

MINUTES of the meeting of Planning Committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Monday 6 June 2016 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: CR Butler, PJ Edwards, CA Gandy, EL Holton, JA Hyde, TM James, JLV Kenyon, MN Mansell, FM Norman, RJ Phillips, AJW Powers, A Seldon, WC Skelton and EJ Swinglehurst

In attendance: Councillors JM Bartlett, H Bramer, ACR Chappell, DG Harlow, EPJ Harvey, AW Johnson, MD Lloyd-Hayes, GJ Powell, PD Price, NE Shaw, D Summers and DB Wilcox

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Baker, DW Greenow, KS Guthrie and LC Tawn.

2. NAMED SUBSTITUTES

Councillor CA Gandy substituted for Councillor KS Guthrie, Councillor MN Mansell for Councillor LC Tawn, RJ Phillips for Councillor DW Greenow and Councillor NE Shaw for Councillor BA Baker.

3. DECLARATIONS OF INTEREST

Legal advice was given that Councillors did not need to declare an interest solely on the basis that the application before the Committee was a council application.

Agenda item 4 – 151314 - Existing Roundabout Junction of the A49(T) and B4399, to a New Roundabout with the A465, then joining the B4349.

Councillor FM Norman declared a non-pecuniary interest because she knew one of the objectors.

Councillor RJ Phillips declared a non-pecuniary interest as a former director and former Chair of the Enterprise Zone.

Councillor AJW Powers declared a non-pecuniary interest as a member of the Council noting that the Committee was considering a Council application.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 May 2016 be approved as a correct record and signed by the Chairman.

5. 151314 - EXISTING ROUNDABOUT JUNCTION OF THE A49(T) AND B4399, TO A NEW ROUNDABOUT WITH THE A465, THEN JOINING THE B4349.

(New single carriageway (southern link road (SLR)) and associated works.)

Before consideration of the application commenced a Member raised a point of order and questioned why a report on appeals had not appeared on the agenda, as was customary, stating that he had wanted to discuss the outcome of a particular appeal as a matter of urgency. It was advised in reply that the purpose of the meeting was to focus on the single application on the agenda and therefore no appeals report had been published. There was no statutory requirement to submit an appeals report. The Chairman commented that as he had previously stated the appeals report would appear on the agenda for the Committee's meeting on 15 June.

Another Member referred to information that had been circulated by the Herefordshire Wildlife Trust reporting the finding of previously unreported species of plant in Grafton Wood. This questioned the accuracy of the survey undertaken by the council's consultants and it was asked whether the Committee could continue to consider the application in the light of this new evidence. The Chairman ruled that this was not a point of order and could be addressed during the debate as the Member saw fit.

The Chairman outlined the procedure that would be followed at the meeting.

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

The Chairman had extended the public speaking time from the customary 9 minutes to 45 minutes, allocating 15 minutes to Parish Councils, 15 minutes to objectors and 15 minutes to supporters. In response to a request he had exercised his discretion and allowed a further 3 minutes speaking time for an objector whose property was directly affected by the proposal.

In accordance with the criteria for public speaking, Ms S Glover of Callow and Haywood Group Parish Council and Mrs C Protherough of Clehonger Parish Council spoke in opposition to the application.

Mr A Priddle, Mrs E Morawiecka, Mr R Palgrave, Mr J Perkins, (local residents) Ms A Martin (Herefordshire Transport Forum), Mr D Thompson (on behalf of Mr Watkins – local resident) and Mrs J Harris (local resident) spoke in objection to the application.

Mrs C Hennessey, (the applicant's agent), Mr P Collins (local businessman) and Mr B Jackson (Chair, Hereford Enterprise Board) spoke in support of the application.

(The meeting adjourned between 4.05pm and 4.20pm.)

Councillor ACR Chappell an adjoining ward member spoke on the application making the following principal comments:

- The Southern Link Road (SLR) represented the second phase of a bypass for the City and that was its principal purpose. The majority of residents wanted a bypass.
- The scheme would allow heavy goods vehicles to be taken off the A465 Belmont Road to the benefit of residents.
- Access to the Rotherwas Industrial Estate needed to be improved. The link was a vital piece of infrastructure that would secure the economic future of the County.

