

MEETING:	Planning And Regulatory Committee
DATE:	6 September 2023
TITLE OF REPORT:	220646 - Proposed Extension of Turnpike Traveller Site Turnpike Caravan Site, Pembridge, Herefordshire, HR6 9JZ For: Mr Jones per Mr Owen Fry, Shiretown House, 41-43 Broad Street, Hereford, Herefordshire, HR4 9AR
WEB LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220646&search-term=220646
Reason Application submitted to Committee – Council Application / Redirection	

Date Received: 23 February 2022
Expiry Date: 18 August 2023

Ward: Arrow

Grid Ref: 338990,259756

Local Member: Cllr Roger Phillips

1. Site Description and Proposal

- 1.1 The application relates to a site approximately 1.5km to the north of Pembridge which provides pitches for members of the Gypsy and Traveller community. Known as Turnpike, the site is owned and operated by Herefordshire Council and provides six caravan pitches which are served by a number of fixed service buildings and day rooms. The application reports that the site was in use up until March 2021, however it is currently out-of-service with the pitches and buildings in a poor state of repair. The current site totals around 0.5 hectares in area and is bound by the C1032 to the north, from which vehicular access is gained. The site adjoins a private street to the north which provides access to the Torvale Industrial Estate, which is primarily occupied by Kingspan Insulation Ltd. The site is identified by the red line on the aerial image below:



1.2 The current application relates to the parcel of agricultural land to the rear (east) of the current site and seeks permission for the provision of a further four pitches and associated infrastructure. The additional pitches would be operated as an extension to the established site, bringing the cumulative pitch total to ten. The existing pitches would continue to be served by the established access off the C1032 to the west, whilst the new pitches would be served by a new access onto the private road to the north that subsequently links to the public network at the north-west corner of the site. Pedestrian access would be provided to link the existing and proposed pitches. The new pitches would be arranged in pairs to the south of a new central access road and each pair would share a new service and amenity building. A communal area is proposed to the centre of the site, which includes a children's play area. The application is supported by a scheme of landscaping measures, which includes the creation of new earth bunds, the planting of native trees at the site boundaries and the planting of wildflower meadows. The proposed site plan is shown below:

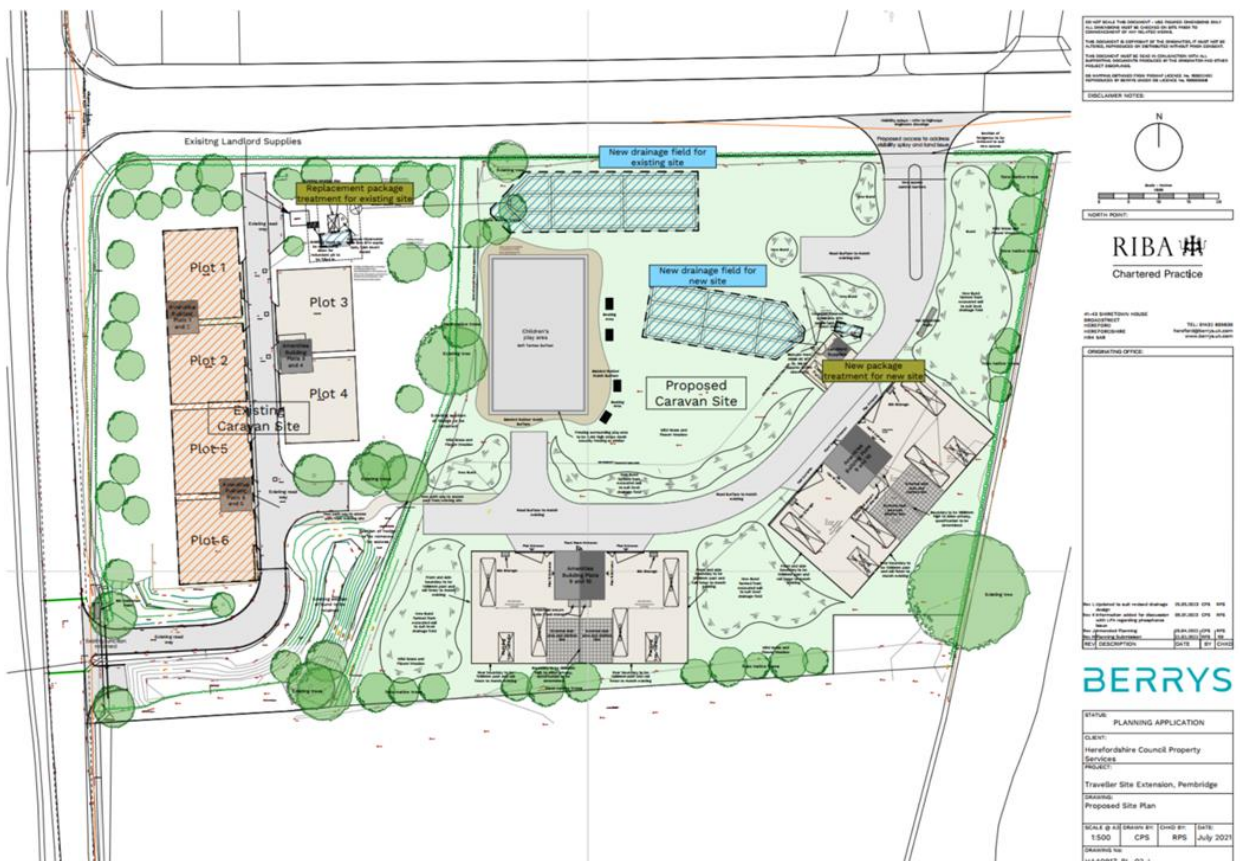


Figure One: Proposed Site Plan

1.3 In addition to the proposed plans, the application is supported by:

- Planning, Design and Access Statement – Berrys
- Highways Access Statement – Berrys (May 2023)
- Nutrient Neutrality Statement – Berrys (May 2023)
- Drainage Calculations and Design – Berrys
- Completed River Lugg Phosphate Calculator (existing and proposed systems)
- Ecology Survey – Turnstone Ecology (TT3260-Pembridge)

2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

The following policies from the CS are considered to be of relevance to the current proposal;

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA2	-	Housing in settlements outside Hereford and the market towns
H3	-	Ensuring an appropriate range and mix of housing
H4	-	Traveller Sites
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure r
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable design and energy efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

It is highlighted to Members that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Herefordshire Traveller's Site Development Plan Document (DPD) 2019

The Travellers' Sites Development Plan Document forms part of the Herefordshire Local Plan. It makes site-specific allocations for new pitches and sets out planning policy for the consideration of additional pitches for Travellers and Travelling Showpeople. The following policies are of relevance to the current application:

- Policy TS1 – Residential Traveller Pitches and Sites
- Policy TS7 – Turnpike, Pembridge

The Travellers' Sites DPD can be viewed here:

<https://www.herefordshire.gov.uk/directory-record/6050/travellers-sites-development-plan-document>

2.3 Pembridge Neighbourhood Development Plan (NDP)

The Pembridge Neighbourhood Development Plan was made in March 2019. The following policies from the NDP are considered to be of relevance to the current proposal;

Policy PEM1	–	Promoting Sustainable Development
Policy PEM2	–	Development Strategy
Policy PEM6	–	Design Criteria for Residential Development
Policy PEM18	–	Retaining the Natural Environment and Landscape
Policy PEM21	–	Protection from Flood Risk
Policy PEM23	–	Sustainable Design
Policy PEM25	–	Highway Design Requirements

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

<https://www.herefordshire.gov.uk/directory-record/3094/pembridge-neighbourhood-development-plan>

2.4 National Planning Policy Framework

The following Chapters of the NPPF are considered to be relevant to the current proposal:

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

2.5 Planning Policy for Traveller Sites

This document sets out the government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework.

- Policy A - Using evidence to plan positively and manage development
- Policy B - Planning for traveller sites
- Policy C - Sites in rural areas and the countryside
- Policy H - Determining planning applications for traveller sites
- Policy I - Implementation

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

3. Planning History

The following applications are of relevance to the site:

PLANNING REFERENCE	DESCRIPTION	DECISION	DATE
DCH870279/F 86/0418/N	Proposed Gypsy Site on Land Adjacent To C1033 Pembridge - Shobdon Road.	Approved	1987
DCNW2004/3374/F DCN044241/F	Formation of new vehicle access, fencing, play area and extension of site	Approved	November 2004

4. Consultation Summary

Statutory Consultations

4.1 Natural England – No Objections

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Internationally and nationally designated sites

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Lugg Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Lugg SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection

4.2 **Welsh Water – Qualified Comments**

SEWERAGE - Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

WATER SUPPLY - The proposed development is crossed by trunk/distribution watermains, the approximate positions being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for these watermains to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Internal Council Consultations

4.3 **Transportation Manager (Highways) – No objection**

The proposed extension of the traveller site will result in an additional 8 pitches with associated amenity areas and drainage field. The modest trips associated to the pitches are likely to be accommodated within the capacity of the surrounding highway network.

