

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27 SEPTEMBER 2018
TITLE OF REPORT:	<p>182314 - SUMMARY DESCRIPTION (FOR FULL DESCRIPTION SEE APPLICATION FORM AND PLANNING CASE STATEMENT): • PROPOSED NEW FIELD ACCESSES • PROPOSED MAINTENANCE TRACKS TO SERVE SOUTHERN LINK ROAD (APPLICATION 151314) AT MULTIPLE PARCELS OF AGRICULTURAL LAND, SOUTHERN LINK ROAD CORRIDOR (151314) A465 - A49, HEREFORDSHIRE</p> <p>For: Mrs Lane per Mr Jiggins, WSP, The Victoria, 150-182 The Quays, Salford, Manchester, M50 3SP</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182314&search=182314
Reason Application submitted to Committee – Council owned land with objections	

Date Received:
21 June 2018

Ward:
Wormside and Stoney Street
Adj: Red Hill and Newton Farm

Grid Ref: 348393, 237028

Expiry Date: 1 October 2018

Local Members: Cllr J Johnson, Cllr S Williams, Cllr P J Edwards (adj) & Cllr P Rone (adj)

1. Site Description and Proposal

- 1.1 As part of the development of the South Wye Transport Package (SWTP), Southern Link Road (SLR) located south of Hereford (Application Number P151314/F, determined on 18th July 2016). The committee report, associated plans and documents for this can be viewed on the website at:
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151314&search=151314
- 1.2 The applicants, Herefordshire Council, are seeking planning permission for ancillary works that lie outside the original application boundary. These proposals relate primarily to minor alterations; including the creation of new accesses (and field gates), alterations to property boundary (Pykeways) and alterations to drainage arrangements. The most notable piece of development required is the construction of a temporary haulage route. These proposals are described in the application submission and are spread across a wide geographical area. These proposals are shown on 10 drawings, number Sheet 1 to 10 and these are described in more detail below.

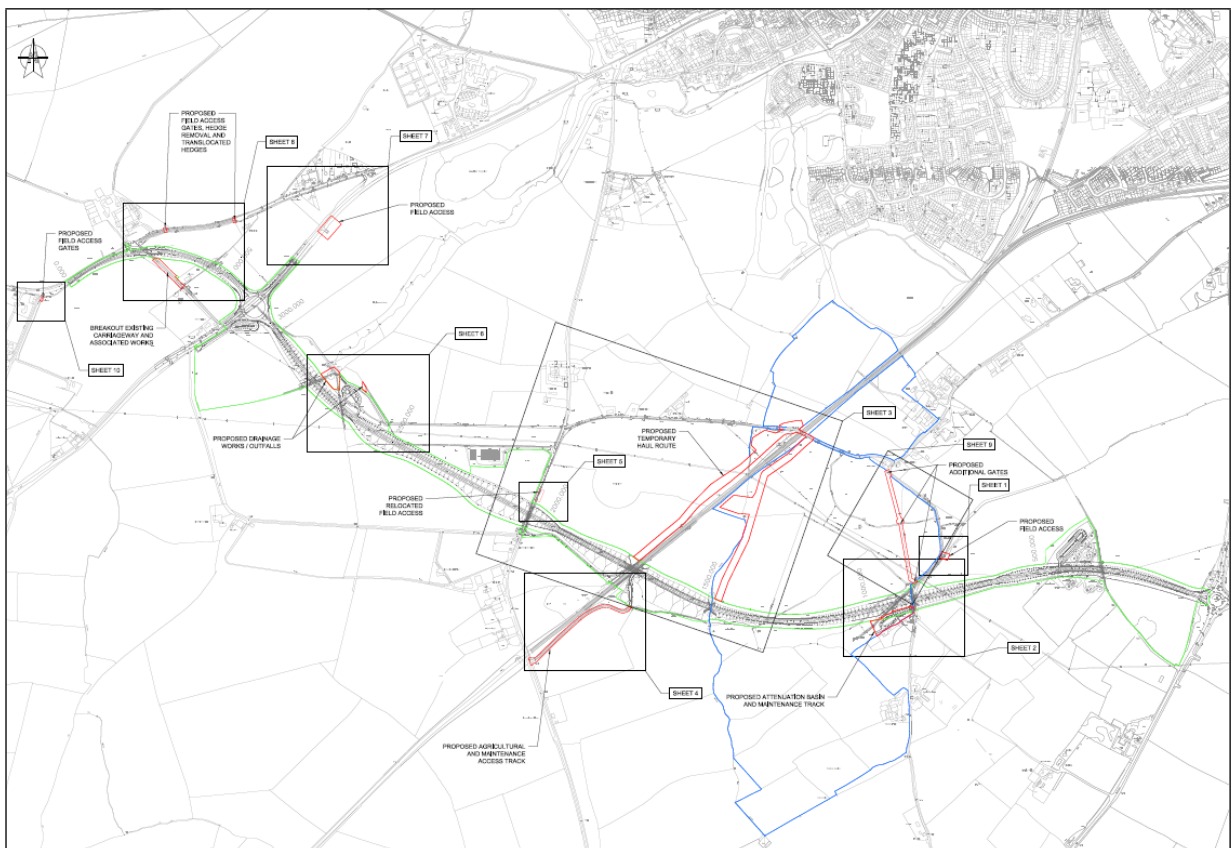
1.3 The application was validated on 2nd July 2018 and the initial period of consultation was undertaken (12th July – 2nd August). Following discussions with the Local Planning Authority pursuant to concerns that had been raised during the initial consultation phase the applicants provided some supplementary information and amended plans. These sought to provide clarification in respect of achievable visibility splays for the proposed accesses and address queries in respect of landscape and biodiversity. Upon receipt, the Local Planning Authority undertook a further period of consultation (16th August – 10th September).

1.4 The application has been supported by the following documents:-

- Arboricultural Method Statement (including Tree Protection Plans)
- Noise and Air Quality Statement
- Preliminary Environmental Appraisal
- Flood Risk Assessment
- Hedgerow Survey
- Great Crested Newts Survey Report
- Woodland Botanical Survey
- Response to consultation comments and memo

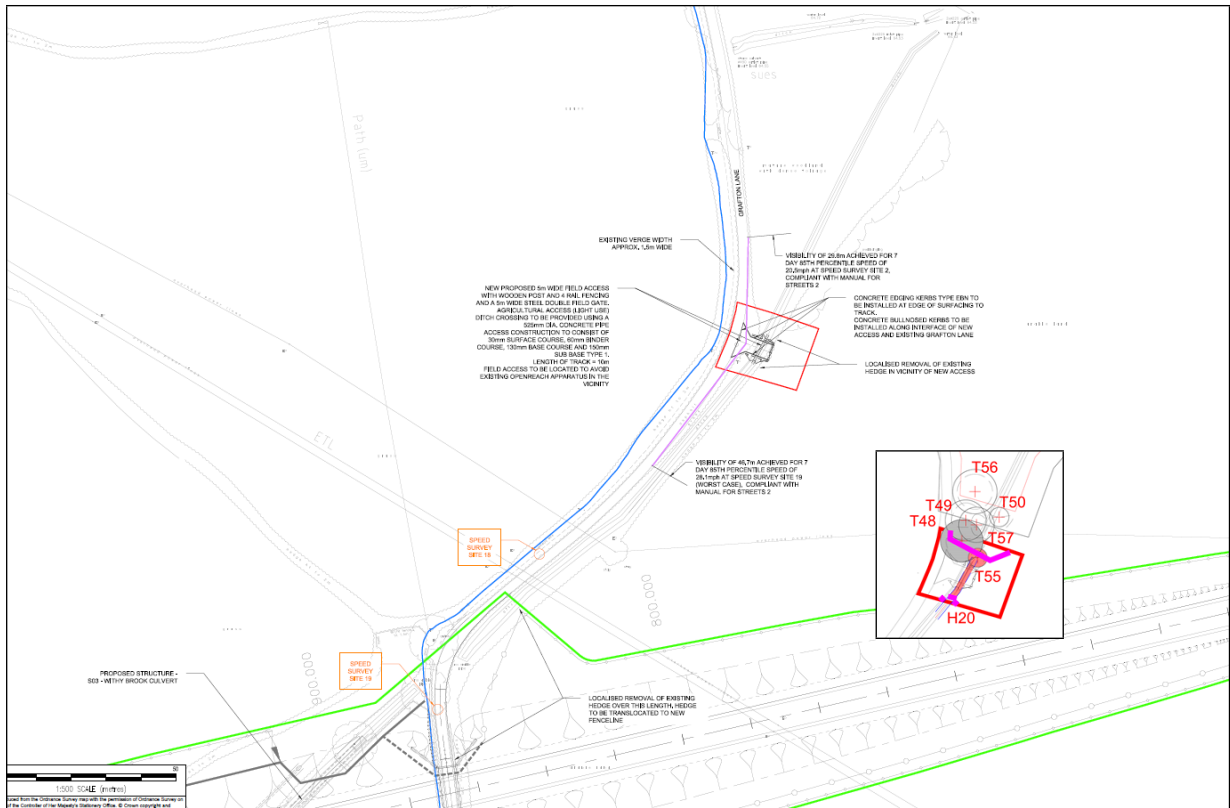
Plans submitted as described below.

1.5 The proposals are spread along the length of the proposed Southern Link road. The extract of the drawing titled Site Location Plan Extents is inserted below: The plan shows the Southern Link Road, as approved, outlined in green and areas of the proposed works outlined in red. The proposals are then detailed on Sheets 1 – 10 (site location and site plans) and these are described in more detail below, along with relevant extracts of the plans.



Sheet 1 - New field access and drainage ditch crossing (Site Plan – Sheet 1)

- 1.6 The site lies to the southern side of Grafton Lane and to the as the lane bends slightly. The drawing extract below identifies the site in relation to the approved SLR route. To its north lies an area of woodland (Deciduous woodland). The access would serve the adjacent agricultural land that would be severed by the Southern Link Road (SLR) that lies to its south.

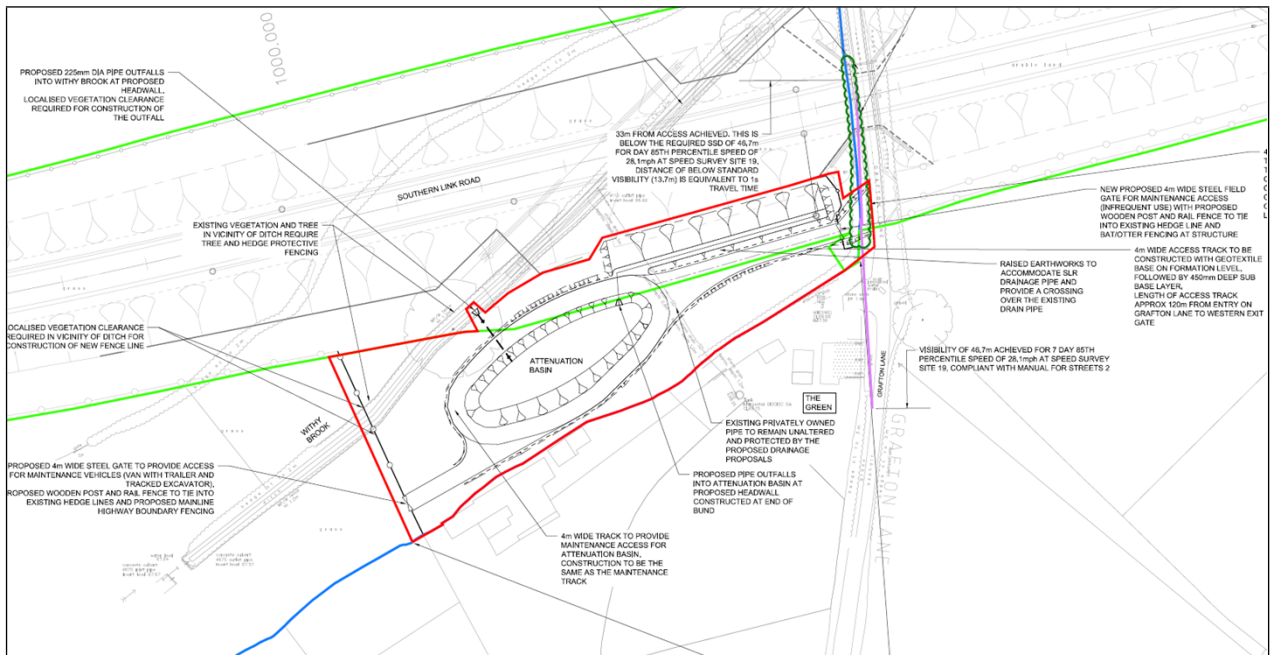


Above: Extract from Sheet 1 and insert from Arboricultural Method Statement

- 1.7 The proposed access would be 5m wide (double gate) and would be hardsurfaced with concrete edging kerbs. Gates would be set back by 10m to allow for vehicles to exit and open the gate, without obstructing the highway. Visibility splays of 46.7m to the north and 29.8m to the south west can be achieved and seasonal hedgerow maintenance will be required. As the access would cross Withy Brook, a culvert is proposed. The Arboricultural report confirms that only a short section of hedge will be removed and that tree and hedgerow protection will be provided during the construction phase.

Sheet 2 - Drainage works and maintenance track / access

- 1.8 The application site lies to the north of the property known as 'The Green', to the west of Grafton Lane and to the south of the SLR route. The proposals are for the creation of an attenuation basin that will form part of the SLR drainage strategy that will be submitted for consideration as an application for the discharge of the relevant condition. The proposals include a 4m wide maintenance track around its periphery. The originally submitted plans did not include the entire basin and track within the red edge and as such, officers requested the red edge be marginally extended to ensure that the development was contained within the application site boundary.
- 1.9 The plans have also been amended to remove the access to the north, as it has been noted that an access point was already agreed as part of the original planning permission 151314. The arboricultural report identifies that the hedge to the southern boundary (The Green) will be protected during construction.



Above: Extract from sheet 2

Sheet 3 - Proposed temporary Haul Road and realignment of cycle route

- 1.10 The application site lies to both the west and east of the railway line, and to the northern side of the SLR route.
- 1.11 Until such time as a new bridge spanning over the railway line is constructed the material will need to be transported in lorries from land west of the railway line to land on the eastern side. It was assumed in the original SLR planning application (151314) that materials would be delivered to and from site via the road network (Route Option 1). However, during further discussion with landowners, another route option, across private land, has been proposed for transporting the excavated material (Route Option 2):

Route Option 1 (pink): Using the existing road network – vehicles would go south along a short section (approximately 0.7km on road) of Haywood Lane and over the railway line on an existing bridge near Haywood Lodge.