Well paid jobs were needed to lift the South Wye area out of the top quartile of the most deprived areas in the Country.

Councillor D Summers an adjoining ward member spoke on the application. He made the following principal comments:

- There were a significant number of objectors to the scheme including high profile organisations and the local MP.
- Sustainable transport measures had not been explored. It had not been proved that the SLR was the best use of the £27m available.
- An eastern river crossing and improved links to the M50 would be a better option.

Councillor J Johnson the ward member for one of the two wards directly affected spoke also on behalf of the other ward member directly affected. He made the following principal comments:

- The application alone did little to alleviate congestion in the city
- There were traffic issues in the city centre, including air quality and heavy congestion especially in school term times
- The question of a bypass had been ongoing for many years. All market towns in the county had one but the city did not
- The A49 trunk road went through the city centre as did the A465, a main link road to South Wales. Both roads converged on the one river crossing in the city at Greyfriars Bridge. There was increased pressure put on bridges and roads at Holme Lacy and Bridge Sollars as traffic tried to avoid this river crossing
- He supported new infrastructure, mindful of conditions faced by residents in Haywood lane where there was often a constant flow of traffic.
- The increase in rat run traffic using Haywood lane, Knockerhill lane, Tram Inn lane and also Grafton lane as a route to avoid-queues on the A465 Belmont Road, and reach the A49 Ross Road had significantly increased during peak times. Callow and Haywood Parish Council who objected to the application had requested Traffic Regulation Orders (TROs) on these roads to stop HGV traffic using these lanes.
- Health issues in Belmont Road area were deemed to be some of the worst in the county.
- A petition bearing some 2600 signatories called on Highway England to take some action on the A49 where there had been several accidents at Norton Brook lane. Safety issues around the southern part of the A49 were a constant concern
- Heavy traffic affected a number of villages throughout the Wormside Ward.
- With Pontrilas Sawmills and Tram Inn Mill, two of the largest business operators to the south of the application site, many small lanes and B roads through villages were being used as short cuts to access the county's motorway network, creating high risk areas.
- There was evidence of HGVs getting stuck on tight corners, and within villages adding to the safety concerns on rural roads, as vehicle sizes increased.
- The impact on the condition of road surfaces and the edges of highways was evident.
- The core strategy and the LTP identified an aim to provide a bypass around the city and supported a western route.

- The difficulty with the application was not the need for further development of infrastructure but the route, its design and the lack of investigative research undertaken at the time of route selection.
- Many of the issues that had been addressed in the last months could and should have been dealt with much earlier on in the process.
- The County was a beautiful rural county with tourism a huge asset. All road building designs should ensure this was taken into full consideration. The elevation of the road and the depth of the cuttings made it hard to imagine that it was the least damaging design.
- There had been many questions about the route selection and the process, which had been one of local residents' largest concerns. The Committee should consider this and whether the chosen route was the correct option.
- The route selection had been a drawn out process with much confusion, many sudden changes and uncertainty. The Committee had to be sure that the route had been democratically selected on its merits having regard to the NPPF and Core Strategy policies. The report indicated that there were strong questions to be answered about compliance with policy.
- There was frustration that desk top reports had been published that did not reflect reality. He considered that local people had not been fully involved and had been let down during the process, with a lack of communication and failure to consider key important facts
- The late submission of reports, such as that on 25 May 2016 by the conservation officer on the heritage of Haywood lodge, had led to frustration. Such matters should have been reported when the route selection was taking place.
- The heritage of a Grade 2* Listed property had been neglected, and ignored during the research undertaken by the consultants..
- Concerns over architectural surveys and the lack of results had to be considered
- Many of these issues had been raised in the objections submitted by people with local knowledge. In many cases these had not been acknowledged let alone referred to or actioned
- This had been particularly evident in relation to the woodland surveys, where species of plants had not been correctly identified and had been omitted because surveys had not been carried out at the right times of year
- Insufficient regard had been had to the protection of trees and ancient woodland.
- In many cases local residents had put forward ideas, and employed qualified and trained engineers to look at alternatives but there had not been further consultation or amendments to designs or plans. An example of this was the Clehonger Link Road, with Clehonger PC questioning the consultation process, notice and lack of recognition of alternatives.
- The lives of individuals and families had been blighted by the application for years. Health issues and anxiety had increased in the area, and there was a wish for a conclusion to be reached ending the uncertainty.
- The SLR was part of the South Wye Development package which was not part of the application, but aimed to achieve more sustainable transportation in the City, noting the number of short distance car journeys within the city centre.