It is noted that the access relies on a connection to a private road. This falls outside the jurisdiction of the local highway authority and the applicant should satisfy themselves that they have sufficient rights to make the connection. In addition any works to the road will need to meet the specification of the roads owner.

The layout of the access is appropriate to serve the proposal. The site layout has sufficient vehicle parking and turning space to ensure that vehicles can enter and exit the site in a forward gear.

There are no objections from the local highway authority to the proposed extension to the existing facility.

4.4 **Conservation Manager (Ecology) – No Objections**

Assessment as Habitats Regulations Assessment

Key Issues and Potential Pathways:

The proposed development includes a package treatment connection for 4 new caravan pitches where waste water will be treated by an onsite package treatment works, which sits within the River Lugg SSSI/River Wye SAC catchment in which Natural England's Nutrient Neutrality applies. The additional phosphate load generated by the proposed development has the potential to result in a likely significant effect on the River Wye SAC. A potential effect pathway has been identified and an Appropriate Assessment is therefore required. No other potential effect pathways have been identified.

Impacts of the Project:

The proposal is for 4 new caravan pitches. 6 pitches are currently in place on the site and are served by an existing package treatment plant and drainage field. The proposed new 4 pitches have been assessed using the standard Natural England methodology and budget calculator.

Infiltration Testing. There is currently a drainage field in place on the site serving the existing 6 pitches. This field has been in place since 2007 and its construction is unknown. Testing shows that soils on the site infiltrate well.

Calculation of PTP Capacity Requirements. It is proposed to install a Danish designed and built packaged system by BioKube which is distributed in the UK by WTE Ltd. The appropriate systems for the level of peak loading at Turnpike are the Mars 3000-3C model, which is certified to EN 12566-3 and EN 12566-6. The system is certified to 1.6 mg/l total phosphate.

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 2.22 kg TP/year.

Mitigation is proposed in this case including the replacement of the existing package treatment plant on the site with a new, better performing and is set out in table 4 below.

Mitigation Requirements and Outcomes

The proposal is to mitigate the budget of the new development (4 additional pitches) proposed under application 220646 with the replacement of the package treatment plant serving the existing 6 pitches on the site. The current pitches are served by an old package treatment plant for which a value of 9.7mg/l has been agreed as appropriate.

The site as existing (6 pitches)

The Waste Water P load of the development is calculated to be:

Development	6 dwellings
Occupancy	2.3 per dwelling
Additional population	13.8 people
Water usage	120 l per person per day
Waste water volume	1656 l per day
Receiving WwTW environmental permit	9.7 mg/l
Total phosphate after treatment	16,063.2 mg/TP/day
Convert mg/TP/day to kg/TP/day	0.0160632 kg/TP/day
Per year	5.87 kg/TP/year

Waste Water Total Phosphate Load is 5.87 kg/TP/year.

The Current Land Use is residential urban land use (0.49ha) and shrub mix (0.84ha)

The Current P Leaching Load is 0.73 kg TP.

There is no land use change associated with this calculation so the Post Development Land Use equates to an Annual Phosphorus Nutrient Export of 0.73 kg TP.

The Phosphate Balance for the Site is:

TP Waste Water post treatment	5.87 kg/TP/year
Historic landuse P export	0.73 kg TP
Post development P export	0.73 kg TP
Landuse net change	0 kg TP
Phosphate budget	5.87 kg TP/year
Phosphate budget including 20% buffer	7.04 kg TP/year

The site as proposed (10 pitches) including mitigation

The Waste Water P load of the development is calculated to be:

Development	10 dwellings
Occupancy	2.3 per dwelling
Additional population	23 people
Water usage	120 l per person per day
Waste water volume	2760 l per day
Receiving WwTW environmental permit	1.6 mg/l
Total phosphate after treatment	4416 mg/TP/day
Convert mg/TP/day to kg/TP/day	0.004416 kg/TP/day
Per year	1.61 kg/TP/year

Waste Water Total Phosphate Load is 1.61 kg/TP/year.

The Current Land Use is residential urban land use (0.49ha) and shrub mix (0.84ha)

The Current P Leaching Load is 0.73 kg TP.

The Post Development Land Use is residential urban land which equates to an Annual Phosphorus Nutrient Export of 1.93 kg TP.

The Phosphate Balance for the Site is:

TP Waste Water post treatment	1.61 kg/TP/year
Historic landuse P export	0.73 kg TP
Post development P export	1.93 kg TP
Landuse net change	1.2 kg TP
Phosphate budget	2.81 kg TP/year
Phosphate budget including 20% buffer	3.38 kg TP/year

It can clearly be seen that the proposed scenario including mitigation which results in 3.38kg TP/yr is a betterment over the existing scenario of 7.04kg TP/yr. Therefore the development proposed, including mitigation, will not have an adverse effect on the integrity of the River Wye SAC and no further mitigation is required.

CONCLUSIONS:

Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that there would be NO adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted.

Recommended Planning Conditions:

The following elements of the proposal will be secured by planning condition

- The decommissioning of the existing package treatment plant and drainage field on the site and its replacement with the proposed package treatment plants and new drainage field for the entire 10 pitch development
- The proposed drainage details including the use of the BioKube PTP for the entire site

Protected Species and Biodiversity Matters

The supplied ecology Preliminary Ecological Assessment by Turnstone Ecology dated 10th September 2021 is noted and refers. This report appears relevant and appropriate. No effects on

local populations of protected species is identified as being associated with the proposed development. The LPA doesn't identify the construction of the development as having any likely direct effects on local protected species although the applicant should be reminded of their and their contractors' legal obligation to wildlife protection at all time through the Wildlife & Countryside Act. There are significant records of multiple bat species roosting within the immediate area and all works and lighting must consider the potential sustenance and support of these likely breeding roosts.

4.5 **Strategic Planning Officer – Qualified Comments**

The site is allocated in the Travellers Site DPD under policy TS7. This policy sets out the broad requirements for the development of the extension to the site leaving the detailed layout to be determined at the planning application stage. I consider that the proposals as set out meet the requirements of Policy TS7. However I would point out that Policy TS7 requires a contaminated land assessment which I cannot see reference to in the documentation. The supporting text to policy TS7 states that:

“The site is situated within the former area of the Shobdon airfield. As such a contaminated land assessment should be carried out. A landscape bund is located to the south and east of the existing site. The landscape bund would require partial excavation to provide access into the extended area. Tests should be carried out on the bund to identify the materials before excavation begins.”

However in summary, I am pleased to see this site being brought forward as proposed. The addition of four pitches on this site, together with the refurbishment of the existing pitches, will make an important contribution to the requirement for Traveller pitches in the County.

4.6 **Open Spaces Planning Officer – Qualified Comments**

National Planning Policy Framework (NPPF) 2021:

- Paragraph 98: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Core Strategy(CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

Evidence Base and standards

As part of the Core Strategy review a partial review has been undertaken and completed by LUC consultants of evidence base “Open Space Assessment (2006). The 2023 Open Space Assessment is now complete (this week) but not published as yet on the planning website. However, given that it has been developed in the context of the latest national policy it is considered to provide the latest guidance and recommendations for open space and children's play to be used in support of my comments for this application.

- Herefordshire Open Space Assessment 2023 Recommends
- Natural England green infrastructure quantity standard of
 - 3ha of accessible greenspace per 1000 of the population
 - Everyone has access to good quality green and blue spaces 'close to home'. This is defined as:
 - A 1km distance from a medium sized neighbourhood accessible greenspace (at least 10ha); AND

- Either a 200m of a doorstep accessible greenspace (at least 0.5ha); OR
- A 300m of a local accessible greenspace (at least 2ha).
- Fields in Trust formal equipped play standard quantity of 0.25ha per 1000 population

Open Space Policy Requirements: In accordance with CS policy OS1 requirements for open space, are to be considered on a site by site basis.

On site provision: At pre-application (ref: 213129) I supported the proposal as presented with regard to the open space and children’s play offer recognising at that time that in accordance with existing CS open space policies and associated evidence base that there were no set standards of provision associated with this type of accommodation - the proposal is for the regeneration and extension to the Turnpike traveller site to create a total of 10 plots - and in general the open space serving this type of provision will be solely for the users of the accommodation.

The site is located outside of the settlement of Pembridge and as such has no direct access to existing open space or children’s play areas within acceptable thresholds. On-site provision is therefore supported in accordance with policy. The submitted site plan shows open space and children’s play as being integral to the overall site similar to pre-application, although the layout has changed from pre-application. The provision of both a formal play space and informal grassed areas with wildflower meadow planting looks to be generous and well located providing easy and safe access and natural surveillance. The area includes some seating. This is supported. In accordance with the Open Space Assessment 2023 and recommended standards of provision, there is a requirement for “everyone to have access to good quality green spaces close to home and for doorstep accessible greenspace as described above. Given the location and limited access to open space, for only 10 plots the provision looks to be more than adequate for this type of accommodation.