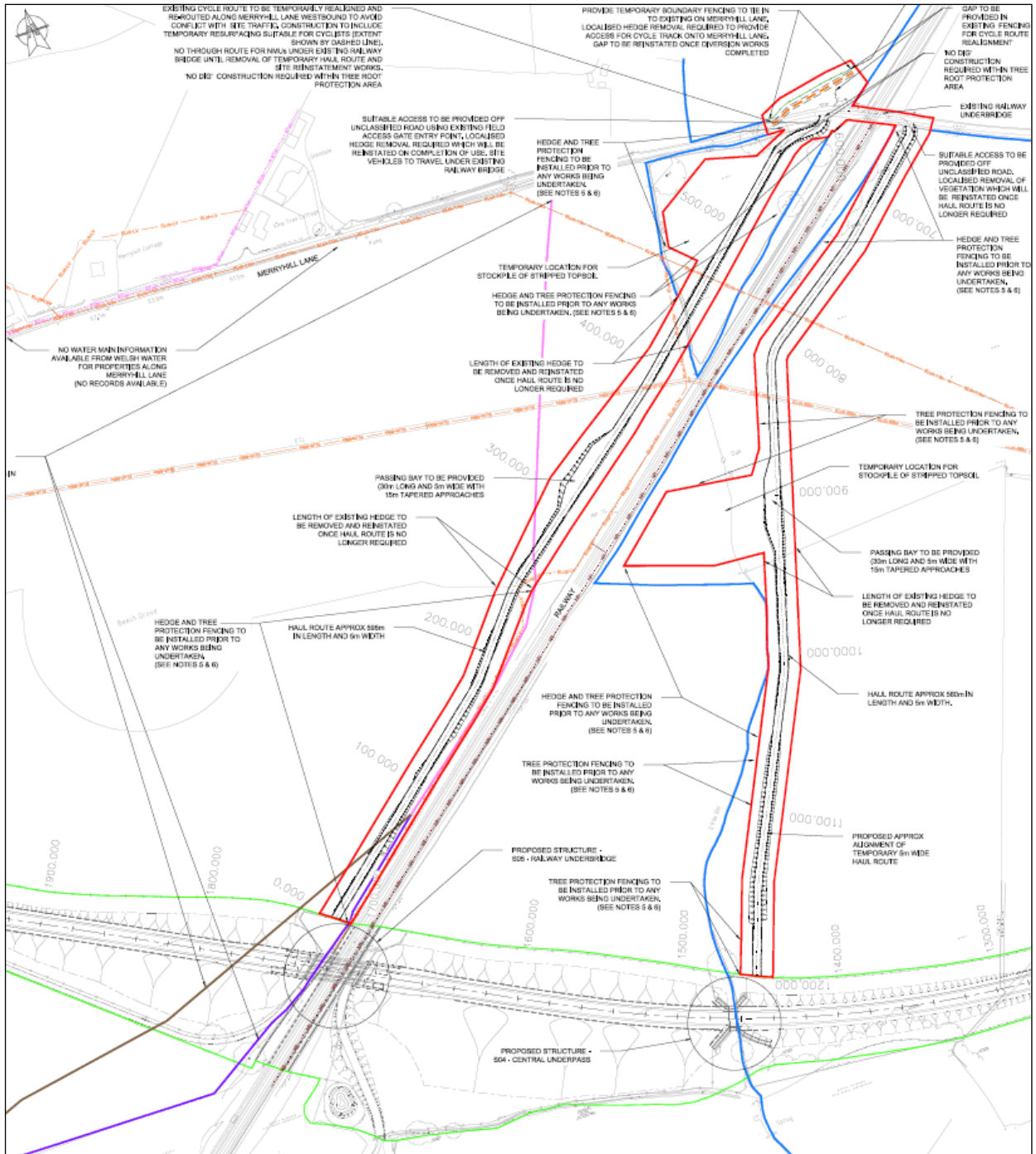
Route Option 2 (green): Creating a temporary haulage access route through agricultural fields, which would begin on land east of Haywood Lane, cross underneath the railway at Merryhill Lane bridge and continue south through more agricultural fields. This route is approximately 1.7km in length and off road except for the short crossing at Merryhill Lane.

- 1.12 An extract of route options plan (figure 1), taken from the noise and air quality statement, is inserted below. These route forms the basis of the assessment on impacts within the report.



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

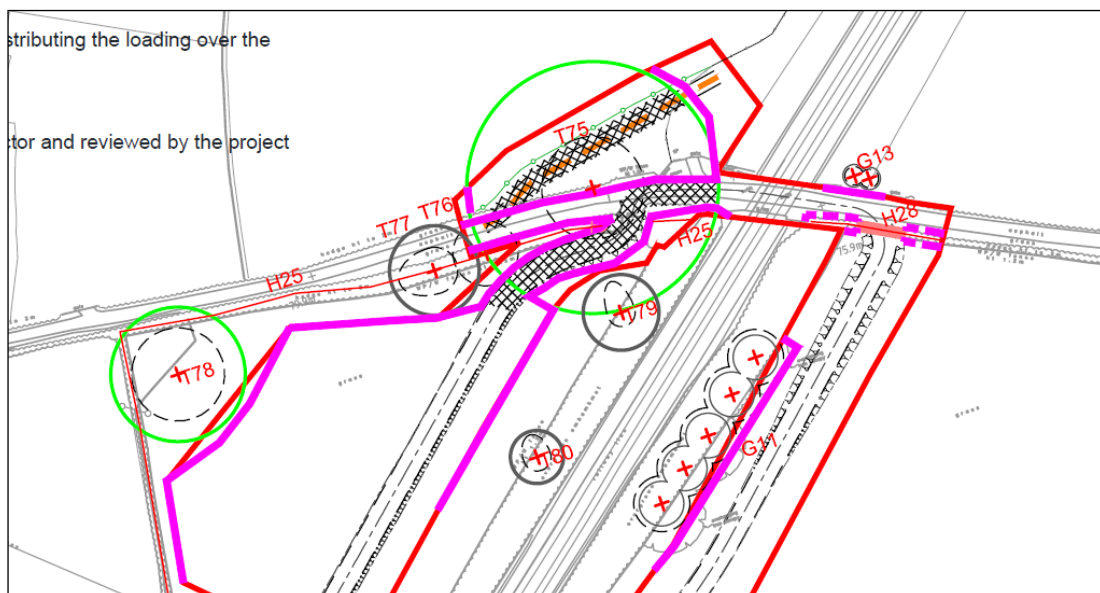
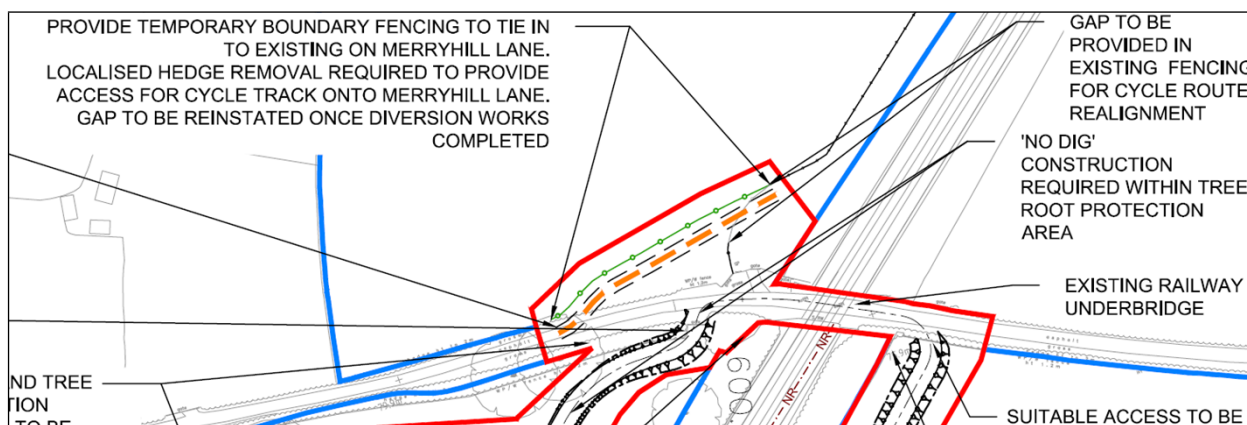
1.13 The extract from the submitted plans details the extent of the haul route (option 2). The haul route to the west would be approximately 595m long and 5m in width, with a passing bay located in a central position. Fencing will be erected to protect the hedgerow to the east and where hedgerow removal is required (small section to create access through) the hedge will be reinstated once the haul route is no longer required. Temporary stockpile areas are also proposed for the stripped topsoil so that this can be used for reinstatement of the land. A temporary fence is proposed around the haul road and Arboricultural method statement details areas of tree protection and no dig areas.



1.14 The submission advises that 'a transport assessment undertaken for the purposes of haulage route selection established that the creation of the haulage route would avoid negative impacts on the existing highway network by removing construction traffic. The excavation and transportation of material is estimated to take up to 11 weeks to complete, subject to suitable

working hours (assumed to be 9:00am to 5:00pm) to be agreed with the local planning authority and suitable weather conditions. Based on this timescale and the prediction that material can be excavated at a rate of 6000m³ a week, this results in the likely deployment of 19 dump trucks an hour. The haulage route would therefore reduce the number of trips on the road network, avoiding the potential for congestion. It would also eliminate the movement of excavated loose aggregate material via public highways. This will minimise the risk of material spilling on the roads, compromising [the] road surface.'

- 1.15 The haul road would be removed post construction and the land reinstated.
- 1.16 The proposed haul route being considered allows Southern Link Road (SLR) haulage vehicles and construction traffic exclusive use of the bridge under the railway to service construction sites either side of the line. If progressed, it would be necessary to block off the eastern section of Merryhill Lane between the end of the Great Western Way (GWW) / National Cycle Network (NCN) route 46 and Grafton Lane.
- 1.17 To address this, a new section (temporary) of cycle way would be created (hatched orange on the plan below).

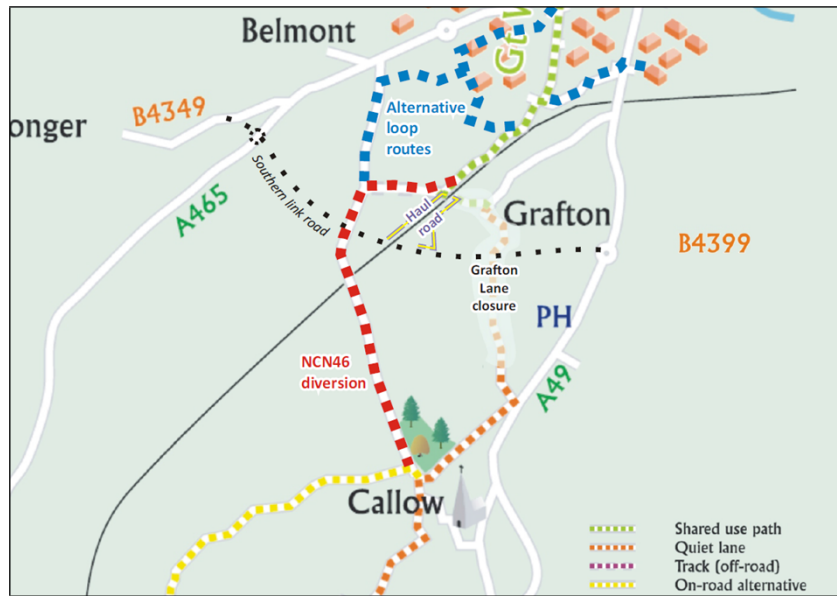


Extract from Sheet 3 and insert from Arboricultural Method Statement

- 1.18 To allow continued use of the National Cycle Network route 46 the applicants propose temporarily divert NCN46 west up Merryhill Lane to Haywood Lane to rejoin the NCN near the point where the two options divide. The diversions is of a comparable length (60m difference) to the existing section of NCN46 and in bringing the western section of Merryhill Lane up to a

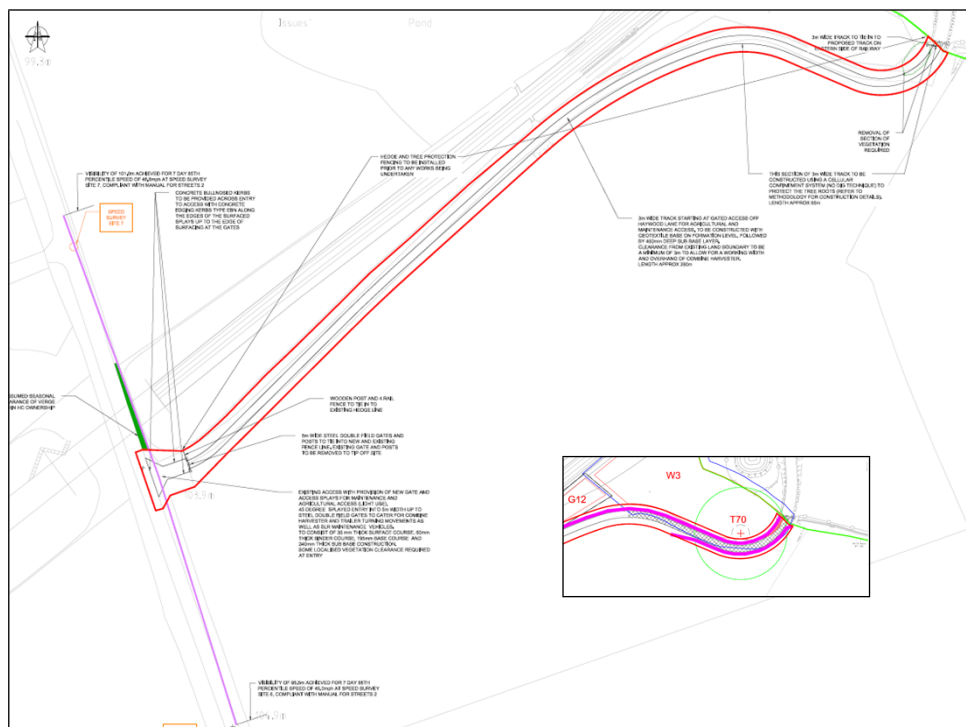
Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

cycleable standard while still deterring its use by motor vehicles and the result is the provision of an option that will remain available after the SLR construction is complete. A map (extract) detailing the diversion is inserted below.