- Although infrastructure was required there was a high level of responsibility on the council to ensure that alternative transport modes were considered. When there were no school runs in the city the congestion significantly decreased.
- Regard also had to be had to the number of planning applications for large developments in rural villages. The SLR would not alleviate the situation on rural village roads.
- Because of the detail involved, in the interest of fairness, he had sought only to provide an overview of the issues.
- In conclusion it was a tough decision because infrastructure was required, and there would be a huge increase in housing in Hereford. However, approving the wrong development for infrastructure, could see rural assets, heritage, ancient woodland and prime agricultural land, taken away permanently and irreversibly.

The cabinet member – economy and corporate services spoke in support of the application. He made the following principal comments:

- Businesses saw the current transport links as a barrier. Infrastructure was needed to support economic development.
- He emphasised the significance of the Enterprise Zone and how the SLR would contribute to economic growth and demonstrate to employers, housebuilders, the government and the Marches Local Enterprise Partnership (LEP) that the County wanted investment and could deliver growth for the county and the region.
- The Marches LEP considered a bypass for the city to be a priority. It was also supported by the Gloucestershire and Worcestershire LEPs and Highways England. The Government funding that had been set aside could only be used for this specific project.
- The SLR would have social benefits improving conditions for Residents in Belmont Road and the South Wye area.
- The proposal offered the chance to improve prosperity for the South Wye area, one of the most deprived areas in the Country.
- The SLR would support jobs, housing and the new University.

The cabinet member – infrastructure spoke in support of the application. He made the following principal comments:

- There was a demand for a bypass for the City and a southern link was common to whichever route was chosen.
- Provision of the SLR would permit a weight restriction to be introduced on the Belmont road. This would reduce vehicle emissions in the Belmont area, with through traffic using the bypass, and permit a range of active travel measures to be explored. The Director of Public Health and Herefordshire Housing supported the application.
- The delivery of a bypass was incorporated in the adopted Core Strategy and LTP. It would provide jobs, housing education and prosperity.
- Herefordshire needed growth to generate increased revenue from council tax to support the Council's provision of statutory services.
- The development of the University would require support and housing.

- The proposal had some downsides as the significant amount of consultation had revealed, but further consultation had been undertaken in response and mitigation made where possible.
- The SLR was a key priority. £27m of funding was being held by Government for the SLR project. Any alternative proposals for use of that funding would have to be considered through the prioritisation process.
- Several route options had been considered. Highways England had confirmed its support for the proposal, as had adjoining authorities.
- The approval of the project would send out a positive message about the development of the Enterprise Zone and the University.
- Growth would provide opportunities for young people in the county.

(In accordance with the Constitution, having spoken, both cabinet members left the meeting.)

In the Committee's discussion of the application the following principal points were made:

Points in favour of the application

- The route would have a significant impact on dwellings and heritage assets. However, mitigation measures had been proposed. The route had been selected through a rigorous process and the application should be supported.
- The current traffic congestion on the A465 Belmont Road had health implications for residents.
- Through traffic was calculated as 15% of the traffic and this should be permitted to flow through.
- The proposal offered an economic future for the County that would enable young people born in the County to live and work in it rather than having to move away.
- There was an impact on woodland, the environment, heritage and landscape. The question was whether this was outweighed by the economic benefits of the proposal. Infrastructure was needed to support growth. The Enterprise Zone was successful. There was a good economic case for the scheme.
- The application was in conflict with parts of the Core Strategy. However, there was mitigation for the loss of woodland and land, providing greater replacement tree and hedgerow planting than was to be lost. The strategic importance of this major application carried the greater weight.