As described in the submitted Design and Access Statement paragraph 3.5, the open space offers both formal play opportunities and natural play opportunities and the inclusion of seating will help support the use of the open space by all family members and this approach is supported. The Open Space Assessment 2023 recommends the provision of multi –functional open spaces in support of the NPPF which recognises the importance of access to high quality open spaces for the health and well-being of communities and the wider benefits to nature and climate change adaption that open space can provided.

My only comment with regard to the soft tarmac surfaced area (to be fenced) is what is the intention for its use given it is to be fenced with 2.4 m high security fencing? No formal equipment is shown or proposed? Could the applicant confirm if the intention is to provide a MUGA style area with a ball court / basket-ball hoop or some play equipment.

Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council’s policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

It is recommended that submission of details of the Management Company should be conditioned accordingly and submitted as part of the landscape scheme. This should include a written scheme detailing:

- the future management and maintenance requirements for the open space facilities
- how the Management company will be set up in order to fulfil its ongoing obligations and functions in relation to the open space facilities

4.7 **Environmental Health Manager (Contamination) – No Objections subject to Conditions**

The proposed development is on the site of a former airfield, and as such there is a potential for contamination to be present. Because of this I'd recommend the condition below be appended to any approval to ensure it is safe and suitable for its intended use.

4.8 **Land Drainage Officer – No Objections**

The Applicant proposes the construction of four additional residential caravan pitches, with associated infrastructure, adjacent to an existing residential caravan site on a 0.9ha area of greenfield land. The area is relatively flat. It is also proposed that the foul water drainage arrangements for the existing site will be upgraded as part of the development.

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the majority of the site is located within the low probability Flood Zone 1. We note that a very small area of the site along the south eastern boundary is within Flood Zone 2, which is on the edge of the River Arrow floodplain. As the proposed caravans will be raised off the ground, it is unlikely that the proposed development will be affected if flooding were to occur. We do not require the planning application to be supported by a Flood Risk Assessment (FRA).

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The two concrete pads will be surrounded by a 75m long, 0.5 m wide, 1m depth soakaway, which we deem to be acceptable for this development as percolation test results proved that a discharge to ground is viable.

Foul Water Drainage

The foul water drainage arrangements, which comprise of two new drainage fields, cannot meet the River Lugg criteria, however we understand that Ecology have no objections to the application and therefore we do not have any objections. The drainage fields have been adequately sized using a Vp of 22.6, for populations of 24 (136m²) and 20 (113m²).

Overall Comment

It has been confirmed that the site will be managed and operated by Herefordshire Council as the Local Authority. Herefordshire Council will take responsibility for the future management and maintenance of the surface water and foul water drainage infrastructure.

Based on the reviewed documents stated above, provided there are no changes made to the proposed development plans which could result in a flood risk, surface water and foul water drainage arrangements, at any other planning stages and will be constructed in line with the

design and plans under this application, in principle, we hold no objections to the proposed development.

5. Representations

5.1 Pembridge Parish Council – Objection

Comments 30th May 2022

Pembridge Parish Councillors received a presentation from the applicants' consultants in November 2021 regarding proposed plans to extend the Turnpike Travellers site. The original plan presented and consulted upon has been changed and points of local knowledge and historical reference highlighted below have not been considered in the final proposals now submitted. Unfortunately, there has been no consultation with the Parish Council on revisions to the plan. This application is for a further four pitches at the rear of the site. Parish Council accepts that these four pitches have been identified for development and have repeatedly raised concern at each stage in regard to the management and overall tidiness of the site.

The main points the Parish Council raise in objection to the application are:

- Safety – The submitted plans now include a new side entrance for the extra pitches off the private roadway alongside the site serving local businesses on the Torvale Industrial Estate. Parish Council had already raised concerns as this road is in constant use by large HGVs and farm traffic and had requested a strong, safe boundary be installed to protect Turnpike residents, especially the children, from straying onto the road in the path of heavy traffic. The proposed exit would breach this boundary.
- Historically the entrance was at the side of the site and moved to the current front position due to challenges and difficulties along the Torvale Road. Visitors to the traveller's site parked along the roadside, making it unpassable for business traffic which highlighted the issue of safety to all users forcing the position change. The proposal does not recognise this history or the fact that it is sensible to expect similar issues to arise which will create significant safety issues to site residents, their children, their visitors and to businesses which use the road to access the industrial estate and other premises. It is perhaps not appreciated that all the HGV traffic that uses the main road turns into the private road and does not go as far as the existing site entrance as traffic of this nature is not permitted over the bridge at Pembridge. If the new entrance is allowed there will be more heavy traffic passing this exit/entrance than the existing entrance has ever had
- Turnpike residents have been using the current front entrance without issue of visibility. The Parish Council believe the entrance should remain at the front of the site to prevent a repetition of the above-mentioned past issues and to avoid serious accidents that the Parish Council feel would inevitably occur.
- Adverse effect on Business. The industrial Estate is home to Kingspan and other users. The proposed exit will cause issues for these companies which are significant employers and has the potential to disrupt their operations. For these reasons the new exit should not be allowed.
- Litter - There is provision for the storage of litter/waste bins included on this plan, which will not be adequate to hold the bins required for Herefordshire Councils new planned waste management scheme (up to four bins per household), the bays should be adequate in size to store all waste bins provided for use.
- Historically the Parish Council has made numerous complaints regarding litter pollution along the C1032 from the overflowing bins at the roadside (which are not taken back into the site and may have not been collected for a variety of reasons). If the bays are not big enough bins will be stranded all over the site and along the roadside creating further litter management issues. When the bins are not regularly emptied the overflowing litter is blown all over the roadway causing an unnecessary extra burden on the Parish Council to arrange regular litter clearance.

- As residents are charged a fee for living on the site it is a business and subject to PEM 13 of the Pembridge NDP. If it cannot be robustly demonstrated that the potential polluting effects of this enterprise can be fully mitigated permission should be refused as Per PEM 13 (e)
- Site Management –Herefordshire Council management of the site has been ineffective and Parish Council are very concerned that extra sites here will heighten issues with general behaviour and lack of consideration to the amenity for local parishioners. It is hoped that proposed CCTV surveillance will help control any anti-social behaviour. Parish Council would like to see a very robust and effective management agreement in place

To conclude Pembridge Parish Council strongly objects to the proposal as presented for the reasons set out above and believes it would be unforgivable if a serious accident involving injury or loss of life were to occur if the new site entrance is created despite the warnings given in this objection. However, if the objections stated above can be resolved the Parish Council would be prepared to reconsider their position.

5.2 Further Comments 30th June 2023

Pembridge Parish Council continue to have a **STRONG OBJECTION** to this application and is disappointed that the applicant and its consultants appear to have paid virtually no heed to all the issues raised by the Parish Council and other parties who have greater knowledge of the site, its history and problems that they do.

Pembridge Parish Councillors originally received a presentation from the applicants' consultants in November 2021 regarding proposed plans to extend the Turnpike Travellers site. Councillors highlighted at the time concerns with the plan presented. Herefordshire Council has acted upon some of these concerns and the proposal revised, however Pembridge Parish Council still feel further objection should be made.

Pembridge Parish Council has repeatedly raised concern at each stage of this application regarding the management and overall tidiness of the site. As the site has been closed for years, Councillors question whether further expansion is necessary and hope Herefordshire Council might consider renovation of the existing site as a preference to the extension.

The main points the Parish Council continue to raise in objection and wish to highlight concerns regarding the application once more:

- Safety – The re-submitted plans continue to propose a new side entrance for access to the new pitches off the private roadway alongside the site, this roadway serves local businesses on the Torvale Industrial Estate. When Parish Council were first consulted upon, it raised concerns that this road is in constant use by large HGVs and heavy farm traffic and had requested a strong, safe boundary be installed to protect Turnpike residents, especially the children, from straying onto the road in the path of heavy traffic. However, disappointingly the same access remains proposed.
- A reminder that, historically the entrance was at the side of the site and moved to the current front position due to challenges and difficulties along the Torvale Road. Visitors to the traveller's site parked along the roadside, making it unpassable for business traffic which highlighted the issue of safety to all users forcing the position change. The proposal does not recognise this history or the fact that it is sensible to expect similar issues to arise which will create significant safety issues to site residents, their children, their visitors and to businesses which use the road to access the industrial estate and other premises. It is perhaps not appreciated that all the HGV traffic that uses the main road turns into the private road and does not go as far as the existing site entrance as traffic of this nature is not permitted over the bridge at Pembridge. If the new entrance is allowed there will be more heavy traffic passing this exit/entrance than the existing entrance has ever had.

