

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>21 August 2024</b>
<b>TITLE OF REPORT:</b>	<p><b>233134 - PROPOSED TWO PURPOSE BUILT TRANSFORMER HOUSING (STANDARD GRP GREEN GLASS FIBRE POLYESTER RESIN HOUSING) EACH SAT ON CONCRETE PLINTHS FOR FLOOD PROTECTION WITH SUBSTATIONS INSTALLED INSIDE EACH HOUSING TO SUPPLY ELECTRICITY TO WELSH WATER, LOCAL RESIDENTS AND BUSINESSES. EACH GLASS FIBRE POLYESTER RESIN HOUSING IS: WIDTH 3300MM, DEPTH 2400, AT LAND OFF GREEN STREET, HEREFORD, HR1 2RB.</b></p> <p><b>For: Mr Wesley Gammond, Unit 1, Skylon View, Rotherwas, Hereford, Herefordshire HR2 6LB</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233134&amp;search-term=233134">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233134&amp;search-term=233134</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 23 October 2023**

**Ward: Central**

**Grid Ref: 351549,239215**

**Expiry Date: 23 August 2024**

Local Members: Cllr Catherine Gennard

## **1. Site Description**

- 1.1 The application site comprises a small parcel of land adjacent to Green Street in an area of open space/grazing land. The area is not formally designated but it is understood that it is now being managed by the Wildlife Trust as a new nature reserve. It comprises grassland primarily used for livestock grazing. There are two public rights of way nearby, one cuts diagonally through the site from Green Street to Outfall Works Road and Canary Bridge, the second footpath goes around the perimeter of the area of open land and runs adjacent to the River Wye and also connects to Canary Bridge. The area is popular with dog walkers and cyclists with the footpath route connecting Hereford City Centre with the south-eastern part of the city, the Rotherwas area and the River Wye.
- 1.2 The wider nature reserve area is part of the flood plain of the River Wye. The site for the proposal lies in flood zones 1 and 2 but the majority of the wider area adjacent is within flood zone 3. Adjacent to the site to the east is a scheduled monument (SAM) known as "Row Ditch". The site also lies adjacent to the boundary with the Central Area Conservation Area which runs adjacent to the north and west sides of Green Street. The site is also adjacent to the edge of the settlement boundary of Hereford.

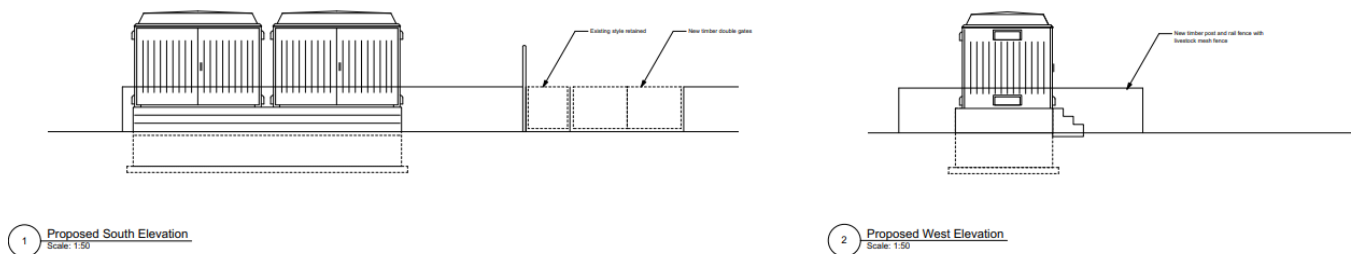
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Further information on the subject of this report is available from Ms Maria Philpott on 01432 260000

- 1.3 The site also lies adjacent to a special wildlife site, is within a SSSI impact zone and within the River Wye Special Area of Conservation (SAC).

### Proposal

- 1.4 The application proposes the erection of two small substations installed within two detached housing units constructed in standard GRP green glass fibre polyester resin. They will each be sited on a concrete plinth to raise the units slightly for flood protection. They will measure 3.3m x 2.4m and 2.27m high on a 0.6m concrete base (2.87m in total). (**Figure 1**)
- 1.5 They will be located immediately adjacent to Green Street at the start of the public footpath in that location. If approved, the existing overhead power lines will be removed as they will no longer be necessary.



