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Agricultural
development
Supplementary
Planning
Guidance

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Introduction

- 1.1 Herefordshire is a predominately rural county and therefore agriculture plays an important part in the county contributing to its landscape, ecology and economy. It accounts for almost 10% of employment and gross domestic product and has some of the most productive agricultural land in the country. Therefore the county's agricultural sector has an important role to play in contributing to national food supply and security.
- 1.2 The council's planning department deals with many applications for agricultural development, some of which are complex and involve consideration of issues that can potentially impact on both the environment and local amenity. This means determining planning applications for some types of agricultural development can be complex requiring a large amount of supporting information to be submitted with the application in order for the applications to be determined.
- 1.3 This SPD seeks to identify the various issues and consider how they can be addressed as part of the planning application process. The issues raised will vary according to the type of development proposed and their location.
- 1.4 When a planning application is assessed there are a number of issues that need to be considered in relation to the impact on the environment. Of these there are two areas that are particularly of concern that in relation to the impact of farming on protected sites.
- 1.5 Firstly, the relationship between some agricultural developments and the impacts these can have on the River Wye and River Clun Special Areas of Conservation which have significantly declined in quality over recent years. The River Wye Special Area of Conservation (SAC) is under significant threat from phosphorous entering the river system, with the River Lugg sub catchment exceeding its limits and with the River Wye at risk of doing so. A relatively small part of the River Clun catchment is located in the northern part of the county and recent water quality monitoring shows nutrient concentrations of nitrogen and phosphates within the River Clun SAC to be exceeding the favourable condition limits.
- 1.6 Secondly the agricultural sector can result in ammonia pollution and nitrogen deposition arising from livestock housing, slurry storage, and application of fertiliser and spreading of manure. Airborne ammonia can travel significant distances and deposits as Nitrogen. This can have a negative effect on some species by fertilising other species which then 'out compete' more sensitive flora. It can also have a particular impact on ancient woodland with the Woodland Trust [State of the UK's Woods and Trees Report 2021](#) found that between 70 and 80% of broadleaved woodland habitat area across the UK exceeds the critical levels of ammonia.
- 1.8 The [Herefordshire Core Strategy 2015](#) and emerging [Minerals and Waste Local Plan](#) include a number of relevant policies that are used when determining planning applications relating to agriculture as outlined in section 2. However given the increasing complexity and scale of some applications, together with the decline in the quality of the River Wye, a decision was taken to provide additional guidance on these issues in the form of supplementary planning guidance.
- 1.9 Therefore this guidance identifies the planning policy issues that can be associated with proposals for agricultural development. It also sets out the requirements such proposals will be expected to address. Because there is a variety of types of development of

agriculture and they can have varying impacts, it is not possible to be identify all of these in detail in this SPD. In seeking to help address the issues identified above, the SPD provides a methodology for assessing the potential phosphate loading of a proposed new agricultural development for which planning permission is sought. It also provides an update on the latest approaches to the measuring of ammonia. The aim of the SPD is to work towards a higher quality of development in the county and to strive towards betterment of the County' river system.

- 1.10 This SPD, when adopted by the council will be a material consideration in making planning decisions regarding agricultural development. Proposals for farming related residential housing are not covered by this SPD but will continue to be subject to the policies of the Core Strategy. Additionally those housing developments with pathways into the River Wye and River Clun SACs, should follow the guidance in the [Interim Phosphate Plan](#) and use the [Phosphate Budget calculator](#) as appropriate.
- 1.11 In summary, the purpose of the SPD is to provide:
- a) A methodology to determine the phosphate loading of a proposed development for the planning application process
 - b) To outline the issues that may arise in relation to agricultural development and what assessments / supporting information may be required to support the planning application.
- 1.12 The SPD expands on the relevant Core Strategy policies but it does not introduce additional policies to those in the adopted core strategy. It will help potential developers prepare their planning applications. It also provides useful information to council officers, local residents and other interested parties, about how we expect planning considerations to be addressed within applications. This SPD does not cover issues associated with the development of polytunnels. The Council published a [planning advice guide on polytunnels](#) in 2018 and this remains the guide for potential developers preparing planning applications for polytunnels in Herefordshire.
- 1.13 The principles of the SPD applies to all agricultural development that is defined as 'major' development. [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(as amended\)](#) major development which includes:
- provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - development carried out on a site having an area of 1 hectare or more;

However although this SPD addresses major development it could also apply to some schemes not classified as major which will still require additional supporting information to be submitted as part of a planning application.

- 1.14 This SPD only covers agricultural development that requires planning permission or prior approval. The [National Planning Portal](#) provides information about whether planning permission is required and if so what type. Some projects are considered to be '[permitted development](#)' and there is no requirement to secure planning permission from the local authority. However, in many cases a '[prior approval](#)' application to the local planning authority is required to confirm whether this is the case. If you want to be certain that the existing use of a building is lawful for planning purposes or that your proposal does not require planning permission, you can apply for a [Lawful Development Certificate](#).

- 1.15 Herefordshire Council offers a [pre-planning professional advice service](#) where a planning application or prior notification is required. A planning officer will advise on all aspects of the planning process relevant to your application including whether the proposal is likely to gain planning permission.
- 1.16 It should be recognised that the planning system does not have any control or management of day to day farming operations. There are other regulatory systems and various national and local initiatives which allow farmers to adopt good practice into their operations. These include projects such as [Catchment Sensitive Farming](#), Schemes, work by [Farm Herefordshire](#), [Herefordshire Wildlife Trust](#) and the [Wye and Usk Foundation](#). The [Farming Advice Service](#) (FAS) is a service funded by the Department for Environment, Food and Rural Affairs (Defra) to help farms understand and meet the requirements of Cross Compliance, Greening (the Basic Payments Scheme) and the European Directives on both water protection and sustainable pesticide use. The FAS website hosts a number of [technical articles](#) and [webinars](#), covering a range of useful topics.

2.0 Local Policy Background

- 2.1 When planning applications are submitted to the local planning authority they must be determined in accordance with the local development plan, unless material considerations indicate otherwise. In Herefordshire the overarching development plan is the [Herefordshire Local Plan Core Strategy 2011 – 2031](#) (adopted in October 2015).
- 2.2 Town and parish councils can prepare [Neighbourhood Development Plans](#) (NDPs) for their areas. These allow the local community to create a vision and planning policies for the use and development of land in an area, so long as these are in accordance with the Herefordshire Core Strategy. These can be general or more detailed, depending on what is important to local people. Once adopted, they are used in the determination of any planning applications that fall within their designated neighbourhood development area. Over 80 NDPs have been ‘made’ or adopted in the County and several of these have specific policies on agricultural development. Therefore applicants and agents should check their local NDP for any policies that are relevant to their planning application.
- 2.3 Applications for agricultural development will continue to be considered against the relevant policies of the Core Strategy and the emerging Minerals and Waste Local Plan the following table sets out the relevant policies of these documents. Core Strategy and the Minerals and Waste local plan.