Points against the application

- A Member questioned whether the traffic flows that had been described in the analysis reflected the reality. Infrastructure was important but the proposed route was not the right one.
- It was questioned whether Members had been able to consider all the considerable documentation relating to the application.
- The application had to be considered on its own merits. The absence of sustainable transport measures was in breach of the Local Transport Plan, policy HN1 and the National Planning Policy Framework, in particular paragraphs 29 and 32.
- It was asserted that the £27m provisionally allocated in the LTP for the SLR could be transferred to other projects such as an eastern river crossing as supported by Jesse

Norman MP and Hereford City Council. The SLR was not the best use of the resource.

- The consultants' case in relation to the improved access to the Enterprise Zone as a result of the SLR was misleading.
- The SLR would damage the countryside and the benefits of the scheme did not outweigh the environmental impact.
- It was hard to believe that any other scheme in such conflict with the NPPF and Core Strategy would have been recommended for approval.
- The majority of traffic was local to the City and the proposal would not deliver the desired reduction in congestion and improvements to air quality and residents' health.
- Highways England had stated that new road infrastructure should only be considered when travel plans and other modes of transport had been shown not to work. Paragraph 32 of the NPPF stated that decisions should take account of whether opportunities for sustainable transport modes had been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. The South Wye Transport Package had been removed and was not part of the Scheme before the Committee. Alternative approaches to road building had not been explored. The Council had not addressed school traffic, active travel, or support for public transport. The SLR could not therefore be justified as a stand alone application.
- The proposal had an adverse impact on the landscape and the setting of the City.
- There were other ways to achieve growth, for example through tourism.
- A concern was expressed that the application was flawed, citing concerns highlighted by the Parish Councils and the local ward member about the consultation process and presentation of documentation.

Additional Points

- A concern was expressed about the environmental impact of the amount of stone that would need to be transported to provide the fill for the proposed embankments. It was suggested design of the scheme should be given further consideration to provide a better balance between cut and fill.
- It was suggested that the route could have avoided Grafton Wood.
- Support was expressed for a bypass to the east of the City. Another member commented on the problems associated with an eastern route crossing the Lugg Meadows
- The need for the Clehonger Link was questioned. It was also suggested that it could have been realigned to avoid the loss of an ancient oak tree.
- Several members complimented the officer report on the balanced way in which it had set out the issues that needed to be weighed in taking a decision.
- It was asked why the report did not refer to the fact that Council owned land at Grafton would be required for the scheme. This was clearly to the benefit of the Council as applicant. The Development Manager replied that the author was not aware of the fact at the time of writing the report and the application did not seek the release of land and the matter was not material to the determination of the application.

- It was requested that it should be prescribed as part of the granting of planning permission that a Traffic Regulation Order should be implemented imposing a weight restriction so directing heavy vehicles off the Belmont Road. The Principal Planning Officer commented that a TRO was not a matter governed by condition and drew attention to the Committee update which stated that the applicant's stated aim was to have the TRO in place in time for the opening of the SLR. The Development Manager further clarified that it would be possible to use a Grampian style condition if the Committee so wished. The Committee indicated its support for this approach.

In response to other questions the Principal Planning Officer commented:

- The possibility of putting the road under the railway had been considered but the idea had not been welcomed by Network Rail for technical reasons and had not been pursued.
- The management of the replacement woodland would be addressed via conditions.

Summing Up

The Development Manager commented in conclusion that the Committee had given proper consideration to the significance of the heritage assets and the impact on woodland. The question was whether the public benefit of the application outweighed that harm. There was harm and there were tensions with policy. If the Committee was satisfied that the benefits outweighed the harm the application could proceed.