**Figure 1:** Proposed elevations

### *Justification for the Proposed Site and Assessment of Alternatives*

- 1.6 The applicant has been asked to provide more information regarding the reasoning for this site and why other sites are not suitable. It is understood that this site is required as the new transformers need to be as close to the existing transformer as possible, which is currently pole mounted near the proposed site. The further from the current transformer site, there would be a greater voltage drop and it would not be possible to maintain supplies to local properties and businesses.
- 1.7 The site has been chosen following extensive discussions with the landowner and was the only site made available to enable the applicant to fulfil their statutory undertaking to provide an efficient and effective network. The area of the Scheduled Monument was to be avoided. There was an area used as a car park to the east of the entrance to the meadow but this was not offered by the landowner. The remainder of the site has been leased so this remains the only site available.
- 1.8 For clarification, the dotted line on the proposed site plan just denotes the area of purchase for the application site. There will be no structure in this area or obstruction of the footpath in this location and the access will be used for the Wildlife Trust and the applicant and landowner as a vehicular access as required.

## Constraints

1.9 The application site lies in or is affected by the following constraints:

- Scheduled monument (SAM) – Row Ditch
- Adjacent to the boundary of the Central Area Conservation area;
- Adjacent to the urban settlement boundary;
- Surface water adjacent;
- Within Flood Zones 1 and 2 and adjacent to flood zone 3;
- Public rights of way nearby;
- Within the River Wye Special Area of Conservation (SAC);
- Adjacent to a special wildlife site;
- Within a SSSI impact zone;

## 2. Policies

2.1 The Herefordshire Local Plan Core Strategy 2011- 2031 relevant policies:

SS1	-	Presumption in favour of sustainable development
SS6	-	Environmental quality and local distinctiveness
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD3	-	Sustainable water management and water resources

2.2 The National Planning Policy Framework 2024

2. Achieving sustainable development
4. Decision-making
8. Promoting healthy and safe communities
10. Supporting high quality communications
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

2.3 Hereford City Master Plan Consultation Draft (2023)

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

2.5 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.

### **3. Planning History**

3.1 None

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Historic England: No comments to make

#### Internal Council Consultations/Non-Statutory Consultees

4.2 Area Engineer Team Leader

No objection subject to a condition regarding construction works.

Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

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

4.3 Environmental Health Service Manager (Noise / Nuisance)

#### *Initial response 20.6.24*

More information required regarding existing noise levels to be found at the site and proposed noise levels to existing nearby dwellings and any recommendations of remedial/preventative steps to be taken.

#### *Further response 1.8.24*

Further to my comments made on 20th June 2024, additional information had been provided by the applicant. Within this information the distance to the nearest residential receptor has been given as approximately 25m, which I however believe to be just over 10m (to receptor garden).

Data on sound levels of the proposed installation has been based on a similar structure in Yale, but this information has then not been used to calculate likely sound levels at residential receptors.

I do believe that noise from the site could be effectively managed but at this stage I am unsure as to whether the structure and proposals put forward would result in sufficient noise mitigation.

Therefore, whilst I do not object to this proposal, I would suggest that should permission be granted that a condition is added requesting that prior to development starting on site, a detailed noise impact assessment is carried out using the procedures detailed in BS4142:2014 'Methods of Rating and Assessing Industrial and Commercial Noise', including one third octave measurement or similar to ensure that the tones associated with the installation have been sufficiently analysed. If the report shows that mitigation is required, then any subsequent noise sources created by the mitigation (e.g. cooler systems inside the structure) should also be evaluated in terms of noise nuisance.

Due to the type of noise, the noise impact assessment should also assess the noise at other receptors in the area and not just number 2 Park Street.

Reason: In order to protect the amenity of the area so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

#### 4.4 Archaeology Advisor

No objections. No real impact on the nearby row ditch monument.

#### 4.5 Principal Building Conservation Officer

No objection.

The site lies directly adjacent (immediately outside) to the Central Conservation Area, and relates to the removal of overhead power lines and their replacement with 2 transformer housing units, of 3.3m wide, 2.4m in depth and 2.27m in height on a 0.6 concrete base 2.87m in total.

The site is in close proximity to Scheduled Monument UID 1001780 Row Ditch, with the nearest listed building being UID 1471520 Church of St James and Boundary Wall. No assessment of the setting of heritage assets accompanied the application as advised by paragraph 200 of the NPPF. As such an assessment of the 3 Heritage Assets has been undertaken in line with paragraph 201 of NPPF.

The setting of Scheduled Monument UID 1001780 Row Ditch is a consideration for Historic England. However noting the proximity to the SM, it is recommended that Julian Cotton the Planning Archaeological Advisor is consulted on the application.

The distance between the site and the inter-visibility with UID 1471520 Church of St James and Boundary Wall is noted and it is not considered that the proposal would harm the setting of this listed building.