Sheet 4 – Access / Maintenance track off Haywood Lane

- 1.19 The proposal involves the creation of a maintenance track, from the existing access point onto Haywood Lane, along the northern boundary of the field (alongside the railway line) to the field gate to the north east. The track will be approximately 350m in length and predominately 3m in width (5m at access point). The amended plan updated the visibility splays based on the speed data and detailed an area of vegetation removal to achieve these (101m to north and 95.5 to south). The application also identifies this as a potential haul route (option 1).

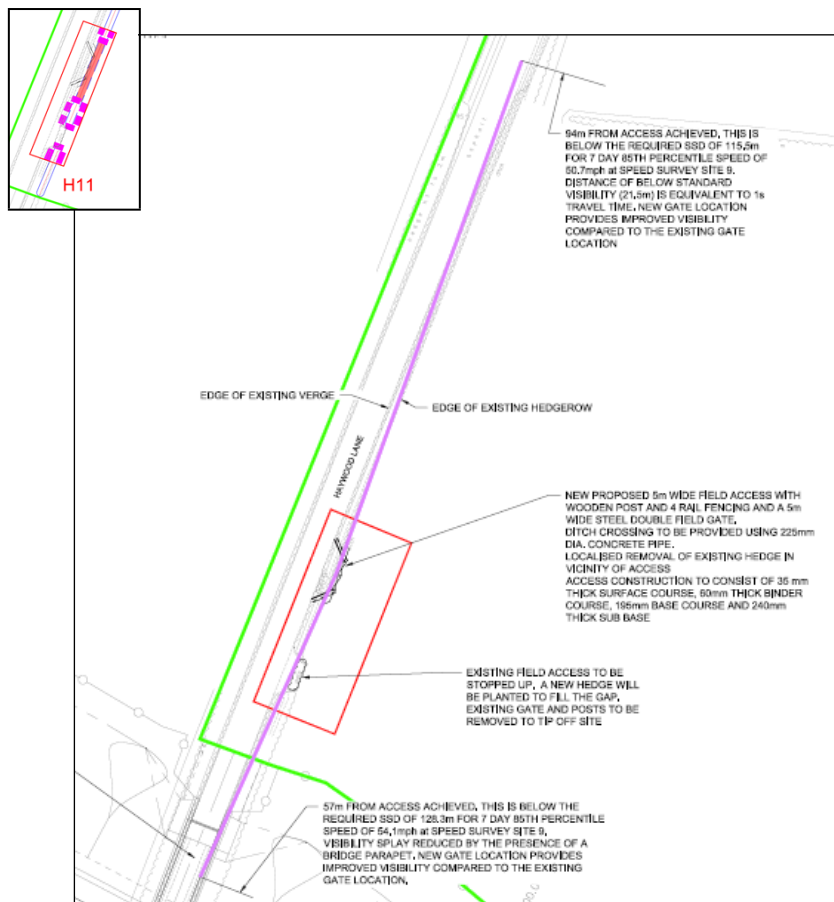


Above: Extract of Sheet 4 and from Arboricultural Method Statement

- 1.20 The proposed access track, to the eastern end, passes by an existing area of woodland. At this point, the arboricultural report identifies an area of no dig construction and the provision of tree protection measures. It is evident on site that this route between field gates is already used by vehicles (agricultural and rail maintenance) but is not surfaced.

Sheet 5 – New Field Access (Haywood Lane), drainage ditch crossing (hedge removal and new hedge planting)

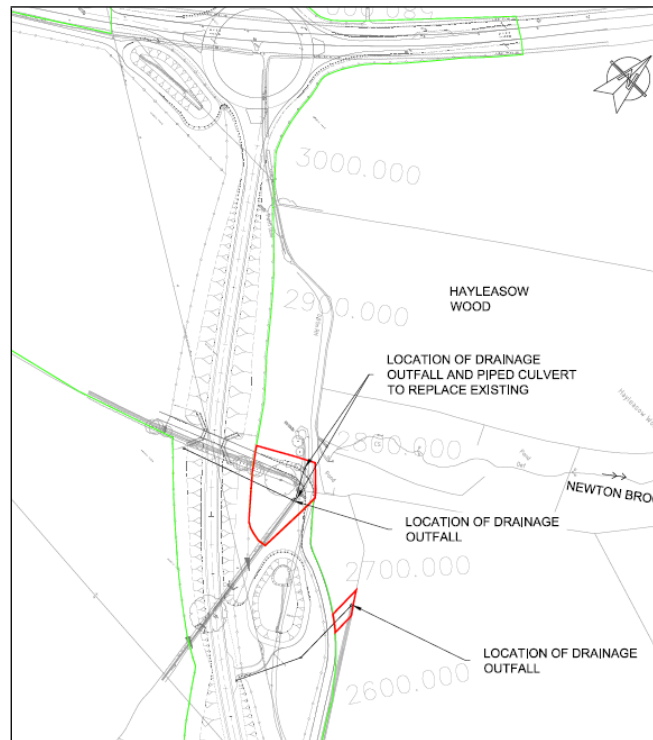
- 1.21 The new field access proposed lies on the eastern side of Haywood lane, to the north of the proposed SLR. This would consist of a 5m wide field access gate with wooden post and rail fencing and a 5m wide steel double gate. Localised hedgerow will be removed to form the access, with normal hedgerow maintenance required to maintain the achievable visibility splays of 57m to the south and 95m to the north. The existing ditch would be culverted. The existing gateway, that lies 14m to the south, will be stopped up and hedgerow replanted.



Above: Extract of Sheet 3 and from Arboricultural Method Statement

Sheet 6 – Drainage works – site to the south west of Hayleasow Wood.

- 1.22 The application site lies to the eastern side of the proposed SLR, in a position between Haywood Lane and the A465. Hayleasow Wood (Ancient Woodland) lies to the north. The proposals in this area relate to three new piped drawing outfalls into existing ditches as part of a wider drainage strategy that will be submitted as part of a discharge of conditions for the SLR.

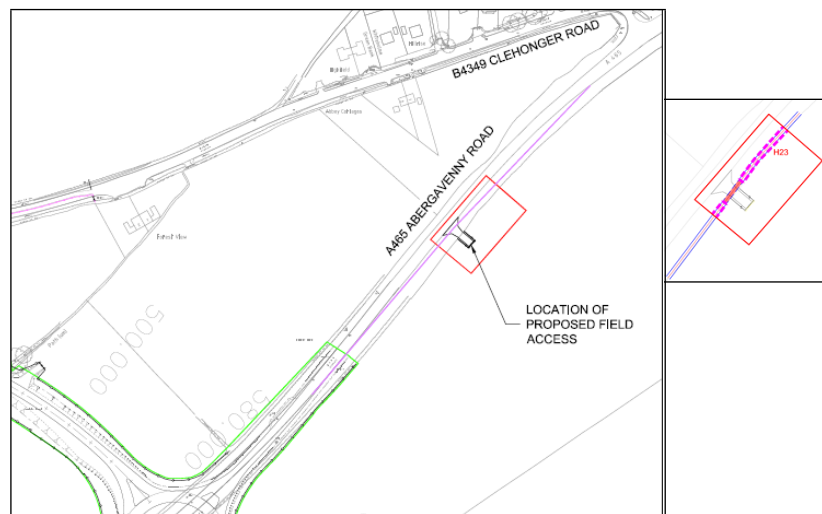


Above: Extract of Sheet 6

- 1.23 All proposed works are outside of this woodland, and no removal of woodland is proposed in this location. The outfall to the east of Hayleasow Wood provides a drainage connection from the existing fields to Newton Brook, which will be cut by the Southern Link Road (SLR). This will not be connected to the road. The outfall to the south of the Hayleasow Wood will drain the SLR.

Sheet 7 – New Field Access – A465

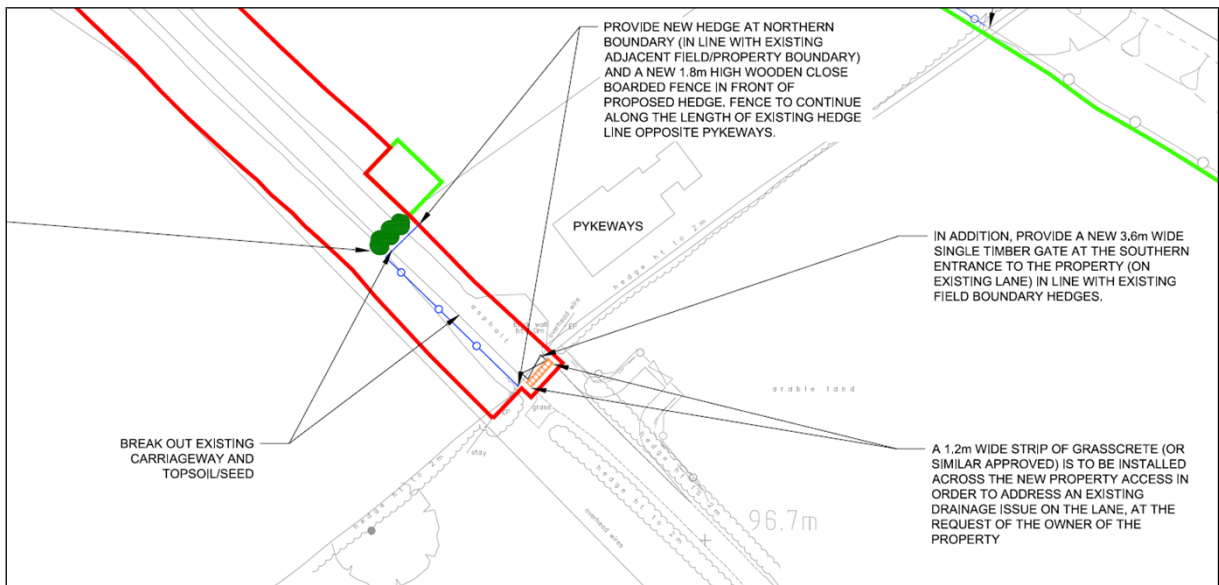
- 1.24 The proposed field access lies to the eastern side of the A465 (Abergavenny Road). It replaces an existing field gate that will be lost due to the location of the roundabout proposed as part of the SLR. The proposal is for a 5m wide field gate that would be set back around 19m from the carriageway, crossing the wide grass verge. Localised hedgerow removal would be required. The proposals achieve visibility to the north east of 139.3m and 156.1m to the south west (towards the proposed roundabout) and this is detailed on the amended plan as inserted below.



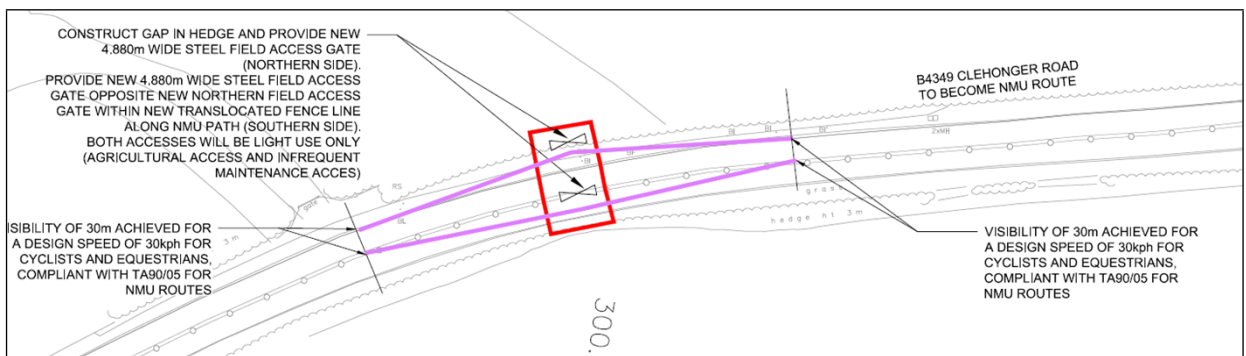
Above: Extract of Sheet 7 and from Arboricultural Method Statement

Sheet 8 – Proposed changes to highway at Pykeways and proposed accesses on the B4349

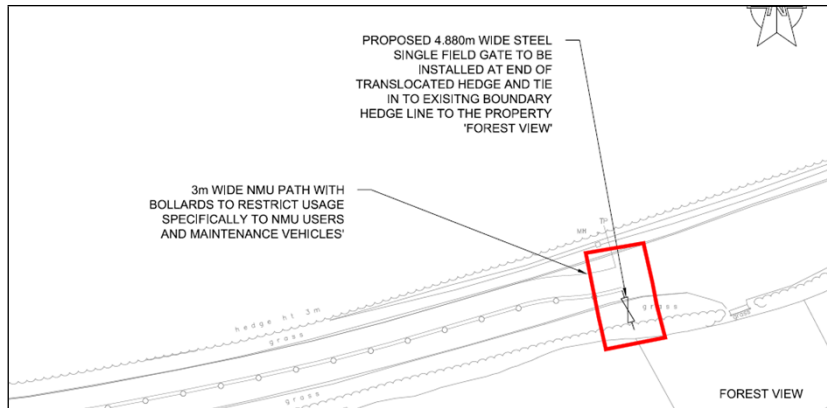
- 1.25 The first part of this proposal relates to the section that lies on the existing lane between the B4349 and A465. The proposed SLR bisects this lane, and restricts access from the B4349. The lane does however serve the property know as Pykeways. As part of negotiations with landowners, the application was amended and red edge enlarged to facilitate the changes to the new access arrangements to Pykeways. This will allow the planting of a hedge, and erection of a fence to the west, forming the new boundary of the property and a hedge / tree planting to the northwest. A timer gate will be erected and grasscrete laid to address drainage concerns.
- 1.26 Beyond this, the carriageway will be removed. The application has now removed any reference to hedge removal to either side of the carriageway.