The adjoining ward members were invited to make their final comments.

Councillor Summers commented that the focus should be on sustainable transport measures and that aspect should be considered by the relevant overview and scrutiny committee.

Councillor Chappell reiterated his comments on the economic importance of the road.

Councillor J Johnson as local ward member was given the opportunity to close the debate. He commented on the implications of the decision for young people. He noted that a choice of options for the route to be taken by any future infrastructure remained open.

A named vote was requested.

For (12): Councillors CR Butler, PGH Cutter, PJ Edwards, CA Gandy, J Hardwick, EL Holton, JA Hyde, TM James, RJ Phillips, NE Shaw, WC Skelton, and EJ Swinglehurst.

Against (4): Councillors JLV Kenyon, MN Mansell, FM Norman, and AJW Powers.

Abstain (1): Councillor A Seldon.

RESOLVED: That subject to confirmation that the Secretary of State does not wish to request a call in of the application and the completion of the Habitat Regulation Assessment, that officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary:

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 Condition 6.

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 assets 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 finds and features; 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 3 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: 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 with 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 but not confined to
- Draft Construction Environmental Management Plan April 2015 (all mitigation set out in here)
 - BS5837 Arboriculture Report April 2015 (showing tree constraints plan)
 - BS5837 Tree Protection Plan sheets 1-4 (showing RPAs)
 - Proposed Public Right of Way Network Drawing no. TRP/02/02 (Shows existing and proposed PROW)
 - Landscape Principles document (sets out principles of mitigation)
 - Landscape Mitigation at Haywood Lodge (drawing showing embankment at railway)
 - Landscape Mitigation Response December 2015 (response to HE suggesting alternative mitigation)
 - Landscape Mitigation Proposals Figure 7.4.1 Revision C (final drawing showing mitigation)
- 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: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

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: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

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.

18. Prior to the first operation of the road hereby approved, a weight restriction on Belmont Road (A465) shall be implemented and effective, unless an alternative timescale is submitted to and approved in writing by the Local Planning Authority.

Reason: To support the aim to reduce traffic movements along the A465 (Belmont Road) having regard to the aims of the South Wye Transport Package and policy HD3 of the Herefordshire Local Plan – Core Strategy.

Informatives:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal, including all the accompanying information included within the Environmental Statement and other supplementary documentation, against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal that clarified and identified the economic, social and environmental conditions of the area. The Local Planning Authority, taking into account all the submitted information and considering the public benefits of the proposed scheme, has been able to grant planning permission. The proposed mitigation and enhancement measures have, where appropriate, been secured by condition. The Local Planning Authority has therefore acted in accordance with the requirements in paragraphs 186 – 187 of the National Planning Policy Framework**
- 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.**

6. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 5.56 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 6 June 2016

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

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,

For: Ms Lane per Miss Amy Hallam, The Forum, Barnfield Road, Exeter, Devon, EX1 1QR

ADDITIONAL REPRESENTATIONS

Five further letters of objection have been received. These do not raise new issues and include a further letter from Jesse Norman MP raising again the queries from Mr and Mrs Harris at Pykeways that have already been reported and also issues raised by Hereford Transport Alliance. This letter can be seen at:

<https://www.herefordshire.gov.uk/documents?id=f5a1ca0b-2335-11e6-96d8-0050569f00ad>

One further letter of support has also been received from 'Herefordshire Business Board' that reiterates comments made in support previously.

The content of all of these additional letters can be seen at:

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

The Neighbourhood Planning Manager has provided an update on the progress of the Callow and Haywood Neighbourhood Development Plan:

The examiner's report has recommended the following modifications that are specific to the Southern link road:

