waste straying into the area. Whilst construction impacts may not be completely avoided, a detail CEMP would seek to ensure that the construction activities are minimised but there is likely to be a partially reversible impact on the SWS (mostly at southern end) in the medium term.
- 6.139 Letters of representation refer to the potential impacts on the above due to their proximity to the proposed SLR. The extract below shows the proximity of the route to Newton Coppice, with Spring Grove lying immediately to the south east of this.



- 6.140 The NPPF para 118 states that *'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.*
- 6.141 The County Ecologist has considered the effects of the development on these designated areas and the effects that have been identified and welcomes the proposed CEMP measures, including the ecological clerk of works to reduce impact during construction a Additional conditions are recommended in respect of ongoing enhancement and monitoring. This is in line with the CS policies above and best practice where a potential effect has been identified. However, the issues in respect of Ancient Woodland are more complicated and are outlined in details below.

#### Ancient Woodland (District Level)

- 6.142 Detailed standing advice on Ancient Woodland, has been published by Natural England and Forestry Commission (7<sup>th</sup> April 2014) alongside government advice that explains what Ancient Woodland, the policy background and advice for decision makers.

<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#history>

[http://www.forestry.gov.uk/pdf/AncientWoodsSA\\_v7FINALPUBLISHED14Apr3.pdf/\\$FILE/AncientWoodsSA\\_v7FINALPUBLISHED14Apr3.pdf](http://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/$FILE/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf)

This states:

*Ancient woodland in England is defined as an area that has been wooded continuously since at least 1600 AD. If current woodland has been through a long phase in the last 400 years when the land was open and entirely cleared of trees, for example as grassland, heath, moor or arable, then the site is classed as recent woodland. It may still have high value for nature conservation, but it is not ancient woodland.*

*'Continuously wooded' in the above definition does not require there to have been a continuous physical cover of trees and shrubs across the entirety of a site. Open space, both temporary and permanent, is an important component of woodlands. Habitats such as glades, deer lawns, rides, ponds and streams, as well as gaps created by natural disturbance, and normal forestry such as tree-felling and coppicing may all occur within woodland and add to its diversity. Wood-pastures, even if there is only a thin scatter of*

*trees, can be a distinct form of ancient woodland and may be included on the ancient woodland inventory.*

*In most, if not all ancient woods, the trees and shrubs have been cut down periodically as part of the management cycle. The time between the felling occurring and the tree canopy being re-established will vary depending on the management regime, and regrowth may be delayed by deer grazing or other factors. Provided that the area has remained as woodland, the stand is still considered ancient. Since it may have been cut over many times in the past, ancient woodland does not necessarily contain very old trees.*

*Ancient woodland includes both ancient semi-natural woodland and plantations on ancient woodland sites:*

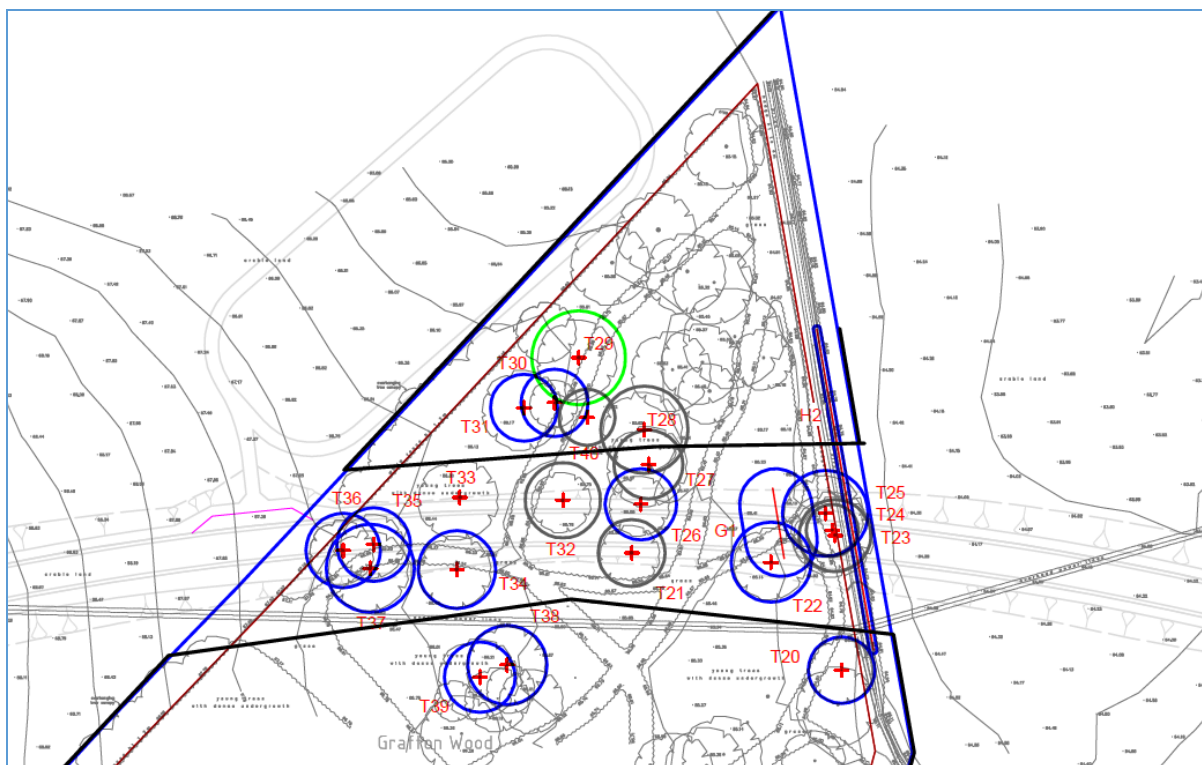
- 6.143 In addition to Newton Coppice and Hayleasow, also considered above as they are Special Wildlife Sites too, three other Woodlands were identified and assessed within the ES, and subsequently by officers in the consideration of the application. These are Grafton Wood, unnamed Woodland 1 and unnamed Woodland 2. These are considered below:

#### Grafton Wood

- 6.144 Grafton Wood lies to the east of the proposed route and was listed on Natural England's National Inventory of Ancient Woodlands as an Ancient & Semi-Natural Woodland in 2014. . This site is the subject of a significant proportion of the letters of objection and was the subject of the Woodland Trust campaign.
- 6.145 The ES acknowledges that Grafton Wood will be bisected by this scheme and as such will be subject to permanent habitat loss, temporary habitat damage and permanent habitat fragmentation. The footprint of the works within Grafton Wood will be approximately 0.53 hectares, this is approximately 10% of the habitat resource. This extract from the submitted aerial photograph with route overlay (Doc. 40) is helpful to visualise the route in the context of the wood.



6.146 There will be some trees lost in the construction of the road through this ancient woodland and these are identified in the BS5837 Arboriculture Report (Doc 29 and Doc 30). This report also details the proposed tree protection measures for the woodland either side of the proposed scheme (shown by the solid black lines on the extract below).



6.147 The effects following construction and during operation have also been considered, with air quality impacts considered to be of negligible magnitude and not significant.

6.148 The ES considers that the ground flora in Grafton Wood is species poor and largely dominated by rank grasses. The drainage design will largely negate any impacts from salt loading via the use of vegetated swales, filter drain and attenuation ponds. Road spray may lead to habitat damage, on-going throughout operation, of low magnitude but this is categorised as significant at a District Level.

6.149 Objections to this development have often focussed on the perceived inadequacies of the survey of the fauna and flora of the woodlands. This is in part due to the timing of the survey work being September, as opposed to the optimum time (Spring). This matter was also raised by the Councils Ecologist in his initial comments.

6.150 The Councils Ecologist has made a detailed assessment of the impacts upon Grafton Wood, in the knowledge of the significant amount of objections that have been made in respect of the impact upon Ancient Woodland by the scheme (during construction and during operation). A further visit was made this Spring (2016) before final comments were made. These are reproduced in full at section 4 and consider the reports submitted with the application and the County Ecologist's own assessment of the habitat. This largely agrees with the findings of the ES, but also acknowledges the findings of some of the objectors as well.

6.151 The standing advice, referred to above and produced by the statutory body goes on to advise on how to consider and appraise the impact upon the ancient woodland. One of these assessments asks the question '*Is the site of the ancient woodland the only possible place for this proposal?*' This question forms the basis of a significant number of objections, which

request that an alternative route be found that avoids this, and impacts upon other Ancient Woodlands, on the proposed route.

- 6.152 This was explored by Cabinet in their route selection decision (Dec 2014) that provides some clarity to this matter:

*In accordance with Highways Agency advice, and in order to meet scheme objectives, the new link road design must be compliant with national highway standards and should connect with the A49 at the existing roundabout junction of the A49 with the Rotherwas Access Road.*

*Detailed botanical survey work was undertaken in 2014 as part of the appraisal. Ancient woodland formed part of the overall biodiversity resource assessed during the WebTAG AST work. Wherever possible the project has sought to avoid woodland within the corridor area.*

*As a result, four routes which impacted directly on the ancient woodland of Hayleasow Wood /Newton Coppice were discounted, three of which also impacted on Grafton Wood and the fourth which would not comply with highway design standards. This was possible as other route options which would comply with highway design standards were available which meant that this area could be avoided whilst still meeting scheme objectives.*

*The area of Grafton Wood cannot be avoided by any of the remaining routes which comply with Highways Agency requirements to deliver a scheme to national highway standards and which will join the A49 at existing roundabout with the Rotherwas Access Road.*

- 6.153 As stated above, it is acknowledged that Grafton Wood will be bisected by this scheme and as such will be subject to permanent habitat loss, temporary habitat damage and permanent habitat fragmentation. .
- 6.154 It is also acknowledged that, after recognising that the wood cannot be avoided, the design of the scheme has sought to minimise the impact on the habitat. Measures include the minimisation of the footprint within the woodland by reducing the vertical alignment thereby avoiding the need for embankments and minimising the verge widths. Measures in respect of ecological protection during construction, under the supervision of an ecological clerk of works, are also presented, and conditions that seek to ensure these are implemented and adhered to.

#### Un-named Woodland 1

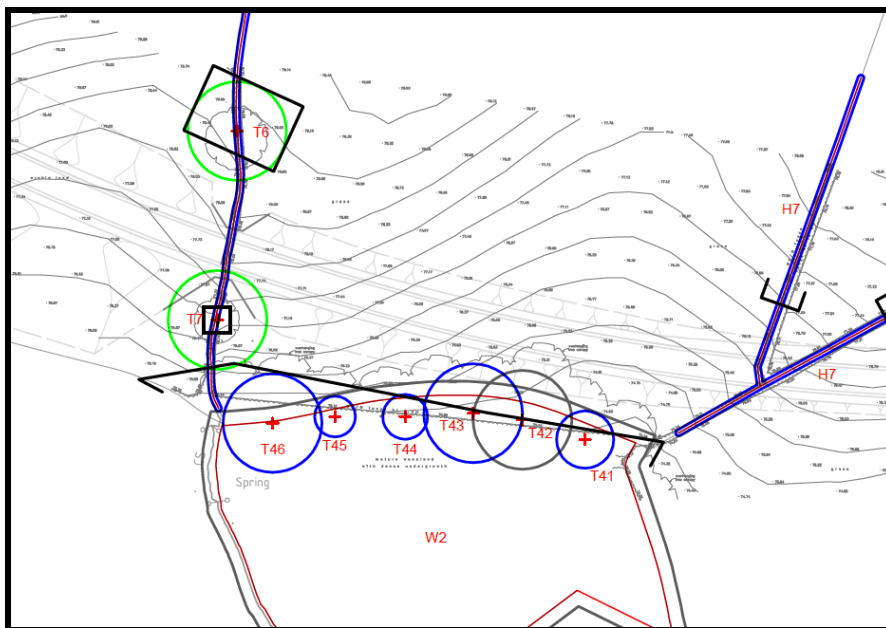
- 6.155 This is small area of broadleaved woodland located where Grafton Lane meets Withy Brook. This does not appear on the Natural England Inventory as Ancient Woodland (but is a candidate). There are no direct impacts to this woodland, but may be some indirect construction impacts, the risks of which will be managed via controls within the CEMP.