Key Core Strategy policies	Issues addressed through policies
SS1 Presumption in favour of sustainable development	<ul style="list-style-type: none"> • Positive approach to sustainable • Proactive engagement to secure development will improve social, economic & environmental conditions • Where there are no specifically relevant polices, decisions will take into account: whether the adverse impacts of granting permission would outweigh the benefits when assessed against national policy; and whether specific elements of national policy indicate that development should be restricted

Key Core Strategy policies	Issues addressed through policies
SS2 employment <input type="checkbox"/> provision	<ul style="list-style-type: none"> • Support for continued development of farming, food and drink sectors • Diversification of the county's business base where there is no adverse impact on the community or local environment
Policy SS5	<ul style="list-style-type: none"> • Supports the continuing development of the more traditional employment sectors such as farming and food and drink manufacturing. • Supports affordable, local food production, processing and farming to reduce the county's contribution to food miles
SS6 environmental quality and local distinctiveness	<ul style="list-style-type: none"> • Conservation and enhancement of environmental assets • Maintain and improve effectiveness of important ecosystems • Development should demonstrate an integrated approach to planning and environmental considerations • Management plans and local conservation objectives relating to internationally and nationally important areas will be material considerations • Local assessments, other DPDs, NDPs and SPDs should inform decisions
SS7 addressing climate change	<ul style="list-style-type: none"> • Proposals to include measures which mitigate their impact on climate change
RA6 rural economy	<ul style="list-style-type: none"> • Employment generating proposals which diversify the rural economy will be supported • Planning applications will only be permitted where they are of an appropriate scale, do not cause unacceptable effects impacts, and do not undermine the achievement of water quality targets on nearby residents, do not generate unacceptable traffic
MT1 traffic management, highway safety and promoting transportation active travel	<ul style="list-style-type: none"> • Development proposals should incorporate a number of specified principle requirements covering movement and transportation
E1 Employment provision	<ul style="list-style-type: none"> • Employment proposals will be encouraged where they: are appropriate in connectivity, scale, design and size; make better use of brownfield land; are appropriate extensions to existing businesses
LD1 landscape and townscape	<ul style="list-style-type: none"> • Sets out criteria surrounding conservation, restoration and enhancement of landscape and townscape when considering development proposals
LD2 biodiversity and geodiversity	<ul style="list-style-type: none"> • Sets out how developments should conserve, restore and enhance the biodiversity and geodiversity assets of the county.
LD3 green infrastructure	<ul style="list-style-type: none"> • Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure. Sets out objectives to be achieved.
LD4 historic environment and heritage assets	<ul style="list-style-type: none"> • Set out requirements for the protection, conservation and enhancement of heritage assets and their settings

Key Core Strategy policies	Issues addressed through policies
SD1 sustainable design and energy efficiency	<ul style="list-style-type: none"> Development proposals should create safe, sustainable, well integrated environments for the community. A number of requirements are set out.
SD3 sustainable water management and water resources	Measures for sustainable water management will be required to be an integral element of new development
SD4 wastewater treatment and river water quality	Development should not undermine the achievement of water quality targets within the county.
Minerals and Waste Local Plan (Submitted to the Secretary of State for public examination 22 March 2022) Policy W3 Agricultural waste management And subject to a proposed modification to address comment raised in the representation to clarify the policy/	Recognises the importance that the agricultural sector can make to achieving nutrient neutrality. It recognises the role that anaerobic digestion can play in managing natural agricultural wastes and effectively reducing the amount of raw manure that is deposited on farmland. By requiring the implementation of best practice for water protection and waste management the amount of nutrients and pollutants released to waterbodies should be reduced. It also requires a waste management method statement to be submitted with all to be submitted with all applications for livestock unit(s) on agricultural holdings and sets out what this should include. Main Modification: All development proposals will be required to demonstrate at least nutrient neutrality within the River Wye SAC.
Polytunnels Planning Advice Guide	Guide for potential developers preparing planning applications for polytunnels in Herefordshire. Given the continued increase in the use of polytunnels for agricultural soft fruit production in the county, this planning guide will help potential developers prepare their planning applications. It also provides useful information to council officers, local residents and other interested parties, about how we expect planning considerations to be addressed within applications.

2.4 Herefordshire Council declared [a climate change emergency](#) on 8 March 2019. Following this in September 2019, Herefordshire Council committed to take a major step to minimise detrimental impact on the environment by agreeing to:

- Accelerate a reduction of emissions and aspire to become carbon neutral by 2030/31.
- Deliver an updated [carbon management plan](#) and associated action plan for council emissions by April 2020.
- Work with strategic partners, residents and local organisations to develop a revised countywide carbon dioxide reduction strategy aspiring for carbon neutrality by 2030.
- Use 100% renewably sourced energy where this provides the best carbon reduction return on investment.

2.5 At the meeting of the [Council on 11 December 2020](#), the 'climate emergency' declared in March 2019, was strengthened by declaring [a Climate and Ecological Emergency](#). Addressing the health of the Rivers Wye and Lugg is a key point to be addressed as part of this emergency. Some farming practices can have implications for climate change

particularly in relation to releasing stored carbon, for example through ploughing but many of these are outside the remit of the planning system and are being addressed through various other initiatives as outlined in section 1. However Herefordshire Council has checklists for [Climate Change Compliance](#) and [Biodiversity and Ecology Compliance](#). These checklists have been prepared in order for applicants to demonstrate to decision makers that the relevant policies have been complied with, in that sustainability measures have been incorporated in development proposals where possible. They should be submitted by the applicant as supporting evidence of compliance with the relevant policies of the Core strategy (mainly SS6, SS7 SD1, LD2 and LD3). In the event of non-compliance, sufficient justification would need to be provided as to why this is necessary.

- 2.6 A new [Climate and Nature Partnership Board](#) has been set up to coordinate action across the county to tackle climate change, with the vision of a zero-carbon nature-rich Herefordshire by 2030. A number of evolving action plans on a range of topics, including [farming and land use](#) have been produced to identify and address key challenges.

Adult and Well-being Scrutiny committee Task and Finish Group

- 2.7 Herefordshire Adult and Well-being Scrutiny committee established a Task and Finish Group to consider the potential public health impacts of the intensive poultry industry. This group investigated the impacts of ammonia, nitrogen deposition, phosphates and particulate matter from intensive poultry on human health and considered what is known about the impact on rural health and living conditions as a result of intensive poultry units. To ensure the widest possible input, the group invited residents who feel that their health and wellbeing has been impacted, to share their evidence and experiences with the group. A report setting out the group's findings will be published shortly.

3.0 Issues and Assessments

- 3.1.1 This section sets out the issues that may arise and how they should be evaluated as part of the planning permission process. The list is not exhaustive, but outlines the key planning issues that most frequently arise. These will obviously vary according to the type of planning proposal that is applied for and will vary depending on the scale and location of the development.
- 3.1.2 The Council recognises that planning applications are often submitted to the local planning authority that seek to improve a particular situation and these are welcomed by the Council. It also recognises that new technologies and approaches develop on an ongoing basis to address and ameliorate particular issues. However sometimes the proposed measure could have its own impacts and therefore careful consideration needs to be given to all the potential impacts that may arise from a development.
- 3.1.3 In order for a comprehensive planning assessment to be made by the local authority when a planning application is submitted for consideration, it may be necessary for the applicant to supply additional information. This is particularly the case if the application is for large-scale development or where the development site is located in a sensitive area. Herefordshire Council offers a [pre-planning advice service](#) which provides an opportunity for discussions to take place with a development management officer prior to submission to ascertain what additional documentation may be deemed necessary. Applications for planning may fail due to lack of sufficient evidence. Details about what needs to be provided with a planning application to ensure it can be validated can be found on the [Council's website](#).

- 3.1.4 New development may require an overall design concept to be submitted which is based on survey and analysis data to explain the detailed design of the scheme. This will assist in assessing the application against the primary objectives and policies set out in the Core Strategy and relevant Neighbourhood Development Plans. A design statement would typically include the following:
- design principles and design concept;
 - how these are reflected in the layout, scale, visual appearance and landscape;
 - how the design relates to its site and wider area, including how the development has been planned to minimise the effects on the environment; and
 - a summary of the above where this would be of value in public consultation
- 3.1.5 This design and access statement provides an overview of the planning proposal. However further detailed assessments on particular issues as described below may be required to demonstrate the potential impacts on various issues.