- Turnpike residents have been using the current front entrance without issue of visibility. The Parish Council believe the entrance should remain at the front of the site to prevent a repetition of the above-mentioned past issues and to avoid serious accidents that the Parish Council feel would inevitably occur. Parish Council would also suggest that a sensible speed limit is introduced to slow any danger entering the site off the C1032.
- Following correspondence with the owner of the private roadway, Parish Council is concerned that the entrance to the site is not yet legal and Herefordshire Council should not assume to gain access.
- Adverse effect on Business. The Industrial Estate is home to Kingspan and other businesses. The proposed access will without doubt cause issues for these companies which are significant employers and has the potential to disrupt their operations, especially if vans and caravans are parked along the private roadway denying access. For these reasons the new exit should not be allowed.
- Litter and general state of the site – litter, historically has been a big concern for the Parish Council. The provision for the storage of litter/waste bins included on this plan will not be adequate to hold the bins required for Herefordshire Councils new planned waste management scheme (up to four bins per household), the bays should be adequate in size to store all waste bins provided for use.
- Historically the Parish Council has made numerous complaints regarding litter pollution along the C1032 from the overflowing bins at the roadside (which are not taken back into the site and may have not been collected for a variety of reasons). If the bays are not big enough bins will be stranded all over the site and along the roadside creating further litter management issues. When the bins are not regularly emptied the overflowing litter is blown all over the roadway causing an unnecessary extra burden on the Parish Council to arrange regular litter clearance.
- As residents are charged a fee for living on the site it is a business and subject to PEM 13 of the Pembridge NDP. If it cannot be robustly demonstrated that the potential polluting effects of this enterprise can be fully mitigated permission should be refused as Per PEM 13 (e)
- Site Management –Herefordshire Council management of the site has been ineffective and Parish Council are very concerned that extra sites here will heighten issues with general behaviour and lack of consideration to the amenity for local parishioners. It is hoped that proposed CCTV surveillance will help control any anti-social behaviour. Parish Council would like to see a very robust and effective management agreement in place.

To conclude and reiterate, Pembridge Parish Council continues to strongly object to the proposal as presented for the reasons set out above and believes it can only keep highlighting that there is a high risk of a serious accident involving injury or loss of life which could occur from the proposed site entrance. There is no further provision for waste management and as yet, no details as to site management. It is important that the view of the Parish Council with its local knowledge and historical information should be considered carefully.

5.3 **Eardisland Parish Council** (neighbouring) – Qualified Comments

At its meeting on 9 June 2022, Eardisland Parish Council resolved to defer to Pembridge Parish Council and support its objection to application 220646.

5.4 **Shobdon Parish Council** (neighbouring) – Objection 31st May 2022

This application was discussed at our very well attended monthly parish council last night, and even though we are not a Statutory Consultee (even though this affects several businesses in our Parish) we want to register our decision of **objecting** to this planning application.

The issues raised at the meeting were:

- 1) Local Businesses – this new entrance will make it more difficult for the current businesses to run smoothly as there will be more traffic and disruption on the site of this new entrance.
- 2) Drainage – the drainage system in the application does not comply with the current position in regards to Phosphates or Building regulations.
- 3) Ecology -Part of the ecology report has been redacted, why was this and what did it say?
- 4) Capacity -Is there capacity within the local schools, health Care system etc?
- 5) Transport -There is no local transport links or services.
- 6) Safety -Children/pedestrian safety – the entrance is onto an extremely busy privately owned link road, which is used by HGVs, Lorries, Tractors and Trailers and cars. It is an accident waiting to happen with children riding their bikes/playing on this road by this new proposed entrance.
- 7) Costs - Why does there have to be a new entrance? (HGVs etc do not pass the existing entrance). Could money be better spent on the original entrance?
- 8) Maintenance -Is there a maintenance plan in place for this site? What happens if it is vandalised like the previous site?

5.5 River Lugg Internal Drainage Board – Qualified Comments / Standing Advice

Our current guidelines for any increase in surface water discharge are as follows: -

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that infiltration tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District. Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

Recommendations:

This development is just within the IDB district. It is noted surface water from the development is to be discharged to a soakaway. It is noted that infiltration tests have been undertaken which show the site to be suitable for a soakaway. It is noted that foul water will be discharged to a drainage field. Unless there is a change to way to the surface water is to be managed consent is

no required. ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

5.6 **Nine Letters of Objection** were received in response to the initial consultation in May 2022. The key points are summarised as follows:

- Concerns over new access to industrial site road. Existing should be used instead.
- Concerns over potential conflict between site users and industrial traffic as a result of new access being provided to the north of the site onto Torvale Industrial Estate road (HGVs, agricultural traffic, cars and caravans, pedestrians, cyclists)
- Concerns over potential detriment to function of business on Torvale Industrial Estate
- Concerns over water management and impact on River Lugg phosphate situation
- Concerns regarding site management and maintenance arrangements
- Concerns over sustainability of site location to services and facilities
- Concerns over additional pressures upon local education services
- Concerns over necessary rights of access to carry out works on private road

5.7 A further **Four Letters of Objection** were received in response to a further consultation in June 2023. The issues raised as summarised as follows:

- Concerns over new access to industrial site road. Existing should be used instead.
- Concerns over potential conflict between site users and industrial traffic as a result of new access being provided to the north of the site onto Torvale Industrial Estate road (HGVs, agricultural traffic, cars and caravans, pedestrians, cyclists)
- Concerns over potential detriment to function of business on Torvale Industrial Estate
- Concern regarding accuracy of details in proposed plans.
- Concerns over site management, litter and general 'tidiness' of area

5.8 **One Letter of General Comment** has been received raising concerned regarding the ongoing site management and maintenance arrangements.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220646&search-term=220646

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

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

6. Officer's Appraisal

Policy Context and Principle of Development

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

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

6.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Travellers' Sites Development Plan Document (DPD) and the Pembridge Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) and the Planning Policy for Traveller Sites (PPTS) are also significant material considerations when determining the application.

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 6.3 A range of CS policies are relevant to development of this nature. As start point however, strategic policy SS1 of the CS sets out the presumption in favour of sustainable development which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.
- 6.5 The introduction to the NPPF identifies that it should be read in conjunction with the Government’s Planning Policy for Traveller Sites (PPTS). The PPTS sets the overarching strategy for how Local Planning Authorities should plan for and assess developments for traveller sites. Amongst other things, policy B of the PPTS directs that planning authorities should set pitch targets for gypsies and travellers in accordance with the relevant definition at Annex 1 to address the likely needs in their area. Paragraph 10 directs that in producing their Local Plan, planning authorities should identify and update annually a supply of specific deliverable sites to provide 5 years’ worth of sites against their locally set targets. With the relatively recent adoption of the Travellers Sites DPD and other sites granted permission for pitch extensions, the Council is currently able to demonstrate a 5 year supply of residential pitches. As such, the strategy for traveller’s sites is considered to be up to date and the relevant policies can be afforded full weight.
- 6.6 The proposal here is for additional pitches for residential occupation by persons meeting the definition of ‘Gypsies and Travellers’ as set out within the PPTS. The starting point in terms of establishing the principle of development is therefore the spatial strategy of the development plan. Broadly, in rural areas this seeks to direct new residential development to within or adjoining existing settlements in the first instance. The site here however is outside of any identified settlement and hence policy RA3 of the CS is applicable. This directs that residential development in the countryside will be limited to proposals which satisfy one or more of a number of criteria. Under Criterion 7, RA3 states that one circumstance where residential development outside of settlements may be supported is where the site is providing for the needs of gypsies of other travellers in accordance with CS Policy H4. Policy H4 sets out the approach to travellers sites and states that these accommodation needs will be provided for through the preparation of Travellers Sites Development Plan Document (DPD). It also states that proposals will be supported where;
1. *Sites afford reasonable access to services and facilities, including health and schools.*
 2. *Appropriate screening and landscaping is included within the proposal to protect local amenity and the environment.*
 3. *They promote peaceful and integrated co-existence between the site and the local community.*
 4. *They enable mixed business and residential accommodation (providing for the live-work lifestyle of travellers).*
 5. *They avoid undue pressure on local infrastructure and services.*

6. *In rural areas, the size of the site does not dominate nearby settled communities and;*
7. *They are capable of accommodating on-site facilities that meet best practice for modern traveller site requirements, including play areas, storage, provision for recycling and waste management.*

6.7 The Herefordshire Travellers Site DPD was made in October 2019. It identifies a number of sites to meet the identified need for traveller pitches in the County and this includes making an allocation for additional pitches to be provided as an extension of the established Turnpike site under policy TS7. The policy states that proposals for the development of this site should:

1. *provide 4 additional pitches of a similar scale to the existing site*
2. *Include proposals for the management and use of the remaining part of the site for grazing or orchard / native tree species planting.*
3. *Deliver appropriate landscape enhancements to reflect the Principal Settled Farmlands Landscape character setting including:*
 - a. *appropriate native tree planting for screening in open landscape settlement.*
 - b. *and further landscape enhancements to the existing site frontage.*
4. *Include a suitable and safe play area.*
5. *Provide a contaminated land assessment of the site and of the landscape bund.*
6. *Provide access to the extension area via the existing access onto the highway.*

6.8 The allocation of the site through policy TS7 establishes that it is considered to be an appropriate and sustainable location for the provision of new traveller's pitches. The scheme would serve as an extension to the established site that has been in operation for a number of decades and the supporting text to the allocation at 6.24 of the DPD sets out that it is considered to afford reasonable access to services and facilities on account of its proximity to the village of Pembridge and the presence of nearby bus stops. The principle of development is hence supported from the outset as the proposal aligns with the strategy of the adopted development plan to meet the accommodation needs of Gypsies and Travellers.