- 1.27 The application proposals also include new access points onto the B4349. The B4349 would, as part of the SLR proposals be changed from a traffic used by vehicles, to one that is for non-motorised users (NMU). The result of this is the reduction in width of the carriageway by erecting a fence and planting a new hedgerow.
- 1.28 The proposed access to the west proposes two gateways, directly opposite each other, allowing for farm / agricultural traffic to cross the NMU. The gates would be 4.8m wide, with visibility achievable 30m in each direction. The introduction of these gateways would only occur once the existing highway is closed to vehicular traffic.

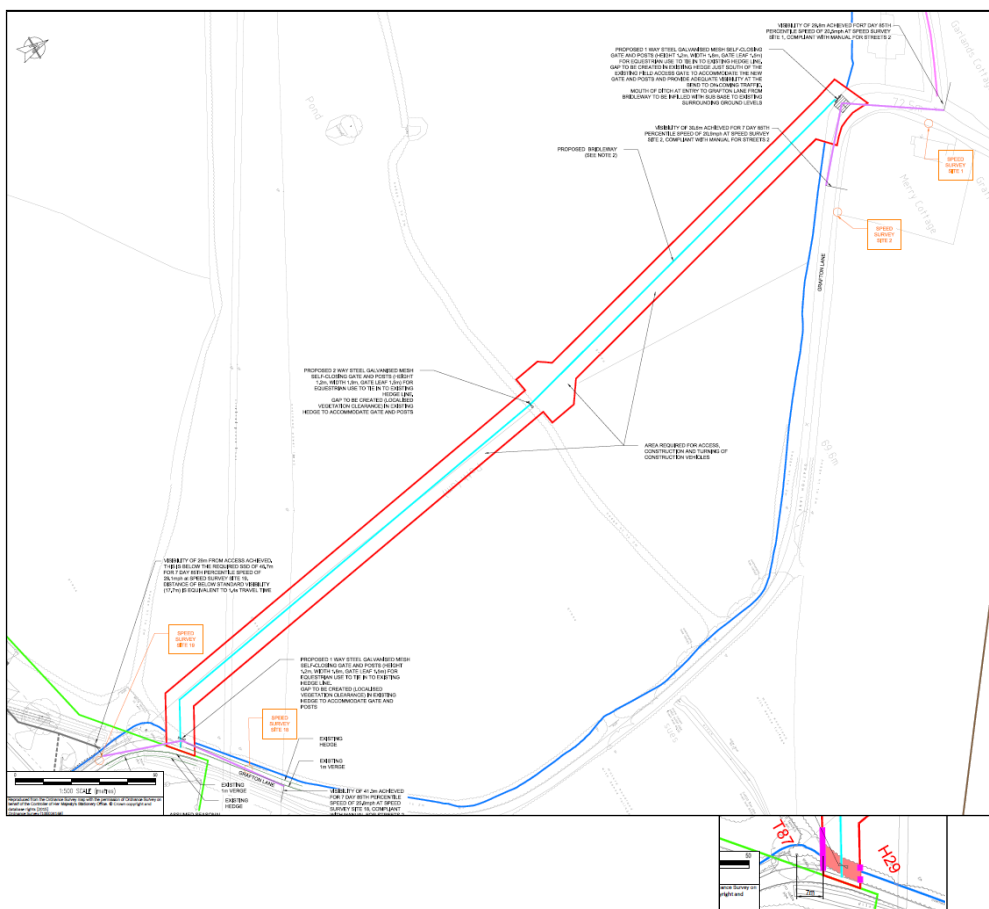


- 1.29 The final access point lies to the east of this NMU with the provision of a single field gate (4.8m) that would tie into the hedge on the boundary with Forest View. Access to the NMU would be restricted by bollards. Localised hedgerow removal will be required. No hard surfaces are proposed.



Sheet 9 – Creation of bridleway and installation of new gates – Grafton Lane

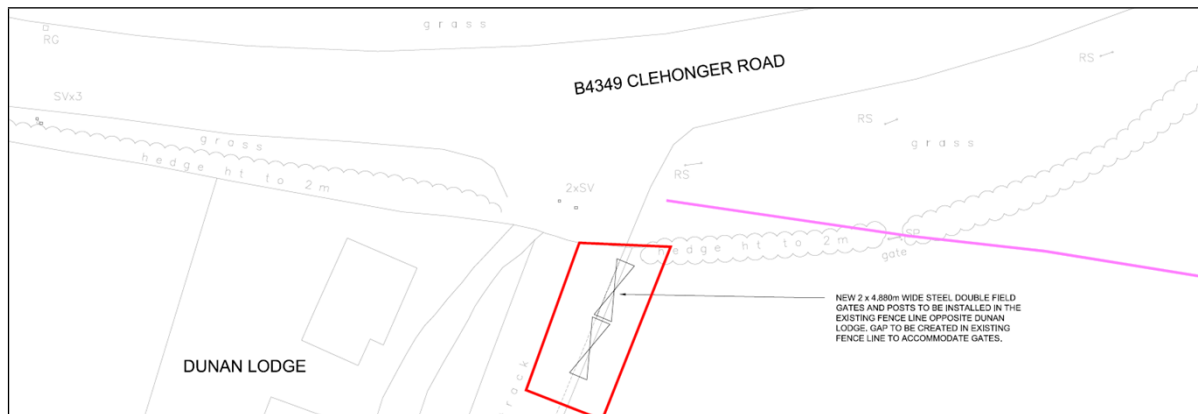
- 1.30 As part of the SLR development, the proposals included the provision of a new bridleway, running between Grafton Lane. This bridleway will not be hard-surfaced and the only development proposed are new gates to either end and a gate in the field hedge in the centre. The plans have been updated to identify the achievable visibility along Grafton lane.



Above: Extract of Sheet 9 and from Arboricultural Method Statement

Sheet 10 – new field access in fenceline at Dunan Lodge (onto driveway)

- 1.31 This proposal relates to the insertion of two gates (4.8m each) to provide access to the field that lies to the south of the B4349. The existing field access to the west of this field would be lost with the construction of the SLR. The gates provide access to the driveway rather than onto the B4349. No hedgerow removal is proposed.



- 1.32 At the time of submission, a request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) regulations 2017 was made. The Council concluded that the developments proposed are not EIA development and therefore no Environment Statement is required. This is recorded under application 182369.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy (CS)

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

- 2.2 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/info/200185/local_plan/137/local_plan_-_core_strategy/2

A summary of the relevant policies are described below:

- 2.3 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.”

- 2.4 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.
- 2.5 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).
- 2.6 The granting of planning permission for the SLR as part of the South Wye Transport Package had full regard to the strategic aims of these policies and acknowledges that whilst the SWTP was being promoted as a stand alone scheme, there was the possibility that the SLR would ultimately link to the western relief road and the application was considered with that in mind. Given the clear relationship between the proposals that form this application and the SLR, it is considered appropriate to consider the more detailed requirements of this policy that 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).”*
- 2.7 These matters relate, in the main to environmental quality and the delivery of the environmental objectives of the Core Strategy that relate to local distinctiveness and sustainable design.
- 2.8 Policy SS6 (Environmental quality and local distinctiveness) outlines the strategic aims in that development proposals should conserve and enhance those environmental assets that contribute to the county’s distinctiveness such as landscape, biodiversity, heritage assets.
- 2.9 LD1 (Landscape and townscape) requires that development demonstrate that character of the landscape and townscape has positively influenced the design of the proposal, with incorporation of new landscape schemes to ensure development integrates appropriately into its surroundings.
- 2.10 LD2 (Biodiversity and geodiversity) identifies the requirements for development proposals to conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats [and] important species in accordance with their status. The policy also expects the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and the creation of new biodiversity features and wildlife habitats.
- 2.11 LD4 (Historic environment and heritage assets) requires that development proposals should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 2.12 SD1 (Sustainable design and energy efficiency) is a criteria-based policy requiring development proposals to create safe, sustainable, well integrated environments for all.

Among other things, development should make efficient use of land. In addition the policy requires that residential amenity is safeguarded for existing residents and that development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution.

- 2.13 SD3 (Sustainable water management and water resources) requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance ground water resources and to provide opportunities to enhance biodiversity, health and recreation.

Neighbourhood Development Plan

- 2.14 The Callow and Haywood Group Parish Council Neighbourhood Plan is made and forms part of the Development Plan. 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.*

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"

- 2.15 Clehonger Parish have designated their neighbourhood area, but have yet to progressed to Regulation 14 stage.

Neighbourhood Plans can be viewed on the website at:

https://www.herefordshire.gov.uk/info/200140/planning_and_building_control/541/neighbourhood_planning/3

National Planning Policy Framework (2018)

2.16 The NPPF, revised earlier this year, is a significant material consideration; particularly where relevant CS policies are absent, silent or out of date. That is not the case here, yet as the NPPF post-dates the CS it is necessary to consider the policies of the NPPF in accordance with paragraph 212 i.e. *“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”*

2.17 Paragraph 213 confirms that due weight may still be given to CS policies that pre-date the publication of the revised NPPF *“according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

2.18 Having regard to the nature of this particular proposal, the following extracts from the revised NPPF are considered particularly pertinent:-

2.19 Chapter 2 - Achieving sustainable development

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Chapter 9 – Promoting sustainable transport

2.20 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2.21 108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Chapter 15. Conserving and enhancing the natural environment

2.22 170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

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

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

2.23 175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity 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;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact 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;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 16. Conserving and enhancing the historic environment

2.24 193. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

196. 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, where appropriate, securing its optimum viable use.

3. Planning History

3.1 151314 - New single carriageway (Southern Link Road) and associated work – Approved with conditions – 18th July 2016 (following committee resolution on the 6th June 2016)

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151314&search=151314

4. Consultation Summary

Statutory Consultations

4.1 Historic England July 2018

We have had detailed prior consultation regarding the Southern Link Road A465-A49 project, and responded in detail to the Council on 18th February 2016. This application is for various enabling works. We have previously concluded that the scheme overall would result in less than substantial harm to Haywood Lodge, a grade II* listed house. The Council should consider this within the weighing up exercise required of them in paragraph 134 of the NPPF.

Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice of 18 February 2016 should also be considered in the context of these enabling works in order for the application to meet the requirements of Section 12 of the NPPF. In particular we advise that in determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We also advise that you consult with your archaeological advisor regarding an appropriate scheme of archaeological mitigation.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

4.2 Historic England (September 2018)

Advice offered in September 2018 is identical to that reported at 4.1 above.

4.3 Natural England (August 2018)

As submitted, the application could have potential significant effects on River Wye Special Area of Conservation (SAC) Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment Screening Report
- Information on the proposed means to ensure that surface water run-off is controlled to prevent silt or other pollutants entering watercourses.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta. Read the case (ref: C-323/17).

The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions.

Natural England's advice on other issues is set out below.

Internationally designated site

The application site is within the catchment of the River Wye Special Area of Conservation (SAC) a European designated site (also commonly referred to as Natura 2000 sites), and the River Wye Site of Special Scientific Interest (SSSI) and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

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. 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.

Due to the nature of the proposal and the potential pathways (hydrology and air) to the protected designated site, we advise that you undertake a Habitats Regulation Screening assessment and consider whether there is a likely significant effect either alone or in combination.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Soils and Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

4.4 **Natural England (September 2018)**

Awaiting comment following the submission of an Appropriate Assessment.

4.5 Environment Agency (July 2018)

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, 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 3km² 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. The Lead Local Flood Authority (LLFA) are responsible for managing flood risk from surface water and groundwater within 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, including these proposed infrastructure modifications.

Water Framework Directive (WFD): Both the River Wye and the Norton Brook are End 2 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 includes 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.

4.7 Environment Agency (Sept 2018)

Re-consulted on amended plans – no response received at time of writing.

4.8 Network Rail (August 2018)

Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

The applicant should be made aware that the headroom of the underline bridge proposed to be used is recorded as 4.692m, but does not have height restriction signs on it. This will need to be considered for vehicle movements.

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.

BRIDGE STRIKES

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with Network Rail's Asset Protection Engineers is necessary to understand if there is a problem. Developers may be asked to pay for bridge protection barriers.

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.

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.

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.

ACCESS POINTS

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

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. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

4.9 Network Rail (August 2018)

Re-consulted on amended plans – no response received at time of writing.

Internal Council Consultations

4.10 Service Manager Built and Natural Environment **Historic Buildings Officer (August 2018)**

Recommendations:

We have no objections to the proposals on heritage grounds as the proposals would not impact those aspects of the setting of listed buildings which contribute to their significance, however we would ask that suitable conditions are imposed to require reinstatement of the land after the elapsed temporary use of the haul route. We would also ask for appropriate conditions regarding control of noise and dust as these are key factors which could affect the setting of heritage assets in the area. We would defer to our colleagues in the Environmental health team for this aspect.

Background to recommendations:

The proposals are for a variety of small measures such as field gates etc to enable maintenance access and also for a temporary haul route to resolve the potential long travel distance for construction traffic due to the barrier of the railway. The constraints of setting will be very much as previous comments from the building conservation team during the consultation period for the road. In this instance the 2 key heritage assets which have the potential to be affected are Merryhill Farmhouse (Grade 2 C18 stone farmhouse) and grade 2 listed stables and also Haywood Lodge (grade 2* C18). Merryhill Farm is situated 480m to the SE of the proposed haul route. Of key interest as a contributing factor to the significance of Merryhill Farm is the agrarian setting. The haul route is on the lower side of the slope leading up to Merryhill Farm. Given the distance and topography there is unlikely to be visual impact upon those aspects of the setting of Merryhill Farm which contribute to its significance. Haywood Lodge is situated 370m to the SW of the southern extent of the haul route. It is felt that there is potential for a temporary visual impact upon the agrarian setting of this building, as such we would ask for conditions to be imposed requiring that the temporary haul route is removed after the road has been constructed.

For both main heritage assets in the vicinity the noise and dust created by construction traffic could impact upon the appreciation of the rural tranquillity of the assets, a key aspect of setting which contributes to the significance of both sites. We would defer to our colleagues in the environmental health team for advice on this matter and suitable control measures.

4.11 Service Manager Built and Natural Environment **Historic Buildings Officer (September 2018)**

These comments should be read in conjunction with previous comments on the proposals.

We have no further comments on the proposals to make, other than conditions relating to time scale should be imposed in relation to those aspects of the scheme which are temporary in nature.

4.12 Service Manager Built and Natural Environment **Archaeology (July 2018)**

The majority of what is proposed here relates to works of a temporary nature, or to areas of comparatively low sensitivity as regards archaeology.