3.2 Habitats Regulation process

- 3.2.1 A Habitats Regulations Assessment (HRA) may be required as part of the application process to determine whether the proposal could have a likely significant effect on a [Ramsar Site](#), [Special Protection Areas](#) and Special Areas of Conservation These sites are included in the [National Network of Sites](#). Although there are no Ramsar Sites or Special Protection Areas in Herefordshire, the Council has to consider the potential impacts on these in other administrative areas as appropriate. An HRA refers to the several distinct stages of Assessment which must be undertaken in accordance with the [Conservation of Habitats and Species Regulations 2017](#) as amended by the [Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#) and the [Conservation of Offshore Marine Habitats and Species Regulations 2017](#) to determine if a plan or project may affect the protected features of a national site before deciding whether to undertake, permit or authorise it. (Changes to legislation in 2019 now refers a national site network of protected sites instead of European sites.) If a proposed plan or project is considered likely to have a significant effect on a protected site (either individually or in combination with other plans or projects) then an Appropriate Assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken.
- 3.2.2 The first step in the Habitats Regulations Assessment is a screening process. The screening process identifies any potential effect pathways by which the proposal might impact upon the relevant designated sites. If any potential effect pathways are identified then the proposal is deemed to potentially have a 'Likely Significant Effect'.
- 3.2.3 Where there is a 'Likely Significant Effect' the council must carry out an 'Appropriate Assessment' in order to be able to determine, with scientific certainty, that there would be no Adverse Effect on the Integrity of the designated site, from the plan or project, either alone or in combination with other plans and projects. The council is bound by the outcomes of the HRA process and the views of Natural England in determining whether planning permission can be granted. If it cannot be proven that there would not be an adverse effect on integrity, then planning permission cannot be granted without further stringent consideration under the Habitats Regulations
- 3.2.4 Where an adverse effect on the site's integrity cannot be ruled out a consideration of alternatives must be made, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured. This would be determined by the

Secretary of State but is not a usual route to the granting of planning permission. It should also be recognised that the condition of sites could change over time and this needs to be taken into account when considering the impact on sites within Herefordshire and elsewhere.

3.2.5 For applications in Herefordshire the relevant sites that form part of the new national network which may be potentially affected are all Special Areas of Conservation (SACs):

- River Wye SAC (incl. River Lugg up to Hampton Court Bridge)
- Wye Valley & Forest of Dean Bat SAC (Wigpool Iron Mines SSSI)
- River Clun SAC
- Wye Valley Woodlands SAC
- Downton Gorge SAC

3.2.6 However it is important that consideration is also given to the potential impact on sites outside Herefordshire, The location of protected sites in neighbouring authorities can be found using the [MAGIC](#) website managed by Natural England.

3.2.7 Each SAC has one or more component Sites of Special Scientific Interest (SSSIs). An assessment of any potential impacts to these component sites will also need to be assessed by the local planning authority. The location of these and assessment of Impact Risk Zones for the SSSIs can be found using the [MAGIC](#) website.

3.2.8 When carrying out an Appropriate Assessment, the council has a legal requirement to consult Natural England, the statutory nature conservation advisory body and to have regard to their advice.

3.2.9 The council will require sufficient detailed information to be provided by the applicant prior to planning permission being determined, in order to be able to make the assessment. This will sometimes include specialist technical reports. The council must be able to consider the effects of the new development on its own merit as well as considering how the proposals could affect national sites 'in combination' with other developments that could have a similar effect on the site and are not yet able to be assessed as part of the existing baseline as for example, they may be within the planning system or are consented but not yet built or operational.

3.2.10 Further information sources on the Habitats Regulation Assessment process are as follows:

- 1 Herefordshire Council [guidance note](#) on this process in the county.
- 2 The Government's [Planning Practice Guidance](#) section on Appropriate Assessment.
- 3 [DTA publications Habitats Regulation Assessment Handbook](#)

3.2.11 In the case where it is determined that planning permission is not required and prior approval is granted there still be may be a requirement for a Habitats Regulations Assessment. Regulation 75 of the of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species

(Amendment) (EU Exit) Regulations 2019 states “ that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—

(a) is likely to have a significant effect on a national site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site,

must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).

3.2.13 The applicant should therefore be satisfied before commencing works that the development will not have any likely effect on any national site. In addition, applicants are advised that they can, if they choose to, apply to Natural England as the appropriate Nature Conservation body, under Regulation 76 of Regulations (as amended) prior to making any necessary application to the Local Planning Authority under Regulation 77. Further information on this process and the information required to be submitted with a planning application is included in the Council’s [Guidance Note and Checklist for applicant/agents relating to HRA and planning applications.](#)

3.3 Environmental Impact Assessment

3.3.13 Applications for major developments will be screened by the Council to determine whether a proposed project is likely to have significant effects on the environment and whether an [Environmental Impact Assessment](#) (EIA) is required. [Schedule 1](#) and [Schedule 2 of the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) set out the circumstances when an EIA will be required for agricultural related development. [National Planning Practice Guidance](#) states that an EIA will enable the local planning authority when determining a planning application to have full knowledge of the likely significant effects on the environment of the proposal and therefore it can take this into account in the decision making process. It also aims to ensure that the public are given early and effective opportunities to participate in the decision making procedures. There are five broad stages to EIA as follows:

- [Screening](#)
- [Scoping](#)
- [Preparing an Environmental Statement](#)
- [Making a planning application and consultation](#)
- [Decision making](#)

3.3.14 It should be noted that the [Levelling Up and Regeneration Bill](#) proposes to replace Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments with new Environmental Outcomes Reports.

3.4 Phosphorus Levels in Rivers

3.4.1 The Herefordshire Core Strategy 2015 states that the water quality of Herefordshire’s main rivers and their tributaries is of strategic importance and it identifies unacceptable levels of nutrients along part of the rivers need to be addressed.

3.4.2 Most of Herefordshire is in the catchment of the River Wye and its waters are a measure of the health of the county’s environment. In Herefordshire, the River Wye has a high

level of protection under European law as a Special Area of Conservation (SAC) being one of the best examples of a natural watercourse in Europe and for its associated aquatic ecological interest. The SAC designated area includes the River Lugg sub catchment and can be viewed [here](#). A small part of the [River Clun SAC](#) is within the northern part of Herefordshire is failing for nitrates and suspended solids as well as Phosphorus.

- 3.4.3 Regular monitoring of nutrient levels in the river water quality has identified high levels of nutrients, particularly phosphorus, and sediment as a problem, with the River Lugg part of the River Wye SAC continuing to exceed its limits. Furthermore stretches of the Upper Wye continue to be at risk of failure. The high levels of phosphorus in the rivers is a significant issue for impacting on water quality and ecology. Furthermore recent water quality monitoring shows nutrient concentrations within the River Clun SAC to be exceeding the targets for Phosphorus and Nitrogen.
- 3.4.4 Following the '[Dutch Case](#)', all new development is required to demonstrate 'nutrient neutrality' (no net additional losses of nutrient from the land holding and associated activities) through mitigation before it can be approved, to ensure that it would not contribute additional nutrient loads to a national site that is close to unfavourable condition or in an unfavourable condition due to nutrient pollution and to ensure that it is compliant with the 'Habitats Regulations'. This would be identified when a Habitats Regulations Assessment (HRA) is undertaken.
- 3.4.5 Phosphorus levels were identified as an issue during the preparation of the 2015 Herefordshire Core Strategy. There were concerns raised that the proposed levels of development set out in the Core Strategy would result in unacceptable additional amounts of phosphorus entering the River Wye catchment. In response to this a [Nutrient Management Plan](#) (NMP) was developed by the Environment Agency in partnership with Natural England and Herefordshire Council to support the Core Strategy policies that seek to protect the quality of the rivers in the county and also to address the impacts of practices not under the jurisdiction of the land use planning system.
- 3.4.6 A [Nutrient Management Board](#) oversees the implementation of the NMP. It includes representatives from a wide range of organisations including local authorities and statutory agencies. The ultimate aim of the NMP is to ensure that the River Wye SAC achieves and maintains favourable conditions with respect to phosphorus, taking into account proposed growth by predicting the impact of development on phosphorus levels within the SAC. Therefore, the Core Strategy was able to proceed to adoption in October 2015 on the basis of the ongoing development and implementation of the NMP and its strategic policies, particularly Policy SD4.
- 3.4.7 However since adoption, a judgment in the case of Cooperatie Mobilisation handed down in November 2018 by the Court of Justice of the European Union (Joined Cases C-293/17 and C-294/17) (known as the Dutch Case), has had implications for many parts of the country. The Dutch judgement deemed that where a site is failing its water quality objectives and is therefore classed as being in unfavourable condition, there is limited scope for the approval of planning applications that give rise to additional damaging effects. Furthermore, the future benefit of mitigation measures cannot be relied upon in an appropriate assessment, where those benefits are uncertain at the time of the assessment.
- 3.4.8 In Herefordshire, this has effectively resulted in restrictions on various types of development that could lead to an increase in the levels of phosphorus in the SAC. This