6.9 The site would be owned and operated by Herefordshire Council as the local authority. The pitches would be exclusively offered for occupation by those meeting the definition of a 'Gypsy and Traveller' as set out at Annexe 1 of the PPTS and the principle of new residential uses in this location is only acceptable on that basis. A condition is therefore recommended to restrict the use of the site in this manner, which is considered to pass the relevant tests of the NPPF.

6.10 Whilst the principle of development can generally be supported, the specific details of the proposal must be assessed for compliance with the policies of the wider development plan in order for the scheme to be permitted. In addition to the site specific requirements set out above as part of policy TS7, policy TS1 sets out requirements for the development of Traveller's sites more broadly. It reflects the PPTS and brings together many of the aspirations of other development plan policies to require that:

'Proposals for new residential Traveller pitches and sites will be supported where they conform to Policy H4 of the Core Strategy and achieve the following:

1. an overall good quality of design which respects the setting of the site and the local landscape character.
2. a good quality of build of amenity blocks, where included, to provide a decent standard for washing and cooking facilities
3. amenity blocks, where included, should be sensitively designed and sited using appropriate materials for the area.
4. any biodiversity assets and designated and undesignated heritage assets are conserved and where appropriate enhanced. Any unacceptable adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets should be satisfactorily mitigated.

5. suitable landscaping scheme where the site boundary treatment reflects local character, local materials and local colour and should be a small scale structure/fence. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged as an alternative to high close board fencing.
 6. existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.
 7. a safe area for children to play is included in the site layout where required.
 8. safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site.
 9. suitable arrangements for clean water supply, foul sewerage disposal and surface water drainage, and where opportunities for Sustainable Drainage Systems are maximised.
 10. any commercial activity that is proposed on the site is of a type that is appropriate to the location and does not result in an adverse impact on the amenity of any local residents or other land users.
 11. external lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution
- 6.11 Many of the criteria reflect the objectives of policies found in the wider development plan which, amongst other things, seek to ensure that local character is respected, that good standards of amenity are secured and that environmental assets are protected. Policies SD1, LD1, LD2, LD3 and LD4 are relevant in this regard from the CS, as are policies PEM1, PEM6, PEM18, PEM19 and PEM23 of the Pembridge NDP. The policy guidance of the PPTS is also relevant. The most salient issues in this regard are considered in the following paragraphs.

Scheme Details – Design, Local Character and Heritage

- 6.12 As outlined previously, policies TS1 and H4 set out a range of criteria which will be sought for the design of residential traveller's sites – many related to design and ensuring that any undue impacts on local character or amenity are avoided. TS1 for instance states that schemes should be of an overall good quality of design which respects the setting of the site and local landscape character, whilst H4 requires that appropriate screening and landscaping should be included within the proposal to protect local amenity and the environment. TS7 also sets out site specific requirements for the extension of Turnpike.
- 6.13 Amongst other things, the allocation policy TS7 directs that the site extension should provide an additional four pitches. The proposal scheme aligns with this policy expectation by providing four additional pitches similar in scale to the existing, albeit spread throughout the site at a lower density, with each designed to support two caravans that would be occupied by a single family / group. The total number of caravans on the site and each pitch can be controlled by condition. These controls, combined with the inherent layout of the scheme, is such that Officers are satisfied that the scheme is commensurate to the location and would not have any domineering effect on the local community.
- 6.14 The existing site fronts the highway but is relatively well screened on all sides by landscaping bunds and mature vegetation. As a result, its presence is relatively discrete within the wider landscape – however it is located within the setting of the large Torvale Industrial Estate which heavily influences the character of the landscape in the immediate locale. The area identified for the additional pitches is located to the east of the existing site and comprises a flat parcel of agricultural land that is comparatively more open within the landscape given the more limited vegetation at its boundaries. The scheme would therefore read as representing a degree of encroachment into the countryside, however when considered against the backdrop of the existing site and the nearby industrial estate, Officers are satisfied that this enlargement would not be harmful to landscape character. To mitigate for the visual impacts of the expansion, the application proposes a scheme of landscaping which utilises raised bunds and wildflower meadow planting within the site and new tree planting at its boundaries. The approach in this

regard can be read as a continuation of the strategy used on the existing site which will ensure that the site expansion appropriately assimilates with the area. Full details of the landscaping scheme (including new planting, bunds and boundary treatments) can be secured by condition.

- 6.15 The operational development associated with the application includes the laying of internal access roads, the forming of pitches and play areas and the construction of amenity buildings. The ground level nature of many of these works is such that their impact upon the wider landscape is limited. The amenity buildings would have a greater degree of prominence, however the scale of the buildings is still relatively modest and it is not considered they would be a discordant feature within the wider landscape when viewed in the context of nearby existing development – such as the established site or industrial complex to the north east.
- 6.16 It is not considered that the proposal would have any impact upon any heritage assets, whether designated or not. The nearest assets, such as the Scheduled Monument (SAM- Bowl Barrows) to the north-west or listed buildings at Clear Brook, are several hundred metres away and the scheme would have no demonstrable impact upon their setting. No policy conflict is hence found in this regard.
- 6.17 Taken the above together, Officer's do not identify any conflict with H4, TS1, and TS7 or with the wider policies of the development plan which deal with matters pertaining to design, local character or heritage.

Living Conditions and Amenity

- 6.18 The NPPF seeks to ensure that all developments deliver good standards of living. This is reflected by the NDP and CS, with policy SD1 requiring that proposals achieve satisfactory living conditions for existing and future occupiers of all development. In the context of sites for the Gypsy and Traveller community, policy H4 seeks to ensure that schemes promote peaceful and integrated co-existence between the site and the local community. In terms of the amenity of future occupiers, policy H4 sets out that sites should be capable of accommodating on-site facilities that meet best practice for modern traveller site requirements. This includes through the provision of amenity blocks, play provision and waste management arrangements. Policy TS1 goes on to state that where amenity block are proposed, these should be of good quality and provide a decent standard for washing and cooking facilities.
- 6.19 The site here is in the countryside and does not have any close residential neighbours who might be liable to be detrimentally impacted by its use. As the site is proposed for residential occupation, there is also nothing to suggest that the proposal would not be compatible with neighbouring residential properties in any case. The site is not proposed to support any commercial or business operations. It is noted that concerns have been raised in the local representations received regarding the manner in which the site may be used (such as litter or anti-social behaviour), but it is not appropriate to make assumptions regarding the potential conduct of future occupiers. The site has been designed in a manner which provides all the services and facilities needed to support day-to-day living for future occupiers and thus there is nothing to suggest that peaceful coexistence with the settled community would not be achieved. In order to ensure that this is the case and mitigate any residual risk however, a site management plan can be required by condition to secure details in relation to matters such as site management, maintenance and waste collection.
- 6.20 In terms of the amenity of future occupiers, the site is an extension of an established traveller's site and thus the use is already regarded as acceptable in this location. The site is sufficiently separated from Torvale Industrial Estate to ensure that residents would not be adversely affected by the commercial operations it supports through noise or other nuisance. Each pitch will also have its own dedicated private amenity area with parking and access to facilities within an amenity building; comprising a kitchen, day room, bathroom and utility room. The provision made in this

regard ensures that the scheme complies with the requirements of H4 and TS1 in terms of ensuring occupiers benefit from a good standard of living.

- 6.21 In the spirit of delivering good standards of amenity for occupiers, it is a policy requirement to deliver an on-site play area as per TS1 and TS7. Policy OS1 of the CS sets out the requirements open space, sport and recreation facilities more generally. The scheme here proposes an enclosed hard surfaced play / 'kick-about' area which is adjoined by seating and open grassed areas. This provision is considered to be appropriate to the nature of the development and the positioning within the centre of the site is appropriate in functional terms whilst providing opportunity for natural surveillance. The Council's Open Spaces Planning Officer has been consulted and has offered no objections. This element of the scheme is thus considered to accord with policies TS1, TS7 and OS1.