Care will be needed as regards the "new bridleway" indicated on *Sheet 9* south of Grafton. This bridleway crosses a non designated heritage asset of interest, a motte in enclosure site (HER ref 10467).

It is not readily apparent from the details submitted whether this bridleway would simply be a route, or whether it is proposed to strip and stone it. If the latter was the case, I would advise that a non invasive method of construction is employed here (e.g. a minimal scrape, followed by stone carefully placed on surface geotextile etc). This would protect the interest of the asset.

4.13 Service Manager Built and Natural Environment
Archaeology (August 2018 – amended plans)

I have no further comments to make arising from the amended and additional information supplied

4.14 Service Manager Built and Natural Environment
Landscape Officer (August 2018)

Having reviewed the submitted drawings I do not anticipate significant adverse visual effects associated with these minor works. However in order to assess the landscape impact I do seek clarification on a number of points:

- The remedial works proposed in respect of the temporary haul road – these should be shown upon a landscape plan.
- The extent of proposed woodland removal for the construction of a maintenance track as shown on sheet 4 of the plans.
- The extent of hedgerow removal for the provision of self closing gates and adequate visibility at the entrance to the bridleway as shown in plan 8.
- The full extent of hedgerow removal to provide field access gates and visibility splays proposed within drawings on sheets; 1,4,5,7,8 and 10

4.15 Service Manager Built and Natural Environment
Landscape Officer (September 2018)

Following on from my previous comments I have now reviewed the amended plans and have read these in conjunction with the appendices of the arboricultural report. I am now satisfied that the queries raised have been adequately addressed:

- The reinstatement of the haul road to natural landscape on completion of the construction phase.
- The extent of woodland and hedgerow removal to facilitate access points.

The hedgerow loss for the access points is shown to be localised and where there is greater removal for the installation of the haul road this will be reinstated.

I am therefore satisfied that these additional elements to the parcels of land along the Southern Link Road corridor are compliant with policy LD1 of the Core Strategy.

4.16 Service Manager Built and Natural Environment|
Tree Officer

Having read the Arboricultural Report and viewed the amended plans I am satisfied that there is minimal arboreal impact. I acknowledge that one tree, T55 is to be removed but it has been categorised as Class C in accordance with BS5837:2012 Tree in relation to Design, Demolition and Construction and I therefore have no objection to its removal.

Similarly I do not have any objections to the partial removal of the woodland, ref W3 in the Arboricultural report.

Additional comment: T86 is also identified in the arboricultural method statement to be removed. This is a category C1, semi tree of limited value therefore its removal is not a major constraint.

4.17 Service Manager Built and Natural Environment
Ecology (September 2018)

General ecological comment

I understand these access works to be the necessary precursor to the approved scheme and that the primary access for construction and moving between sites is rightly considered as a separate application. Consequently, my comments relating to mitigation of access and protected species are laid out below. I do not envisage that degradation of habitat, particularly of Hayleasows Wood or of Newton Brook. The red line boundary within which construction is contained does not encroach upon Hayleasows and the intended works will only result in the removal of a small oak T86 with Root Protection Area exclusion in force to T47. A terminal portion of H14 is to be removed; mitigation and appraisal of hedgerow removals are to be properly evaluated via a method statement as requested by nonstandard condition mentioned below.

The potential impacts upon Newton Brook and other water courses is also to be addressed by a site parcel-based requirement for Construction Environmental Management Planning for the application. This is also governed by industrial standards and the necessity to avoid any silt or pollutant run-off from operations as it would be for the approved scheme.

It is my understanding that hydrological effects of the road scheme necessitating construction of retention ponds will not re-direct, reduce or amplify existing water status to the existing woodland habitats. I have no reason to think this will be any different from their construction; the management of water flows has to be balanced to achieve the required flows to watercourses commensurate with the existing flows and regulated both during and after construction of these additional sites as it will be for the main road development. For the management of correct post construction run-off of surface water from the road's hard surfacing it is essential that hydrological details are properly evaluated to avoid landscape disparities in flow which is the remit of the drainage engineers to ensure.

Hedgerows and access.

The Arboricultural Method Statement - Works Relating to Access and Drainage documents hedgerows affected by the need to create access to fields during and post-construction of the southern link road. The arboricultural report states that "...any relevant ecological requirements will be strictly adhered to." By this I take to mean continuity for bat commute/foraging and any other protected species use of the hedgerow will be properly mitigated for.

The June 2018 Preliminary Ecology Assessment report states that "The PEA will inform proposals for works outside the redline boundary for the consented scheme." The above hedgerows are not referred to by a numbering system in this ecology report. This ecology survey report states "Due to the relatively minor land take associated with the Proposed Development and its close affiliation to the Scheme it is considered that no additional mitigation is required for foraging or commuting bats."

However, it is important to identify more specifically whether access through these hedgerows may affect protected species particularly near bat commute routes. Therefore, this should be evaluated and documented by securing a non-standard condition for method statements for protected species where not included in the approved scheme. Hedgerows affected should be cross-referenced to the original hedge numbering of the ES produced for the approved

scheme for 151314 where relevant. I would therefore recommend that the following non-standard condition is attached to any approval:

Prior to commencement of development, method statements for the land parcels indicating the potential impact of the access and hedgerow works are necessary shall be submitted for approval in writing by the local planning authority. This should include any additional mitigation/surveys necessary for protected species affected by the 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).

Great Crested Newts (GCN)

The GCN protected species licence application provisionally agreed by Natural England appears to satisfy protected species requirements in relation to potential habitat loss identified for GCN. I am happy that the great crested newt report dated April 2018 encompasses the necessary mitigation for this licensing in relation to the approved scheme as well.

With regard to potential construction works impacts I recommend that each of the additional parcels for development have specific Construction Environmental Management Statements documenting the means by which storage of materials, fuels and machinery will be regulated to reduce any effects from the access and accessory works proposed. This should also include detailed schema for surface run-off, dust and associated impacts on surrounding habitat and watercourses. There is concern about how such additional works might affect hydrological regimes at these sites and water quality thereof. Consequently I suggest the following non-standard condition is applied to any approval:

Prior to commencement of development, a Construction Environmental Management Plan documenting construction impacts for each of the cited land parcels of the proposal shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials, control of surface water run-off into watercourses and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. The Plan shall be implemented as approved.

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).

An HRA Appropriate Assessment has been completed on the basis of the above and sent to Natural England for comment.

4.18 Environmental Health Manager
Noise and Nuisance

My comments are with regard to potential noise and nuisance issues that might arise from development.

Our department is in receipt of the noise and air quality assessment dated May 2018 with associated site maps associated with planning application 182314 relating to access arrangements and provision of a temporary haul route.

An assessment has been made of the noise impacts of the provision of a temporary haul route for the moving of earth associated with embankment works as opposed to using the existing road network. This assessment finds that the closest residential premises are less likely to be impacted by the provision of a temporary haul route as against the use of the existing road network. As such as our department has no objections to this proposal on noise grounds.

4.19 Environmental Health Manager
Noise and Nuisance

Our department has been re-consulted with regard to an alteration to plans for works access reference 182314, we have no further comments to make after the response of 19th July

4.20 Environmental Health Manager
(Contaminated Land)

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Given what's proposed, the following condition should be appended to any approval as a precautionary measure.

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

Reason: In the interests of human health.

4.21 **Public Rights of Way Officer**

Proposed Site Plan Sheet 9 (3512983BP-WSP-Z0-XX-DR-T-00009): This plan identifies the installation of three bridle gates on the proposed bridleway running between two points on Grafton Lane. It also identifies the need for appropriate signage at each terminal point. I agree that the two gates situated at the terminal points on Grafton Lane should be one-way opening and the intermediate gate, 2-way. Please note that the gates should comply with British Standard BS5709:2018 including requirements for set-back distance and manoeuvring space.

Proposed Site Plan Sheet 3 (3512983BP-WSP-Z0-XX-DR-T-00003): This plan identifies impacts on Public Footpath HA7, Byway Open to All Traffic GF7 (Merry Hill Lane) and Cycleway LCR82101 (Shaw's Path Cycleway). Temporary Traffic Regulation Orders will be required to effect closures of these routes during construction. I note the intention to provide

an alternative route for the cycleway to link to Merry Hill Lane to be made available on HC owned land. Responsibility for maintaining such an alternative route during the period of closure will sit with HC, presumably with the construction team.

Proposed Site Plan 6 (3512983BP-WSP-Z0-XX-DR-T-00006): No new impacts on Public Footpath HA3 and its proposed diversion are identified. No further comments.

I am not aware of any new impacts on PROW in the remainder of the consultation documents and have no further comment

4.22 Transportation Manager (August 2018)

Recommendation: Further information is required (August 2018) – comments in table below:

Site no.	Drawing no/ref	Location	Comments
1	Sheet 1	Grafton Lane	Access location is fine, conformation required on achievable distances required for conditions
2	sheet 2	Grafton Lane (adjacent to Wither Brook)	Is restricted by house wall, visibility splay distances need to be provided for conditions
3	Sheet 3		No vehicle access points
4	Sheet 4	Haywood Lane	Need speed data, significant hedge removal required. How much is in highway land or is owned by applicant/LA. Visibility splays are based on the signed speed limit not the actual 85th%tile.
5	Sheet 5	Haywood Lane	Need speed data, significant hedge removal required. How much is in highway lane or is owned by applicant/LA. Visibility splays are based on the signed speed limit not the actual 85th%tile. Bridge barriers appear to be restricting visibility splays
6	Sheet 6		No vehicle access points
7	Sheet 7	A465	No location shown of the advanced direction signs. Will the access be put in before the roundabout, if after RB speeds will be lower? Visibility splay distances need to be provided for conditions. Justify the speeds and visibility splays
8	Sheet 8	B4349	Further details should be provided in regards to the access on the new road (with visibility splays) . What type of access will be provided for this stretch of road e.g. access only? Will the road be narrowed? Large removal of hedgerow to meet visibility splays on the southern side. Clehonger court side - previous accidents cluster site. A turning head is required especially for people who go there by mistake. Issues with location of access and bend signs.
9	Sheet 9	Grafton Lane	Visibility splay distances need to be provided for sites for conditions. The requirement about of hedgerow which needs to be removed needs to be shown. (both accesses) the visibility splays need to be supported by speed data
10	Sheet 10	Off the B4349	Location of gates could be problematic for long vehicles exiting the field, therefore at the junction the vehicle would not be 90 degrees to the carriageway/junction, visibility splay distances need to be provided for conditions.

4.23 Transportation Manager (September 2018)

The following comments have been made regarding the updated submitted plans. The speeds data and visibility splays have updated to show distances using the 85th%ile speeds meeting Manual for Streets 2, therefore previous comments regarding this issue have now been dealt with. Concerns regarding uses of the proposed accesses have been reviewed and justified and are now acceptable.

Drawing no/ref	Location	Conditions	Comments from submitted drawings - August 2018
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00001-P04 Sheet 1	Grafton Lane	This is now acceptable, please see conditions below	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval. .
		CAB - 2.4 x 31.7M – NORTH, 2.4 x 48.2 – South CAE, CAD -5M CAS, CAZ	Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access the visibility splays are now agreed.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00002-P04 Sheet 2	Grafton Lane (adjacent to Withy Brook)	This is now acceptable, please see conditions below	The submitted documents state that a north visibility splay can only achieve 33m however as shown in Mfs2 visibility splays can measure to the running lane of the road, therefore can achieve a greater distance
		CAB - 2.4 x 31.7M – NORTH, 2.4 x 48.2 – South. CAE, CAD -5M CAS, CAZ	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval. .
			Access has now been located within the red line.
Sheet 3			No comments, No vehicle access points

<p>Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00004-P04 Sheet 4</p>	<p>Haywood Lane</p>	<p>This is now acceptable, please see conditions below</p>	<p>After revisiting the site to look at the issue of vegetation around the visibility splay, there are still concerns regarding the vegetation to the north of the access restricting the visibility splay. The visibility splay should be cut back to provide improvements to the current visibility splay however It is noted that it's an existing access and has very limited current use which won't significantly increase with the proposals. A traffic management plan and construction management must be conditioned as this may be used as an alternative haul road to the construction site and therefore significantly increase vehicles from a substandard access. Visibility splays have now been provided with 85th%tile speeds.</p>
		<p>CAB - 2.4 x 101M – NORTH, 2.4 x 95.5m – South, CAE, CAD -5M CAS, CAZ. Construction management plan for Haul Road</p>	<p>The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval. .</p>
			<p>On the notes and drawings shows the following statement "Assumed seasonal clearance of verges with HC ownership" This will be classed as highway land and come under the associated actions as all highway land.</p>
<p>Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00005-P04 Sheet 5</p>	<p>Haywood Lane</p>	<p>This is now acceptable, please see conditions below</p>	<p>Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access, the types of vehicles which will use the access and the verge width in front of the site the visibility splays are now agreed.</p>
		<p>CAB - 2.4 x 94M – NORTH, 2.4 x 57m – South. CAE, CAD -5M CAS, CAZ</p>	<p>On the notes and drawings shows the following statement "Assumed seasonal clearance of verges with HC ownership" This will be classed as highway land and come under the associated actions as all highway land.</p>

			The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00006-P04 Sheet 6			No comments, No vehicle access points
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00007-P04 Sheet 7	A465	This is now acceptable, please see conditions below	Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access the visibility splays are now agreed.
		CAB - 2.4 x 139.3M – NORTH, 2.4 x 156.1– South. CAE, CAD -5M CAS, CAZ	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00008-P04 Sheet 8	B4349	This is now acceptable, please see conditions below CAB - 2.4 x 30m, CAE, CAD -5M CAS, CAZ	It should be noted that the concerns regarding the lack of a turning head for service/waste vehicles are still concerns. Even with the proposed closure of the road to motor vehicles, the road will still service 14 dwellings. This section is not subject to this current planning application; however discussion with the design team should be undertaken to remove this safety concern in designing the NMU area. The turning head discussions should also be undertaken regarding Pykeways. Discussions regarding the ownerships of land if there are two hedgerows and location of Statutory Undertakers equipment should also be discussed with the design team

Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00009-P04 Sheet 9	Grafton Lane	This is now acceptable, please see conditions below	Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access the visibility splays are now agreed. The south access - southern direction could benefit with moving the gate further west to increase the visibility splays. The current layout of the road has a large area which users of the bridleway will naturally head towards to increase the visibility on the highway verge, therefore the visibility splays are agreed.
		NORTH ACCESS CAB - 2.4 x 31.7M – NORTH, 2.4 x 62.5– South, CAE, CAD -5M CAS, CAZ	
		SOUTH ACCESS - CAB - 2.4 x 42.9M – NORTH, 2.4 x 29M– South, CAE, CAD -5M CAS, CAZ	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00010-P04 Sheet 10	Off the B4349	This is now acceptable, please see conditions as follows. CAS, CAZ	No issues subject to conditions.