has had the greatest impact on housing development, with restrictions in place in the Lugg Catchment which amounts to approximately 40% of the County's administrative area.

3.4.9 The Council in consultation with Natural England and legal advice, issued the following information:

- A position statement was first published in March 2020 and subsequently updated in [April 2021](#). This provides an overview of the latest position and includes criteria for discharges to drainage fields which all the following criteria are in place and can be evidenced, then phosphates would be unlikely to reach the river and therefore there is no pathway for impacts. With no pathway for impacts there is no need for further Habitat Regulations Assessment.
- [Guidance Note and Checklist](#) (March 2020) for applicants/agents relating to HRA and planning applications; and
- [Frequently Asked Questions](#) (updated June 2021) Relating to the Development in the River Lugg Catchment.

Please note the [webpages](#) that include the above documents may be subject to further updates and it is recommended that they are checked for the latest information when considering these issues.

3.4.10 In order to address the levels of phosphorus and the resulting restrictions on housing development in particular, Herefordshire Council has produce an [Interim Phosphorus Delivery Plan](#) (Interim Plan). The purpose of the Interim Plan is to enable developers of proposals that would result in additional overnight stays, to proactively seek to demonstrate nutrient neutrality of their development proposals via an established methodology to provide sufficient certainty to enable Herefordshire Council as competent authority to determine no likely significant effect to the SAC, through the HRA. The Interim Plan comprises a phosphorus calculator, a set of potential measures to offset the identified phosphorus load of projects and plans and an alternative potential methodology for costing the offsetting of phosphorus via Section 106 contributions. Herefordshire Council are currently working to develop a number of integrated constructed wetlands within the River Lugg catchment area. These wetlands will help to address both the existing water quality of the river and to deliver mitigation for phosphate from residential development.

3.4.11 However the Interim Phosphorus Delivery plan does not cover agricultural development but it is recognised that diffuse pollution from some agricultural operations can also significantly increase phosphorus levels entering the river system. This can include different nutrients and sediment which can negatively impact on the river system. One of the objectives of this SPD is to help reduce diffuse agricultural pollution that is associated with development that requires planning permission but with a particular focus on phosphorus as it is levels of this nutrient that are having a significant impact on the River Wye SAC. Therefore, the purpose of the **technical appendices** to this SPD is to complement the various steps that are being taken to address this serious issue by focusing on development on farms that is subject to planning control and that could potentially lead to increases in phosphorus in the catchments of the Rivers Wye, Lugg and Clun.

3.4.12 Policy SD4 of the Core Strategy essentially requires development to be nutrient neutral and therefore is line with Natural England's advice to prevent the situation from worsening. However, the Council is keen to encourage proposals which aim to achieve an

improvement of the situation. This approach is in line with Policy LD2 of the Core Strategy which, amongst other things, requires development proposals to conserve, restore and enhance the biodiversity of Herefordshire.

3.4.13 Herefordshire Council has been unable to approve planning consent for new developments within the River Lugg Catchment area unless it is certain that the development will not lead to an increase in phosphate levels discharged into the river Lugg. Herefordshire Council must use the best scientific knowledge in the field and adopt a “precautionary” approach when considering developments to establish that there are no adverse effects from the proposed development. Therefore the technical appendices have been produced to be used for planning applications within the Lugg catchment. However, it is recognised that the River Wye is deemed to be at risk of failing and therefore it would be good practice for the methodology to be applied to development proposals there. Furthermore it can be applied to planning applications in any other part of the county to ensure that there is no adverse impact on any watercourses. This will help to safeguard the water quality throughout the county and beyond.

3.4.14 The **technical appendices** of this document provides a mechanism, through the use of Farmscoper model, for applicants to assess and quantify the impacts of the proposal on phosphorus levels so that mitigation measures can be identified and provided with the application submissions. The Farmscoper system provides different options for mitigation depending on the local circumstances and potential impact. It should be noted that the term mitigation is used in this sense as it relates to Farmscoper guidance to be consistent. Farmscoper uses a series of predefined practices (agricultural practices systems/equipment or methods) which have a known positive impact on many emissions from farms. These include, for example, elements such as housing design, slurry covers, and nutrient application practices.

3.4.15 Farmers are required to operate within various regulations that are outside the remit of the local authority’s control. It is not for the Council to determine whether a farm is operating on a legally compliant basis or not as part of the planning application process. The Reduction and Pre Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 is particularly relevant to this SPD. The 2018 regulations are explained in the policy document [‘Farming Rules for Water’](#). These rules require good farming practice, so that farmers manage their land both to avoid water pollution and to benefit their business. Concern has been expressed that if farms are not legally compliant in terms of this legislation, then applications for further development on these farms should not be accepted for determination by the council as the local planning authority. However the Council recognises that sometimes development is necessary to achieve legal compliance. In these cases the applicant should make this clear and explain what steps are being taken to achieve compliance, establishing the legal baseline for the farm. If the proposed development would cause further damage to the environment through failure to comply with these regulations it is also likely that the development may therefore fail to meet the requirements of the Conservation of Species and Habitats Regulations 2017 as amended and therefore could be refused in any event due to there being insufficient scientific certainty of a likely significant effect.

3.4.16 A planning permission may be subject to a range of conditions including those securing the use of buildings, ensuring the provision of infrastructure and controlling livestock numbers. The use of appropriate planning conditions and other legal mechanisms to control development and to ensure that mitigation measures are secure is an integral part of providing the certainty required within the Habitats Regulations Assessment process.

3.4.17 Sediment Erosion and 'poaching' of the soil by livestock can contribute to increased sediment laden run off being washed off farmland and into the river system. This has implication for the rivers ecosystem as well as contributing to increased risk of flooding. This can be controlled through certain measures e.g. restricting livestock access to the river bank through fencing and using techniques such as sediment traps. The addition of sediment to the river system may be associated with agricultural processes that are outside the planning system. However applications with increased livestock in proximity to the river will be expected to demonstrate that such measures have been considered and addressed. Many of the mitigation measures set out in technical appendices that help to reduce the release of phosphorous into the river system will also help to reduce the amount of sediment that is entering the system. The local hydrology and flood risk will be particularly relevant.