- *Delete the words 'e.g. the route of the proposed Southern Link Road should be designed as a green corridor with a profound zone of tree planting on either side of the road and a minimum of urban features such as lighting' from Objective 4 in Aim 1.*
- *Second sentence, Criterion 9 of policy CH1 has been re-worded – 'Development which involves the removal of existing local orchards or areas of woodland will be strongly resisted unless it can be clearly demonstrated that the need for and benefits of, the development in that location clearly outweigh the loss of these habitats'*
- *Criterion 13 Policy CH1 has been re-worded to "Development proposals must ensure that key features of any views can continue to be enjoyed including distant buildings and natural features or features of importance, areas of landscape and the juxtaposition of settlement edges and open countryside."*
- *In criterion 7 of policy CH2 - insert a full stop after "low carbon technology" and reword the rest of the criterion so that it reads: "Development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area and on the living conditions of residents particularly arising from noise generated by traffic movements."*

- *Also in Criterion 8, policy CH2 - Delete the words "...and in particular the new southern link road..."*
- *Policy CH2, Criterion 8, sub-Criterion ix is to be deleted*
- *Policy CH4 has been re-worded to 'Applications for development which affect or would potentially affect the landscape character and assets in areas of high-medium and high landscape sensitivity identified on Map 6 should be accompanied by an appropriate landscape impact analysis. This will include details of how the proposal would preserve or enhance the landscape character and its assets as well as taking local topography and skyline into account and demonstrate it would not contribute to the urbanisation of the rural area.'*

In addition consideration should be given to the River Wye Special Area of Conservation and development should include appropriate landscape designs to ensure that any potential impacts on local wildlife habitats are minimised. Development that would have an adverse effect on the River Wye SAC will not be permitted.

Development will only be permitted when it does not compromise the ability of the Nutrient Management Plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets, or are at risk of doing so.'

The Callow and Haywood NDP has been successful at examination and subject to the minor modifications being made it can proceed to referendum. It is anticipated that the referendum will be held within summer 2016. The minor modifications have removed the specific reference to the southern link road within policy CH2, so that the policy now provides criteria in general for roads across the Parish.

Therefore considering the advanced stage of the NDP it can be afforded significant weight.

Comments from Service Manager Built and Natural Environment (Arboriculture Consultant) that were obtained very recently are referred to at para 6.169 but not provided in full in section 5. These read as follows:

I have looked in to the guidance for ancient and veteran trees and there seems to be two documents;

- Ancient and other veteran trees – further guidance on management – David Lonsdale/ancient tree forum (2013).
- And older but still relevant, Veteran Trees – a guide to good management – Helen Reid (1999).

In both documents they set out guidelines to identify what veteran and ancient trees are and how they are defined.

Reid states that veteran trees are 'trees with a stem diameter of 1.5m and are valuable in the terms of conservation'. She then goes on to describe indications of a **veteran** tree;

- Major trunk cavities
- Natural forming water pools, decaying holes, bark loss, physical damage to the trunk.
- Large quantity of deadwood.
- Crevices.
- Fungi
- High aesthetic interest

- An old look
- A pollard
- Prominent.

Lonsdale describes it a little differently, he talks about **ancient** trees. He states that 'an ancient tree is one that has one or most of the following;

1. Biological, aesthetic or cultural interest because of its great age.
2. A growth stage that is described as ancient or post mature.
3. A chronological age that is old relative to others of the same species.

He also states;

Ancient trees are also described to have;

- a large girth (for the species), owing to the long-continued accumulation of annual increments
the progressive narrowing of successive annual increments in the stem, associated with sustained diminution of crown volume
- the aging and associated decay (leading to hollowing) of the central wood
changes in crown architecture
- a progressive or episodic reduction in post-mature crown size, often known as retrenchment

Veteran: this term describes a tree that has survived various rigours of life and thereby shows signs of ancientness, irrespective of its age. In order to qualify as a veteran, the tree should show crown retrenchment and signs of decay in the trunk, branches or roots, such as exposed dead wood or fungal fruit bodies.