#### Unnamed Woodland 2

- 6.156 This woodland is a small area of broadleaved woodland located on the upper reaches of Withy Brook. It is listed on the Natural England Inventory as Ancient Woodland. The woodland is located directly adjacent to the proposed scheme (see extract below). The application identifies that approximately 1% of the woodland would be impacted by the scheme and that temporary habitat damage during construction is also possible. Root protection areas could also be intruded upon leading to damage of peripheral trees.



6.157 The BS5837 Arboriculture Report (Doc 29 and Doc 30) identifies that three Ash trees (40 + years old) will be lost (T41, 42 and 43) from the woodland as detailed below. Protection measures are also proposed here (as shown by the solid black line) as well as measures in respect of ecological protection during construction, under the supervision of an ecological clerk of works, are also presented, and conditions are proposed.



6.158 Whilst the CS does not recognise 'Ancient Woodlands' explicitly is acknowledges that areas of biodiversity and geological importance and sensitivity should be protected and development should enhance local habitats and ecological networks.

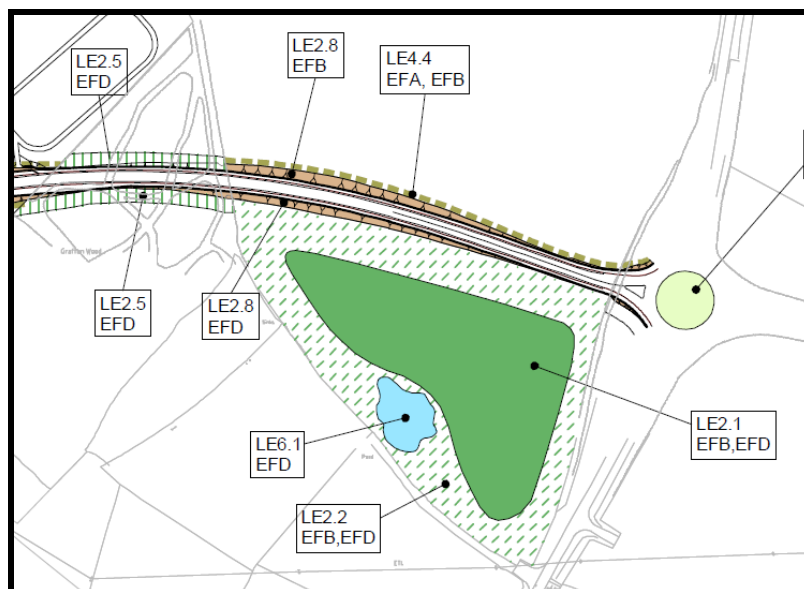
6.159 Policy LD2 1(c ) states that '*development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species*'

6.160 The NPPF makes specific reference to Ancient Woodland at paragraph 118:

- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or*

*veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*

- 6.161 This proposal will result in the loss or deterioration of an irreplaceable habitat (Ancient Woodland) and these policies direct refusal of the application unless the need for, and benefits of the development in that location clearly outweigh the loss.
- 6.162 Advice on this matter in the NPPF is very clear, planning permission should be refused for development including the loss of ancient woodland unless the need for and benefits of development in that location clearly outweigh the loss. Where a local planning authority concludes the need for and benefits of development in the location clearly outweighs the loss s it should seek appropriate mitigation or compensation from the developer.
- 6.163 The guidance is also clear that since ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal and therefore cannot be used to justify the loss.
- 6.164 The ES has included details of compensation measures and mitigation, along with ongoing monitoring that could be secured through the use of appropriate conditions in the event that planning permission be granted. These include;
- To buffer the effects of road spray on the habitats within Grafton Wood, the current grassland management regimes will cease within 10m of the carriageway to allow the natural succession of scrub and woodland in these areas. These will provide a natural barrier to habitat damage from the impact of road spray.
  - A 3.42 hectare area of habitat compensation is proposed between Ch50 and 300 as detailed in the extract of the landscape mitigation plan below (Doc. 133). This will continue to mature during the operational period of the road, providing increasingly valuable habitat over time. This area has a direct physical connection to the eastern edge of Grafton Wood.



- 6.165 It is noted that the Council's Ecologist advises that it would be preferable, as a minimum, to secure a decent, in-perpetuity, management regime for Grafton Wood (including the northern section and the adjacent new planting proposed) if approval is given. This area does not fall within the 'red edge' of the application site and it is not, at this stage, the applicant's intention to seek to purchase this area. As such, this suggested mitigation cannot be pursued in the course



of making a decision and it should be assumed that this area will continue to be managed as it currently is.

#### Orchards

- 6.166 Orchards are identified at Grafton Lane (remnant orchard), Haywood Lodge and Clehonger Court. The environmental effects on these habitats during construction have been considered. Officers are satisfied that the CEMP (as per conditions) and protection as detailed on the Phase 1 Habitat map (Doc. 52) would address these temporary effects during construction in accordance with policy LD2 of the Core Strategy and with guidance contained within the NPPF.

#### Trees

- 6.167 The ES submission provides an assessment of all qualifying trees, groups of trees, hedges and woodlands within the survey areas and whose root protection areas may be affected. BS5837 Arboriculture Report (Doc 29 and Doc 30) reports the findings of these surveys that were undertaken in November 2014 and January 2015. The ES (Arboriculture report) identifies a number of individual trees that will be lost as a result to the proposed scheme.

Tree T15, that lies adjacent to 'Pykeways', adjacent to the Clehonger Link will be lost as it is within the proposed footprint of the scheme. This tree is described as being a 'Mature oak' that has an open grown form having outgrown the hedge. It states that there are no signs of significant defects. The ES proposes that a suitable tree be planted to replace this and that this be sited to allow an oak to reach mature unhindered open grown character. A landscape scheme could be conditioned so as to ensure this.

- 6.168 The Councils Ecologist advised noted, that T15 is of high value in terms of form, health, aesthetics and biodiversity, and refers to this as *an Important Veteran Oak tree and a significant proportion of the objections raise concern about the loss of this particular tree.*
- 6.169 Officers have recently sought further clarification on the categorisation of the tree from the Councils consultant Arboriculturist who has advised that tree is substantial and appeared to have good overall form and in good condition and would, when assessed against the appropriate criteria, doesn't have most of the characteristics for it to fall in to the veteran status. However, it does seem to fit in to the 'ancient' tree criteria, as it does have a stem diameter of at least 1.5m, does have aesthetic qualities and is larger (and older) than the neighbouring trees of same species. From a legislation perspective, there seems to be no protection to a tree in that situation, it is not even classed as a habitat in the UKBAP, although could be protected as part of a TPO.
- 6.170 The report identifies impacts upon T6 (Veteran Oak) and T7 (Veteran oak). The drainage swale for the proposed scheme passes within the root protection area of T6. This intrusion is not considered significant as the tree would have a significant amount of available rooting material (soil) that would remain unaffected by the proposed Scheme. It should be noted that the rooting material would need to be suitably protected throughout the construction of the proposed Scheme.
- 6.171 T7 is in the middle of the entrance to the Central Underpass. The construction of the embankment and wing walls around the Central Underpass would have a detrimental effect on the available rooting material for T7. The ES states that suitable ground and vertical protection should be installed around T7 prior to the start of construction in this area. It is anticipated that T7 would decline in 10 to 15 years after completion of the proposed scheme but should be retained as a standing deadwood pole or monolith. Standing deadwood has different ecological value to that of fallen wood and would contribute greatly to local ecological value.
- 6.172 Whilst the ES, nor the arboriculturist has not categorised T15 as a Veteran, it would seem appropriate to consider the loss of this tree in this manner, having regard to the relevant policies of the CS and NPPF.
- 6.173 T15 lies on the boundary of a property known as Pykeways. Part of the garden lies within the red edge application site. As part of early discussions with the applicant, the LPA requested further information about the alignment of the Clehonger Link. This was provided (Doc. 110) and

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

was part of the consultation that took place in October 2015. This document considers the options for alignment of this link that would not encroach on the garden or T15. This document concludes:

*Adopting a design speed of 70kph (40mph) for the Clehonger Link is consistent with expected speeds along the link and can be reinforced with an equivalent speed limit. The design is in accordance with TD9/93 Highway Link Design.*

*On the basis that typical vehicle speeds are likely to be around 40mph, the 360m radius alignment is considered more appropriate at this location than a tighter 255m radius (which corresponds to a 30 mph design speed). It represents a smoother horizontal transition between Macintyre Bend and the proposed roundabout on the A465. Furthermore, guidance in DfT Circular 01/2013 suggests a 30mph speed limit (to reinforce a 30 mph design speed) would not be appropriate at this location.*

*In summary, the proposed alignment based on a 360m radius horizontal curve (as submitted for Planning Consent in May 2015) provides the most appropriate highway design solution for the Clehonger Link.*

- 6.174 As such, whilst alternative route options have been considered, this was not altered as this alignment was considered to be the most appropriate highway design solution. As such the application falls to be considered having regard to the impacts outlined above. This includes the loss of, and harm to Veteran Trees.
- 6.175 The proposal should therefore be considered with the requirements of paragraph 118 of the NPPF in mind:
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the **loss of aged or veteran trees** found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- 6.176 Both policy LD1 and LD2 would apply, noting the reference to the trees in terms of amenity value and in their importance to nature conservation. Whilst policy LD1 seeks replacements, policy LD2 mirrors the above NPPF paragraph, whereby when there is a loss of a physical feature that supports important species (as veteran trees can) then development should only be permitted if the importance of the development outweighs the local value of the feature.
- 6.177 In respect of the loss of the other individual and groups of trees, policy LD1 would apply, and suitable replacement planting should be sought. This will be provided in the extensive planting requirement for the landscape mitigation of the proposed scheme and would satisfy the requirements of this policy. Appropriate conditions are recommended in the event that planning permission is granted.

#### Hedgerows

- 6.178 The ES makes a detailed assessment of the hedgerows within the `zone of influence`. Some of these were then assessed as Important Hedgerows under the Hedgerow Regulations. Twelve species rich or important hedgerows will be bisected by the proposed scheme, resulting in a permanent loss of approximately 550m of this habitat. An additional nine species poor hedgerows will be bisected by the proposed scheme, resulting in the permanent loss of approximately 750m of this habitat.
- 6.179 However, in terms of compensation, a total length of approximately 4.5km of native rich species hedgerows will be planted parallel to the proposed scheme as illustrated in the landscape plan. (a compensation ratio of 3:1 gain). Aside from at overbridges, underpasses and access points woody scrub cover of various types will be continuous along the length of the proposed scheme, improving east-west habitat connectivity in the local area. The Councils Ecologist confirms that

this would be a substantial biodiversity gain. It should be noted that the loss of hedgerows and impact upon the landscape character has different considerations as dealt with above.

- 6.180 Policy LD2 of the CS applies, and requires that development that would potentially reduce the coherence and effectiveness of the ecological network of a site *will only be permitted where adequate compensatory measures are brought forward*. It goes on to say that development proposals should conserve, restore and enhance biodiversity and geodiversity assets through the *'restoration and enhancement of existing biodiversity and geodiversity features on the site and connectivity to the wider ecological networks and the creation of new biodiversity features and wildlife habitats*. Having regard to the loss of hedgerow habitat, the provision and maintenance of the proposed mitigation and enhancement measures are considered to comply with the requirements of policy LD2.
- 6.181 Within the 'zone of influence' there are a number of other habitats that are considered to be of local value. These include semi-improved grassland, running water and ponds. The impacts and effects on these have also been carefully considered in the and by the Councils Ecologist and subject to the mitigation being provided during construction phases and operation in the form of landscape mitigation and drainage arrangements, it is considered that the policy requirements are satisfactorily met.
- 6.182 In addition to this, there are other habitats or species of neighbourhood value that have been identified. These include other areas of broadleaved woodland, dense scrub, other scattered trees, improved grassland, arable land and flora. The effects on these have also been carefully considered in the ES and by the Councils Ecologist and subject to the mitigation being provided during Construction Phases and during operation in the form of landscape mitigation and drainage arrangements, it is considered that the policy requirements are satisfactorily met.