3.5 Ammonia and Nitrogen Deposition

3.5.1 Ammonia is a key air pollutant which affects both human health and the environment and background levels in Herefordshire are high. Agriculture is the dominant source of ammonia emissions, arising from the storage and spreading of manures, slurries and fertilisers. Other sources include free range chicken ranging areas, intensive poultry units, manure storage and spreading, livestock housing, and spreading of digestate etc. Losses occur when the material comes into contact with air. The more that this occurs, the more nitrogen is lost as ammonia. The deposition of nitrogen onto protected sites can impact upon their condition and therefore any activities which may increase the loading of nitrogen to a designated site must be assessed. Impacts upon national sites are covered under the Habitats Regulations Assessment process but impacts upon SSSIs, ancient woodlands, local wildlife sites and irreplaceable habitats must also be considered and are material considerations.

3.5.2 In particular, ammonia itself and the nitrogen deposition resulting from ammonia emissions can affecting the diversity of plant species where fast-growing species adapted to high nutrient availability out-compete species which are more sensitive, smaller or rarer. It can also lead to soil acidification, direct toxic damage to leaves and by altering the susceptibility of plants to frost, drought and pathogens. This can be particularly significant for ancient woodlands and rivers and watercourses which are being detrimentally impacted as a result of increasing concentrations of ammonia in the air and levels of nitrogen deposition.

3.5.3 Herefordshire County Council as the statutory planning authority has responsibility for assessing the impacts of planning proposals on designated sites and as such has sought specialist advice on how to approach this issue in relation to planning applications. Defra, and the Joint Nature Conservancy Council (JNCC) have developed new approaches which will provide compliant technical assessment of developments with associated risk of ammonia impacts. *Further information on this will be included when available.*

Reports / Assessments

3.5.4 Therefore at this stage any applications and the need for associated assessments will be dealt with on a case by case basis until the new approaches by Defra and the JNCC are

finalised. The SPD will be updated as necessary to incorporate these new approaches when finalised.

- 3.5.5 However applications which are likely to result in aerial emissions of ammonia and deposition of nitrogen must be supported by an assessment of those impacts in relation to locally, nationally and internationally designated sites. For smaller scale applications it may be appropriate to use the SCAIL model which is freely available to use at <http://www.scail.ceh.ac.uk/>. For larger applications in close proximity to designated sites and applications for which SCAIL modelling shows significant process contributions. The application should provide detailed emissions modelling carried out by a specialist consultant.

Such assessments will need to be arrived out fir extensions and / or changes to existing sites as well as new development. For existing sites, assessments should set out clearly current emissions, the proposed situation with no mitigation, and the proposed situation with mitigation measures included. .

3.6 Biodiversity and Geodiversity

- 3.6.1 Biodiversity can be defined as the variety of sites, habitats and species within a specified locality and is influenced by factors such as geology, topography and climate. Geodiversity refers to the natural processes and variety of rock. Minerals, fossils, soils, landforms and natural processes that have shaped the landscape. It is important to ensure that proper consideration is given to biodiversity and geodiversity issues in addition to those related to nutrient impact when proposing any new schemes.
- 3.6.2 Herefordshire has also experienced biodiversity loss along with national trends. Evidence from the [Building Biodiversity 2009](#), attributes much of this loss to the post-war changes in agricultural practices, in particular agricultural intensification. There have been increasing declines in key habitats such as semi-natural grassland and woodland once common species such as hares, hedgehogs and turtle doves are at risk of disappearing.
- 3.6.3 The [Environment Act 2021](#) makes provision for specific improvement of the environment, including measures on waste and resource efficiency, air quality and environmental recall, water, nature and biodiversity, and conservation covenants. These measures include the establishment of a [Nature Recovery Network and](#) Biodiversity Net Gain.
- 3.6.4 Geosites are locations where a distinctive landscape can be appreciated or where there is an exposure of rock or sediment. In both cases, they have value in helping us understand our world and its history. Geodiversity value includes nationally significant sites and such features are within remit of Natural England and are designated as Sites of Special Scientific Interest (SSSI). If there are development applications that will affect a site, the developer should seek to avoid damage.
- 3.6.5 Therefore consideration should be given to the potential impact of any sites designated for geology and/or geomorphology and they can be searched for on the government's [MAGIC](#) website. Locally Herefordshire Council works with [Herefordshire & Worcestershire Earth Heritage Trust](#) to identify and record Local Geological Sites that are a local consideration within the planning process. A
- 3.6.6 National guidance on 'biodiversity, geodiversity and ecosystems' sits within the [Natural environment](#) section of the Planning Practice Guidance.

- 3.6.7 Biodiversity net gain is defined by Natural England as "...an approach to development, and/or land management, which aims to leave the natural environment in a measurably better state than beforehand. The Biodiversity metric tool is a habitat based approach used to assess an area's value to wildlife. The tool can be used or specified by any development project, consenting body or landowner that needs to calculate biodiversity losses and gains for terrestrial and/or intertidal habitats. It will be this metric that underpins the Environment Act's provisions for mandatory biodiversity net gain in England. Currently Herefordshire Council's approach to this is to ensure that there is no net loss of biodiversity but this will be reviewed as part of the Local Plan update. There is an opportunity for farmers to play a part in the provision of off-site biodiversity net gain where landowners and farmers will be encouraged to register land suitable for habitat enhancement or creation on a national register of biodiversity net gain sites.

Reports / Assessments

- 3.6.8 The Council's [Biodiversity and ecology compliance checklist](#) is a good starting point to identify potential impacts and requirements for ecological appraisals. Where these are required these should which assesses potential impacts upon habitats, species and designated sites where these are known to be present, have the potential to be present on the site or may be impacted by the proposal. Assessments must be carried out by a qualified and experienced ecologist, at an appropriate time of year and in line with established survey guidelines.
- 3.6.9 The assessment should cover species and habitats protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010, the Protection of Badgers Act 1992 or identified in the Natural Environment and Rural Communities Act 2006. Surveys for habitats, flora and fauna including badgers, bats, certain reptiles, amphibians, dormouse, otter and breeding birds among others may be required.
- 3.6.10 The assessment must determine the impact of the development on the habitats and species identified and propose mitigation to minimise the impact. Recommendations relating to licencing should be made where appropriate. Long term habitat management plans may also be required.

3.7 Landscapes and Visual Impact

- 3.7.1 In Herefordshire where the high quality of the landscape is part of the intrinsic character of the area, the visual impact of major agriculture development can be a significant negative planning issue in connection with this type of development. The much valued landscape assets are irreplaceable and must be conserved if sustainable development is to be achieved. It is the council's ambition to regenerate rural areas and encourage sustainable development in living communities, whilst recognising the need to protect the historic landscape character and identity.
- 3.7.2 Applications for major agricultural development will be expected to fully address the landscape impacts of the proposal, both individually and in the context of other similar developments within visual proximity of the proposal site. The policies of the Core Strategy (policies LD1 to LD4) provide the guidance necessary to enable applicants to

ensure that development proposals comply with environmental quality objectives. These promote the use of landscape assessment as part of the development management process, both to increase awareness of the countryside's character and to ensure that future development is compatible with that character.

3.7.3 It is often inevitable that proposals for development in the countryside will alter the appearance of the landscape. However, the council's planning policies and associated text detail the importance of ensuring that change is appropriate to its setting and not be allowed to overwhelm the inherent character of the landscape. The landscape's ability to accept a proposed development without undue harm will be a prime consideration.

3.7.4 Certain types of agricultural development have the potential to have a detrimental impact on the landscape, particularly industrial scale agriculture of large poultry units, silage covers, anaerobic digesters and storage buildings. Potential impacts include:

- Increased scale of buildings that are not characteristic of Herefordshire's rural landscape.
- Visual impact of development and infrastructure where there was previously open countryside.
- Loss of tranquillity due to introduction of movement, light, sound.
- Reduction in quality of landscape character, such as key feature removal (hedgerow, trees, alteration of the natural topography).
- Increased transport require road widening and visibility splays, therefore loss of characteristic rural lanes.
- The incremental effect of development erodes the landscape features, including extensions to existing sites.