4.24 Land Drainage Consultant (August 2018)

We have reviewed the information provided as part of application 182314 – in particular ‘Plan 2’ (attenuation basin and outfall to Withy Brook) and ‘Plan 6’ (3 outfalls into a ditch and enlarging and existing culvert from 2x150mm pipes to a 500mm pipe).

We have no objections to these proposals. We would expect to see further details regarding the sizing of the attenuation pond as part of conditions.

The Applicant should be aware that Ordinary Watercourse Flood Defence Consent will need to be obtained from Herefordshire Council for the works to the culvert and for outfalls to any ditches or watercourses.

4.25 **Land Drainage Consultant (August 2018 – Amended Plans / additional info)**

We have no further comments for 182314.

4.26 **Emergency Planning Officer (July 2018)**

I have contacted key emergency service partners: Police, Fire, Ambulance. The only response that I have had was from West Mercia Police, who have said:

"request to be involved in any discussions & progress update meetings as the project progresses to ensure we are aware of the impacts it is having on the surrounding road network, particularly on the A49/A465"

4.27 **Emergency Planning Officer (August 2018)**

I have reviewed the proposed changes relating to the above planning application. I have no comments from a local authority emergency planning perspective. I have **not** circulated the amended proposals to other Emergency Services at this time due to the limited impact that they will have on their respective roles if approved

5. Representations

5.1 **Callow and Haywood Parish Council (4th August 2018 – updated)**

In response to the above planning consultation:

1. Bearing in mind the large quantity of information to be digested, the Parish Council feel that the deadline 25.7.18 is unacceptable, particularly in the holiday season. We note that you are unwilling to provide an extension of time, but the consultation is prejudiced by this decision.
2. Overall the Parish Council feels that there is no evidential information on the anticipated traffic makeup and quantity on the Parishes' rural lanes, particularly Haywood Lane and Grafton Lane. Without this information it is impossible to assess the damage that could be caused to the parishioners by the activities identified.
3. Another element that causes considerable concern is the precise amount of cut and fill and the associated lorry journeys on local lanes. We attach a table of cut and fill information presented as part of the Planning Application plus an overview and summary of that table. The conclusion is that a huge amount of traffic movements will take place on local roads and particularly local lanes to build the road. Indeed, Amey eliminate SC2 (the current SLR route proposed), because of the huge amount of cut and fill with that route selection. They only kept the route on the list to show that they had entertained all options. When Parsons Brinkerhoff replaced Amey they failed to follow Amey's recommendations, possibly due to political pressures?
4. The huge amount of traffic proposed on the local road network will be unacceptably detrimental to local residents, particularly along Haywood Lane, which has through the Neighbourhood Plan process been identified as an unacceptable "rat run" route, which is already over trafficked, without this additional traffic. Additionally, access from the A49 down Grafton Lane (at the junction closest to Hereford) the junction will be hazardous for the proposed traffic during construction.

5. Reference specific proposals:

- Sheet 4: entry to permanent maintenance track via access south of railway bridge: it is questioned why such a wide access (5m wide double steel gates, which exceeds existing access, which suffices for combine harvesters). Additional to the industrial appearance of the gates, the concrete curbs generate an urban image in this rural location. We have some concern that any damage to the woodland landscape should be avoided.
- Sheet 5: again the 5 m wide double steel gates gives an industrialised image not suitable for a rural setting.
- Sheet 9: more explanation is needed as to the purpose of the installation of a new bridle way. This is not an objection but required for clarity.
- Appendix1: policy LD4: It is wrong to say that the proposed enabling works will not have an adverse impact on Haywood Lodge, which is Grade 2 starred. The huge number of vehicle movements and massive earthworks will have a dramatic adverse impact on the historic landscape setting of this high-grade heritage asset, which is critically located in the landscape as a former Royal Hunting Lodge.

5.2 **Callow and Haywood Parish Council (Sept 2018)**

No response – confirmed with clerk no comments will be made.

5.3 **Clehonger Parish Council**

No responses received – confirmed with clerk no comments will be made.

5.4 **Hereford City Council**

No responses received.

5.5 **Ramblers Association**

The Ramblers Association have no objections to the proposal as put forward by this Planning Application.

However I would seek clarification on the following points:

Sheet 3. The proposal is to alter the junction of the Cycleway and Merry Hill Lane, if travelling south along the cycleway, will users be able to turn eastwards to access Grafton Lane?

The Temporary Closure of HA7 and its routing along Merry Hill Lane would also need the access through to Grafton Lane. Further with concerns for HA7 I would request that a path is provided within the field adjoining Hayward Lane so as to limit the amount of road walking that pedestrians would be required to undertake to reach Merry Hill Lane. If so could access to bridleway HA6 also be provided?

Sheet 9 – There provision of the new bridleway is very welcome but will it be a permanent dedication or just a temporary expedient whilst construction works are taking place?

5.6 37 letters of objection have been received from individuals, groups and organisations, including the woodland trust.

5.7 The content of these objections can be summarised as follows:

Biodiversity

- Impact upon Hayleasow Wood (Ancient Woodland) is underplayed
- Ancient woodland should be given the highest protection (NPPF 2018 – para 175)
- No justification for encroachments and should be refused.
- Pollution risk from discharge to Newtown Brook – would need to be regularly checked. No wholly exceptional reasons and there should be more suitable compensation for the damage being caused by this ruinous scheme.
- Grafton Wood – Impacts on the species in Grafton Wood (will disrupt the patterns of local hydrology and soil moisture).
- Why has Grafton Wood not been given same protection as Hayleasow wood in route selection?
- Natural England should be supplied with the information they need and an updated ES should be provided.
- Potential for pollutants (Withy and Newtown Brooks) to increase the pollution risk to local watercourses that lead to / discharge to the River Wye. The haul routes will increase the risk.
- Contrary to para 109 to 125 of the NPPF (2012)
- Hedgerow loss - Object to the loss of hedgerows and risk to protected species, hedgerows qualifying as important under the hedgerow regulations (1997), habitats potentially qualifying as Habitats of Principal Importance.
- More trees and hedges will be removed – removing more of the network of green infrastructure and adding a cumulative effect. Reducing habitats (eg bats) that would be used as alternatives to those already lost.
- No wholly exceptional reason to lose more veteran trees.
- Flood risk - the matter should be considered as part of this application, and not as part of the wider scheme.
- This application does not include maps of the construction compounds at Grafton Wood or details of mitigation measures.
- No badger surveys have been completed.

Highway Safety / Highway matters

- Sheet 10 – New gates will encourage additional traffic on a bend with poor visibility and history of accidents (McIntryes bend). Idea of farm traffic using this is frightening.
- Impacts upon national cycle route 46 between Hereford and Abergavenny – force cyclists up the unmade Merryhill Lane. Essential that the Great Western Way Link is kept open during construction
- Object to new access points onto the Clehonger road, as the Council has refused to allow access to Pykeways from the SLR. Equally dangerous.
- No date on traffic flows for construction traffic. Data being collected in school holidays.
- What happens to public footpath HA7 – will it be closed? No discussion with neighbours or PC. Safe place to stand on a blind bend.
- Lack of commitment or detail on the sustainable transport, active travel measures and in particular those cycling / walking / using mobility vehicles from Clehonger to Belmont. Where will traffic go when it meets the SLR?
- Impact on the public rights of way and safety of Non Motorised transport users – unfairly impacting upon those that do not drive.
- Hereford's road are vastly overcrowded and this will not manage this with all the new houses proposed.
- Alternative / sustainable transport should be explored and provided first.

Impacts upon amenity / neighbouring properties

- Key impact is a large attenuation pond on the land adjacent to The Green, Grafton Lane. This is essential infrastructure that should have been included in the original application. Query how this may impact upon the structural integrity of their barn that lies on the boundary.
- The application makes clearer the extent of the earthworks necessary – full assessment of impact not undertaken.
- Is nuisance and cost of earth shifting not far greater than any perceived later benefit (Cost estimates)
- Rational / benefit is insufficient to justify noise, disruption and environmental impacts for which inadequate assessment have been made
- What guarantees are HC prepared to offer local residents in that their water supplies will not be contaminated by the waste and debris from construction?

Heritage

- Grade II listed Haywood Lodge and ground will be impacted
- What is the impact upon the historic environment and archaeological remains? Is there an evaluation of this? Cannot find any evaluation of this in the application.
- The application does not take into account the new NPPF on conserving and enhancing the natural and local environment (170) nor the fragile biodiversity.
- Service road at Ashley Cottage actually crosses the site of a Mott and Bailey – historic site?

Waste

- No waste management plan or clarity of waste movements,
- No waste management plan – where will it be taken?

Procedure

- Note procedural error – incorrect dates on application form (date of service of notice) and LPA does not have the power to override the relevant statutory requirements. Application should be withdrawn and fresh service of notices undertaken.
- Suggestion that the applicant has not served notice on landowners – cannot lawfully be determined until this has happened.

Southern Link Road

- The details contained in this application are significant and should have been in the original application and should form part of the statement for the public inquiry. (CPO)
- Documents now refer to the SLR as being a part of the Bypass and not a stand alone project as previously promoted. If it is part of the Bypass, then it should only be consented as part of the planning application for the bypass. Otherwise cumulative impacts are less evident and cannot be given full consideration. Sustainable Transport and business case unacceptable – cannot offer the best value for money. No benefits can be or have been identified.
- Questions on application form incomplete or incorrect.
- This application dramatically adds to the mix of 151314 without proper due process of considering the impact on the landscape of both applications together. The Flood Risk Assessment has not been presented for consideration and the applications should be considered together as one.

- Why were these field access points and haul road not included in the original application or the CPO? Why are they adding such large proposals to the original scheme?
- EIA screening must be undertaken before determination.

Impact upon agricultural land

- No agricultural assessment, with yet more agricultural land affected. State that Highways England require an Agricultural Impact Assessment before planning application can be presented.
- The Haul Route will deprive Herefordshire of valuable land. Haywood Lane Haul Road will also result in a loss of agricultural production.

5.8 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182314&search=182314

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>

6. Officer's Appraisal

Background and progress of the SLR

- 6.1 In 2016, Herefordshire Council granted planning permission for the construction of the Southern Link Road (SLR). A fully detailed Committee Report, site visit and officer presentation informed this decision and the reports and associated documents are available on the Councils website at:
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151314&search=151314
- 6.2 Herefordshire Council has 'made' the Southern Link Road Compulsory Purchase (CPO) and Side Road Orders (SRO). This involves serving all affected parties notices in order to acquire the land necessary for the delivery of the Southern Link Road scheme and sets out how side roads and access will be affected by the new road.
- 6.3 The land required for the construction of the road is mainly agricultural land with no homes or buildings being acquired to deliver the scheme and the applicants continue to actively negotiate with all landowners to try and reach agreement for the acquisition of land. It is understood that they have already agreed terms with a number of landowners to purchase their land. However a CPO is needed to give the Council certainty that it can assemble all the land needed if agreement cannot be reached.
- 6.4 The Department for Transport has confirmed a Public Inquiry into the Southern Link Road is scheduled to commence on 30 October 2018. In accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Highways (Inquiries Procedure) Rules 1994, the Council has prepared a Statement of Case which will be presented at the Inquiry in support of thee application to the Secretary of State for confirmation of the Orders. These documents can be seen on the Councils website at:
https://www.herefordshire.gov.uk/info/200196/roads/252/herford_2020/5
- 6.5 In the meantime, and as part of the landowner negotiations, the applicant has sought to agree new or alternative accesses to address land access matters that have come about as part of the development of the SLR. The application is a result of these negotiations, which provides an answer in part (at least) to those queries expressed in the representations section as to why the works proposed under this application were not considered with the SLR.

- 6.6 In addition, ongoing work to progress to construction phase identified some additional works that are required in respect of drainage. As these are outside of the original 'red edge' they could not be considered as an amendment to the existing permission.
- 6.7 The applicant has also explored alternative solutions as part of their emerging Construction Environmental Management Plans (CEMP) and waste strategy, and this application makes provision for an alternative haul route, that removes the haulage from the local highway network.
- 6.8 The applicants have yet to submit any applications for the discharge of the conditions imposed on the planning permission for the Southern Link Road, although it is anticipated that these applications will be made shortly.
- 6.9 Subject to confirmation that the land has been secured, construction of the road is anticipated to start in early 2019 following the discharge of the relevant planning conditions.
- 6.10 This application seeks to consider the proposals as detailed in Section 1 above. Whilst recognising that some elements of the proposals before Members as part of this application provide alternative technical solutions to drainage and construction, the proposals make no fundamental changes to the route or construction of the SLR and this application does not offer the opportunity to revisit the decision made to grant planning permission for the SLR. Rather it provides technical solutions to address issues that have arisen latterly and thus support the construction of the SLR.

Policy context and Principle of Development

- 6.11 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.12 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Callow and Haywood Neighbourhood Area, which has a made Neighbourhood Development Plan (NDP) (December 2016). There are no other neighbourhood plans that have sufficient weight or are adopted.
- 6.13 The National Planning Policy Framework (2018) 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, now referred to as objectives within the NPPF (2018). In the language of the CS, these are social progress, economic prosperity and environmental quality. They are mutually dependent.
- 6.14 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 not defined per se, but can be taken to mean meeting present needs without compromising the ability of future generations to meet their own needs.
- 6.15 Paragraph 11 of the NPPF (2018) states:

*Plans and decisions should apply a presumption in favour of sustainable development.
For plan-making this means that:*

- a) *plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*

b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:*

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. 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.

For decision-taking this means:

c) *approving development proposals that accord with an up-to-date development plan without delay; or*

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

6.16 The relevant policies of the Development Plan and guidance contained within the NPPF are detailed above in section 2 and will be referred to as necessary in the consideration of the main issues identified below.

6.17 The application does not require the submission of an Environmental Statement as it is not EIA development. However, when determining the application, regard must be had to the context of the application and the permitted SLR scheme

6.18 Given the geographic spread of the works proposed, and the nature of the developments, rather than considering the developments in a topic-by-topic basis, the reports will look at the developments as follows:

1. Haul Route and realignment of cycle route (Sheet 3)
2. Drainage proposals (Sheet 2 and 6)
3. Access proposals (Sheets 1, 4, 5, 7, 8, 9 and 10)

Haul Route and re-alignment of cycle route (Sheet 3) and Access / Maintenance track off Haywood Lane (Haul Route Option 1) – (Sheet 4)

Air Quality and Noise

6.19 The construction phases of the SLR development were documented and considered in the determination of planning application 151314 and a significant number of conditions were imposed on the planning permission that require the submission of additional details for consideration by the local planning authority prior to the commencement of works. These details are yet to be submitted.

6.20 As described in section 1 above, until such time as a new bridge spanning over the railway line is constructed (Structure Ref. S05) the excavated material will need to be transported in lorries from land west of the railway line to land on the eastern side. It was assumed in the original SLR planning application that materials would be delivered to and from site via the road network (Route Option 1). However, during further discussion with landowners, another

route option, across private land, has been proposed for transporting the excavated material (Route Option 2) – this is the route now proposed by this application.

6.21 The reports identify that the excavation and transportation of material is estimated to take up to 11 weeks to complete, subject to suitable working hours (assumed to be 9:00am to 5:00pm, to be agreed with the Local Planning Authority) and suitable weather conditions. It is assumed that material can be excavated at a rate of 6,000m³ a week, which results in the likely deployment of 19 dump trucks an hour, to maintain a continual rate of excavation and avoid plant sitting idle. This would result in 38 individual dump truck movements per hour, as vehicles transport materials to and from the site. This would need to take place, whether or not route option 2 is agreed. This simply offers an alternative to remove these trips from the local road network and minimise disruption to local residents and receptors.

6.22 The accompanying report outlines summarises:

An assessment has been carried out on the likely noise and air quality effects of both Route Option 1 (haulage of excavated materials using the local road network, as assessed within the SLR ES) and Route Option 2 (haulage of excavated materials across private land and crossing Haywood Lane south of the SLR) on local sensitive receptors. The noise and air quality assessments used the noise model and the transport model produced for the ES which was submitted as part of the SLR planning application in 2015. Based on these assessments the following conclusions have been drawn:

- *Neither Route Option is likely to result in significant effects on air quality in the locality, providing all identified mitigation measures are implemented for the duration of haulage works. It is likely that Route Option 2 will have a lesser effect on residents along Haywood Lane.*
- *Under the noise assessment, Route Option 1 is likely to result in a significant adverse effect on residents of three properties. However, Route Option 2 is not likely to result in any significant adverse effects on any noise sensitive receptors.*

Mitigation measures have been proposed in order to minimise impacts on nearby receptors. It is assumed that the haulage of materials will be carried out in accordance with the SLR CEMP, which is to be agreed with Herefordshire Council under SLR Planning Conditions 6 and 7.

Under the conclusions of both the noise and air quality assessment of the two proposed haulage route options, Route Option 2 is the preferred haulage route

6.23 The councils Environmental Health Officer has considered the information provided and raised no objections to the inclusion of the alternative haul route. We would, of course, need to carefully consider the more specific issues when the application to discharge conditions imposed on the SLR planning permission. These will be included in the Construction Environmental Management Plan (CEMP) and will include the control of dust effects during construction. A separate requirement for a CEMP relating to this proposal is required and a condition suggested to this effect.

6.24 Officers are satisfied that the proposed haul route is compliant, in terms of noise and air quality, with the requirements of policy SD1 of the Herefordshire Local Plan –Core Strategy.

Highway Impacts

6.25 As detailed above, the alternative haul route would remove a considerable amount of traffic from the local road network and this is welcomed from a highway safety perspective.

6.26 The haul route would however, temporarily disrupt the cycle network, including the National Cycle Route. The application responds to this and confirms that to allow continued use of the National Cycle Network (NCN) route 46 we are proposing to temporarily divert NCN46 west up

Merryhill Lane to Haywood Lane to re-join the NCN near the point where the two options divide. The diversions is of a comparable length (60m difference) to the existing section of NCN46 and in bringing the western section Merryhill Lane up to a cycleable standard while still deterring its use by motor vehicles, results in an option that will remain available after the SLR construction is complete.

- 6.27 Officers are satisfied that the proposals address the temporary closure of the cycle route during the construction period and note that the solution also offers a longer term alternative route for cyclists and non motorised users in the area. This would comply with the explicit requirements of policy pCH2 of the Callow and Haywood Neighbourhood Plan.
- 6.28 As such, the proposal and its solutions would, with the necessary conditions to ensure the provision of the alternative route before closure and for the duration of the construction period, comply with the requirements of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and NDP.

Heritage

- 6.29 The area in the locality of the proposed temporary haul route is one that was particularly sensitive in the determination of the application for the SLR due to the proximity of a number of designated Heritage Assets and non designated heritage assets on Haywood Lane, including Haywood Lodge, its gates, gate piers, railings and garden wall, a cider and stable, house, hop kiln and stable and Merryhill Farmhouse.
- 6.30 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.”*
- 6.31 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”.
- 6.32 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”.
- 6.33 The Principal Building Conservation Officer has considered the proposals and raises no objections to the proposals on heritage grounds as the proposals would not impact those aspects of the setting of listed buildings which contribute to their significance. This is caveated that the haul road is temporary in nature and that conditions be imposed to reinstate the land after the temporary use of the haul road ceases and that conditions are imposed relating to the control of noise and dust as these could affect assets during construction period.
- 6.34 The temporary nature of the haul route and disturbance and a suitable scheme for reinstatement is key to coming to this conclusion and it is also worth noting that this temporary route will be in situ when the wider, and more significant works to construct the road are being undertaken and before the longer term mitigation is in place.

- 6.35 Historic England also raises no objection to the proposals contained within this application submission on heritage grounds and defers to the Council's heritage advisors in respect of buried archaeology. The County Archaeologist advises that the majority of what is proposed here relates to works of a temporary nature, or to areas of comparatively low sensitivity as regards archaeology and raises no objection to the proposal.
- 6.36 Officers would therefore conclude that subject to the compliance with conditions, the proposals would not result in harm and would therefore comply with the requirements of policy LD4 of the Herefordshire Local Plan - Core Strategy in that they protect and conserve the heritage assets. This view is formed having regard to the enabling works and the context in which they will be undertaken.

Biodiversity and nature Conservation

- 6.37 The Council's ecologist has considered the information provided and has not raised any specific concerns or issues in respect of this part of the overall works relating to the provision of the haul route. However, conditions are recommended that would ensure that the biodiversity assets are conserved, restored and enhanced in accordance with the requirements of policy LD2 of the Core Strategy and the guidance contained within the NPPF (2018). The scheme for the reinstatement of the land and hedges will also be important in this area.

Landscape

- 6.38 The temporary haul road has been designed to run alongside the existing railway embankment and takes into account the existing trees and hedges that will either be protected during construction, or where removal is necessary (small section of hedge to create access), the intention is to reinstate / replant. The Councils landscape advisor is satisfied that, with the appropriate conditions to ensure satisfactory reinstatement of the land, would comply with the requirements of policy LD1 of the Herefordshire Local Plan – Core Strategy and policy CH2 of the Callow and Haywood Neighbourhood Plan.
- 6.39 Comments have also been received concerning the loss of agricultural land during the temporary period. This is a minimal loss, for a temporary period. Its loss, at period of time when significant construction works will be taking place in the immediate vicinity, is not considered to be significant. The benefits of removing traffic from the local road network, away from residential properties must also be considered when conducting the overall balance.

Drainage Works (sheets 2 and 6)

- 6.40 The most significant change to the drainage proposals outlined in the SLR application is the inclusion of an attenuation basin and maintenance track around the basin's periphery that will form part of the SLR drainage strategy. This drainage strategy has not been included with this application, but will be submitted for consideration and approval by the Local Planning Authority as an application for the discharge of the relevant condition.

Amenity

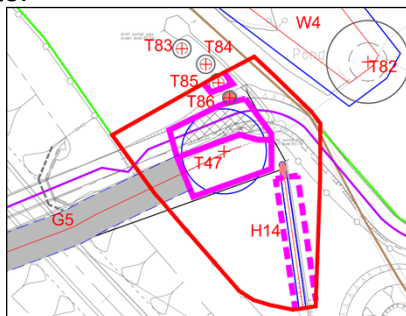
- 6.41 The attenuation pond will be sited on land immediately adjacent to the property known as The Green. The Green is a property that is already affected by the proposed SLR by virtue of its proximity to the approved route. The occupants have raised an objection to the proposed basin that will bring development closer to their property and have sought clarification in respect of structural stability of their barn that lies to the west of the proposed basin.
- 6.42 Officers would suggest that upon completion, the siting of the attenuation pond is unlikely to create additional nuisance or impacts upon residential amenity given the context of the close

proximity of the SLR, the impacts of which have already been identified and considered by Members. However, there may be some additional disturbance from ongoing maintenance regimes and construction phases.

- 6.43 The hedgerow between the site and the property would be protected during construction and retained post construction as mitigation. As per the advice given in the SLR committee report, there will be a significant reliance on the CEMP and the construction methods and mitigations that will be used.
- 6.44 Officers would conclude, that whilst there would be potential for an adverse impact upon amenity as a result of the proposed attenuation basin, this could be mitigated by way of conditions in respect of the CEMP. The proposal would comply with the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy.

Biodiversity and Nature Conservation

- 6.45 A number of representations refer to the potential impacts of the development on Ancient Woodland (specifically Hayleasow Wood) due to the proximity of the application site as detailed on Sheet 6. These works relate to the provision of new drainage outfall pipes.
- 6.46 The Council's ecologist has carefully considered the proposals and representations raised in this respect. The red line boundary within which construction is contained does not encroach upon Hayleasow Wood. The intended works will only result in the removal of a small oak T86 with Root Protection Area exclusion in force to T47. A terminal portion of H14 is to be removed; mitigation and appraisal of hedgerow removals are to be properly evaluated via a method statement as requested by non-standard condition described below. The Arboricultural method statement also details the area of root protection around T47 and the area of hedge to be removed (hatched in pink H14). The edge of Hayleasow wood (W4) lies to the north, outside of the application site.



- 6.47 Officers conclude that the relatively minor works, that have come about as a result of drainage design work, and that lie outside of the irreplaceable habitat (ancient woodland), would not result in its loss or deterioration and conditions are suggested, alongside the existing requirement for a CEMP that will further ensure that this is the case.
- 6.48 The potential impacts upon Newton Brook and other water courses is also to be addressed by a site parcel-based requirement for Construction Environmental Management Planning for the application. This is also governed by industrial standards and the necessity to avoid any silt or pollutant run-off from operations as it would be for the approved scheme.
- 6.49 It is also understood that hydrological effects of the road scheme necessitating construction of retention ponds will not re-direct, reduce or amplify existing water status to the existing woodland habitats.
- 6.50 Officers are satisfied that the proposed enabling drainage works would, with the imposition of the relevant conditions to secure working method statements, comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the NPPF.

- 6.51 Whilst there is some additional work to undertake in relation to the management of flood risk and surface water through a detailed drainage strategy that will relate to not only these proposals but the whole SLR 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.

Access / track proposals (Sheets 1, 4, 5, 7, 8, 9 and 10)

- 6.52 As part of the landowner negotiations, the applicant has sought to agree new or alternative accesses to address land access matters that have come about as part of the development of the SLR. The application is a result of these negotiations, which provides an answer in part (at least) to those queries expressed in the representations section as to why the works proposed under this application were not considered with the SLR.
- 6.53 The proposals would also seek to address the requirements of policy CH2 Vii of the NDP that states: *Continued access for landowners and farmers is a priority particularly where land holdings are affected by severance.*

Highway Safety

- 6.54 The Council's Transportation Manager initially raised some highway safety concerns about some of the proposed accesses and this achievable visibility. In response, the applicants undertook some speed survey work. Representations raise concern that this was done in school holiday time, but as this was speed data rather than collecting information about volumes of traffic, the timing of the survey was considered to be acceptable.
- 6.55 The speeds data and visibility splays have updated to show distances using the 85th%ile speeds meeting Manual for Streets 2 and the plans have been updated to demonstrate the achievable visibility and further explanations of use have been provided.
- 6.56 The Transportation Manager has now confirmed that the concerns regarding uses of the proposed accesses have been reviewed and justified and are now acceptable. The table at paragraph 4.23 details a number of conditions that should be imposed. Given the wide geographical area, and the expectation that the accesses will be introduced at different times during the construction of the build, these conditions are based on a 'sheet by sheet' basis to provide clarity.
- 6.57 As such, officers would confirm that these works, subject to the suggested conditions, comply with the requirements of policy MT1 of the Herefordshire Local Plan – Core Strategy and with the requirements of policy CH2 of the Callow and Haywood NDP.

Landscape, character and nature conservation

- 6.58 The Councils Landscape officer sought clarification in respect of hedgerow removal in respect of the proposed accesses. The submitted Arboricultural Method Statement identified that only localised areas of hedge would be removed to create the access points. Extract of the plans were inserted in Section 1 of this report as relevant. Further work establishing visibility splays has clarified that this remains the case, but that normal hedgerow maintenance would be required to 'trim back' and maintain the visibility splays for the accesses.
- 6.59 In addition, one tree would be removed (T55) in relation to the access on the southern side of Grafton Lane that provides access to a parcel of land severed by the SLR. The Council's Tree Officer has confirmed that the tree is a category C and that there is no objection to its loss.

- 6.60 Conditions are suggested to ensure that works are undertaken in accordance with the method Statement and that hedgerows are protected during construction. The Council's ecologist has also suggested a condition that would further reinforce the requirements in relation of biodiversity in relation to the hedgerows.
- 6.61 Representations raise concern about the size and scale of the proposed accesses, some with double gates. These types / size of gates are not unusual for new accesses that are required for accessibility by large modern machinery and allow easier turning movements on and off the highway and improve highway safety as vehicles can pull off the highway to open / close the gate. This benefit can be taken into account. The intrusion that these make visually is not considered to be so detrimental as to warrant refusal of the application.
- 6.62 As such, officers would conclude that the proposed works, subject to conditions, would comply with the requirements of policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy and policy CH2 of the Callow and Haywood NDP.

Heritage

- 6.63 As detailed above, the Principal Building Conservation Officer has considered the proposals and raises no objections to the proposals on heritage grounds as the proposals would not impact those aspects of the setting of listed buildings which contribute to their significance and the County Archaeologist also raises no objections. Historic England also raises no objection to the proposals. These comments were not made in respect of the Haul Route alone, and also considered the other Heritage Assets such as Clehonger Court on the B4349.
- 6.64 Officers would therefore conclude that, subject to the compliance with conditions, the remaining proposals would not result in harm and would therefore comply with the requirements of policy LD4 of the Herefordshire Local Plan Core Strategy in that they protect and conserve the heritage assets.

Other matters

Agricultural Impact Assessment

- 6.65 A number of representations make reference to the requirement of Highways England for a Agricultural Impact Assessment and this issue was considered in the report for application 151314 (para 6.248). It would seem logical that, as a result of the assessments that have been undertaken that identified severance issues, negotiations have been undertaken with those affected to address the severance and provide new or improved access to the land parcels that have been severed. Officers remain satisfied that the requirements of the DRMB have been met.

Procedural matters

- 6.66 In representations, and in an email to all ward Councillors, a matter was raised in respect of the inaccuracies of the application form. The Local Planning Authority has taken legal advice and I would clarify the position as follows:
- 6.67 Planning application P182314/CD3 dated 21 June 2018 was submitted along with a completed certificate B, which stated that notification of the application was served on the owners of the application site on 21 June 2018. The application was subsequently validated on 2 July 2018.
- 6.68 It is agreed by all parties that certificate B (as originally submitted) was inaccurate, because the notices to landowners were actually served on 22 June 2018 rather than the 21st. The Council notified the applicant's agent of this on 3 August 2018 and the certificate was subsequently amended to reflect the correct date of the notices. Our understanding from the applicant is that the reason for insertion of the incorrect date was a decision made, after

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

submitting the application to the planning portal, to send the letters to the landowners' agents as well as the landowners. This was an attempt to ensure that all relevant parties would be notified by the service of not one, but two letters – one direct to the landowner and one to their nominated agent. The date of these letters was then changed to the 22nd June to reflect the day they would be sent. Subsequent letters were again sent in August to both landowners and agents to advise in respect of the error and receipt of amended plans. No landowner has made representation in respect of this application.

- 6.69 The substantive requirements in respect of the service of notices on owners of the application site are set out in Articles 13 and 14 of the Development Management Procedure Order 2015 ("the DMPO"). Article 13 stipulates that "requisite notice" of the application is to be given to the owners of the application site. Article 14 requires that the applicant must certify (in a form published by the Secretary of State or in a form substantially to the same effect) that such notification to owners has taken place.
- 6.70 "Requisite notice" is defined as notice in the form set out in Schedule 2 of the DMPO (or in a form substantially to the same effect). The form of notice in Schedule 2 provides that the owner be allowed 21 days from service of the notice to make representations in relation to the application. It follows that the application must not be determined prior to the expiry of 21 days from the date of service of the notice. However, there is no statutory requirement for the notice to owners to be served prior to, or simultaneously with, the planning application.
- 6.71 Accordingly, notwithstanding the incorrect date of service being inserted in the certificate initially, it is clear that requisite notice of this application has been given to landowners and that appropriate certification of this has been provided (albeit that the original certificate was subject to subsequent correction). Further, officers are satisfied that the irregularity in the certificate as originally submitted has not caused any prejudice to the relevant landowners, or to any other party.
- 6.72 In all the circumstances, officers therefore conclude that the initial inaccuracy in the certificate B does not preclude lawful determination of the application. As regards a criminal offence having been committed, we have no evidence which contradicts the explanation for the error given by the applicant's agent, and officers' present view is consequently that the inaccuracy was not deliberate or reckless.

EIA screening

- 6.73 The application was accompanied by a request for a Screening Opinion.
- 6.74 This request was considered by the Local Planning Authority in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the guidance on EIA set out in the National Planning Practice Guidance. The NPPG advises that changes or extensions to Schedule 2 development (which the original SLR application was), when considered with the existing development as a whole, may result in significant adverse effects on the environment, or which meet the thresholds or criteria set out in column two of Schedule 2, are also Schedule 2 development and require screening.
- 6.75 Importantly, if it is considered that the change or extension will not lead to other significant adverse effects, taking into account the effects on the development as a whole, screening should not be required where the change or extension does not meet the criteria or thresholds in Schedule 2. In this instance, the threshold of 1ha is met so screening is considered necessary.
- 6.76 This notwithstanding bearing the guidance in mind it is the opinion of the LPA that the proposals are not likely to have a significant impact on the environment by virtue of their nature, scale and location and therefore the proposal does not constitute EIA development.

6.77 Specifically, taking into account the selection criteria in Schedule 3 and the factors set out in the NPPG, it is the opinion of the Local Planning Authority that the proposed development is unlikely to have significant environmental effects with regards to ecology, biodiversity, landscape character or highways. The proposal will however have some localised visual impacts, some of which will be for a temporary period only during the construction period of the road, and effects on the amenity of nearby residents in relation to noise, nuisance and dust. All of these will need to be further considered; however it is considered that these can be dealt with as part of the planning permission.

7 Planning Balance

7.1 Both Core Strategy Policy SS1 and Paragraph 1 of the National Planning Policy Framework (2018) engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the Development Plan.

7.2 Following the granting of planning permission for the Southern Link Road as part of the South Wye Transport Package, the applicants, Herefordshire Council, are seeking planning permission for ancillary works that lie outside the original application boundary. These proposals relate primarily to minor alterations; including the creation of new accesses (including field gates), alterations to property boundary (Pykeways) and alterations to drainage arrangements. These development proposals are resultant of negotiations with landowners to address access issues that would result from the construction of the SLR or are technical solutions as part of the drainage strategy. The construction of the temporary haul route seeks to address the issue of transporting soil from one side of the railway line to the other.

7.3 Sustainable development is sought across three objectives; environmental, economic and social. In this case, the economic and social benefits of the SLR have already been considered and reconciled in the granting of planning permission.

7.4 The key issues in the determination of this specific application relate further to the environmental role and how these additional developments would potentially impact upon the environment and these matters have been explored in the context of the Development Plan and guidance contained within the NPPF (2018).

7.5 Impacts upon designated and non designated heritage assets, biodiversity, and landscape character as key components of the natural and built environment have been taken into account and officers have concluded that they are satisfied that the submitted information demonstrates that, with appropriate conditions in respect of mitigation and reinstatement of land, the proposals accord with the requirements of policies LD1, LD2, LD3 and LD4 of the Core Strategy and CH2 of the Callow and Haywood NDP.

7.6 Matters relating to drainage will continue to form a part of the overall design progression for the Southern Link Road. Whilst there is some additional work to undertake in relation to the management of flood risk and surface water through a detailed drainage strategy that will relate to not only these proposals but the whole SLR 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.

7.7 Officers would also advise that, upon receipt of the amended plan and clarification on use, the proposed works that affect the highways and cycle network would, with the relevant conditions relating to construction and visibility, would ensure compliance with the requirements of policy MT1 of the Core Strategy.

7.8 Absent any other harm, the recommendation can only be for approval on the basis that the scheme complies with the Development Plan when read as a whole.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary:

- 1. A01 - Time limit for commencement (full permission)**
- 2. B01 – Approved Plans**
- 3. Prior to commencement of development, method statements for the land parcels indicating the potential impact of the access and hedgerow works are necessary shall be submitted for approval in writing by the local planning authority. This should include any additional mitigation/surveys necessary for protected species affected by the 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. Prior to commencement of development, a Construction Environmental Management Plan documenting construction impacts for each of the cited land parcels (sheet 1 to 10) of the proposal shall be submitted for approval in writing by the local planning authority and shall include:**
 - timing of the works,**
 - details of storage of materials,**
 - control of surface water run-off into watercourses and**
 - measures to minimise the extent of dust, odour, noise and vibration arising from the construction process.**

The Plan shall be implemented as approved.

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).

- 5. Prior to the commencement of development relating to the Haul Road (Sheet 3) the following details shall be submitted to and approved in writing by the local planning authority:**
 - Timetable of works (including start, completion, restoration and ongoing**

management)

- Landscape restoration plan – including soil management, planting and landscape management post completion.
- Details of signage in respect of cycle route alterations / warning signs
- Works to upgrade Merryhill Lane (specifications).

The works shall be carried out in accordance with the approval plans and details.

The works to provide the proposed rerouted cycleway, and upgrade to Merryhill Lane, shall be undertaken prior to the closure of the first use of the haul route hereby permitted.

Reason: To comply Herefordshire Council's Policies LD1, LD2, LD3, LD4 and MT1 of the Herefordshire Local Plan – Core Strategy and CH2 of the Callow and Haywood Neighbourhood development Plan and to meet the requirements of the National Planning Policy Framework (NPPF).

6. CNS – Sheet 1

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00001-P04 (sheet 1) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 31.7m to the north and 48.2m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. CNS – Sheet 2

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00002-P04 (sheet 2) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a

specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 31.7m to the north and 48.2m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

8. CNS – Sheet 4

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00004-P04 (sheet 4) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 101m to the north and 95.5m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.
- e. In the event that the access is used for a haulage route, a construction traffic management plan should be submitted to and approved in writing by the local planning authority and works shall be carried out in accordance with the approved details.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of

policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

9. CNS – Sheet 5

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00005-P5 (sheet 5) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 94m to the north and 57m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

10. CNS – Sheet 7

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00007-P5 (sheet 7) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 139.3m to the north and 156.1m for the south. Nothing shall be

planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.

- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

11. CNS – Sheet 8

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00008-P5 (sheet 8) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 30m to the north and 30m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

12. CNS – Sheet 9

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00009-P5 (sheet 9) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such

provision shall be retained and kept available during construction of the development

- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 42.9m to the north and 29m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

13. CNS – Sheet 10

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-000010-P5 (sheet 10) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

14. M10 – Unsuspected contamination

INFORMATIVES:

1. IP2 –

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal 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. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. N14 – Party Wall

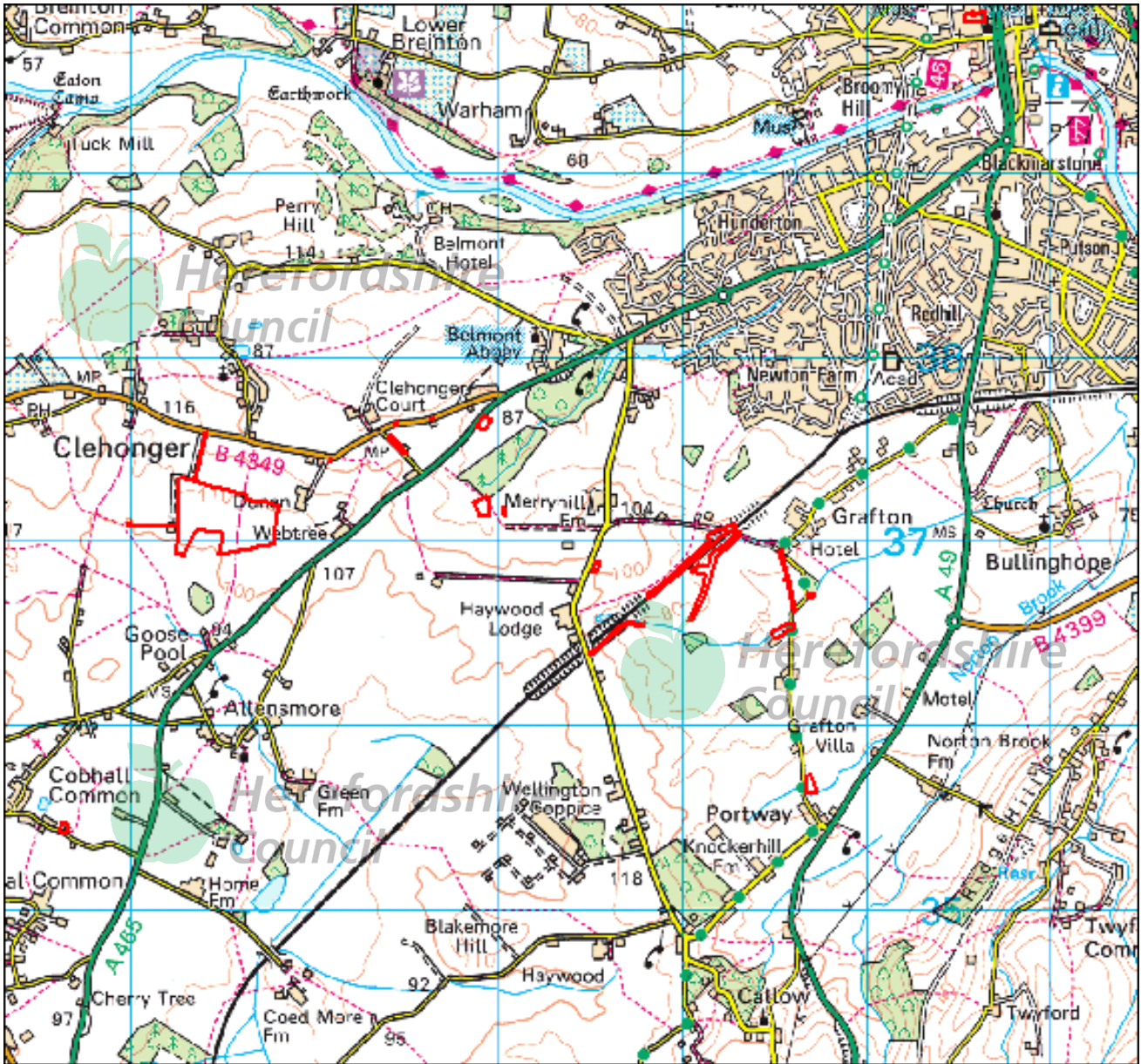
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182314

SITE ADDRESS : MULTIPLE PARCELS OF AGRICULTURAL LAND, SOUTHERN LINK ROAD CORRIDOR (151314) A465 - A49, HEREFORDSHIRE

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