Highways and Access

- 6.22 In considering the highways implications of development generally, policies MT1 and PEM25 are of most pertinence. These broadly require that all new developments demonstrate that the highways network can satisfactorily absorb the traffic impacts of the development by ensuring that safe access is delivered whilst providing appropriate operational and manoeuvring space. Both policies, in conjunction with strategic policies SS4 and SS7, also require that development proposals should encourage active travel and promote accessibility through means other than the private car wherever possible. These policies reflect the principles set out at Chapter 9 of the NPPF. Paragraph 111 also directs that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.23 The Council's Traveller Site DPD sets out more bespoke highways requirements, including under TS1 8) that safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site should be provided for. Policy TS7 also sets out a specific requirement for the extension of Turnpike, in so far as point 6) directs that the scheme should 'provide access to the extension area via the existing access onto the highway'.
- 6.24 The existing pitches to the west of the site are served by an access onto the C1032. This would be retained to serve the existing pitches, however it is proposed that the four new pitches would be served by the creation of a new access onto the private road to the north of the site. The private road serves the Torvale Industrial estate and links to the C1032 around 130m to the west of the new access, which then provides access on to the wider public highways network.
- 6.25 This proposal to provide an entirely new highways access to the site, rather than utilising the existing arrangement, means that there is immediately tension with the requirements of TS7 6). This policy directs that access to the new pitches should be provided from the existing access onto the C1032, which it is acknowledged that this proposal does not do. It is noted that the failure to utilise the existing access to the site and the potential impact of the new access onto the Torvale Industrial Estate access road is the prevailing concern in representations received from local Parish Councils, residents and businesses.
- 6.26 The application has provided a Highways Design Statement (May 2023) which sets out the justification for the site access strategy. The supplied statement reflects pre-application discussions with the local highways authority whereby the scheme originally sought to utilise the existing access onto the C1032 to serve the additional pitches, in line with the policy requirements of TS7. However, it is apparent that the existing access onto the C1032 suffers from poor visibility to the south on account of obstructions posed by the presence of a hedgerow immediately adjacent to the carriageway edge. The hedgerow and land beyond it does not sit within the public highway extents and is in the control of a third party, meaning there is limited scope for the situation to be improved. In that context, the Local Highways Authority made clear that they would be unable to support additional pitches being served by the existing access to the C1032 as the intensification in use would pose an unacceptable risk to highways safety. The applicant, in consultation with the local highways authority, has explored the feasibility of moving the access

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

onto the C1032 to an alternative location on western site boundary, however the alternatives would still suffer from limited visibility and would result in the loss of existing pitches within the site which would render the project unviable.

- 6.27 As an alternative, the application proposes a new access onto the private Torvale Industrial Estate road to the north. The junction from the site onto the private road would deliver visibility splays of 2.4m x 43m in both directions, whilst the subsequent junction between the private road and the C1032 would deliver splays of 2.4m X 160m to the north and 2.4.m x 215m to the south. The Council's Transportation Manager has confirmed that the arrangements proposed are conducive with preserving the safe and efficient operation of the network, whilst the layout also provides adequate operational and manoeuvring space for vehicles towing caravans. They hence offer no objection. Although the local concerns regarding the potential for conflict between site users and traffic associated with the nearby industrial estate are noted, the access arrangements have been designed to an appropriate standard to avoid this and as such there is nothing to suggest that such conflicts would occur provided the access arrangements are used correctly. Any residual potential for conflict in this regard can be further mitigated by securing a Site Management Plan through condition, which can include measures to manage arrivals and departures from the site. A full specification for the new access has been provided on the engineering plan and this will be also secured by condition, as will preservation of the visibility splays. Subject to this, there is no conflict with MT1 or PEM25.
- 6.28 In drawing the above conclusions, Officers are cognisant of the fact that the existing pitches were originally served by an access onto the private road to the north of the site but this was replaced with the current access onto the C1032 following the grant of planning permission in 2004. The documents associated with application DCNW2004/3374/F make it clear that the replacement access was sought in response to safety concerns regarding large amounts of industrial traffic passing the previous access onto the private road. At face value therefore, there is a clear and understandable logic to the concerns of the Parish Council, local residents and businesses that the proposal to reintroduce a new access onto the private road could resurrect the problems that the 2004 application was designed to address. Figure 2 below compares the previous access (red) and the new access currently proposed (green).



Figure Two: Plan comparing previous and proposed access arrangements to Torvale Road

- 6.29 As can be seen from the plan above, there are significant material differences between the earlier access to the site and the one proposed by this application. The previous access for instance was

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close to the junction between the private road and the C1032, which would have promoted increased potential for conflict between industrial traffic trying to negotiate this junction and traffic emanating from the travellers site. The new access proposed is 110m further to the east, thus removing this potential conflict with the junction on the C1032. The new access is also designed to higher specification than the previous, having a greater width and radius which makes it easier to negotiate for vehicles towing caravans. Increased provision is also made within the site for parking and manoeuvring, reducing the potential for overspill onto the public network. With that in mind and being mindful of the conclusions of the preceding paragraphs, Officers are satisfied that the proposal would not lead to a repeat of issues that may have occurred in the past.

- 6.30 It is noted that representations received have questioned whether the applicant benefits from the necessary right to utilise the private access road to the north. This is however a civil matter and establishing whether or not the applicant benefits from such rights is not incumbent upon the decision maker before determining a planning application. Nonetheless, the applicant has advised that they consider themselves to hold the necessary rights to deliver the new access and for traffic to travel the private road. A condition can be attached to ensure that the access is delivered in accordance with the approved details before the site can be brought into use.
- 6.31 To summarise therefore, Officers consider that the proposal delivers a satisfactory access arrangement which preserves the safe and efficient function of the highways network. There is hence no conflict with MT1, PEM25 or TS1. It is acknowledged however that there is tension with TS7 in the sense that the site extension is not served by the existing access arrangement to the C1032. This tension must be weighed in the planning balance.

Ecology and Green Infrastructure

- 6.32 In respect of matters of ecology and protected species, CS policy LD2 applies. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. LD1 and LD3 are also pertinent to matters of green infrastructure in the sense that they require proposals to maintain and extend tree cover where it makes a positive contribution to visual amenity and the biodiversity of an area. Similar principles are set out in NDP by policy PEM18 and, in the specific context of travellers site, policy TS1 (6) of the DPD directs that existing tree and hedgerows that are important to amenity should be retained with appropriate replacements provided where needed.
- 6.33 The area of the proposed extension comprises poor quality grassland. Boundary features comprise hedgerows to the western and northern boundaries, a post-and-wire fence to the east and an open boundary to arable fields to the south. To the south east corner of the site there is a mature oak, whilst a number of smaller trees are found within the existing site to the west. The majority of trees and hedgerows are to be retained as part of the development, which notably includes the mature oak. There would however be some loss of green infrastructure features in order to create a new means of access onto the private road to the north and to facilitate link between the old site and the new to the west. Although unfortunate, it is considered that the loss of these features can adequately be mitigated and compensated for by new planting as part of the detailed landscaping scheme. An outline plan for this has been provided, however full details will be secured by way of condition. It is considered appropriate that a 'pre-commencement' condition be employed in this instance, in order to secure specific details of works to trees and protection measures for those that are to be retained before any work begins. Subject to this, Officers are satisfied that there would be no conflict with relevant policies as the scheme makes adequate provision for the protection, conservation and enhancement of green infrastructure assets.
- 6.34 The application is supported by a Preliminary Ecological Assessment which concludes that the proposal would not have any detrimental effect on local protected species or habitats. The Council's Ecologist has reviewed this and has no reason to dispute the conclusions of the report based on the site conditions and evidence available. No objections are hence offered. Informative

notes are attached to the permission to remind the Applicant and their contractors of their obligations with regards to protected species should they be encountered during the construction phase. A condition is also attached to secure a scheme of ecological enhancements. Subject to this, there is no policy conflict found.

Contaminated Land

- 6.35 The application site and surrounding area are associated with a number of potentially contaminative former land uses and operations. This includes a former military use on account of the location on the peripheries of Shobdon Airfield, as well as land former the eastern boundary of the site being identified as an area of filled ground – most likely associated with the surrounding network of drainage ditches. Policy SD1 of the CS broadly requires that all development should assess and address land contamination issues where they exist, whilst policy TS7 of the Travellers Site DPD recognises the constraint to this specific site and states under point 5) that any proposal should ‘provide a contaminated land assessment of the site and of the landscape bund’.
- 6.36 The applicant in this case is cognisant of the contamination potential and associated policy requirements, but has sought that the requirement for a detailed assessment be addressed by way of a pre-commencement condition. This has been discussed with the Council's Technical Officer for contaminated land and they are supportive of such an approach. Officers are satisfied that any contamination issues can be adequately assessed and, if necessary, mitigated for by measures secured through an appropriately worded condition. There is hence no policy conflict found with SD1 or TS7 5).