### Species

- 6.183 This chapter of the ES, and its associated appendices, consider the impacts and effects of the development upon the protected species and their habitats. This appraisal includes a desk study and fields survey elements and full survey methodologies are provided within the appendices of the ES. These include:
- Extended Phase 1 Habitat Survey report (Doc. 52)
  - Woodland Botanical Survey report (Doc. 49)
  - Hedgerow regulations assessment report (Doc. 50)
  - Terrestrial Invertebrate Survey report (Doc.51)
  - Great Crested Newt Survey report (doc 61)
  - Reptile Survey report (Doc. 62)
  - Riparian Species Survey report (otter, water vole, white clawed cray fish surveys) (Doc. 63)
  - Breeding Birds Survey (Doc. 64)
  - Barn Owl Survey (Doc. 65)
  - Bat Activity Survey (Doc 66)
  - Bat Roost report (Doc. 67)
  - Badger Report (not published – protection of species)
  - Dormouse report (Doc 68.)
- 6.184 It is noted that in the consideration of the proposed scheme alignment, consideration of potential and confirmed ecological receptors has been given and impacts were avoided at the design stage (para 8.5.2 of the ES). However, the predicted effects on these species during construction and operation have also been considered and mitigation, where necessary, has been designed into the proposed scheme. The Councils Ecologist has made detailed comments on these at section 4 (Para. 4.10) above:
- 6.185 One issue, relating to the proposed bat mitigation measures was discussed in more detail following the concerns raised about the necessity to include the bridge structures, especially at

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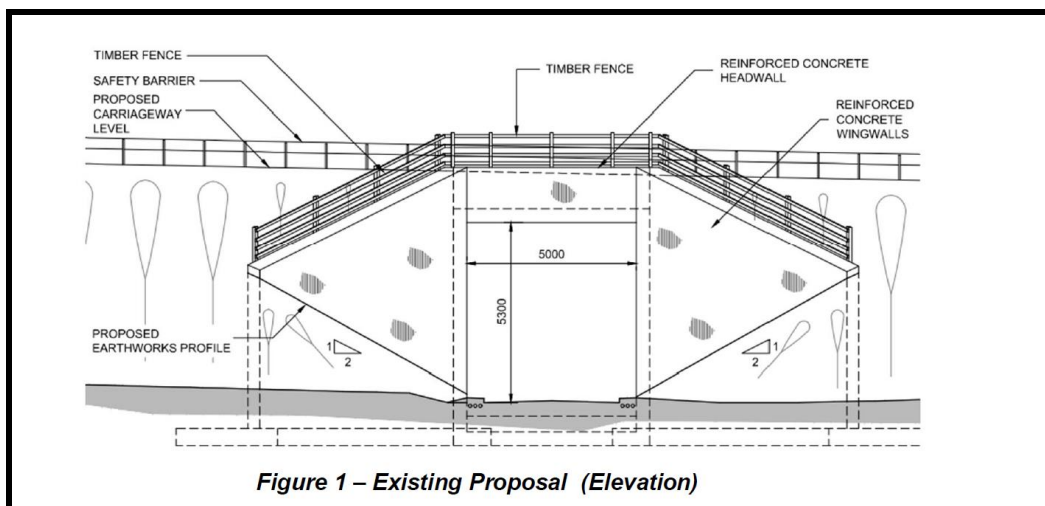
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Grafton Lane. This being due to the large / adverse visual impact of the structure. A further note was provided – ‘Alignments options for Grafton Lane’ (Doc. 109) that considers the necessity for the structure, and in particular at the height proposed, for the purpose of mitigation in respect of bats.

*Guidance contained within Table 8.1 of the IAN recommends a 4m x 4m underpass as the minimum dimension for the majority of the species recorded at risk of traffic mortality. These dimensions are appropriate for the species recorded at Grafton Lane during the ecological surveys.*

*Whilst a 4m x 4m underpass would be of sufficient size to accommodate most motor vehicles, it became apparent through discussion with affected land owners that the largest farm vehicles could not be accommodated within these dimensions. The alternative means of field access for these vehicles would require a lengthy diversion (over 3 km) around the A49 trunk road.*

*Given there are clear safety benefits in keeping slow moving farm machinery off busy, strategic routes whenever possible, it was decided to increase the dimensions of the underpass to accommodate the larger vehicles. Consequently, the underpass was enlarged to 5m wide x 5.3m tall, 5.3m being the minimum height requirement for a new highway structure over a highway, as stipulated in Table 6-1 of Design Manual for Roads and Bridges (DMRB) TD27/05 ‘Cross Sections and Headrooms’. It is this structure which forms part of the SLR proposal, as shown in Figure 1 below.*



*In summary, the proposal will maintain the current vehicle connectivity along Grafton Lane and accommodate the requirements for bats and compliance with DMRB TD27/05.*

- 6.186 Noting the impacts of the proposed structure on the character of the area and amenities of the occupants of the Green, the proposed structure is considered by the Councils Ecologist to provide the necessary mitigation for the bat species in relation to the CS Policy and National Guidance. Alternatives were considered by the applicants that would have also met with these requirements. It was concluded in the technical notes as follows:

*The design of the SLR in the vicinity of Grafton Lane has been influenced by both the requirements for bat mitigation and the passage of vehicular traffic in compliance with DMRB TD27/05. This has resulted in a design where the SLR passes over Grafton Lane with both bats and vehicles being accommodated within a 5m wide and 5.3m high underpass.*

*Two options have been considered which would reduce the height of the SLR at this location but both have a number of engineering and design concerns, as well as associated cost implications. A third option to provide an at-grade crossing of the SLR fails to meet the mitigation requirements to maintain a bat flight corridor or to provide for the safe crossing of agricultural vehicles*

*In summary, therefore, the proposed SLR design provides the most appropriate overall design solution.*

- 6.187 The proposed development has, in relation to these issues, carefully considered the impacts upon the protected species and is, with the proposed mitigation during construction and operation, and with the necessary ongoing monitoring, considered to be compliant with the requirements of policy LD2 of the Core Strategy and with the guidance contained within paragraph 118 the National Planning Policy Framework.
- 6.188 There are some clear policy conflicts in respect of the impact of the proposed development on the Ancient Woodlands and Veteran trees. The ES clearly identifies that there will be a loss or deterioration of an irreplaceable habitat and the loss of veteran tree. As such, in making the decision to approve the decision maker must be satisfied that, the need for, and benefits of, the development in that location, clearly outweigh the loss.
- 6.189 The CS is slightly different in its wording stating that the *'importance of the development outweighs the local value of the site, habitat or physical feature that supports important species'*
- 6.190 Having recognised the conflict with conflict with the policy, officers would conclude that they are satisfied, in this instance, the need for, and the benefits of the proposed development, in that location would clearly outweigh the loss. A further explanation of this, in relation to the impact so the scheme as a whole is set out at the end of this report.
- 6.191 In the event that planning permission is granted, then officers would advise that the mitigation and compensation measures proposed, along with ongoing monitoring that should be secured through the use of appropriate conditions would be satisfactory. However, as ancient woodland and veteran trees are irreplaceable, discussions on compensation have not formed part of the assessment of the merits of the development proposal when coming to the above conclusion and have not been used or considered to justify the loss.
- 6.191 In respect of all other matters relating to nature conservation, officers are satisfied that they have sufficient information available to confirm that the proposed impacts and effects of the development can adequately be addressed with the appropriate compensatory and mitigation measures proposed. This would comply with the relevant parts of policy LD2 and LD3 of the Core strategy and with the emerging NDP policies. These also offer opportunities for biodiversity enhancement, which are supported by Local Plan policy and the NPPF. Officers have also confirmed that the Habitat Regulation Assessment, provided by the applicant in their submission is acceptable.

### **Geology and soils**

- 6.192 Chapter 9 of the ES assess the potential impacts on geology, geomorphology and soils arising from the construction and operation of the proposed scheme. This includes consideration of ground stability, mineral resource sterilisation and potential land contamination issues. Baseline conditions are identified and the resultant impacts (if any) during construction and operation are considered. Mitigation measures to prevent. Reduce or offset the impacts will also be described.
- 6.193 The NPPF states at para 109 that the planning system the planning system should contribute to and enhance the natural and local environment by:

- ‘protecting and enhancing valued landscapes, geological conservation interests and soils’ and;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability ;and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

6.194 This is reinforced at paragraphs 120 and 121;

*120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*

*121. Planning policies and decisions should also ensure that:*

- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
- *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.*

6.195 CS policies LD2 - Bio-diversity and Geodiversity and SD3 – Sustainable Water management and Water resources are applicable to this issue.

6.196 The CS does not include any specific Minerals and Waste Policies (following advice / discussions as part of the examination in public process) and instead the Unitary Development Plan policies were “saved” until replaced by policies or proposals contained in the Minerals and Waste Local Plan that is being prepared.

6.197 The ES assesses the sensitivity of the receptors / environmental effects including geology and morphology, soils, groundwater, surface waters, ecological systems, built environment and end users.

6.198 The report concludes that the significance of anticipated effects from the scheme on geology, groundwater, surface water and end user receipts are assessed as slight. The anticipated effects on soils are assessed as slight or moderate. The effects primarily relate to the proposed alignment transecting part of the part of the minerals safeguarding area, the proposed alignment occupying agricultural land currently classed as grade 2 (and partially grade 1) and the conservative assessment of potential contaminant linkages to controlled water receptors (Ground Water and surface Water) and ground gas accumulation due to an absence of ground investigation data.

6.199 Officers are satisfied that the value and sensitivity of the resources have been properly considered and acknowledged and the impacts and effects identified in table 9.11 (summary of potential Significant Effects) are acceptable subject to the management and mitigation measures that are outlined within the ES and that have been formalised through the series of recommended conditions, including that recommended by Natural England.

6.200 On this basis, officers are satisfied that the proposals would, comply with the requirements of Core Strategy policies LD2 - Bio-diversity and Geodiversity and SD3 – Sustainable Water management and Water and saved UDP Unitary Development Plan policies S10 and W3.

### **Materials**

6.201 Chapter 10 assess the effects associated with the use of materials and generation of waste associated with the proposed scheme. The assessment is a quantitative exercise which aims to identify and quantify the effects associated with material use and waste, during the construction of the proposed scheme. The ES identified and qualified the following:

- the types and quantities of materials required for the project;
- details of the source of materials
- the cut and fill balance;
- the types qualities of forecast waste arising from the project, including the identification of any forecast hazardous waste;
- waste that requires storage on site prior to re-use within the project
- waste to be pre-treated on site for re-use within the project
- waste requiring treatment and / or disposal off site
- the impacts that will arise from the issues identified in relation to materials and waste.

6.202 The ES summarises and concludes that the construction for the proposed road requires a large amount of raw materials and would generate some waste. The consumption of materials resources and the generation of waste will give rise to environmental impacts that would need to be managed and mitigated.

6.203 The Councils Principal Minerals and Waste Officer has considered the information provided within the ES and associated draft CEMP and Draft Waste Management Plan and the detailed comments, that summarise the the section and makes an assessment on acceptability. These can be found at paragraph 4.15 above.

6.204 Officers are therefore satisfied that, subject to appropriate conditions controlling waste management on the site during the phased development, the proposal would comply with the requirements of the saved UDP policies and guidance contained within the NPPF and other relevant legislation (as above). Detailed conditions are recommended in section 7.

### **Noise and Vibration**

6.205 Chapter 11 of the ES presents the findings of the noise and vibration assessment, which have been undertaken to assess the potential noise and vibration effects of the proposed scheme. The proposed scheme has the potential to affect the noise and vibration levels experienced by nearby Noise Sensitive receptors (NSR's) due to the construction of the scheme, changes to the road alignment of the existing carriageways, as well as associated changes in the speed and volume of vehicular traffic on the wider road network. Noise and vibration from construction works would also have the potential impacts upon the NSR's. This assessment therefore considers the potential impacts from both construction and operation of the proposed scheme.

6.206 The NPPF states:

***Para 109.*** *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*

***Para 123.*** *Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*

6.207 The ES identifies the European and national legislative background for these assessments, including the Noise Policy Statement for England (NPSE) 2010 that is referred within the NPPF (footnote 27). This sets out the long term vision of Government Noise policy with the aims presented as:

- Avoid significant adverse effects on health and quality of life;
- Mitigate and minimise adverse effects on health and quality of life; and
- Where possible contribute to the improvement of health and quality of life.

6.208 The CS also seeks to address the impacts of noise. Policy HD3 states that *'the scheme will be designed and developed in such a way which avoids and mitigates adverse impacts of... noise pollution and vibration'*. Policy SD1 also states that *'ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination...'*

#### Construction Effects

6.209 In terms of construction effects the ES concludes that indicative noise levels associated with the construction of the scheme have been predicted at the closest residential receptors. A worst case scenario has been assumed with all construction work working at the closest approach to the receptor. Four NSRs are predicted to experience a major impact due to construction activities. These are:

- The Green, Grafton Lane
- Haywood Lodge Cottage, Haywood Lane, Grafton
- Golden Post, Allensmore
- Pykeways, Golden Post Road, Allensmore

6.210 The report identifies the best practice measures to be followed so that the average noise levels do not exceed the construction noise thresholds for construction. It is noted that the construction time is likely to be 2 years.

6.211 Construction noise and vibration has been a key concern for a number of these local residents, who have raised direct queries and questions in their representations. Two additional notes were provided in response to these queries (Docs 145 and 146)

6.213 Many of the issues in respect of construction will need to be carefully managed by the contractor. The location of construction compounds and their layouts will be identified and designed by the contractor when appointed by Herefordshire Council. Prior to the start of construction the contractor will be required to submit a CEMP for the approval of the local planning authority, which will provide further detail on construction arrangements (including identification of the compound locations). The requested details that will form part of the CEMP (and sub plans) are outlined in full at the end of this report.

6.214 The applicant has advised that local residents will be consulted on these arrangements. In accordance with the draft CEMP (see para. 4.2.1, page 10) contractors will be required to plan



the site layout of construction compounds to maximise distance from plant to the sensitive receptors. Mitigation is also proposed;

- Use of temporary screens/ hoardings at the closest NSR's to the works;
- Use of electrical items of plant instead of diesel plant;
- Exhaust silencing and plant muffling equipment to be maintained in good working order;
- Avoid unnecessary revving of engines and switching off equipment when not in use;
- Minimise drop heights of materials;
- Start-up plant sequentially rather than all together (Where practicable);

6.215 The ES advises that the mitigation measures will offer sufficient noise reductions to ensure that the construction phases is likely to have a minor impact at all of the closest receptors. Ongoing noise monitoring would be required, with baseline surveys being undertaken before the construction begins.

6.216 In addition to the mitigation measures proposed the applicant is agreeable to a planning condition limiting the hours of construction and the Environmental Health Officer has requested that the hours be restricted to 0730 to 1800 Monday to Friday and 0800 to 1300 Saturday (no time on Sundays or Bank Holidays). This will be formalised within the CEMP acknowledging that there may be some times where 'out of hours' working is required (for example on and around the railway line). A suitably flexible condition is included to make allowances for this.

6.217 Vibration from construction operations such as piling has the potential to lead to damage to nearby buildings. For the proposed scheme, plant such as excavators and HGV's are likely to be the most significant sources of low frequency noise with the potential to cause resonance in nearby buildings. This is often perceived as vibration by occupants. There are a number of technical notes that relate to this issue. The ES advises that given the separation distance of the closest NSR's to the proposed scheme (33m) it is considered that ground borne vibration will be unlikely to cause structural or cosmetic damage to buildings. Therefore the impact of vibration from construction is predicted to be of minor significance. Furthermore,, it is understood that condition surveys are normally undertaken prior to commencement of construction to establish a baseline.

#### During Operation

6.218 The impacts of noise during the operation of the SLR have also been carefully considered in the ES. The noise model has been used to determine the effects on a number of receptors experiencing a change in the noise levels in the short term, long term and change in the noise levels in the 'do minimum' long term. The traffic data information and assumptions within the Transport Assessment have been used to inform the road noise levels at the residential receptors and at other sensitive receptors using an assessment that involves the creation of a 3-dimensionsal digital model using base mapping, ground contours and general alignment of the scheme. This takes into account the predicted reduction in traffic.

6.219 'Noise nuisance' is defined by the World Health Organisation as a 'feeling of displeasure evoked by noise'. Individuals vary widely in their response to the same level of traffic noise. However, the average or community response from a large number of people to the same level of traffic noise is fairly stable.

6.220 The proposed scheme is predicted to have a major increase in noise levels at 5 NSRs within the study area in the short term (baseline year of 2017). ONSR (The Green, Grafton Lane) is predicted to experience a major increase in the long term. .

6.221 The majority of other NSR's are predicted to experience a decrease in noise levels as a result of the proposed scheme. 42 of the 775 properties within the study area would experience a long term noise increase of more than 3dB of which 34 would be minor, 7 would be moderate and 1

would be major. The implementation of low noise road surfacing could achieve mitigation of up to 3.5 dB, but this would not remove all of the affected properties from a significant impact.

- 6.222 It is noted that due to the predicted noise levels, no properties are currently predicted to be eligible for compensation under the Noise Insulation Regulations and as such the initial requests of the Environmental Health Officer cannot be addressed. The ES does advise that a more detailed assessment should be undertaken after scheme opening in order to determine eligibility. Any such enquiries are outside the scope of the planning application and should be directed towards the applicant prior to serving any formal notices under these separate Regulations.
- 6.223 The Council's Environmental Health Officer had the opportunity to consider the ES, associated noise Report and the additional information and is satisfied that, with the appropriate conditions in place, the residents would not be adversely affected by unacceptable levels of noise' during construction in accordance with the guidance with para 109 and 123 of the NPPF and policy SD1 of the Core Strategy.
- 6.224 In relation to the operation of the SLR, the predicted effects are noted and the route design has taken steps to avoid noise from giving rise to significant adverse impacts on health and quality of life in accordance with the requirements of the NPPF. Furthermore conditions can be used to ensure that landscape and other mitigation measures such as noise reducing surfacing) are put in place for the long term. However there are a small proportion of dwellings that will be adversely impacted by noise in relation to the proposed SLR, and there will, therefore, be a conflict with the NPPF and the requirements of policy SD1 of the CS.
- 6.225 Turning to vibration effects during operation, if the scheme was to proceed, 97 properties would be subject to an increase in airborne vibration nuisance of less than 10%. 581 properties would be subject to no change at all within 97 properties being subject to a decrease in airborne vibration noise nuisance.
- 6.226 During construction phases, construction vibration is not considered to be a concern. Given the separation distance of the closest NSRs to the proposed Scheme (33m) it is considered that ground borne vibration will be unlikely to cause structural or cosmetic damage to the buildings. Therefore the impact of vibration from construction is predicted to be of minor significance.
- 6.227 The NPPF does not cover matters of vibration specifically. Policy HD3 of the CS does make reference to the consideration of this matter, in terms of avoidance and mitigation. Officers are satisfied that this submission has considered this matter sufficiently, and would advise that subject to conditions within the CEMP, this matter has been satisfactorily addressed.

### **Effects on all Travellers**

- 6.228 Chapter 12 of the Environmental Statement assesses the impacts of the proposed scheme on Motorised Travellers (MT) (drivers and passengers of both public and private vehicles), Non-motorised Users (NMU) (Pedestrians, cyclists and equestrians) and community severance.
- 6.229 The NPPF sets out a number of core planning principles, including the need to manage patterns of growth to make fullest possible use of public transport. Chapter 4 of the NPPF also sets out how transport should be considered in the context of planning decisions and sustainable development, encouraging the solutions that seeks to reduce congestion and serve to facilitate the use of sustainable transport. This is entirely consistent with the overall intention of the scheme.
- 6.230 CS policies SS4, HD3, HD7 and MT1 all seek to encourage and facilitate a genuine choice of modes of travel, including walking, cycling and public transport.

- 6.231 More specifically policy MT1 (criterion 5) requires development proposals to protect local and long distance footways, cycleways and bridleways unless an alternative route of equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes...The assessment considers the magnitude of the impacts and significance during construction and operation for Motorised Travellers (MT) and Non-Motorised users (NMU).
- 6.232 The ES concludes that during construction, Motorised users are expected to experience an increase in driver stress because of existing delays, which would be exacerbated by construction traffic. Whilst the impact would, be mitigated through a CEMP that considers traffic routing and traffic management, there would be a residual impact.
- 6.233 During the construction phases NMU are expected to experience some temporary disruption to access to footpaths that intersect the proposed scheme. The ES states that the existing pedestrian routes and are not considered to be sensitive and can be easily re-routed.
- 6.224 Each of the affected NMU routes identified as intersecting the proposed scheme would be incorporated into the proposed scheme. This will involve diversionary routes, crossings or underpasses as appropriate. These routes, Public footpaths GF3, HA7, HA3 and CH9 have been considered and described both within this chapter of the ES and Appendix F of the Transport Assessment (end of Part 9 and start of Part 10). In addition to this, the National Cycle Network (NCN) Route 46 (Grafton Lane) is being maintained through the provision of the Grafton Lane Underpass. This route travels along Grafton Lane, westwards along the byway between Grafton Lane and Merryhill before heading northwards towards the south of the city (Newton Farm).
- 6.225 The integrity of the existing PROW Network would be maintained. There is also scope, in some instances for improvements. The proposed routes would tie-in to public bridleways and allow the NMU to connect to nearby footpaths and alter their routes accordingly. The diversions also aim to improve the safety of pedestrians and would improve connectivity on the NMU network.
- 6.226 This is not a view shared by some objectors who raise significant concern about disruption during construction and with the eventual routes of the Public Rights of Way networks that cross the site. The views and queries of 'The Ramblers' are noted in full in Section 5, paragraph 5.15. These note the 'walking experience' and the well-used network of footways around the proposed scheme. Some of these impacts are also acknowledged in the Landscape Visual Impact Assessment, along with the identification of mitigation, including landscaping, where appropriate. Conditions are recommended that would seek to address concerns about the walking experience.
- 6.227 Notwithstanding the concerns raised, officers are satisfied that the proposed impacts have been satisfactorily addressed and that the solutions identified, would ensure compliance with the requirements of policy MT1 of the Core Strategy.
- 6.228 Criticism has also been laid at the lack of inclusion, within the scheme of cycle / pedestrian routes along the carriageway. Further clarification was sought by officers on these matters during the course of the application (DOC 119. Feedback response). The Transport Assessment outlines that there is estimated to be very little demand for a footway or cycleway adjacent to, and along the length of, the SLR or Clehonger Link. There are already more direct and convenient walking and cycling routes between the urban areas of south-east and south-west Hereford and there is no corresponding footway/cycleway provision at the ends of the SLR, on the Rotherwas Access Road, A49(T), or on the B4349, with only limited provision on the A465. As such, it is considered difficult for pedestrians in particular to safely access the SLR. On this basis the application does not include a footway/cycleway adjacent to the carriageway of the SLR.

- 6.229 However, the application makes provision in the design for Non-Motorised Users (NMUs). In particular the highways crossed by the SLR are proposed to remain open for use by NMUs, including Grafton Lane, along which runs National Cycle Network (NCN) Route 46, where an underpass will enable connection to be retained. It is also proposed that NMUs will:
- be able to use the sections of the B4349 proposed to be the subject of a prohibition of motor vehicles order; and
  - Have a diversionary route made available to them from the southern end of the section of the U73200 proposed to be stopped up to enable a crossing the Clehonger Link further west.
- 6.230 The ES concludes that during construction, Motorised Users are expected to experience an increase in driver stress because of existing delays, which would be exacerbated by construction traffic. Whilst the impact would, be mitigated through a CEMP that considers traffic routing and traffic management, there would be a residual impact.
- 6.231 Once operational, the impacts on the Motorised User are expected to be particularly beneficial. This is identified as being largely due to a decrease in congestion across the road network, reducing driver stress. However, this is qualified as being a beneficial effect at opening year, reducing up to 2032 as growth in and around Hereford increases pressure on the road network. However, a beneficial impact for motorised users is expected despite any cumulative effects, for example, increasing road traffic, which are expected to be associated with the other development and growth.
- 6.232 The operation impact on the NMU routes are expected to be neutral, particularly due to the improvements to safety and safe crossing points at junctions with existing roads. Having regard to the above, and notwithstanding the issues in respect of the visual impacts and effects considered in the landscape section above, the proposed development has satisfactorily addressed the aims of policy SS4 and specifically criterion 5 of policy MT1.

### **Community and Private Assets**

- 6.233 Chapter 13 of the ES assesses the potential impact of the proposed Scheme on Land Use and community, with the assessment being undertaken in line with guidance contained within the DMRB. The impacts of the scheme on:
- Temporary and permanent land take from private, community, agricultural and development and land assets;
  - Community severance, defined as the separation of residents from facilities and services within their community.
- 6.234 Overall, the significance of the impacts upon community and private assets, having regard to the DRMB guidance have been clearly considered in this section and are summarised in the table below:

**Table 13.4: Summary of Impacts during Construction and Operation**

Receptor / Resource	Value / Sensitivity	Magnitude of impact	Significance (without mitigation)	Mitigation	Significance (with Mitigation)	Cumulative Effect with other development
Private Property	High	Minor Adverse	Slight	Compensation for 150m <sup>2</sup> to owner of Pykeways	Neutral	No Change
Agricultural Land	High	Major Adverse	Large Adverse	Alternative access arrangements are proposed which mitigate against potential severance effects.	Moderate Adverse	Moderate
Community Land	Low	No Change	Neutral	None	Neutral	Neutral
Development Land	High	Moderate Beneficial	Moderate Beneficial	None	Neutral	Large or Very Large

#### Private Property

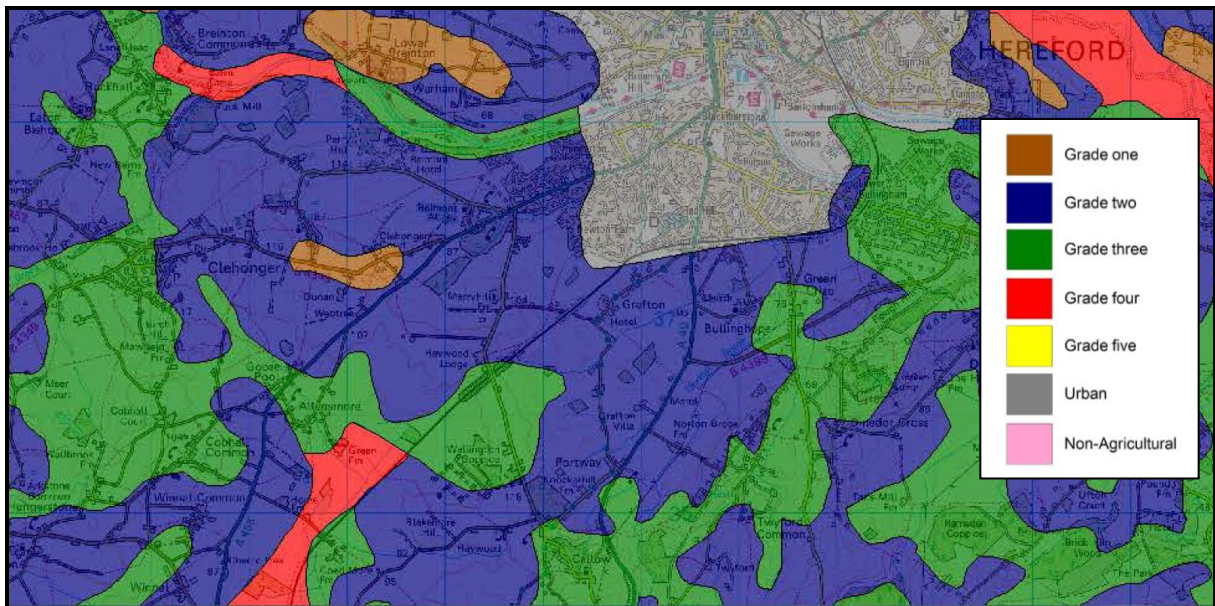
6.235 The impact on private property (land outside of the highways boundary that does not accommodate public open space or any other community facility or asset. It can be residential or commercial / industrial land) that is land that is not in agricultural use) is acknowledged in this chapter in respect of land take only. The only private property affected is identified as Pykeways (adjacent to the proposed Clehonger Link), with the loss of 150sqm of land (7.6% of the total land area of that property), with the only property being and all issue of other effects and impacts have been considered in the chapters above. Issues in terms of compensation will be dealt with outside of the planning application process.

#### Agricultural Land

6.236 The area covered by the proposed scheme is mostly in agricultural use, or is previously undeveloped land associated with agriculture. The total loss of agricultural land is identified as being 31.2ha. 16 field units would be crossed by the proposal. The ES identifies, from Defra's Agricultural Land Classification – Provisional (England) that the land is a mixture of Grade 2 (very good quality) \_ and 3 (good quality) but acknowledges that in the absence of the a detailed survey a precautionary principle be pursued, and it therefore considers all of the 31.2 ha of the Agricultural Land Classification to be Best Most Versatile (Grade 1, 2 and 3).

6.237 The extract below (dated 2015), that can be seen on the Councils Website via the link below, identifies the site as lying within Grade 2 land (purple), with the exception of the western tip of the Clehonger link that is identified as Grade (brown).

[https://www.herefordshire.gov.uk/media/7963551/county\\_alc\\_map.pdf](https://www.herefordshire.gov.uk/media/7963551/county_alc_map.pdf)



- 6.238 Agricultural land is recognised as a finite resource and as a consequence it is not possible to mitigate for its loss through the creation of new agricultural land elsewhere. Land take required by the proposed scheme has been limited to that required to construct the scheme (including the embankments, drainage and mitigation). It is understood that construction areas, that will be returned to agricultural land have been excluded from this.
- 6.239 Natural England have, in their responses at Section 4 above, commented in some detail on the requirements in respect of soil management to ensure that soil is able to be used in relation to as many of its important functions as possible. Conditions in respect of soil management have been recommended following the receipt of additional information from the applicant in response to these comments.
- 6.240 Natural England have also commented that *'the assessment of impact on best and most versatile land concludes that the overall impact is slight or moderate. (table 9.11) based on two parameters, sensitivity and magnitude. Natural England advises that the sensitivity of the grade 2 land is high. The magnitude of the impact is assessed as minor /adverse in the report (paragraphs 9.7.5 and 9.7.15). Table 9.5 of the report details the criteria to assess the magnitude of effects. Given the permanent loss of 31.2 Ha of best and most versatile land Natural England would assess the magnitude to be greater than minor given the definitions in table 9.5, we advise, given the process in the environmental statement, that this affects the overall, net impact and consequent assessment.*
- 6.241 The applicants drew to the attention of Natural England, that in Chapter 13 the value of the agricultural land was assessed as high and the effect without mitigation judged to be major adverse. Natural England acknowledges this and also comments that they would welcome the inclusion of a commitment to handling soil under suitable weather conditions in the mitigation strategy. As such, in line with this advice, a condition has been recommended. The issues raised by the Statutory Consultee, on this issue, have been addressed.
- 6.242 The NPPF states at paragraph 112; *Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*
- 6.243 Policy SS7 (Addressing Climate Change) considers the ways in which to tackle climate change, acknowledging the challenges facing the county including the possible effects on agriculture.

This policy acknowledges that, at a strategic level, the best agricultural land should be protected where possible.

- 6.244 It is evident that looking at the extract of land classification above, avoiding best and most versatile land is not possible within the route corridor identified for the SLR. The NPPF requires the local planning authority to take into account the benefits of the best and most versatile land and officers are acknowledging this in the acceptance of the effect on agricultural land as being Major Adverse.
- 6.245 Land take required by the scheme has been limited to that needed to construct the scheme in accordance with highways standards and for essential environmental mitigation. It is stated that the farm businesses which are affected by the loss will be appropriately compensated.
- 6.246 Mitigation of the impacts on agricultural land have also been considered by ensuring that access arrangements for affected farm businesses support the future viability of the business. Representations about the suitability of these and the impact in respect of severance of land have been raised by some landowners (see representations section) but that this relates to land that lies adjacent to Grafton Wood and as such, the justification for the route, and the need for embankment (to provide the Grafton Lane Underbridge) have been previously explored in this report.
- 6.247 The siting of the large area of woodland planting (mitigation) on Grade 2 land at the eastern end of the route has also been raised by the landowner. Whilst the proposed mitigation in this location is supported by the Councils Ecologist and noted as a compensatory benefit, it is evident that all land that would provide connectivity to Grafton Wood, would also be Grade 2 Agricultural land and it would be unavoidable.
- 6.248 Representations to the application make reference the need for an 'Agricultural Impact Assessment'. Officers have considered the requirements of the DRMB as outlined in this chapter. This requires assessment of:
- a) the type of husbandry currently employed;
  - b) the value and amount of agricultural land that the scheme is likely to take. In this context, land-take will include land taken directly by a scheme and also land which will no longer be viable for agricultural use, for example, because severance (the splitting of a holding into more than one part) makes it impossible to farm some land productively;
  - c) the likely impacts of severance arising from a scheme;
  - d) the likely impacts of major accommodation works for access, drainage and water supply.

It does not appear to require (or mention) an Agricultural Impact Assessment but does require that those agricultural aspects be 'assessed' rather than that they be assessed in a separate document. Officers are satisfied that, either as part of the ES or as part of the route selection consultation, each of these issues have been identified and assessed.

### **Road Drainage and the Water Environment**

- 6.249 Chapter 14 of the ES provides an assessment of the potential hydrological effects that the proposed scheme may have on the surrounding area and assess the potential implications of any such hydrological effects on the proposed scheme. A Flood Risk Assessment has been completed for the proposed development and following queries from the Councils Land Drainage Consultant, supplementary information relating to the Water Framework Directive was also received and included in the re-consultation process.
- 6.250 The NPPF (chapter 10) alongside the advice within the National Planning Practice Guidance (NPPG) identify how new development must take into account flood risks, including making allowance for climate change impacts.

- 6.251 The CS addresses issues of flood risk, water management and river water quality in policies SS7, SD3 and SD4. There are no identified Flood Zones within or adjacent to the application site, but the potential for surface water flooding is noted and all of the receptors and constraints are captured on the water constraints map (Doc. 107)
- 6.252 The assessment includes the details of the legislative (European and national) and policy context for the assessment. The ES establishes the baseline conditions, identifying surface water features (namely Withy Brook, Newton Brook) that discharge to the River Wye and also identifies ditches. The report also considers surface water quality, ground conditions, ground water features; surface water and groundwater abstractions; existing drainage systems' discharge consents; flood risk and receptor sensitivity.
- 6.253 The report then goes on to identify and consider the predicted effects of the scheme on the water environment during construction. These include a number of pollution risks, dust and debris, flood risk to construction workers and plant working within areas at risk of flooding, or due to blockage or failure of temporary diversions during construction. The ES identifies the mitigation during this period that can be controlled by the CEMP. The provision of, and adherence to measures as required by the CEMP are considered to be adequate to reduce the likelihood of increased sediment loading, the release of hydrocarbons, hazardous substance and dust and debris. Where direct impacts are expected the magnitude of the impact, with the implementation of the CEMP are considered to be negligible. However, as acknowledged in the ES, there are risks associated with the works taking place above the watercourse. Overall the assessment is one that is considered to be neutral.
- 6.254 The ES also considers the impacts and effects during the operation of the SLR acknowledging that mitigation controls must be considered from the beginning of the detailed design phase in order to avoid, reduce and minimise any significant effects on the surface water, ground water and increased flood. The ES identifies that many of the potential impacts during operation have already been mitigated through the design process, for example through the provision of the surface water drainage systems and pollution of water bodies has been mitigated through the implementation of oil separators and the use of SUDs techniques.
- 6.255 The consultation response identifies some concerns in respect of the Flood Risk Assessment and following discussion with the consultants it was agreed that the issues raised could be addressed via a suitably worded condition that includes the requirement for a fully detailed surface water drainage scheme. This condition is included, along with a further condition suggested by the consultants.
- 6.256 Whilst there is some additional work to undertake in relation to the management of flood risk and surface water through a detailed drainage strategy, officers are of the opinion that the technical solutions, through careful design and robust ongoing maintenance can mitigate and address the potential impacts in accordance with the requirements of policies SS7, SD3 and SD4 of the CS and guidance contained within the NPPF.

### **Cumulative Impacts**

- 6.257 Chapter 15 of the ES considers the potential for the combined impacts of different environmental topic specific impacts on a single receptor or resource through a review of the environmental assessment undertaken as part of the EIA assessment. The cumulative impact assessment focusses on identifying residual impacts from each topic. These cumulative impacts have the greatest potential to contribute to a significant cumulative effect. It is also acknowledges that multiple non-significant impacts in combination could result in a significant cumulative impact.



### Cumulative Construction Effects

- 6.258 The rural area surrounding the proposed scheme is interspersed with a number of isolated clusters of dwellings and farms. The residents of these dwellings are expected to experience cumulative adverse effect that are identified above within the Landscape, Noise and Vibration Sections.
- 6.259 During construction, residents of nearby dwellings would be affected by the visual impacts associated with temporary construction compounds, temporary haul roads, and soil stripping and materials storage. Construction noise is also considered likely to have a minor impact at dwellings located more than 50m from construction works.
- 6.260 However, a temporary major impact is considered likely to occur for four dwellings (The Green, Haywood Lodge Cottage, Golden Post and Pykeways). As discussed above, mitigation is proposed in the form of temporary noise barriers and other mechanisms that can be controlled via the CEMP (see conditions). The assessment concludes that these impacts would not extend beyond a local context and that at only four properties are the impacts considered to be in excess of moderate. Officers would agree with this assessment, and have sought to include very detailed requirements within the CEMP.
- 6.261 The impacts upon the PROW network have also been explored in the above, with the impacts associated with any temporary diversions not considered to be significant. However, users of the diverted PROWs would also experience cumulative landscape and noise (construction) impacts. However, pedestrians are not considered to be static and as such the impact is considered to be relatively short distance considered in the complete experience of the pedestrian based on each route. In addition a major increase in noise is based on the disturbance of residents of dwellings, who will certainly experience noise effects on a more permanent basis than pedestrians. The overall cumulative effect is one that is assessed as minor adverse. Again, mitigation measures are sought in the form of the CEMP.
- 6.262 The ES has also identified several sensitive habitats that are considered by the Nature Conservation, Road Drainage and Water Environment sections. Risks of pollution are identified and mitigation proposed. Despite these, a Slight to Moderate adverse cumulative effect on Withybrook and a Neutral impact on other riverine habitats and hydrology are identified.
- 6.263 Potential adverse effects on the nearby woodlands have also been identified and these are expected to experience disturbance or damage from adjacent construction activities but that these can be reduced through the measures contained within the CEMP. A Slight adverse impact cumulative effect of woodland habitat (remaining) is recognised.

### Cumulative Operational Effects

- 6.264 The ES refers to the objective of the proposed scheme to deliver improvements to the current congestion levels experienced on roads in Hereford, particularly to residents between the A465 and A49 corridors in Belmont. The reduction would reduce driver stress (Motorised Travellers), reduce nitrogen oxides, improve air quality and reduce noise pollution associated with the congestion on the A465. These improvements would represent a benefit to the residents of Belmont, particularly those living close to the A465 and A49. These are recognised as beneficial effects.
- 6.265 However, the proposed scheme is also likely to generate adverse environmental effects for the residents of nearby dwellings during operation. The dwellings in closest proximity would experience adverse effects as identified above in respect of landscape, cultural heritage, noise and vibration. The ES refers to the mitigation proposed which are intended to reduce the overall

impact of the scheme during operation and the comments of officers should be noted in respect of the individual chapters.

6.266 The landscape and visual impact is also expected to affect the quality of the setting of several nearby Listed Buildings (which are dwellings) The visual impacts on affected dwellings are predicted to range from Moderate to Large Adverse and affected dwellings are:

- The Green
- Haywood Lodge Cottages
- The Granary
- Pykeways
- Forest View
- Copper Beeches

6.267 Noise impacts have been considered at design stage, but 42 properties would experience a long term noise increase of more than 3 dB, of which 34 would be minor, 7 would be moderate and 1 would be major. Low noise road surfacing may result in a decrease but would not remove all the affected properties from an impact.

6.268 The properties affected by noise are also amongst those considered likely to suffer the most significant landscape effects and as such the cumulative operational impact on those residents is considered to be Moderate Adverse.

6.269 Public Rights of Way users would be affected by noise, landscape effects and the diversions that would be carried out. Although safety of the network is maintained, the experience users would change.

### **Transport Assessment and the Benefits of the Scheme**

6.270 As discussed in the opening of the officers appraisal, there is general policy support within policy HD3 of the Core Strategy and within policy CH2 of the emerging Callow and Haywood Neighbourhood Development Plan for the provision of a Southern Link Road, acknowledging within Policy HD3 its part in both the South Wye Transport Package and linkage to the Western Relief Road.

6.271 The justification for this proposed road and the detailed summaries of the route selection process have already been considered in Sections 1 and 6 of this report and these summaries have been informed by the Transport Assessment (and its appendices) submitted with the application. Where officers have felt further explanation has been required, this has been sought and additional technical notes provided and included within the re-consultation process, as outlined in section 4.

6.272 Members attention is drawn to the significant objections and questions raised about the findings of the Transport Assessment as detailed in section 5 above. Many of these relate to and question the stated claims and benefits of the proposed scheme in relation to the reduction in congestion. However, officers are satisfied that the information submitted, based on detailed technical assessment, is acceptable. Officers understand the importance of the proposed SLR in the delivery of the South Wye Transport Package and how this element of the package will facilitate the delivery the wider benefits to the South Wye Area.

### **The Planning Balance and Conclusions**

6.273 It is clear from the preceding parts of this report that these are strongly held views from individuals and organisations both for and against the proposed SLR.

- 6.274 In terms of the broader framework, Policy HD3 of the Core Strategy supports the principle of the scheme in terms of it in coming forward, as part of the South Wye transport Package (as identified in the Local Transport Plan) and potentially as the first section of the Relief Road. However, this policy states that the road will *be designed and developed in such a way which avoids and mitigates adverse impacts or physical damage to or the loss of habitats, noise pollution and vibration, light pollution, air pollution, food risk and water quality on the River Wye SAC, as well as residential amenity and business interests. Consideration of the impact of the road on heritage assets, their significance and setting, as well as historic character the wider landscape will also be required.*
- 6.275 Callow and Haywood Group Parish Council have progressed their Neighbourhood Plan to regulation 16 stage, and are awaiting the examiner's report, and its policies are considered sufficiently far forward to be attributed weight. The examiner's report is expected shortly and any update will be included in the 'Schedule of Update' as appropriate.
- 6.276 With regard to more specific matters, the air quality effects of the proposed development are unlikely to lead to significant increases in emissions, degradation of air quality or an increase in exposure below the level of a breach in air quality objectives or result in a sustained annoyance to the local population from dust effects. With the appropriate conditions in place to control dust during the construction phase, the proposal would comply with the requirements of policy SD1 of the CS and with guidance contained within the NPPF.
- 6.277 In considering the impacts on cultural heritage, specifically built heritage, the proposal would fail to comply with the requirements of policy LD4 of the CS. The NPPF also gives clear guidance on how planning authorities should have regard to heritage assets.
- 6.278 This report acknowledges the importance of designated heritage assets that will be affected by the proposed development. Whilst recognising the importance of all designated heritage assets, particular consideration has been given to the Grade II\* listed Haywood Lodge and its gates, gate piers, railing and garden wall, cider house, hop kiln and stable and to establishing the significance of the asset.
- 6.279 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning authority to have 'special regard for the desirability of preserving the building or its setting'. This does not rule out the acceptance of change and broader planning considerations can be taken into consideration. However, where a proposal affects the setting of a heritage asset, then very considerable weight must be given to its preservation – that is 'keeping is safe from harm'.
- 6.280 In this case, it is considered that the harm is not substantial. This assessment is supported by Historic England and the Service Manager Natural and Built Environment and as such the proposal must be considered in light of the test at paragraph 134 of the NPPF that states "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. Nevertheless because there is harm to the setting of listed buildings there is a statutory presumption against the grant of planning permission.
- 6.281 There is also a statutory requirement for decision makers to have 'special regard for the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic significance' In contrast to the NPPF, preservation of the features and setting of the Listed Building are given equal importance to the building itself. The proposed development will not physically harm any of the listed buildings or its features but will have a harmful effect on its setting, so cannot be considered to preserve that setting.

- 6.282 Full regard has been had to the relevant Court decisions and it is acknowledged that the proposed scheme will harm the setting of the identified heritage assets along the proposed route which means there is a strong presumption against the grant of planning permission. The proposed development, when taken as a whole, would also fail to protect, conserve or enhance the built heritage assets and as such, would be contrary to the requirements of criterion 1 of policy LD4.
- 6.283 The proposed development would result in a number of identified changes to the pattern, scale and form of the landscape character. These effects will be permanent and cannot be mitigated for. The visual impact of the proposed development is identified as one that is large adverse with the most significant effects being where the discrepancy between ground level and the height of the proposal is at its greatest and where the landscape affords elevated views of the proposal. The proposed mitigation cannot wholly mitigate the proposal and integrate it into its surroundings. As such it is not considered that the proposal has demonstrated that the character of the area had positively influenced design or that the development will integrate appropriately into its surroundings. The proposal therefore conflicts with the requirements of policy LD1 of the CS and with the guidance contained within the NPPF (para 109) that seeks to ensure that the planning systems contributes to the natural and local environment by protecting and enhancing valued landscapes. In addition to this, it would conflict with the aims of the emerging Callow and Haywood NDP.
- 6.284 The appraisal has identified clear policy conflicts in respect of the impact of the proposed development on ancient woodland (Grafton Wood) and veteran trees (T6 and T7). It is established that there will be a loss or deterioration of an irreplaceable habitat and loss of veteran trees. As such, and in accordance with the requirements of paragraph 118 of the NPPF, in making any decision to approve, the decision maker must be satisfied that, the need for, and benefits of, the development in that location, clearly outweigh the dis-benefits.
- 6.285 As ancient woodland and veteran trees are irreplaceable, there is no scope to consider the compensation proposed and this has not formed part of the assessment of the merits of the proposal in consideration of this issue. This represents a conflict with CS policies LD2 and LD3
- 6.286 In respect of all other matters of Nature Conservation, officers are satisfied that sufficient information has been provided to confirm that the identified impacts and effects if the development can adequately be addressed with the appropriate compensatory and monitoring measures proposed. As such, the proposal would comply, in part, with the requirements of policies LD2, LD3 and SD3 of the Core Strategy and with guidance contained within the NPPF and with the policies contained within the emerging Callow and Haywood NDP.
- 6.287 Officers are satisfied that the value and sensitivity of the resources, relating to geology and soils, have been properly considered and acknowledged and that the impacts and effects identified are acceptable subject to the management and mitigation measures that are outlined within the ES and that have been formalised through the series of recommended conditions, including that recommended by Natural England. Officers are satisfied that the proposals would, comply with the requirements of Core Strategy policies LD2 and SD3 and with saved UDP Unitary Development Plan policies S10 and W3
- 6.288 Subject to the appropriate conditions controlling Waste management on the site during the development, the proposal would comply with the requirements of saved UDP policies in respect of waste and with the specific guidance contained within the NPPF and relevant identified legislation.
- 6.289 Officers are satisfied that, with the appropriate conditions and mitigation in place, residents would not be adversely affected by unacceptable noise levels during the construction phase and that this would accord with the requirements of policy SD1 of the Core Strategy and guidance with para. 109 of the NPPF. However, during operation of the proposed road, there are a small

proportion of dwellings that will be adversely impacted by noise in relation to the proposed SLR. As such, the proposal would fail to comply with the requirements of policy SD1 of the Core Strategy and with guidance contained within the NPPF.

- 6.290 In relation to the impacts of the proposed scheme on the Public Rights of Way and Cycle networks that are affected by the development, the proposal is considered to comply with the requirements of policy MT1 (criterion 5) and has satisfactorily addressed the aims of strategic policy SS4 of the CS.
- 6.291 There are policy requirements within policy SS7 of the CS and paragraph 112 of the NPPF to take into account the economic and other benefits of the best and most versatile land. This assessment and consideration has been made with impacts considered on a worst case scenario basis. However, in order to provide a route within this southern corridor (or any of the alternatives considered at route selection stage) there will be a loss of best and most versatile land. It is considered that there is no conflict with policy, as this assessment has been properly undertaken.
- 6.292 Officers are satisfied that with robust conditions, an effective and suitable drainage strategy that addresses the outstanding technical issues, and ensure pollution prevention can be addressed satisfactorily and ensure accordance with the requirements of policies SD3 and SD4 of the CS and with the guidance contained within the NPPF.
- 6.293 As set out above, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The current proposal is contrary to the development plan in a number of areas; namely;
- Cultural heritage;
  - Landscape;
  - Nature Conservation; and
  - Noise

As there is identified harm to the setting of listed buildings there is a strong presumption against the grant of planning permission. Further in accordance with the NPPF, due to the loss of ancient woodland and a veteran tree permission can only be granted if the need for, and benefits of, the development in this location, clearly outweigh the dis-benefits.

- 6.294 Conflict is also identified with the advice contained within the NPPF in terms of protecting heritage assets, including their setting; protecting valued landscapes; loss of irreplaceable habitats (ancient woodlands and veteran trees) and preventing both new and existing development from being put at an unacceptable risk of noise pollution.
- 6.295 Set against these four acknowledged environmental impacts, there are economic, social and some environmental benefits. Representation from key stakeholders (see letters of support) and The Applicants Case (in section 1), clearly see the proposed development as supporting the growth of the county and wider economic area as this would, through the reduction of congestion and delay, enable improved access, particularly to developments such as the HEZ at Rotherwas industrial estate. The NPPF clearly points to the furtherance of economic growth being afforded significant weight and this is an important material consideration that must be weighed in the balance.
- 6.296 The proposed development, in its capacity as an essential part of the SWTP, would also have some wider environmental and social benefits that can be attributed significant weight in the decision making process. The reduction in congestion and delay would allow for the reduction in the growth in emissions of carbon dioxide; nitrogen oxides and airborne particles in the South Wye area. The reduction in congestion and redistribution of traffic on the network, along with the reduction in road accidents, will facilitate the 'active travel measures' that are being progressed

within this package, encouraging the use of more sustainable methods of travel that will, in turn contribute to the wider sustainability and health objectives of the NPPF by encouraging physical activity and significant weight can be given to the benefits that the SWTP, of which the SLR is a vital part.

- 6.297 Whilst the application is stand alone and without inclusion of the proposed measures that will be put in place, officers are satisfied that it has been clearly demonstrated that the proposed SLR would deliver an essential part of this package that would enable the longer term objectives to be realised. Without the proposed SLR the transport objectives within the South Wye area could not be achieved. The result of this would be that economic growth at the HEZ would be impacted, congestion could not be reduced and the wider social benefits would not realised.
- 6.298 These economic, social and environmental benefits (in terms of reducing emissions), unfortunately come at an environmental cost, leaving it for the decision taker to strike the balance between the support and furtherance of economic growth, and the wider social and environmental benefits attributed to the implementation of the SWTP as a whole, against the identified harm to the heritage assets and loss of the ancient woodland and veteran trees.

These are:

Paragraph 134 – “where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”

Para 118 – planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitat, including ancient woodland and the loss of aged or veteran trees found outside of ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

- 6.299 Officers acknowledge that as the development will harm a listed building or its setting, the decision-maker must give that harm considerable importance and weight. That harm alone gives rise to a strong presumption against the grant of planning permission. This is of course linked to the duty under s 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* identifying the requirement on the part of the local planning authority to have a special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Officers are satisfied that this has been carried out. However, when making a recommendation, it is the responsibility of the decision maker to apportion weight appropriately. In this instance, officers would recommend that the need for and public benefits would clearly outweigh the identified loss or harm and that a suitably robust route selection process has taken place to conclude that there is no alternative route that would avoid the harms identified without creating further harms of their own.

## **RECOMMENDATION**

**That subject to confirmation that the Secretary of State does not wish to request a call in of the application 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**

### **Construction Phase**

- 3. I16 Restriction of hours during construction**

**4. Environmental Co-ordinator:**

Prior to the commencement of construction of the development, or within a timeframe as otherwise agreed by the local planning authority, the applicant must appoint a suitably qualified and experienced Environmental Co-ordinator(s) that is independent of the design and construction personnel involved in the development, and has been approved by the local planning authority. The applicant must employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the local planning authority. The Environmental Co-ordinator (s) must:

- (i) be the principal point of advice in relation to the environmental performance of the development;
- (ii) monitor the implementation of environmental management plans and monitoring programs required under this permission and advise the applicant upon the achievement of these plans/programs;
- (iii) have responsibility for considering, and advising the applicant on, matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of the development;
- (iv) ensure that environmental auditing is undertaken (but not undertake the audit) in accordance with the applicant's Environmental Management System(s);
- (v) be given the authority to approve/reject minor amendments to the Construction Environment Management Plan (what constitutes a "minor" amendment must be clearly explained in the Construction Environment Management Plan);
- (vi) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts; and
- (vii) be consulted in responding to the community concerning the environmental performance of the development where the resolution of points of conflict between the applicant and the community is required

**Reason:** To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Core Strategy.

**5. Construction Environment Management Plan**

The Applicant must prepare and implement a Construction Environmental Management Plan (CEMP) for the development. The CEMP must outline the environmental management practices and procedures that are to be followed and shall include, but not be limited to:

- (i) a description of construction activities (including phasing, timing, scheduling and sequencing of works);
- (ii) a register of all sensitive environmental features that have the potential to be affected by the development;
- (iii) a register of statutory consents, undertakings and assurances, including specific environmental licences, consents and applicable permits;
- (iv) a plan depicting the location and type of all environmental monitoring points;
- (v) a description of the roles and responsibilities for all personnel involved in the implementation of the CEMP (including contractors and subcontractors), including training and induction arrangements, environmental awareness and maintenance of training records;
- (vi) a community communications strategy to facilitate communication between the applicant (and its contractors and subcontractors), the

applicant's Environmental Representatives, the Council and community stakeholders, particularly adjoining landowners on the design and construction environmental management of the development;

(vii) a description of the procedures that will be implemented to:

(a) keep stakeholders informed about the environmental performance of the development during construction;

(b) receive, handle, respond to, and record complaints;

(c) resolve any disputes that may arise; and

(d) respond to emergencies;

(viii) requirements for monitoring, management and reporting procedures and method statements for certain specific aspects of the works as committed to in the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015, including what actions will be taken to address identified adverse environmental impacts; and (ix) a mechanism for monitoring, reviewing and updating the CEMP

and sub-plans identified in Conditions xxx.

The CEMP must be submitted for the approval of the local planning authority no later than three months prior to the commencement of construction. The CEMP may be prepared in stages; however, construction works must not commence until written approval of the relevant stage has been received from the local planning authority.

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Core Strategy.

**6. Construction Environmental Management Plan – Sub Plans**

As part of the CEMP for the development, the Applicant must prepare and implement:

a) Construction Air Quality Management Plan;

Construction Air Quality Management Plan which sets out how construction impacts on local air quality will be minimised and managed. The Plan must include, but not be limited to:

(i) identification of sources (including stockpiles and open work areas) and quantification of airborne pollutants;

(ii) performance measures/criteria for local air quality during construction;

(iii) details of monitoring methods, including location, frequency and duration of monitoring;

(iv) a description of the mitigation and management measures to minimise impacts on local air quality, including the measures set out in Section 5.7 of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015;

(v) procedures for record keeping and reporting against performance measures/criteria; and

(vi) Provisions for implementation of additional mitigation measures in response to issues identified during monitoring and reporting.

b) Construction Heritage Management Plan

The Construction Heritage Management Plan to ensure, and provide detail of how, construction impacts to cultural heritage will be appropriately minimised and managed. The Plan must include, but not be limited to:

(i) identification of heritage items directly and indirectly affected by the development;

(ii) details of mitigation and management measures to be implemented to prevent and minimise impacts on heritage items, including the measures set out in Sections 6.6 to 6.8 of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015;

(iii) procedures for dealing with previously unidentified heritage objects and relics;



and

(iv) heritage training and induction processes for construction personnel.

**c) Construction Ecology Management Plan**

Construction Ecology Management Plan to detail how construction impacts on flora and fauna will be minimised and managed. The Plan must include, but not be limited to:

(i) plans illustrating the location of impacted and adjoining flora and fauna habitat areas;

(ii) the identification of areas to be impacted and details of the measures to avoid, reduce and compensate for ecological impacts during construction including the species mitigation and habitat enhancements set out in Section 8.8 of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015, and as informed by the submitted individual ecological reports;

(iii) a Weed Management Strategy, incorporating weed management measures focusing on early identification of invasive weeds and effective management controls;

(iv) a description of how the effectiveness of the flora and fauna mitigation and management measures will be monitored during construction; and

(v) a procedure for dealing with unexpected threatened species, populations and ecological communities identified during construction, including cessation of work and notification to the local planning authority and determination of appropriate mitigation measures in consultation with the applicant's Environmental Representative and the local planning authority.

**d) Construction Soil, Water and Pollution Control Management Plan**

A Construction Soil, Water and Pollution Control Management Plan to manage surface and groundwater impacts during construction of the development. The Plan must include, but not be limited to:

(i) details of construction activities and their locations, which have the potential to impact on water courses and riparian land, storage facilities, surface water flows, and groundwater resources, including identification of all pollutants that may be introduced into the water cycle;

(ii) potential impacts on watercourse bank stability and the development of appropriate mitigation measures as required;

(iii) measures to manage and mitigate sediment and erosion, groundwater impacts and surface water quality impacts, including the measures set out in Sections 14.6 of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015; and (iv) a description of how the effectiveness of the actions and measures for managing soil and water impacts will be monitored during the proposed works, indicating how often this monitoring will be undertaken, the locations where monitoring will take place, how the results of the monitoring will be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance will be rectified.