3.7.5 The capacity of different landscape types to accommodate change should be assessed. Some landscapes may be less sensitive, such as those that are intensively farmed, and should be able to tolerate a wider range and higher (although not unlimited) level of change. It is most often the large scale, cumulative impact and prominent visibility of such schemes that causes harm to landscape character. Given that the effect on the landscape can be significant, the cumulative impact of new developments will be fully considered during the planning application process.

3.7.6 Furthermore the landscape quality and rural character of the county are important attractors for tourism and other leisure visits to the countryside of Herefordshire. These bring income to the wider rural economy and are important factors in relation to farm diversification schemes.

3.7.8 The Core Strategy sets out the importance of the concepts of conservation, restoration and enhancement in the strategic approach to landscape management. Policy LD1 provides guidance for development in areas of important landscape value, such as AONBs, through the protection of the areas' character and by enabling appropriate uses, design and management.

3.7.9 There are two Areas of Outstanding Natural Beauty (AONB) within Herefordshire: the [Malvern Hills](#) AONB and the [Wye Valley](#) AONB. AONBs are national statutory landscape designations and Local planning authorities have a duty of care to protect, conserve and enhance the natural beauty and character of these nationally important, high quality landscapes. The NPPF refers to the great weight that should be afforded to the need to conserve landscape and scenic beauty in AONBs. Policy LD1 of the core strategy provides guidance for development in areas of important landscape value, such as

AONBs, through the protection of the areas' character and by enabling appropriate uses, design and management

- 3.7.10 Herefordshire Council is a member of the [Malvern Hills AONB Joint Advisory Committee](#) and the [Wye Valley AONB Joint Advisory Committee](#). Both AONBs have adopted management plans in place. These plans include the constituent member Local Authority policy "for the carrying out of their functions in relation to" the management of the AONB. The Plan is a material consideration in local plans and development management decisions.
- 3.7.11 Each application within the AONB will be decided on its merits, and the potential impact on the AONB will be considered along with the wider economic and social benefits. Consideration of the cumulative effect of the development will also be taken into account to within the AONBs.
- 3.7.12 Proposals within the AONBs account must take of the [Malvern Hills AONB Management Plan](#) and [Wye Valley AONB Management Plan](#) in addition to Core Strategy policies. The Malvern Hills AONB has also produced a number of additional [guidance documents](#) which provide direction of guidance of a number of issues association with new development. These include:
- [Guidance on identifying and grading views and view points](#)
 - [Guidance on how development can respect landscape in views](#)
 - [Landscape Strategy and Guidelines](#)
 - [Guidance on building design](#)
 - [Guidance on the selection and use of colour in development](#)
 - [Guidance on lighting](#)
- 3.7.13 Whilst these have been produced for the Malvern Hills Area of Outstanding Natural Beauty they are a useful source of information and include recommendations for general good practice that can be useful references and principles that can be applied elsewhere in the county.
- 3.7.14 In addition to the NPPF, the Core Strategy, Neighbourhood Development Plans and the AONB management plans, the local planning authority takes account of [landscape character assessments](#) which have been prepared by the council, during the determination of a planning application.

Reports / assessments required

- 3.7.15 The following paragraphs set out the reports and assessments required for all major agriculture development the following should be submitted. However some proposals that are not classed as major developments may also require submission of this supporting information.
- 3.7.16 A Landscape and Visual Appraisal (LVA) is recommended to demonstrate that the applicant has undertaken a rigorous investigation of the site, context, impacts and mitigation methods to achieve an optimum design proposal for planning consideration. The LVA should address both effects on the landscape as a resource in its own right and effects on views and visual amenity. This should consider cumulative impacts with other developments, together with impacts on historic settings. The LVA should be used to inform the siting and landscape scheme for the development. [The Landscape Institute](#)

provides guidelines for Landscape and Visual Impact Assessment and a list of member Landscape architects.

3.7.18 A landscape scheme should be submitted with the planning application and it is required to show how the proposed development will integrate into its surrounding. This should cross reference any ecological and biodiversity enhancements that are required and show integrated drainage solutions. The plan should include:

- Hard landscape details, such as levels, surfaces and boundaries
- Soft landscape proposals such as existing and new planting.
- Details of external materials, colours and finishes. These should be chosen with the surrounding landscape in mind and with reference to the local geology and seasonal changes.
- Details of any ecological and biodiversity enhancements that are required and integrated drainage solutions.
- Details on how the rural landscape character will be protected in accordance with LD1 of the core strategy including consideration of the impact of any proposed road widening.

3.7.19 A photo montage of the proposed development can be a very useful landscape tool for demonstrating impacts, as they can be easy to understand, compared to looking at plans. Therefore although not a requirement, photo montages of how the development will sit in the landscape when completed and when any new planting is well established, would be welcomed by the local planning authority to help its assessment of the impact on the landscape setting.

3.8 Noise

3.8.1 Noise is recognised by the World Health Organization (WHO) ('WHO Environmental Noise Guidelines for the European Region 2018') as the second most harmful environmental stressor in Europe behind air pollution. Government guidance states that noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). When preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset.

3.8.2 Noise can be created by machinery, power plants and vehicle movements associated with some agricultural operations and its impact on local residents and the general amenity of the area needs to be carefully considered as part of the planning application process. Noise may arise from a variety of sources and mitigation measure to reduce the noise impact should be included in the design as appropriate. However care needs to be taken to ensure that the mitigation measures themselves do not create any other adverse impacts.

3.8.3 The local planning authority, in line with government guidance, will consider the following factors:

- Whether or not a significant adverse effect is occurring or likely to occur;

- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

Reports / assessments

- 3.8.4 Noise assessment is a complex technical issue and therefore it is appropriate to seek experienced specialist assistance. The BS4142 methodology assessment should be used to determine the likely impact on noise sensitive properties. The methods described in BS 4142 use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident. This assessment determines the likely noise impact by comparing the rating noise level from the proposed development with the background noise levels of the locality
- 3.8.5 As every site will be different it is difficult to set thresholds for when a noise assessment will definitely be required. Therefore an assessment of the constraints and sensitive receptors / locations is often necessary. A noise survey and report is likely to be required if the proposed application is likely to give rise to noise which may affect nearby noise sensitive properties Noise sensitive receptors are those areas or land used that are potentially sensitive to noise and vibration.
- 3.8.6 A noise assessment is required for all proposals for intensive broiler livestock units. The [BS4142](#) methodology should be used for these and should include but not be limited to the assessment of vehicular noise on site, feedstock delivery, broiler catching and fan noise
- 3.8.7 A noise survey required for a pre planning application or full planning application should include:
- Identify all nearby noise sensitive receptors
 - Determine the impact on any receptors with reference to noise standards
 - Detail control measures when necessary to reduce noise to acceptable levels

3.9 Air Pollution

- 3.9.1 Different types of agricultural developments may have an impact on air quality with a range of pollutant gases and particulates, and especially nitrogen compounds emitted to the atmosphere. Section 3.5 has considered the impact of ammonia emissions on biodiversity but it can also have an impact on human health. In particular:
- Intensive poultry units can generate particulates from ventilation systems
 - Any development that includes a combustion process. For example, biomass plants for heating poultry units, combined heat and power (CHP) units and bio digesters for heating and energy production, depending on the size of the plant. Pollutants from these can include particulates, NO₂, CO and potentially volatile organic compounds in bio digesters.

3.9.2

3.9.3 The following documents provide helpful guidance to local authority officers as well as developers and consultants. These include:

- [Land-Use Planning & Development Control: Planning For Air Quality](#) – Institute of Air Quality Management 2017
- [Local Air Quality Management Technical Guidance \(TG16\)](#) – DEFRA 2021

Reports and assessments.