Drainage, Flood Risk and Habitats Regulations

- 6.37 Policies SD3 and SD4 of the CS are most relevant with regards to drainage matters. Policy SD3 considers measures for sustainable water management, requiring these to be an integral element of new development in order to reduce flood risk and avoid an adverse impact upon water quantity. Policy SD4 of the CS relates to wastewater management and river water quality, and requires that new developments should seek to connect to the existing mains wastewater infrastructure in the first instance. If this is not possible then private treatments arrangements would need to be provided, with a package treatment plant discharging to soakaways or watercourse being the preferred method. It would also need to be demonstrated that these arrangements would have no likely significant effect upon water quality or designated conservation sites such as the River Wye SAC. Policy TS1 (9) of the Travellers Site DPD also requires that sites ensure that suitable arrangements for foul sewerage disposal and surface water drainage are brought forward as part of any development proposal.
- 6.38 The rural nature of the site is such that it is not served by a public sewer. As such, private arrangements are to be provided in the form of a new package treatment plant and associated drainage fields. Two of these systems are to be installed as part of the development; one serving the four new plots and another to replace an aging system serving the six existing ones. The application has provided a specification and design for the new systems, including the results of site tests to confirm suitability of ground conditions, and the Council's Land Drainage Engineer has confirmed they have no objections to the proposed arrangement. In terms of the management of surface water, runoff from new impermeable areas is to be directed to soakaways and the Council's Drainage Engineer again has no objections. There is hence no conflict found with SD3, SD4 or TS1 (9).
- 6.39 In terms of flood risk, the majority of the site is identified to be in Flood Zone 1 based on Environment Agency (EA) mapping (low risk – less than 0.1% annual probability) and there is no evidence of the parcel of land in question having flooded in the past. It is noted that a very small area of the site to the south east corner is on the periphery of the River Arrow flood plain and is hence identified as being in Flood Zone 2 (medium probability – between 0.1% and 1% annual

probability), however there is no development directly proposed in this area and the location of the pitches is outside the area of risk. As such, it is considered that future occupants would not be at risk from flooding and the development would not contribute to an increased risk elsewhere. The Council's Drainage Engineer offers no objections in this regard.

- 6.40 The proposal site is located in the catchment of the River Lugg, which is a tributary of the River Wye Special Area of Conservation (SAC) where there is a need to assess the application in line with the Conservation of Habitats and Species Regulations (2017). The River Lugg, which is part of the designated SAC site, is currently failing its conservation targets on phosphate levels. Following advice issued by Natural England (as the relevant statutory body) in July 2019, Herefordshire Council has been unable to approve new developments within the Lugg catchment unless it can be demonstrated with certainty that it would have a neutral impact on water quality and the integrity of the designated site. This has become known as the need to demonstrate 'nutrient neutrality'. For a development of this nature, the typical pathway for the proposal to have an impact upon the integrity of the designated site is through the generation of additional foul water and the discharge of phosphates to the environment in treated effluent.
- 6.41 The application here is supported by a 'Nutrient Neutrality' strategy which sets out how the potential phosphate export from the new pitches would be mitigated against. The strategy recognises that the six existing pitches are served by an older package treatment plant which is less efficient at removing phosphates from waste and thus leads to a relatively high nutrient export of 9.7mg/L at present. This forms a legal baseline against which the proposed development can be assessed. As such, it is proposed to replace the existing system with a newer and highly efficient package treatment plant which has a significantly lower phosphate export rate of 1.6 mg/L. A second system of the same specification will be installed to manage foul water from the four new pitches proposed, both served by their own soakaway drainage field. Taken together, and combined with changes in land use, the measures would mean that the post-development scenario would result in a lower phosphate export into the River Lugg catchment than the current situation (3.38kg TP/yr in the proposed scenario, as opposed to 7.04kg TP/yr in the existing). The scheme thus represent clear 'betterment' and the Council's Ecologist has completed an 'Appropriate Assessment' which confirms this. That assessment has been reviewed by Natural England, as the relevant statutory body, and they have confirmed they have no objections to the scheme. Subject to conditions being attached to secure the implementation of the plans and the replacement of the current system, the LPA considers that there would be no detriment to the integrity of the River Lugg / River Wye SAC and hence the scheme is compliant with the Habitats Regulations.

Planning Balance and Conclusion

- 6.42 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay. The development plan in this case comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Travellers' Sites Development Plan Document (DPD) and the Pembridge Neighbourhood Development Plan (NDP). These documents are currently regarded as being up-to-date and can thus be afforded full weight for decision making.
- 6.43 In the first instance, the site has been allocated through policy TS7 of the Travellers' Sites DPD as a suitable location for the provision of four traveller's pitches as an extension of the established facilities at Turnpike. The principle of the development is hence supported from the outset as the site has already been identified in the Development Plan as being a suitable and sustainable location in which to meet the accommodation needs of the Gypsy and Traveller community. The provision of such accommodation is a considerable social benefit which weighs in favour of the scheme and helps to ensure that the local planning authority can continue to maintain a five year supply of deliverable sites, as required by the Government's Planning Policy for Traveller Sites.

- 6.44 In terms of the specific details of the proposal, the scheme broadly aligns with the vision for the site as laid down in policy TS7 in terms of the pitch quantum and facilities, provision of landscaping measures and provision of an internal play area. The requirement for a contaminated land assessment (and any subsequent remediation that may be required) can be secured by way of condition. In the context of these salient points and other relevant material planning considerations, it should be noted that no significant harms have been identified with regards to the environmental, social or economic objectives of sustainable development. There are no objections from any technical consultee.
- 6.45 Notwithstanding this, it is acknowledged that there is a conflict with policy TS7 6) in so far as vehicular access to the new pitches is not provided via the existing access onto the C1032. For the reasons set out earlier within this report however, Officers are of the view that compliance with this policy could not be achieved without unduly compromising highway safety. The potential for harm in this regard is a significant material consideration which is considered to justify a departure from policy. The scheme has provided an alternative arrangement onto the private highway to the north of the site which ensures that safe access can be achieved and this has been confirmed as being acceptable by the Local Highways Authority. The scheme therefore accords with the general highways requirements of MT1 and PEM23 in terms of providing safe and effective access to the site. With that in mind, Officers consider that the technical conflict identified with TS7 6) does not outweigh the benefits of the scheme and would not justify planning permission being refused.
- 6.46 Considered as a whole therefore, the proposal is considered to be representative of sustainable development as envisaged by the NPPF. Approval is recommended accordingly, subject to the schedule of conditions set out below.

RECOMMENDATION

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **The development hereby approved shall be carried out in accordance with the following approved plans and documents, unless where otherwise stipulated by conditions attached to this permission:**
 - **Amended Site Location Plan PL_01_B received 6th June 2023**
 - **Amended Site Plan HA40917_PL_02_L received 6th June 2023**
 - **Proposed Civils (Engineering) Plan SA40959-BRY-ST-PL-C-0001-B May 2023**
 - **Site Access Arrangements Plan SA40957-BRY-ST-PL-C-0001**
 - **Amenity Building Elevation and Floor Plans HA40917_PL_10_C**
 - **Highways Access Statement – Berrys (May 2023)**
 - **Nutrient Neutrality Statement – Berrys (May 2023)**
 - **Drainage Calculations and Design – Berrys**
 - **Completed River Lugg Phosphate Calculator (existing and proposed systems)**
 - **Ecology Survey – Turnstone Ecology (TT3260-Pembridge)**

Reason: To ensure adherence to the approved plans and details in the interests of securing a satisfactory form of development which complies with policies SD1, LD1, RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, policies PEM6, PEM18

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

and PEM23 of the Pembridge Neighbourhood Development Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

Pre-commencement Conditions

3. 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 and to ensure that any contamination issues are appropriately addressed, in accordance with policy SD1 of the Herefordshire Local Plan Core Strategy, policy TS7 of the Traveller Site Development Plan Document, policy PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework.

4. No development shall take place until a fully detailed scheme of landscaping has been submitted to an approved in writing by the local planning authority.

The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.
- e) Details (including contours and profiles) of landscaping bunds

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Travellers Sites Development Plan Document, policies PEM6, PEM18 and PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

5. The landscaping for the site shall be carried out in accordance with the details approved pursuant to condition 4 attached to this permission, in accordance with the following timings:
- a) The approved scheme of tree and hedgerow protection measures shall be implemented in full prior to any other construction works commencing and thereafter shall be retained for the duration of the construction phase
 - b) All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans
 - c) The hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Travellers Sites Development Plan Document, policies PEM6, PEM18 and PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

6. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway (In accordance with the details shown on approved plan SA40957-BRY-ST-PL-C-0001. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of policies MT1 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 of the Travellers Site Development Plan Document, policy PEM25 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

Conditions to Discharge

7. Prior to the first occupation of the development hereby approved, a fully detailed and specified Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a site layout plan at an appropriate scale setting out the location, type and number of habitat enhancement features to include;
- Fixed habitat boxes supporting bird nesting; bat roosting; insect and hedgehog homes;
 - 'Hedgehog Highways' to be included in any 'solid' boundary features.
 - Natural habitat features, such as log piles etc

The measures shall be implemented in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework,

NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and policy PEM18 of the Pembridge Neighbourhood Development Plan.