**e) Construction Noise and Vibration Management Plan**

A Construction Noise and Vibration Management Plan to detail how construction noise and vibration impacts will be minimised and managed. The Plan must include, but not be limited to:

(i) identification of the work areas, construction compounds and access points;

(ii) identification of sensitive receivers and relevant

construction noise and vibration goals applicable to the development; (iii) details of construction activities and an indicative schedule for construction works, including the identification of key noise and/or vibration generating construction activities (based on representative construction scenarios, including at construction compounds and ancillary facilities) that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers;

(iv) details of the predicted worst-case noise and vibration

levels, including cumulative impacts arising from concurrent construction works

and potential for sleep disturbance;

(v) figures illustrating the predicted safe working distances for vibration intensive activities and equipment;

(vi) an Out-of-Hours Work Protocol for the assessment, management and approval of works outside of standard construction hours as defined in Condition xxx of this permission, for approval by the local planning authority. The Out-of-Hours Protocol must:

a) provide an assessment of out-of-hours works against the relevant noise and vibration criteria;

(b) provide detailed mitigation measures for any residual impacts, and (c) set out proposed notification arrangements;

(vii) identification of measures to mitigate and manage construction noise and vibration impacts, especially sleep disturbance (including construction traffic noise impacts), including the measures set out in Section 11.6 of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015; and

(viii) a description of how the effectiveness of mitigation and management measures will be monitored during the proposed works, indicating how often this monitoring will be conducted, the locations where monitoring will take place, how the results of this monitoring will be recorded and reported, and, if any exceedance is detected, how any noncompliance will be rectified.

f) Construction management plan and Health and Safety Plan

A Construction Management Plan & Health and Safety Plan to effectively manage general construction activities on-site personnel and impacts to surrounding landowners, including, but not limited to:

(i) details of all construction site management arrangements, including construction compounds, ancillary areas, fencings, hoardings, site lighting and security arrangements;

(ii) measures to reduce the visual impact on the surrounding landscape and sensitive receivers during the construction of the development;

(iii) measures for the handling, treatment and management of hazardous and contaminated materials encountered;

(iv) measures to monitor and manage potential hazard and risks that arise during construction, including emergency management;

(v) details of how community and private assets and will be protected and how affected landowners will continue to be able to safely access their properties; and

(vi) measures to monitor and rectify any impacts to third party property and infrastructure, including details of the process for rectification or compensation of affected landowners, and timeframes for rectification works or compensation processes.

g) Construction Traffic Management Plan

A Construction Traffic Management Plan, prepared in consultation with Highways England, to ensure traffic and access controls are implemented to avoid or minimise impacts on traffic, pedestrian and cyclist access and the amenity of the surrounding environment. The Plan shall include, but not be limited to:

(i) a description of the nature and duration of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements;

(ii) identification of construction traffic routes including any known road closures and consideration of alternate routes and construction traffic volumes (including heavy vehicle/spoil haulage) along these routes;

(iii) details of vehicle movements for construction compounds and ancillary facilities including parking, dedicated vehicle turning areas, and ingress and egress points;

(iv) details of management measures to minimise traffic impacts, including

temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion, including the measures set out in the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015;

(v) details of measures to manage traffic movements, parking, loading and unloading at ancillary facilities during out-of-hours work;

(vi) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists; and (vii) an adaptive response protocol which sets out a process for response to any traffic, construction or other incident.

#### **h) Construction Site Waste Management Plan**

Construction Site Waste Management Plan to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:

(i) a description of the likely quantity and nature of waste

streams that will be generated during construction of the development; (ii) measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;

(iii) measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and

(iv) details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling, including the measures set out in Section 10.6 of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015

Reason: Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Core Strategy.

### **Materials**

7. No construction of the bridge structures (as detailed on drawing number S01 – S08) shall take place until details, including where appropriate samples, of the construction materials and finishes have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved materials/finishes

Reason: To control the visual appearance of the development in accordance with Policies SD1, LD1, LD4 of the Herefordshire local plan, Core Strategy and guidance contained within the national planning Policy Framework.

### **Nature Conservation**

8. To protect soils and ensure adequate soil function (e.g. plant growth, water attenuation, biodiversity) we advise that a Materials Management Plan should be submitted and agreed with the council prior to the commencement of any works. The plan should describe how soils and their function will be protected during and after construction.

Reason:

(As recommended by Natural England)

9. The recommendations for species mitigations and habitat enhancements set out in Section 8.8 the Ecology Statement of the Environmental Impact Assessment report

from WSP Parsons Brinckerhoff dated April 2015, and as informed by the detail of the individual ecological reports, should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of site works, including site clearance, working method statements for protected species present as applicable should be submitted to the local planning authority for approval in writing. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

10. The recommendations for species and habitat enhancements set out in Section 8.12 the Ecology Statement of the Environmental Impact Assessment report from WSP Parsons Brinckerhoff dated April 2015 and as informed by the detail of the individual ecological reports should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of site works, including site clearance, a species and habitat protection and enhancement scheme should be compiled alongside recommendations for landscape management proposals into an Ecology Management Plan conforming to BS42020:13 Biodiversity: Planning and Development for submission to, and approval in writing by, the local planning authority. |The scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

## Landscape

11. No development shall commence until a detailed landscape planting scheme based on the principles set out in:

- Landscape
- PROW

has been submitted to and approved in writing by the County Planning Authority. The scheme shall include a programme of implementation that provides for planting to be carried out earliest opportunity. The approved scheme shall be implemented in full before the new road is brought into use.

Reason: To mitigate the visual impact of the development in accordance with Policies SS6, LD1, LD2 and LD4.

## Archaeology

12. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.  
Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement in advance of such approval could result in irreparable harm to any identified heritage asset.

#### Water Quality, Flood Risk and Drainage

13. To ensure that the scheme does not lead to adverse impacts on the Water Framework Directive status of the affected and downstream waterbodies, mitigation measures as detailed within the Water framework Directive Assessment along with suitable channel enhancements to offset the proposed culverts are to be approved by the Local planning Authority prior to the commencement of the scheme.  
Reason:
14. No development shall commence until a scheme for surface water disposal has been submitted to and approved in writing by the County Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.  
Reason:

#### Highways

15. Development shall not commence until full design and construction details of the junction between the Southern Link Road and the A49(T) have been submitted and approved in writing by the local planning authority, in consultation with Highways Authority for the A49 Trunk Road. The details shall be in compliance with the current Design Manual for Roads and Bridges (DMRB) or approved relaxations/departures from standards.  
Reason: To ensure the design and construction of the Southern Link Road and its junction with the strategic road network is in accordance with the relevant standards.
16. Development shall not commence until an appropriate legal agreement with Highways England under the Highways Act 1980 is made to allow for works on the A49 Trunk Road  
Reason: To ensure the development is conducted in accordance with the necessary statutory requirements.
17. The carriageway shall be surfaced and thereafter maintained with a low-noise road surface.  
Reason: In the interests of safeguarding the amenity of nearby residents/occupiers in accordance with Policies

#### Informatives:

1. Non Standard  
Positive & Proactive
2. Any waste leaving the site shall be disposed of or recovered at a suitably permitted

site in accordance with the Environmental Permitting (England and Wales) Regulations 2010.

3. Use of waste on site will need suitable authorisation issued by the Environmental Agency in accordance with the Environmental Permitting (England and Wales) Regulations 2010.
4. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible, the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

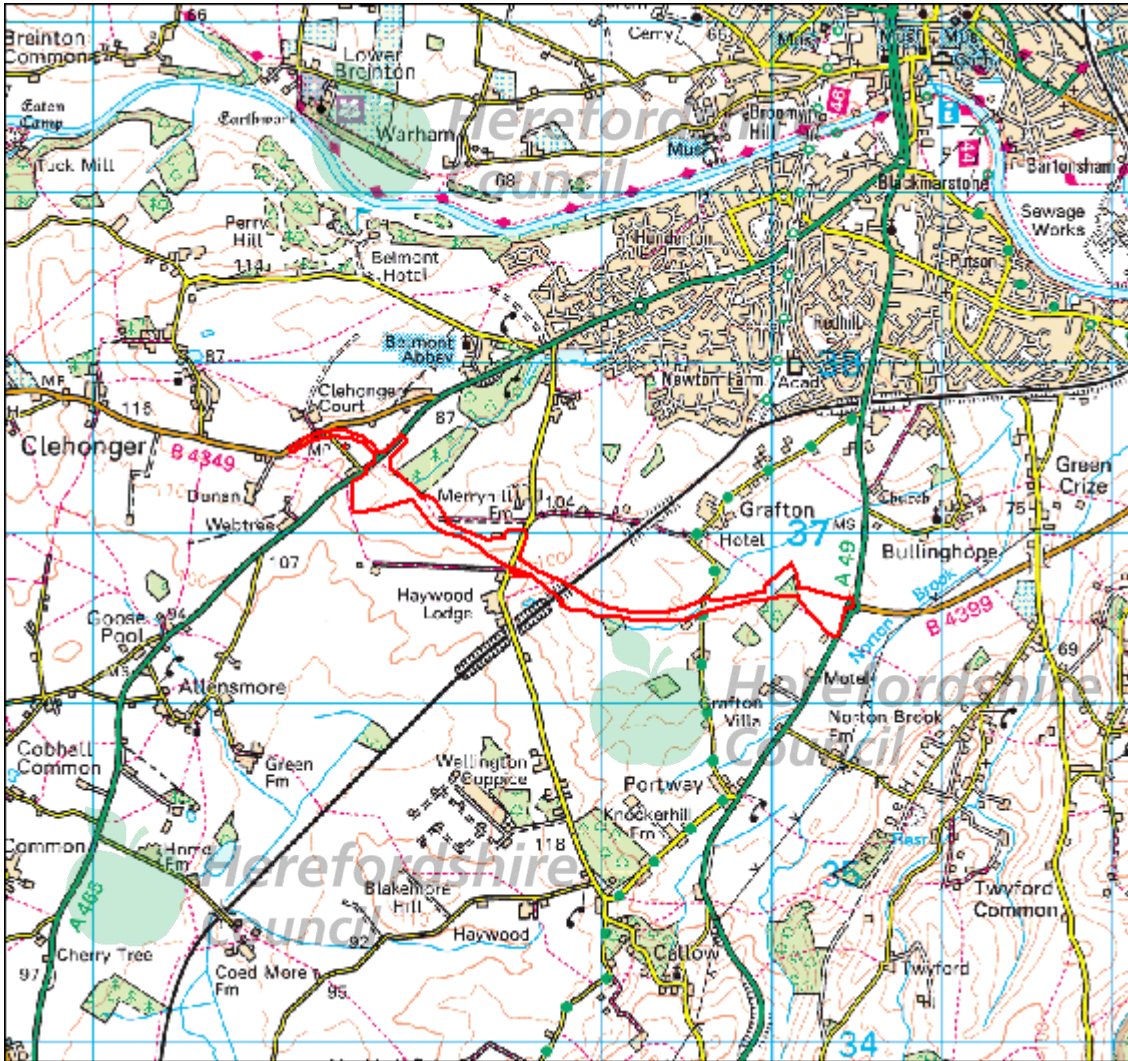
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 151314

**SITE ADDRESS :** EXISTING ROUNDABOUT JUNCTION OF THE A49(T) AND B4399, TO A NEW ROUNDABOUT WITH THE A465, THEN JOINING THE B4349

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781