3.9.4 Some proposals will require a screening assessment. This will apply where the proposal will house over 400,000 birds and there is a relevant receptor nearby. In cases where biomass and CHP are proposed an air quality assessment may be required.

3.9.5 Where a development is close to, or will generate significant traffic movements through, an [Air Quality Management Area \(AQMA\)](#) an air quality assessment may in some circumstances be required. There are two AQMAs in Herefordshire in Leominster and Hereford. The thresholds for an assessment is as follows:

Types of vehicles	Threshold A change of flows;
Heavy Duty Vehicles : Goods Vehicles and buses greater than 3.5tonne gross vehicle weight	- more than 25 Annual Average Daily Traffic* (AADT) within or adjacent to an AQMA - more than 100 AADT* elsewhere *Annual average daily traffic (AADT) is the total volume of vehicle traffic on a highway or road for a year divided by 365 days.

3.10 Light pollution

3.10.1 Careful consideration should be given to any artificial lighting that is included as part of the development proposals. Artificial lighting can be source of annoyance to people, harmful to wildlife and undermine enjoyment of the countryside or the night sky, especially in areas with intrinsically dark landscapes. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light. A [CPRE study](#) found that Herefordshire was in the top five counties in England that have the highest percentage of pristine night skies, free of light pollution. Therefore it is important that this is maintained and enhanced.

3.10.2 Proposals that include lighting should consider the following pointers in relation to light design: Any artificial external lighting should have:

- a clear purpose ,
- be directed to where need
- be no brighter than necessary,
- be used only when needed
- Include warmer colour lights where possible.

3.10.3 Policy SD1 of the Core strategy requires that the impact of artificial light in proposed new development is considered. Several of the county's [Neighbourhood Development Plans](#) include more detailed policies that seek to minimise light pollution with a view to achieving dark skies. Malvern Hill AONB has produced a guidance note on light pollution.

3.10.4 [Government guidance](#) on how to consider light within the planning system provides useful information for applicants and planners about the various issues that need to be considered and how they can be mitigated. They also point to other sources of available information that could inform approaches to lighting and help reduce light pollution:

- Guidance notes available from the [Institute of Lighting Professionals](#) including the reduction of obtrusive light and Bats and artificial lighting in the UK.
- Information from the Bat Conservation Trust on [artificial lighting](#), and Eurobats guidelines for [consideration of bats in lighting projects](#)
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) [Code for Lighting](#)
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting [Guide 6: The Exterior Environment](#)

3.11 Odour

3.11.1 Opinions can vary as whether some smells arising from agricultural operations are a negative issue. The type and strength of odour will vary according to the land use and weather conditions and individual perception.

3.11.2 Odours arising from farming activities can be quite common and may be associated with the storing and spreading of animal manures and slurries which are often linked to operational matters outside of the planning system. However developments requiring planning permission, e.g. intensive livestock units can generate strong odours which vary over the production cycle and can be affected by weather conditions. The impact of this needs to be carefully considered on local residents and the general amenity of the area including the in combination effect.

3.11.3 Local planning Authorities are required to take account of the effects of odour pollution on health, the natural environment or general amenity when considering planning applications for uses that may or are likely to generate odour. They should ensure that significant sources of odour should be separated as much as is possible from odour-sensitive users of the surrounding land (sensitive receptors. Where a sufficient separation is not achievable, it may be possible to employ control and mitigation measures to make a proposed development acceptable from a land-use perspective.

3.11.4 The [Institute of Air Quality Management](#) (IAQM) publishes guidance and recommendations of air quality issues. Applicants should consider the Institute's the

[Guidance on the assessment of odour for planning](#) which sets out as a useful what the IAQM considers to be current best practice in relation to assessments in the UK. Please note that this document is likely to be revised and therefore applicants should ensure they are referring to the latest document.

Reports / assessments

- 3.11.5 New proposals for such developments may require an odour impact assessment to be submitted, either as a stand-alone assessment or as part of an Environmental Statement, to accompany the planning application.
- 3.11.6 Different types of development will require different thresholds for requiring the odour assessment and therefore it is important to discuss the assessment requirements with the development management team of the council. Information regarding potential cumulative impact of other odour generating sources in the vicinity is also usually required to be submitted. The threshold for this will be determined on a case by case basis.
- 3.11.7 The cumulative assessment should include consideration of any existing developments or those that have been granted planning permission or are currently applying for planning permission. The distance that the cumulative impact will be required to consider will vary according to the type of application.

3.12 Highway safety and access

- 3.12.1 The primary cause for concern in relation to transport issues can be the increase in the number and frequency of large farm machinery and lorry movements on narrow rural lanes both. This can lead to worries over highway safety, noise, damage to highway surfaces and their verges and small narrow bridges over time and the mud and dust in the roads causing hazardous driving conditions.
- 3.12.2 Therefore full consultation should take place with the local highways authority prior to the determination of planning applications to ensure that issues of highway safety are addressed. Where appropriate planning conditions should be imposed as recommended.

Reports and assessments

- 3.12.3 Some large-scale developments may require a Transport Assessment/Study. This will be dependent upon existing and anticipated vehicular movements, including heavy or large vehicles. However, in all other instances applications should be accompanied by a written statement (which could be incorporated in the Design and Access Statement) which addresses the amount and type of traffic to be generated and the adequacy of the local highway network to cater with that traffic both in terms of design and capacity. Other matters such as the adequacy of the vehicular means of access to the application site and the adequacy or otherwise of visibility splays should be addressed
- 3.12.4 Therefore the applicant will need to demonstrate that the vehicular means of access and the local highway network (in terms of both design and capacity) are adequate to cater with the traffic generation, addressing both numbers and types of vehicles.

3.13 Public Rights of Way

- 3.31.1 The [Public Rights of Way service](#) (PROW) of Herefordshire Council has a legal duty to assert and protect the rights of the public to the use and enjoyment of any public right of way (PROW) in the county (section 130 Highways Act 1980). In addition, NPPF recognises that rights of way are an important recreational facility, which local authorities should protect and enhance. Local rights of way in Herefordshire are part of our heritage and form a major recreational resource. They help boost tourism and contribute to local rural economies, in addition to providing a convenient means of travel. If a proposed new agricultural developments directly affect Public Rights of Way an assessment will be required to accompany the application.
- 3.13.2 It is important to ensure that the agricultural developments, whilst taking into account the need for the new development, does not have significant impacts on public rights of way They can affect both the use and enjoyment of a PROW.
- 3.13.3 Both the use and enjoyment of public rights of way should not be adversely affected and the Herefordshire Council has a legal duty to assert and protect the rights of the public in these respects.

3.14 Flood Risk

- 3.14.1 The [Strategic Flood Risk Assessment](#) assesses the levels of flooding within the county. It aims to ensure that planning policies and any allocated development sites will not increase the risk of flooding onsite or in their surrounding areas. It identifies the county's main flood risk areas, taking into account all sources of flooding and other flooding strategies in the area, this will include not only those areas identified by the Environment Agency but also county and local intelligence to identify a more complete record of flood prone areas. A more detailed SFRA will be required as development sites begin to be identified for the Local Plan.
- 3.14.2 In addition to the issues already referred to in relation to the impact on the quality of the county's rivers, flood risk and surface water run-off should be carefully addressed. Active management techniques and mitigation measures proposed should also be taken into account. One area that the council has been leading on is the use of [Natural Flood Management \(NFM\)](#). NFM involves working with natural processes to both slow and temporarily store water within the landscape, helping to reduce the flood peak and flood risk to downstream communities. NFM not only helps to reduce flood risk, but is also capable of delivering multiple benefits including improved water quality, reduced nutrient and soil runoff, enhanced biodiversity and carbon sequestration. Through partnership working, the council has already successfully delivered the Defra funded River Wye and Lugg NFM Pilot project (funding ended 31 March 2021), which supported over 140 landowners within seven catchment areas to implement a wide variety of NFM measures that are now helping to slow the flow e.g. leaky dams, attenuation areas, tree planting and soil improvement works. The council has secured further funding to continue and expand our NFM pilot project over the period 2022/23 to 2026/27. Whilst other parts of the county outside of the pilot's areas are also keen to get involved in NFM, at this stage the project

is intending to restart working within the already identified seven catchments. Any further opportunities for NFM within other areas of Herefordshire will be identified and considered for future inclusions, subject to being able to secure additional funding.

- 3.14.3 Many NFM techniques can be implemented without the need to obtain consents or permissions, however some measures such as attenuation areas and earth bunds are considered to be an engineering or excavation operation which require planning permission. Whilst in certain circumstances, these works may fall under permitted development rights, in other situations an application to the Local Planning Authority is needed to determine whether prior approval is needed, this can be done through a 'Prior Notification' application. Fencing may also require planning permission, depending on its location and height. Further guidance on NFM and planning requirements will be available in a [NFM planning guide](#). Features such as leaky dams, attenuation areas, sediment traps and in-ditch seepage barriers may also require an [Ordinary Watercourse Flood Defence Consent](#). Other site constraints and designations may also mean that other consents and assessments are required e.g. Habitat Regulations Assessment, [Site of Special Scientific Interest consent](#), Environment Agency [environmental permit](#).
- 3.14.4 The [Strategic Flood Risk Assessment](#) for the county assesses the levels of flooding within the county. It informs strategic planning documents by setting development constraints and informing sustainability appraisals. It also specifies locations for emergency planning measures and identifies requirements for flood risk assessments.

Reports and assessment

- 3.14.4 In areas particularly prone to flooding and in respect of planning applications for major agriculture developments (sites of 1 hectare or more), the Environment Agency will be consulted. A Flood Risk Assessment may be necessary in accordance with the requirements of the NPPF, paragraph 103. Where such a Flood Risk Assessment is deemed necessary, it should be appropriate to the scale and nature of the development and should consider:
- (a) Flood risk and surface water run-off implications;
 - (b) Any increase risk arising elsewhere;
 - (c) Measures proposed to deal with these risks and effects, e.g. restricting run-off to the Greenfield rates;
 - (d) Explaining what attenuation measures are in place designed to the 1% with climate change standard to prevent flood risk; and
 - (e) How the scheme is designed to prevent run-off and erosion issues.
- 3.1.4 Herefordshire Council's [Sustainable Urban Drainage SuDS Handbook and related documents](#) sets out the role of SuDS in achieving sustainable development across Herefordshire, where the Lead Local Flood Authority (LLFA) is Herefordshire Council. Clarity is also provided on the requirements for foul drainage where adoption is not proposed. All SuDS features should be designed in accordance with the [Ciria SuDS Manual](#)

3.15 Private water supplies

- 3.15.1 Should the development proposal be reliant on the use of a private supply, consideration should be given as to whether any increased abstraction will impact on the water supplies of local residents and businesses. In the event that this may be a concern, the applicant may be requested to supply a hydrogeological assessment which examines the impacts.

3.16 Historic Environment

- 3.16.1 Herefordshire's historic environment and heritage assets (those elements of significance with statutory protection) are significant contributors to sustainable development. Together they contribute to the distinctiveness of the county and help to create a sense of place. A well cared for historic environment is key attractor for tourism and investment and generally contributes to a good quality environment.
- 3.16.2 As the location for some of the development proposals associated with agriculture might be in close proximity or be located within historic farmsteads, they could potentially have a significant impact and setting of designated and other national or regionally important sites. These impacts will be assessed at the pre-determination stage of a planning application and, where appropriate, propose mitigation measures to address any adverse impacts.
- 3.16.3 The effect of a development on the character and setting of listed buildings and other heritage assets is a particular material consideration in determining planning applications, since there are a plethora of such buildings throughout the Herefordshire countryside. The [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) requires the local planning authority to have special regard to the desirability of preserving listed buildings or their settings. The [NPPF](#), set out the exceptional circumstances of achieving substantial public benefits, whereby significant harm to or loss of designated heritage assets may be sufficient to outweigh the adverse impacts. The [Core Strategy](#) similarly contains policy LD4 which seeks to protect the historic environment and heritage assets.
- 3.16.4 Agricultural development and, their associated works, such as the installation of irrigation systems and the creation of access roads or hard standings, have the potential for impacting on archaeological interests. Careful design of reservoirs will be required to mitigate their impact on the landscape and historical features. Any associated ground works such as surface water drainage and sustainable drainage systems will be expected to follow the requirements of policy LD4 and any associated planning guidance and evidence base documents.

Reports and Assessments

- 3.16.5 A detailed heritage impact statement will be required in order to help determine whether or not a proposed development would adversely affect such a heritage asset. This statement can provide an understanding the significance of a heritage asset and the potential impact of the proposed scheme on it. This should be prepared by a suitably qualified buildings/conservation expert. This will allow the local planning authority to determine whether or not impacts are sufficiently detrimental to warrant refusal of an application on these grounds or suggest mitigation measures where necessary.

3.17 Economic need and impacts

- 3.17.1 Food production and processing businesses are major employers across the country. The UK food and farming sector is worth about £110 billion to the economy, representing around 4 million jobs. In Herefordshire, agriculture, food and drink processing, and manufacturing continue to comprise a significant proportion of the county's economy and service industries are under-represented. The Council supports objectives of reducing food miles and providing a sustainable and affordable food.
- 3.17.2 Planning policies at national, and local levels recognise the importance of the agricultural sector. The NPPF seeks to promote strong rural economies through (amongst other things): the support of sustainable growth and expansion of businesses in rural areas and the promotion of development and diversification of agricultural and other land-based rural businesses
- 3.17.3 The Core Strategy's overall development strategy was produced in the light of the need to promote a diverse and strengthening rural economy, whilst protecting its quality landscapes and making sustainable use of natural resources. It also recognises that the rural areas of the County have consistently played a strong role in local, regional and national food and drink production, particularly in areas such as agriculture and farming.
- 3.17.4 The economic argument is of particular importance when major agriculture developments are proposed in AONBs. In such instances an applicant must show clear evidence that the development is necessary in terms of providing direct benefits to the local community for example in relation to local services or facilities, particularly in the light of any potential harm to the landscape which may be identified. Where applications relate to undesignated landscapes these economic arguments are still appropriate since economic benefits to the county (and the UK) are important planning considerations, alongside environmental ones

3.18 Residential amenity

- 3.18.1 The amenity of those living close to agriculture development may be adversely affected by negative visual impact, or general nuisance caused by odour emissions, dust, smoke, chemical fumes, noise or increased traffic movements for example. All these factors need to be carefully considered as part of the application process. The supporting specific statements on individual impacts will be used to help consider the impact on residential amenity.

3.19 Other Issues:

- 3.1.15 In addition to these there may be a variety of other studies or assessments that may need to accompany certain planning applications depending on their scale and location. The council's development management officers will be able to discuss such requirements with potential applicants on a case -by-case basis. It is therefore important for potential developers to engage in pre-application discussions.
- 3.1.17 Proposals for major agricultural development may result in significant public interest and concerns about the impact on the amenity of nearby residents. Where this is likely to be the case, it is advised that the applicant enter into early discussions with Parish Councils

and local people in order to discuss any potential problems and solutions before planning permission is sought. Sometimes this will also involve important consultees such as the Environment Agency, Natural England and the highway authority. Planning officers will, at this early stage, advise applicants if their proposals are likely to be considered 'significant' and therefore need to be the subject of specific community involvement measures. This advice is contained formally within the Council's Statement of Community Involvement.