- 8. Prior to the first occupation of the development, a detailed Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to, the following matters:**
- Details of general site management, maintenance and monitoring arrangements**
 - Details management and maintenance arrangements for shared open space and play facilities.**
 - Details of procedure for managing new arrivals and departures**
 - Arrangements for the storage and collection of rubbish and litter**
 - Details of site rules / Code of Conduct for pitch occupiers**
 - Details of procedures to deal with issues / complaints raised by both pitch occupiers and local residents**

The site shall thereafter be operated in accordance with approved plan.

Reason: In order to ensure the site is operated in an a manner which is conducive with preserving the amenity of the area, the living standards of existing and proposed residents and the safe operation of the highways network in accordance with policies SD1, LD1, RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, policies PEM6, PEM18 and PEM23 of the Pembridge Neighbourhood Development Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

- 9. Prior to the first occupation of the new pitches hereby approved, the existing package treatment plant system serving the existing site (Plots 1 to 6 inclusive) shall be fully decommissioned, removed from the site and the land reinstated in accordance with a method statement which has first been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

- 10. The contamination remediation Scheme, as approved pursuant to condition no. 3 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 and to ensure that any contamination issues are appropriately addressed, in accordance with policy SD1 of the Herefordshire Local Plan Core Strategy, policy TS7 of the Traveller Site Development Plan Document, policy PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework.

Compliance and Monitoring Conditions

- 11. The residential pitches hereby approved shall only be occupied by persons meeting the definition of a 'gypsy and traveller' as defined in Annex 1 of the Planning Policy**

for Traveller Sites (2015), or any subsequent revoking or re-enacting of that policy with or without modification).

Reason: In order to ensure the site is used for the specific purposes applied for and to reflect the justification for the provision of new residential uses in the countryside in accordance with policies RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, and to reflect the principles established by the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

12. No more than eight caravans (as defined by the Caravan Sites and Control of Development Act 1960 and The Caravan Sites Act 1968) shall be stationed on the site extension hereby approved at any time, at a maximum rate of two caravans per pitch.

Reason: To ensure adherence to the approved plans and to ensure that the use of the site can be adequately controlled, in the interests of preventing the proliferation of residential uses within the countryside and ensuring the scale of the site remains commensurate with the location in accordance with policies RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, and to reflect the principles established by the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

13. The amenity buildings shall only be used for purposes ancillary to the residential occupation of the associated traveller pitches and shall at no time be used for habitable overnight accommodation.

Reason: To ensure that the amenity buildings are used for ancillary purposes in the manner specified by the application and to control residential uses within the countryside in accordance with policies RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, and to reflect the principles established by the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

14. None of the new residential pitches or facilities hereby approved shall be occupied until the existing pitches (Plots 1 to 6 inclusive) have been disconnected from the existing package treatment plant system and foul water flows redirected to the new package treatment plant and drainage field system, in accordance with the approved drainage scheme shown on approved plans HA40917_PL_02_L and as set out within the Nutrient Neutrality Statement May 2023. The approved arrangements shall thereafter be maintained for the lifetime of the development.

Reason: To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

15. The development hereby approved shall not be occupied until the new access to the site from the private road (Torvale Industrial Estate Road) has been constructed in accordance with the details and specification shown on approved plans SA40957-BRY-ST-PL-C-0001 (Access Plan) and SA40959-BRY-ST-PL-C-0001-B (Civils Plan) and is fully available for use. Thereafter those arrangements shall be maintained for the lifetime of the development.

Reason: To ensure that adequate access arrangements are in place to serve the new pitches in the interest of preserving the safe and efficient function of the road

network in accordance with MT1 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 of the Travellers Site Development Plan Document, policy PEM25 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

16. Any gates, barriers or doors to the new vehicular access to the site from the private road to the north shall be set back a minimum of 15 metres from the adjoining carriageway edge and made to open inwards only.

Reason: In order to ensure there is sufficient space available for towing vehicles to wait to enter the site without causing an obstruction to traffic on the adjoining carriageway, in order to preserve the safe and efficient operation of the highways network and to comply with policies MT1 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 of the Travellers Site Development Plan Document, policy PEM25 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

17. 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 and to ensure that any contamination issues are appropriately addressed, in accordance with policy SD1 of the Herefordshire Local Plan Core Strategy, policy TS7 of the Traveller Site Development Plan Document, policy PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework.

18. The scheme of foul and surface water management works (as shown on approved plan Proposed Site Plan HA40917_PL_02_L and Proposed Civils SA40959-BRY-ST-PL-C-0001-B) shall be implemented in full prior to the first occupation of the development. Those arrangements shall thereafter be maintained for the lifetime of the development.

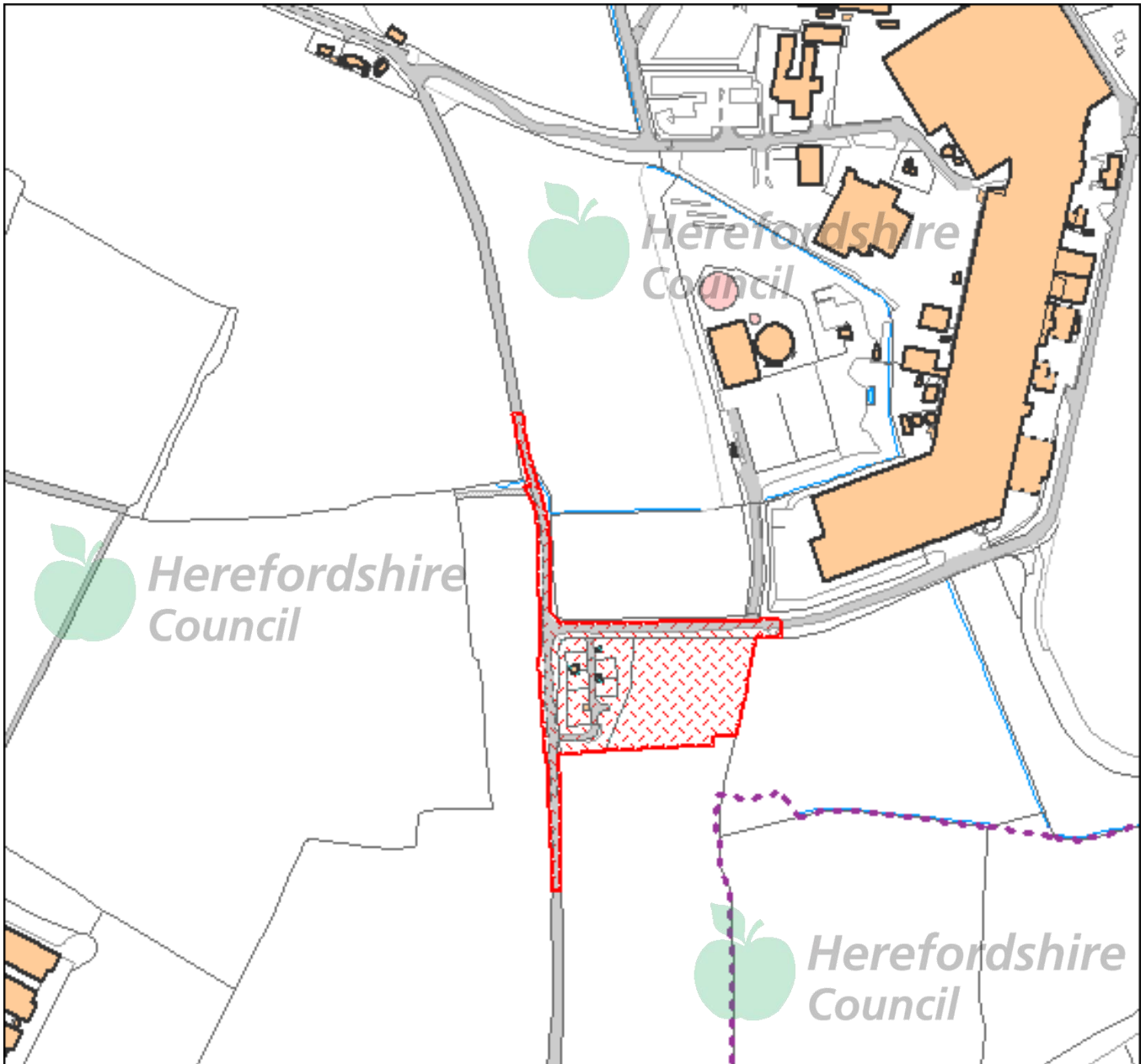
Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, policy TS1 of the Travellers Site DPD, policy PEM21 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

19. The development hereby approved shall be carried out in accordance with the recommendations, working methods and mitigations measures set out within the Ecological Assessment by Turnstone Ecology dated 10th September 2021.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

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. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained**
- 3. With regards to the requirements of Conditions 3, 9 and 17 (contaminated land), the assessments required should 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 2019. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.**
- 4. The proposed development is crossed by trunk/distribution watermains, the approximate positions being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for these watermains to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.**



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APPLICATION NO: 220646

SITE ADDRESS : TURNPIKE CARAVAN SITE, PEMBRIDGE, HEREFORDSHIRE, HR6 9JZ

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