I visited the site today to have a look at the Oak tree T15. The tree is obviously substantial and appeared to have good overall form and in good condition. When considering it against the criteria above, I consider that it 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. This tree would defiantly warrant this type of protection

OFFICER COMMENTS

Clarification: Nature conservation

A recent letter of objection from Mr Elliot continues to object on the grounds that the survey of woodland plants within Grafton Wood was not carried out in Spring and early Summer as laid out in the ancient woodland planning guidelines but in September. Mr Elliot recently provided a photograph of a plant called 'Adders Tongue ferns' on the edge of Grafton Wood that you can see at:

<https://www.herefordshire.gov.uk/documents?id=e907dcc2-1b6e-11e6-94dc-0050569f00ad>

Officers have now had the opportunity to seek advice on this and can confirm that the plant in question falls within Schedule 8 of the Wildlife and Countryside Act. It is therefore protected against damage etc. Damage or loss should be avoided, but if that is not possible it can be translocated with a licence from Natural England in a similar way to any protected

species. Its presence would not preclude development. Natural England forwarded some links to advice on this matter.

<http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/protectedplants.aspx>

It is officers' opinion that whilst the applicants would need to deal with this matter and obtain the relevant licences (if necessary) it would not alter the advice in respect of the impact and effect on the Ancient Woodland within the report and I would refer Members to the advice of the Ecologist and the recommended conditions.

Clarification - Habitat Regulations Assessment (HRA)

After formal consultation with Natural England and the Council's Ecologist, the Council intends to formally adopt the updated Habitat Regulations Screening Assessment as submitted. This will need to be carried out prior to the issuing of any decision.

Clarification – Traffic Regulation Orders (Belmont Road)

Following receipt of several queries in respect of the inclusion of a weight restriction along Belmont Road, officers would make the following comments:

As part of the Transport Assessment the applicants assumed that the TRO would be in place to restrict HGVs using the A465 Belmont Road. This was included in the modelling that was undertaken. It is the intention to progress this alongside the SWTP (including the SLR).

The applicants have confirmed that they are progressing with the TRO and that they propose to take this forward by consulting with relevant parties such as the emergency services and the haulage association in the coming months. The aim would be to have the TRO in place in time for the opening of the SLR.

The current TRO options being discussed are:

- Weight restriction under Great Western Way Railway Bridge only. This does not require 'except for access'
- Weight restriction between Great Western Way bridge and Asda Roundabout – this would require 'except for access'
- Weight restriction between new SLR roundabout and Tesco Roundabout – this would require except for access

A Traffic Regulation Order would not normally be covered in the planning application as it relates to a separate process outside of the control of the planning permission.

However, in the worst case scenario, the TRO is not considered to be mitigation that would be required for the proposed development but what it does do, is to ensure that HGV's use the SLR in preference to the A465. There is a clear desire, from the applicants and as expressed by the Ward Councillor for the area and the City Council to progress this proposed TRO.

The weight restriction would need to be delivered as part of the wider South Wye Transport Package. The South Wye Transport Package is reliant upon the delivery of the SLR.

CHANGE TO RECOMMENDATION

The recommendation should be altered to read:

That subject to confirmation that the Secretary of State does not wish to request a call in of the application and the completion of the Habitat Regulation Assessment, that officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary;

Condition 11 - Landscape

Insert: 'on the principle set out in, but not confined to:

- **Draft Construction Environmental Management Plan April 2015 (all mitigation set out in here)**
- **BS5837 Arboriculture Report April 2015 (showing tree constraints plan)**
- **BS5837 Tree Protection Plan sheets 1-4 (showing RPAs)**
- **Proposed Public Right of Way Network Drawing no. TRP/02/02 (Shows existing and proposed PROW)**
- **Landscape Principles document (sets out principles of mitigation)**
- **Landscape Mitigation at Haywood Lodge (drawing showing embankment at railway)**
- **Landscape Mitigation Response December 2015 (response to HE suggesting alternative mitigation)**
- **Landscape Mitigation Proposals Figure 7.4.1 Revision C (final drawing showing mitigation)**

Condition 12 - altering part (i) " items" to assets. Secondly I would suggest altering section (iii) "objects and relics" to finds and features.

Conditions 13 and 14 - Drainage

The reasons for the conditions have been omitted and should be included as follows:

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework