

**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Thursday 27 September 2018 at 2.30 pm**

**Present:** Councillor PGH Cutter (Chairperson)

**Councillors:** BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EPJ Harvey, JA Hyde, TM James, AW Johnson, PD Newman OBE, FM Norman, AJW Powers and D Summers

**In attendance:** Councillors PA Andrews and JF Johnson

**44. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hardwick, MD Lloyd-Hayes, A Seldon. NE Shaw, WC Skelton and SD Williams.

**45. NAMED SUBSTITUTES**

Councillor EPJ Harvey substituted for Councillor A Seldon, Councillor EL Holton for Councillor J Hardwick, Councillor JA Hyde for Councillor SD Williams, Councillor PD Newman for Councillor WC Skelton and Councillor D Summers for Councillor MD Lloyd-Hayes.

**46. DECLARATIONS OF INTEREST**

None.

**47. MINUTES**

**RESOLVED:** That the minutes of the meetings held on 22 August 2018 be approved as a correct record and signed by the Chairman.

**48. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**49. 181583 - LAND FRONTING STATION APPROACH (CITY LINK ROAD), HEREFORD**

*(Proposed new health centre (use class D1) including ancillary pharmacy (use class A1), access, parking, landscaping and associated works.)*

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

In the light of the Transportation Manager's ongoing concerns it was proposed that officers be given delegated authority to issue planning permission after further

discussions about the travel plan and parking management. A revised condition 4 was also proposed together with an advisory note.

She reported that a recent representation had been received from the Herefordshire and Gloucestershire Canal Trust expressing concern that it had been consulted. She read this to the meeting. It requested amongst other things that before making a decision the council should work with them to ensure there was a master-plan for the area to guide the successful delivery of the Canal Quarter.

The PPO commented that the Canal Trust was not a statutory consultee for the purposes of the application. The protected line of the canal lay some way to the west. There was no master plan for the canal quarter. The request would be drawn to the attention of the Hereford Area Plan team.

In accordance with the criteria for public speaking, Mr B Smaylen of Prime (UK) Developments Limited, the applicants, and Mr A Randerer, the architect/agent, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor PA Andrews, spoke on the application.

She made the following principal comments:

- The proposal involved the creation of a health centre to replace five existing city-based GP surgeries. These were currently housed in Georgian/Victorian houses that were not suitable for the provision of modern health facilities. The proposal would provide much improved facilities.
- With regard to concerns expressed about the landscape impact, the development was some distance from the grade 2 listed railway station. Properties along the link road were mainly industrial buildings of little architectural merit.
- The proposed transport hub would provide easy access to the facility.
- She supported the application, allowing for the proposed further discussions on transport matters.

The Chairman reported that Councillor DB Wilcox the adjoining ward member was unable to attend the meeting and had requested that the Committee be advised that he was overall in favour of the proposal and endorsed the recommendation.

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

- The facility would be a benefit.
- The parking provision including any charging regime was a concern. Measures were needed to prevent people either before or after an appointment parking in the car park leaving their vehicles and then going into the city centre, preventing other patients from using the parking spaces for the purpose for which they were intended. High charges were not, however, necessarily a solution.
- Traffic management required careful consideration given the volume of traffic in particular at the bottom of Aylestone Hill and the junction with Commercial Road.
- Another view was that too much parking was being proposed and there was an opportunity to create a green space around the building that would enhance health and wellbeing. It was requested that further consideration be given to this possibility.

- The location of the development had advantages given its proximity to the hospital.
- It was important to ensure that potential structural issues linked to the former canal basin were taken into account.
- There were possible alternative sites, for example the bus station.
- There would be merit in a masterplan for the area.
- Heritage England, the Historic Buildings Officer, the Landscape Officer and the Civic Society had questioned the design, the view being expressed that it did not enhance the setting of the grade 2 listed railway station and could be improved upon. It could be seen as a missed opportunity. The Council was in a position to be able to influence the design and could seek to achieve a more attractive, more ambitious development that added to the City's landscape.
- A contrary view was that the proposal would not detract from the station.
- A further view was expressed that the proposal's shortcomings were more significant in that it was contrary to provisions in the National Planning Policy Framework (NPPF) on achieving well-designed places and conserving and enhancing the historic environment. It was also contrary to many core strategy policies and the Hereford movement policy.
- It was also questioned whether the proposal was sustainable and accessible for patients noting the additional length of travel times to the facility compared with those to current facilities.
- Historic England had produced a highly critical report of the landscape and townscape to be observed leaving Hereford Station. They had called for a masterplan for the whole city. The development was premature in advance of such a plan.

In response to questions the PPO commented that:

- The proposed meeting between the applicant and officers would include consideration of the amount of parking provision for staff and the provision for patients. This would be resolved prior to occupation of the building.
- It had been confirmed that parking would be free to all patients. The Council would control this aspect through conditions. There would be a barrier system and the detail of that including measures to prevent queues at the barriers because the car park was full and apply time limitations to ensure patients left the car park following their appointments was to be given further consideration with the applicants. It was considered that there was a feasible solution.
- It was proposed to provide 92 parking spaces. This was an undersupply compared with what would usually be provided for such a proposal. This took account of the location and site constraints and was considered sufficient with a management plan in place. There were other car parks nearby which would offer the facility for linked trips to the city centre if that was what patients were seeking.
- In terms of catchment areas patients of existing practices would have the opportunity to go to other surgeries rather than move to the new facility.
- A member suggested that, having regard to the constitution, consideration should be given to the point in the debate at which proposals were brought forward from Members.

The local ward member was given the opportunity to close the debate. She reiterated her support for the application.

Councillor Edwards proposed and Councillor Greenow seconded a motion that the application be approved in accordance with the printed recommendation with additions as set out in the update sheet. The motion was carried with 12 votes in favour, 3 against and no abstentions.

**RESOLVED: That officers named in the scheme of delegation, after consultation with the Chairman of Planning and Regulatory Committee and the Local Ward Member, be authorised to issue planning permission subject to the following conditions, including any amendments or any further conditions considered necessary by the officer named in the scheme of delegation.**

1. **A01 - Time limit for commencement (full permission)**
2. **B01 - Development in accordance with the approved plans**
3. **C01 - Samples of external materials**
4. **Foul and Surface Water Drainage**

**Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 20 l/s. Thereafter no land or highway water shall connect directly or indirectly to the public sewerage network.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.**

#### **Advisory Notes**

**No direct connection shall be made to the 1200mm public combined sewer.**

5. **H16 - Parking/unloading provision - submission of details**

**The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The proposed areas for parking should clearly identify specific spaces designated for staff, patients, drop-off / pick-up and emergency services. Such areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Core Strategy.**

6. **H17 - Junction Improvements/Off site works (To include the TRO and access arrangements)**
7. **H21 - Wheel Washing**
8. **H27 - Parking for Site Operatives – During Construction**

**Development shall not begin until parking for site operatives and visitors has been provided within the application site 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.

**Reason:** To prevent indiscriminate parking in the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Core Strategy.

**9. H29 - Secure and Covered Cycle Parking Provision**

Before the development is commenced, a scheme for the provision of covered and secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy.

**10. H30 - Full Travel Plan**

Prior to the commencement of the development, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and patients with respect to the development hereby permitted shall be submitted to and be approved in writing by the local planning authority. The submitted Travel Plan should include the following:

- I. A review of existing and proposed walking, cycling and public transport infrastructure which could be used by staff and patients to travel to the Primary Care Hub. This detailed accessibility review should be based on staff and patient catchment areas, particularly to/from rural areas;
- II. Details on the development proposals including clarification on the proposed number of existing and proposed full-time/part-time staff to be employed onsite. Details on proposed shift start/end times should also be included.
- III. The undertaking and analysis of a baseline travel survey on existing staff and patients. The travel survey should specifically include questions relating to existing travel habits and anticipated future travel arrangements following the development of the Primary Care Hub.
- IV. SMART (Specific-Measurable-Achievable-Realistic-Timebound) modal shift targets which should be based on the existing and proposed modal split of staff and patients, with the aim of reducing car travel to the site.
- V. A package of measures to be implemented on site, suitable for a central facility. This should include, but not be limited to: informational measures such as leaflets, online information and Access Guides; infrastructure measures including lockers, showers and changing facilities for staff cycling to work, secure and covered cycle parking and provision of a public transport Real-Time Information (RTI) display board; and promotional measures / incentives including a staff cycle-to-work scheme and bus taster tickets and discounts for staff to encourage travel to work by public transport.

- VI. A management strategy which should set out who will be responsible for the day-to-day running of the Travel Plan. Due to the scale of the development, coordination with relevant stakeholders to form a Steering Group is recommended (i.e. Network Rail, Local Bus Operators, Herefordshire Council etc.)
- VII. Details on a Car Park Management Strategy;
- VIII. A monitoring and review strategy detailing how and when annual travel surveys will be undertaken and a timetable for the preparation and submission of annual monitoring reports to HCC.
- IX. A commitment to the implementation of remedial measures should the Travel Plan fail to meet its agreed SMART modal-shift targets.

The Travel Plan shall be implemented, in accordance with the approved details, prior to the opening of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy.

#### 11. Full Car Park Management Strategy

Prior to the commencement of the development, a Full Car Park Management Strategy shall be submitted to and approved in writing by the Local Planning Authority and measures shall be implemented and maintained in accordance with the approved details and the car park managed accordingly thereafter. The submitted Car Park Management Strategy should include the following details (in addition to best practice guidance as set out in HTM 07-03 NHS Car Parking Management: Environment and Sustainability):

- i. Specific details on car parking provision proposed on site including staff, patient, disabled persons, short stay or drop-off/pick-up parking and emergency services parking. All of the above should be provided within the site as set out in HTM 07-03 NHS CPM guidance.
- ii. Details of all other available public (council-operated) car parks including total number of spaces, occupancy rates during peak periods, tariffs and walking distances from the site. HCC Parking Services may be able provide details on existing parking occupancy.
- iii. Details on the proposed operation of the onsite car park including any proposed charges, staff parking permits, concessions and barrier operation (e.g. 'pay on exit' as recommended in HTM 07-03 NHS CPM).
- iv. Details on any private contractors or patrol staff who would manage and enforce car parking on site and any procedures which will be in place.
- v. Details on proposed signage within the car parking to ensure wayfinding and legibility.
- vi. A package of car parking management measures to be implemented on site. These should include, but not be limited to: informational measures such as car parking information in appointment letters or on scheduling an appointment, the provision of Access Guides to both staff and patients and information online; infrastructure

measures including signage to inform patients / staff of parking charges and provision of designated short-stay spaces within the site; and promotional measures / incentives including the use of staff permits. Staff permits should be incentivised and only issued to those who actively car share to the site who reside in remote / inaccessible areas. Permits should not be issued to staff who reside within a short distance of the site or close to public transport links.

- vii. A monitoring and review strategy detailing how and when annual travel surveys will be undertaken and a timetable for the preparation and submission of annual monitoring reports to HCC.

**Reason:** To ensure the provision of an appropriate level of car parking and to conform to the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy.

12. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy

13. The Remediation Scheme, as approved pursuant to condition no. (X) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise

agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy

15. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process. The Plan shall be implemented as approved.

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

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).

16. The recommendations for species and habitat enhancements set out in the Preliminary Ecological Assessment report and the Ecological Impact Assessment from Countryside Consultants both dated March 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. An ecological enhancement integrated with the landscape plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

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

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

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).

#### **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. With reference to contaminated land conditions**

**The assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework (2018). All investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**

**50. 182369 - MULTIPLE PARCELS OF AGRICULTURAL LAND SOUTHERN LINK ROAD CORRIDOR (151314) A465 - A49 HEREFORDSHIRE**

*(Request for Screening Opinion. Summary Description (see application form for Full application and Planning Case Statement): • Proposed new field accesses • Proposed maintenance tracks to serve Southern Link Road (application 151314) • Revised drainage including revised storage provisions, drainage ditches, outfall pipes, replacement culverts • Temporary Haul Route (west and east of railway line) inc temporary diversion of cycleway • New bridleway.)*

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

The update contained representations from Natural England and the Woodland Trust and proposed additional conditions in response to those representations.

In accordance with the Council's Constitution, the local ward member, Councillor J Johnson was invited to speak on the application. He indicated that he had no comments to make at the outset but would respond as appropriate at the debate's conclusion.

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

- It was asked if the proposed temporary roads could be put to a future use mindful of the cost incurred in their construction.
- Planning permission had been granted for the southern link road and the proposals represented engineering works to enable the road's development to be pursued.
- A member commented, in summary, that:
  - As a council application it was imperative that the council demonstrated that it had followed correct processes.
  - Paragraph 2.6 of the report was incorrect in stating that the South Wye Transport Package (SWTP) acknowledged that whilst the SWTP was being promoted as a stand alone scheme there was the possibility that the Southern Link Road (SLR) would ultimately link to the western relief road and the application for the SLR had been considered with that in mind.
  - The SLR decision had been taken on the basis of it being a stand alone project. Future aspirations were not material planning considerations.
  - If the SLR was now being linked to the Hereford Transport Package and its western bypass proposal that invalidated consideration of the application before the Committee on its own merits.

- Reference to the public inquiry into the SLR was lacking.
- The service of notice on landowners had not been carried out correctly.
- The application was premature and the documentation and evidence base was incomplete. There was no agricultural impact assessment, no waste management plan and the objection from the Woodland Trust had been overlooked and not included in the officer report.
- It was premature and potentially unsafe if not unlawful to proceed to determine the application.

The Committee considered a motion that consideration of the application be deferred.

The Development Manager (DM) commented that he did not consider that there were grounds for deferral. Paragraph 6.4 of the report referred to the public inquiry into the SLR. Paragraph 6.66 of the report onwards concluded that in relation to the service of notice of the application on relevant landowners the initial inaccuracy in certificate B, did not preclude lawful determination of the application.

In response to further questions and comments the DM and PPO commented as follows:

- Paragraph 6.65 of the report commented on the requirement of Highways England for an Agricultural Impact Assessment and that officers remained satisfied that the requirements of the Design Manual for Roads and Bridges had been met.
- The report addressed the planning considerations. The business case for the SLR and the business case for the western relief road and whether these business cases were separate or linked was not part of the consideration of the planning application and not material to it.
- The committee update reported that Natural England had no objection subject to appropriate mitigation being secured through condition and the condition they recommended was included in the recommendation officers were making to the Committee.

A member commented further in relation to the public inquiry that the remit of that inquiry was not known and could have a bearing on the application.

It was observed that the application had been the subject of extensive publicity and discussion and deferral was not justified. Another member added that if the road were not built the grant of permission for the application before the Committee would simply not be implemented.

A member referred to the major concerns expressed by the Woodland Trust noting that these had been outlined at the meeting, if not in the officer report, but questioned whether these had been satisfactorily addressed.

It was questioned why it was considered that an environmental impact assessment was not required. Attention was also drawn to the documentation requested by Natural England.

The motion that consideration of the application be deferred was lost.

In continuing the debate it was observed that page 11 of the committee update referred to the provision in paragraph 175 of the NPPF that 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 reasons and a suitable compensation strategy exists. The Woodland Trust had commented that the application would have a direct impact on a number of veteran trees affected by the proposed haul route and cycle route. It was asked if it was possible to address their concerns that

whilst the proposals did not require the removal of any veteran trees there were elements of the application that would encroach within the canopies and root protection areas.

The PPO showed the root protection area on a slide. She commented that the haul road would pass beneath the canopy of a veteran tree. Whatever diversion of the haul road was considered it would be necessary to enter the root protection area to pass under the railway line.

The arboricultural report had identified the impacts and had made some general suggestions as to mitigation. Officers were requesting a detailed method statement. The Tree Officer considered that there were possible mitigations for the temporary period during which the haul route would be used.

In respect of other notable trees and other veteran trees the larger root protection areas had been imposed and conditions were proposed to deal with aspects such as the storage of topsoil.

There were means of controlling dust. This would be covered within the construction and environmental management plan.

A possible alternative haul route would have an impact on heritage assets. There was a lot of benefit to the proposed route in terms of the wider environment in terms of air quality and noise levels for residents and the removal of construction traffic from the local road network.

The proposal was achievable but more detail was required from the ecologist and tree officer. The proposed conditions addressed these aspects.

A member commented that under the proposal the trees in question might be better protected than they were at the moment having regard to the unconstrained movement of heavy agricultural machinery.

The local ward member was given the opportunity to close the debate. He commented that there were environmental impacts that needed to be considered. Based on personal observation and discussion with landowners, the proposed accesses were required and provided appropriate visibility and safety, in a number of cases representing an improvement on the existing arrangements. The proposals were ancillary works for a development that had previously been approved. He supported the recommendation.

Councillor A Johnson proposed and Councillor Holton seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 11 votes in favour, 2 against and 2 abstentions.

**RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:**

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 and post-construction monitoring impacts for each of the cited land parcels (sheet 1 – 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.

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

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-00010-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**

**15** Prior to commencement of any development detailed on drawing number – 3512983BP-WSP-ZO-XX-DR-T-00003-P04 Sheet 3 - a detailed Tree Protection and Mitigation plan shall be submitted to and approved in writing by the Local Planning Authority that shall include, but not be restricted to:

- Accurate plans showing the Root Protection Area
- Construction method statement for both the temporary Haul Road and cycleway
- Mechanism and details of monitoring for any impacts on trees during construction phase
- Detailed method statement for the reinstatement of land post construction phase
- Mechanism and details of monitoring for any impact on trees post construction phase
- Details of storage area for soil and method statement for soil storage within or adjacent to the Root Protection Areas.

**16 C90 – Protection of trees / hedgerows that are to be retained**

**INFORMATIVES:**

1. 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**

**51. DATE OF NEXT MEETING**

The Committee noted the date of the next meeting.

**Appendix - Schedule of Updates**

The meeting ended at 16.25

**Chairman**

# **PLANNING COMMITTEE**

**Date: 27 September 2018**

## **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**181583 - PROPOSED NEW HEALTH CENTRE (USE CLASS D1) INCLUDING ANCILLARY PHARMACY (USE CLASS A1), ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AT LAND FRONTING STATION APPROACH (CITY LINK ROAD), HEREFORD**

For: Mr Smaylen per Mr Abz Randeria, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX

### ADDITIONAL REPRESENTATIONS

#### Welsh Water (response to amended plans received 25<sup>th</sup> Sept 2018)

We have reviewed the amended/additional information submitted as part of this application with particular focus on drawing number HMC-ONE-XXX-ZZZ-DR-S-0050 Revision P04) which shows the revised private drainage layout. We understand also that the highway water will drain to an existing highway network which will reduce the total volume of water draining to the public combined sewer.

It is unclear where the proposed site will connect into the existing public sewer, however we assume this to be the connection point identified in the Sewer Location Survey which avoids the need to connect directly onto the 1200mm public combined sewer. If this is not the case and a direct connection is required then we request that we be re-consulted.

The proposed surface water proposal is acceptable and therefore if you are minded to grant planning permission we request that the following **Conditions and Advisory Notes** are included within any subsequent consent.

#### **Conditions**

Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 20 l/s. Thereafter no land or highway water shall connect directly or indirectly to the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

#### **Advisory Notes**

No direct connection shall be made to the 1200mm public combined sewer

#### **Transportation Manager (response to additional information submitted in response to previous transportation comments):**

1. Whilst the proposed operation of the barrier-controlled access (I would say) is acceptable, I don't think the patient drop-off / pick-up arrangements have been given due consideration. Even if the access road is to remain private and not be adopted, they could still provide double yellow lines and a TRO to enforce. They have also not provided any information on how parking will be

monitored to ensure vehicles aren't blocking the access (i.e. staff patrol / third-party car parking enforcement etc.) Which brings me to Point 2...

2. They have also not provided any information on the proposed car park management. They previously said this would be in accordance with NHS good practice guidelines – which highlights the importance of designated short-stay parking areas within the site. A car parking management strategy could be conditioned but ideally should be provided beforehand, as this would give us more assurance on the effectiveness of the strategy in reducing any off-site parking issues (especially as no real assessment was provided of public car parking availability previously).
3. They've suggested that the Travel Plan and Car Park Management Strategy be provided 6 months following occupation. If this was a residential development where occupations on site were phased, this would be appropriate. However, the proposed Primary Care Hub will be catering for existing staff/patients which they have quoted as being an existing catchment area of some 35,000 people. This would also suggest that no travel plan measures or car parking measures would be provided in the first six months (when travel habits would already be being established). We require prior to the commencement of development. All of the details we have requested in either document would have need to be thought of prior to occupation in any case, and I don't see how they would be an issue with surveying the existing travel patterns of staff / patients prior to occupation?
4. Both the Travel Plan (particularly accessibility catchments) / Car Park Management Strategy would also tie in with the provision of onsite car parking and cycle parking which they have suggested would be clarified at detailed planning stages. So again, I don't see why they couldn't be provided prior to commencement.
5. No issue with the TA assumptions on trip generation for the Police HQ / DIY store comparisons. They've clarified this.

## **OFFICER COMMENTS**

Officers acknowledge the ongoing concerns of the Transportation Manager in respect of the necessity to impose conditions that require discharge prior to commencement. Officers have discussed the matter with the applicants, and agreed that a meeting with relevant parties to discuss the outstanding matters, and agree a phased approach to these submissions would be beneficial. As such, the officer recommendation has been changed to allow for this.

## **CHANGE TO RECOMMENDATION**

Having had further discussions with the applicants about the timing of conditions (necessity for these to be pre-commencement) relating to traffic management and travel plan submissions, it is agreed that a meeting with the applicant and officers would be beneficial to discuss and agree how best this can be controlled through an appropriately worded condition.

As such, officers would recommend that the recommendation be changed as follows:

**That officers named in the scheme of delegation, in consultation with the Chairman of Planning and Regulatory Committee and the Local Ward Member, be authorised to issue planning permission subject to the following conditions, including any amendments or any further conditions considered necessary by the officer named in the scheme of delegation.**

In addition to this, following the receipt of Welsh Water comments it is recommended that condition 4 is deleted and replaced with the condition described above. An additional advisory note is also added as above.

**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**

## **ADDITIONAL COMMENTS**

### **Natural England**

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation (SAC)
- damage or destroy the interest features for which River Wye Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- a Construction Environmental Management Plan detailing potential construction and post-construction impacts and what measures will be implemented to ensure no adverse effect on the River Wye SAC/SSSI.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures (see recommendation section below)

### **The Woodland Trust**

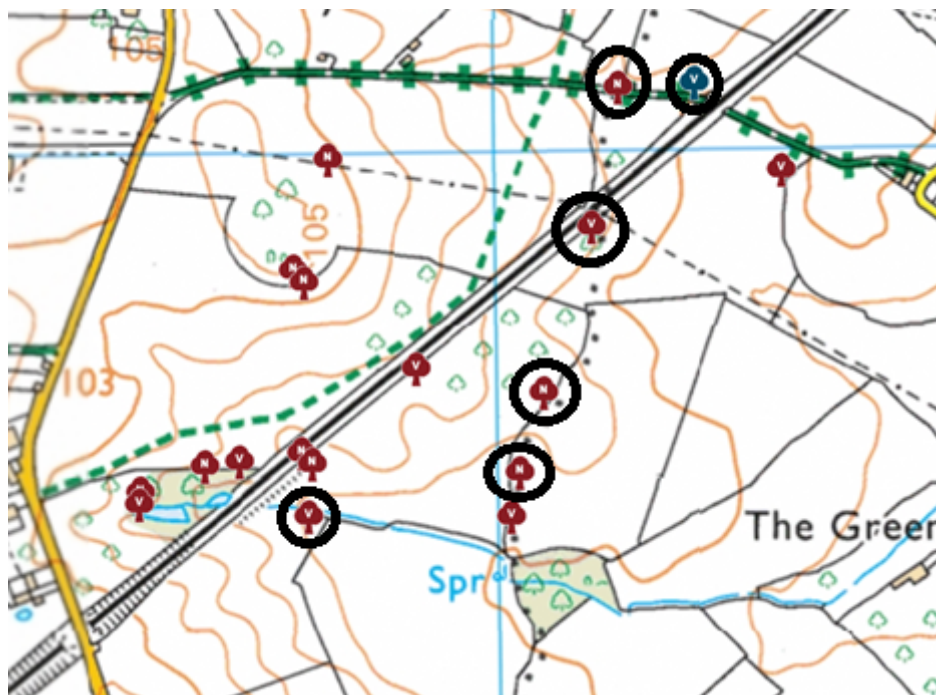
The Woodland Trust is the UK's leading woodland conservation charity. We aim to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering around 24,000 hectares (59,000 acres) and we have 500,000 members and supporters.

Ancient and veteran trees are a vital and treasured part of the UK's natural and cultural landscape, representing a resource of great international significance. Veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able.

The Woodland Trust **objects** to this application on the basis of damage and potential future loss of a number of veteran trees. Many of these trees are designated on the Ancient Tree Inventory (ATI) with the following details:

Tree no.	Species	Grid ref	Designation	Link
142128	Hybrid Sessile & English oak	SO4924437065	Veteran	<a href="https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142128">https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142128</a>
142129	Pedunculate oak	SO4915037060	Notable	<a href="https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142129">https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142129</a>
142135	Pedunculate oak	SO4876336535	Veteran	<a href="https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142135">https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142135</a>
146491	Pedunculate oak	SO4911636888	Veteran	<a href="https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146491">https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146491</a>
146492	Pedunculate oak	SO4905536684	Notable	<a href="https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146492">https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146492</a>
146493	Pedunculate oak	SO4902536587	Notable	<a href="https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146493">https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146493</a>

These trees can be identified on the Ancient Tree Inventory via the links I have included above. If mapped against the proposed plans these trees can be identified, I have circled them below for you.



## Planning policy

National Planning Policy Framework (NPPF), paragraph 175 states: “When determining planning applications, local planning authorities should apply the following principles:

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 reasons and a suitable compensation strategy exists;”

Exceptional reasons are defined in Footnote 58 as follows: “For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”

We consider that the proposed development does not fit these criteria and as such should be refused on the grounds it does not comply with national planning policy.

Natural England’s Standing Advice for Ancient Woodland and Veteran Trees<sup>1</sup> states: “Ancient woodland, and trees classed as ‘ancient’, ‘veteran’ or ‘aged’ are irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife, soils, recreational value, and cultural, historical and landscape value.”

Herefordshire Council's Core Strategy states in 'Policy LD3 – Green infrastructure':  
"Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

1. identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;
2. provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
3. integration with, and connection to, the surrounding green infrastructure network."

### **Impacts on veteran/notable trees**

We note that this application is required for the delivery of the approved Hereford Southern Link Road (application 151314). It is important to consider that since this road scheme has been approved, wording for protection of ancient woodland within the NPPF has been updated.

Considering this application would have direct impacts on a number of veteran trees, the updated wording in the NPPF is particularly pertinent.

A 'veteran tree' is usually in the second or mature stage of its life and has important wildlife and habitat features including: hollowing or associated decay fungi, holes, wounds and large dead branches. It will generally include old trees but also younger, middle aged trees where premature aging characteristics are present.

A 'notable tree' is one of local importance, or of personal significance to the individual recorder. This includes specimen trees or those considered to be potential, next generation veteran trees that are of a considerable size already.

The significant concentration of notable and veteran trees within this area means that damage and/or loss of any aged or veteran trees would result in a reduction of available habitat for species reliant on the dead and decaying wood habitat that such trees provide.

While the proposals do not require the removal of any veteran trees, there are elements of the application that would encroach within the canopies and root protection areas (RPAs) of these specimens, specifically temporary haul route alignments and the realignment of a cycle track and its associated fence line. Development within the RPAs and/or canopy of a veteran tree can result in adverse impacts on the tree by damaging the tree's root system through soil compaction and direct root damage, as well as bringing the tree in to a more public setting thereby making it a potential hazard and affecting its long-term retention.

The Arboricultural Method Statement submitted as part of the application details the trees in the vicinity of the application and outlines their determined RPAs. The applicant has stated that the RPAs of these trees have been "calculated as an area equivalent to a circle with radius 12 times the stem diameter", in accordance with BS5837 guidelines.

However, in the case of veteran trees the RPA should be calculated in accordance with Natural England's standing advice. This government guidance identifies mitigation measures that should be considered where nearby development may result in impacts on veteran trees, including:

- putting up screening barriers to protect woodland or veteran trees from dust and pollution



- leaving a buffer zone at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future

Considering the above recommendations are government guidance the Trust considers that the applicant must take this guidance in to account and recalculate the RPAs of any veteran trees within the site boundary to ensure that a buffer of 15 times the stem diameter is being maintained for any veteran trees. At present it is clear that the veteran trees within the site boundary have not been afforded suitable RPAs thereby contravening national planning policy and government guidance.

Trees are susceptible to change caused by construction/development activity. As outlined in 'Trees in relation to design, demolition and construction, BS 5837:2012', construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction works. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.

While no dig construction is proposed where haul routes/cycle routes are routed through the RPAs of veteran trees, the long-term retention of these veteran specimens will be affected by the trees being brought in to a setting in which there will be increased targets. Over-mature and veteran trees typically feature significant deadwood habitat and will generally be going through a process known as retrenchment, which involves increasing trunk girth and shedding branches to remain biomechanically stable. This process creates habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken/fractured branch ends of different dimensions, and trunk cavities/wounds. However, this same aging process can also mean the veteran tree will likely be considered a health and safety risk if it is within a public setting, thereby threatening its long-term retention.

Our concern is also supported by the guidance within David Lonsdale's 'Ancient and other Veteran Trees: Further Guidance on Management' (2013), which states in paragraph 3.5.2.1 "...avoid creating new or increased targets: as happens for example following the construction of facilities (e.g. car parks or buildings) which will bring people or property into a high risk zone. Not only does this create targets, it also harms trees and therefore makes them more hazardous".

Considering the above, the Trust requests that the applicant revisits their Arboricultural Method Statement to ensure that all veteran trees within their site boundary are afforded appropriate RPAs/buffers equal to at least 15 times their stem diameters. Development should not encroach on the RPAs of any veteran or notable trees. Where haul routes/cycle routes are temporarily realigned within the RPAs of veteran trees the applicant must look at rerouting these elements of the development to ensure that the RPAs of any veteran or notable trees are respected and not encroached on. Subjecting veteran trees to damage on account of a temporary development is wholly inappropriate.

It is essential that no trees displaying ancient/veteran characteristics are damaged or lost on account of this development. Notable trees should also be retained and afforded significant buffers; while they may not represent the same level of value as ancient/veteran trees, they are likely to become veteran specimens if afforded appropriate space to grow and develop. Any damage or loss of veteran trees would be highly deleterious to the wider environment of mature and veteran trees, which may harbour rare and important species.

## Conclusion

Veteran trees are irreplaceable; once lost it cannot be re-created. Any development resulting in damage and loss to veteran trees is unacceptable and must ensure that every possible measure is explored to ensure such impacts are avoided.

In summary, the Woodland Trust **objects** to this application on the basis of damage to a number of veteran and notable trees. The proposed development would feature elements that encroach within their canopies/RPAs resulting in damage and threatening their long-term retention. It is apparent that the applicant has not given appropriate consideration to the veteran trees, particularly as they have used RPAs measured at 12 times the stem diameter, rather than the 15 times diameter recommended by Natural England where veteran trees are concerned.

As such we do not consider that the application in its current form is appropriate and that it would contravene both local and national planning policy and government guidance in relation to veteran trees.

The Trust doesn't have any further concerns to express other than those that we have highlighted in our response (attached again for ease) and the recommendations within Natural England's Standing Advice

(<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#veteran-trees>).

### **Woodland Trust (Further comments 26<sup>th</sup> Sept 2018)**

The ATI website states that two of the veteran trees were recorded as veteran in December 2014 and the other veteran was recorded in September 2015.

All trees recorded on the Ancient Tree Inventory will have been assessed by our trained and experienced verifiers as to whether they display veteran characteristics in line with the following document: [file:///wfs01/folderredirection/jta/Downloads/pg-wt-2014-ancient-tree-guide-4-definitions%20\(2\).pdf](file:///wfs01/folderredirection/jta/Downloads/pg-wt-2014-ancient-tree-guide-4-definitions%20(2).pdf).

In relation to the RPAs of the trees we consider that incursions within the RPAs should be kept to an absolute minimum and avoided wherever possible. The RPA encroachments of T68 and T70 appear to be particularly avoidable considering the surrounding landscape. Temporary work that may result in damage to veteran trees is particularly inappropriate so the soil storage around T68 must be avoided as this would result in unnecessary soil compaction.

We acknowledge that T75 already exists in a relatively public setting, however it is important to consider the potential impact of siting the new haul route and realigned cycle route within the RPA of T75, both in terms of the tree being considered a health and safety hazard on account of crown deadwood and historic branch failure, and in terms of compaction of soil affecting the tree's root systems. We accept that a cycle route is likely to have less impacts in these cases but a haul route with heavy construction vehicles is likely to have greater impact in terms of compaction and impacts on the root system.

In summary, we maintain that the trees in question are veteran specimens and should be treated as such, including being afforded a buffer 15 times their diameter in line with NE's Standing Advice. We also consider that any new development, whether cycle routes or haul routes, should not be located within the RPAs of veteran trees as this would result in temporary damage to these trees and that every possible measure should be explored to ensure avoidance.

### **OFFICER COMMENTS**

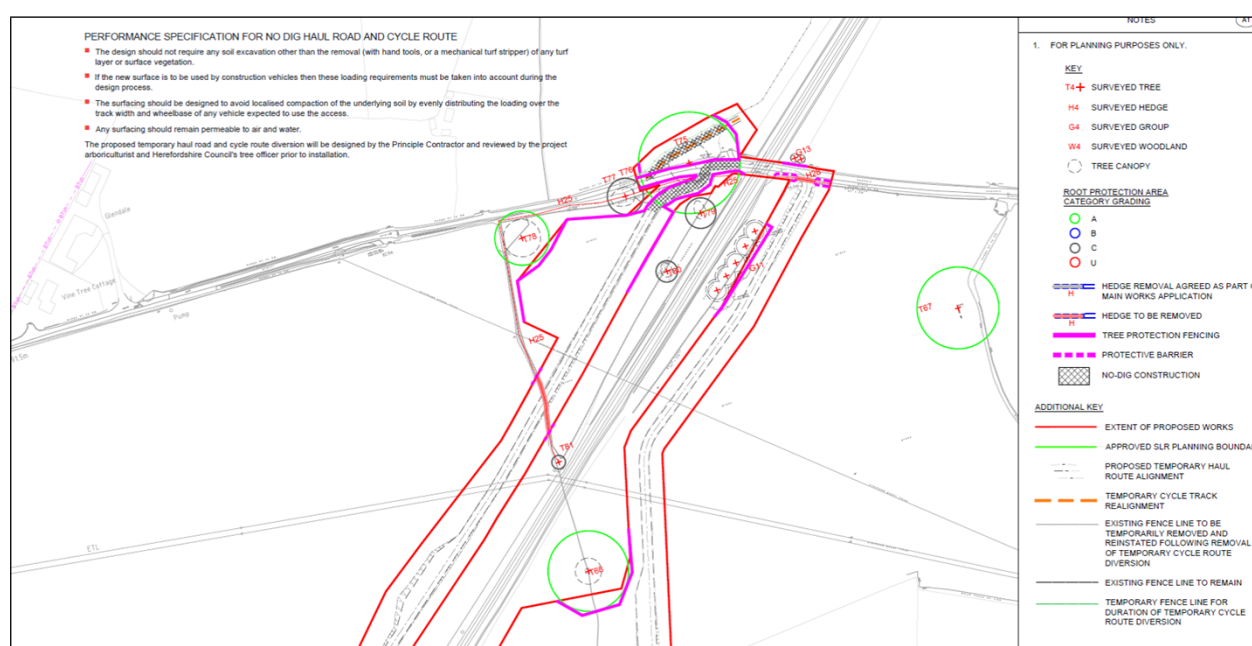
As members will see from the above correspondence, the Woodland Trust has raised concern about the assessment and impact on a number of trees affected by the temporary Haul route and temporary cycle route.

Central to this issue is whether the trees are, in fact, veteran trees.

The arboricultural report, submitted by WSP did not identify the trees in question as Veteran, describing them as 'mature'. The applicants have however since confirmed that the root protection area has been calculated within the report and shown in the drawings as though it were a veteran tree. That is, the RPA has been calculated at 15 times the stem diameter not 12, furthermore the tree has been awarded the highest retention category (Category A).

However, as detailed above, the Woodland Trust have identified them, on their databases as 'Veteran' and have raised an objection as can be seen above.

The Council's Tree Officer has very recently visited the site and confirmed that, in his opinion T75 that lies adjacent to the existing bridleway is a Veteran tree. Given the tree's proximity to the existing metalled bridleway (that would be used as the haul route), officers would accept that the mitigation proposed is acceptable. However, as a precaution, and in respect of the embankment required to exit the field onto the bridleway, a condition that includes the submission of a method statement is suggested. In addition, this condition will look at the other trees noted, their route protection areas and method statements for any works / storage within or adjacent to the route protection areas of the trees.



As described in the Woodland Trust objection, National Planning Policy Framework (NPPF), paragraph 175 states: "When determining planning applications, local planning authorities should apply the following principles:

*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 reasons and a suitable compensation strategy exists; and*

*Exceptional reasons are defined in Footnote 58 as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."*

Given the comments received, officers would take a precautionary approach, and advise that it is not possible to confirm, without doubt, that the proposals would not result in the loss or deterioration of the veteran tree as an irreplaceable habitat. The NPPF directs that development should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

In this instance, it is considered that this proposal, that would facilitate the construction of an infrastructure the benefits of which have been previously debated and agreed through the granting of planning permission for the Southern Link Road. The provision of this temporary haul road, will bring its own significant benefits to the construction phase of the scheme. Removing haul traffic from the public road network, reducing impacts in terms of noise and air quality on local residents. Officers are satisfied that pre-commencement conditions will secure a suitable scheme of protection, mitigation and monitoring as well as post construction reinstatement and monitoring that will sit alongside the CEMP recommended by the ecologist and agreed with Natural England. It is also noted that this is a temporary haul route and cycle way that will be removed and land reinstated.

As such, additional conditions are recommended below.

## **CHANGE TO RECOMMENDATION**

Delete condition 4 and replace with the following (as agreed with Natural England) to include the post construction monitoring element.

### **Biodiversity**

Prior to commencement of development, a Construction Environmental Management Plan documenting construction and post-construction monitoring impacts for each of the cited land parcels (sheet 1 – 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.

Include conditions in respect of trees as follows:

### **Tree Protection**

Prior to commencement of any development detailed on drawing number – 3512983BP-WSP-ZO-XX-DR-T-00003-P04 Sheet 3 - a detailed Tree Protection and Mitigation plan shall be submitted to and approved in writing by the Local Planning Authority that shall include, but not be restricted to:

- Accurate plans showing the Root Protection Area
- Construction method statement for both the temporary Haul Road and cycleway
- Mechanism and details of monitoring for any impacts on trees during construction phase
- Detailed method statement for the reinstatement of land post construction phase
- Mechanism and details of monitoring for any impact on trees post construction phase
- Details of storage area for soil and method statement for soil storage within or adjacent to the Root Protection Areas.

**C90** – Protection of trees / hedgerows that are to be retained