Paragraph 206 of NPPF which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, grade I and II\* listed buildings, should be wholly exceptional.

The "setting of a heritage asset" is defined in the Glossary of the National Planning Policy Framework as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Significance is defined in the Glossary of the National Planning Policy Framework as. "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting".

In addition Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in; Sections 201 and 206 , of NPPF Policies, and Herefordshire Local Plan Core Strategy 2011 – 2031 including policies LD1 and LD4.

LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including .....conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;

Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should: Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance.

The view from Green Street towards the site affords views of the meadows towards Dinedor. The loss of the electricity pylon would be considered to enhance that particular view from the Conservation Area. I have considered the proposal in respect of Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in; Sections 201 and 206 , of NPPF Policies, and Herefordshire Local Plan Core Strategy 2011 – 2031 including policies LD1 and LD4.

Noting the location and scale of the proposed transformer housing units, and the development in the immediate locality, it is not considered that the proposal would harm the setting of the Central Conservation Area, or the setting of and as such no objections are raised to the proposal on built heritage grounds. However this is in respect of the conservation area and not any potential archaeological interest in the site, for which advice should be sought from the Planning Archaeological Advisor.

#### 4.6 Principal Natural Environment Officer (Ecology)

No objection

##### **Notes in respect of River Wye SAC**

The river Wye SSSI/SAC is within 200 m of the proposed development, but the development will not lead to new or additional surface and foul water discharges or other impacts on the SAC. This proposal has been considered against the Habitats Regulations Assessment process set out in the Conservation of Species and Habitats Regulations 2017 (as amended).

On this basis it is not considered that there is a potential effect pathway by which the development might have a likely significant effect on the River Wye SAC and the proposal can be screened out of the HRA process.

##### **Notes in respect of Ecology**

I note the previous email correspondence that south of the proposed development is the Bartonsham Meadows, which is being restored by The Herefordshire Wildlife Trust.

From our records the proposed site is a grassed area with no statutory nature conservation designations that apply. The scale of development is small and from supplied and available information there are no ecology comments or concerns in respect of the proposed development and the LPA has no reason to request any further ecological assessment in respect of this specific application. The applicant and their contractors have their own legal duty of care towards wildlife protection; and an informative to remind them of their legal duty of care is suggested:

## **Wildlife Protection Informative**

*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 all Bat species (roosts whether bats are present or not), Badgers, Great Crested Newts, 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.*

### 4.7 Public Rights of Way Manager

No objection. The footpath will not be obstructed

### 4.8 The Ramblers

Object as it will severely downgrade the views of the open countryside enjoyed by local residents and users of the footpath. Presume dotted line on plan will be parking and vehicular access which obstructs the footpath [Officer comment: *The applicant has clarified that this area just denotes the area of land to be purchased and will not be a vehicular access or parking or cause any obstruction to the footpath*]

## **5. Representations**

### 5.1 Hereford City Council

Objects. The erection of industrial buildings on a nature reserve is inappropriate and an alternative site should be found.

### 5.2 Hereford Civic Society

Objection. Site is managed as a nature reserve by Herefordshire Wildlife Trust. Proposal has not consulted with the Friends or the Wildlife Trust and is at odds with the objectives agreed with the Church Commissioners as landowners. Would expect to see supporting documentation regarding impacts on biodiversity, carbon sequestration, flood alleviation and public benefit and heritage, setting and views and upon public health as well as a site options assessment. There is no evidence that other sites have been considered and there is no landscaping plan or attempts to mitigate the impact. The proposal sited adjacent to the conservation area and in a prominent location would be contrary to policies LD1 and SD1 and out of scale with their surroundings. Expect to see an electromagnetic field assessment to ascertain EMF radiation and any remedial measures (such as shielding) and to ensure within ICNIRP guidelines to avoid detrimental impacts on human health. Consider the proposal causes less than substantial harm to heritage assets but is not outweighed by public benefits and is contrary to policies LD4 and SS6. The proposal will reduce the access width for agricultural operations.

### 5.3 St James and Bartonsham Community Association: 2 separate objection letters received

The full text of these detailed objections can be viewed on the Councils website here <https://myaccount.herefordshire.gov.uk/documents?id=21e2eaf5-dc67-11ee-907b-005056ab11cd> but in summary these address the following:

- Completely inappropriate location blocking an exceptional and iconic Hereford view close to a Conservation Area

- unacceptable impact upon setting of Conservation Area
- out of scale for the site
- inaccurate description site as vacant land – land use is grazing land
- inaccurate responses in relation to impact on trees and hedgerows and effects on biodiversity
- disappointed by Ecologists comments and questioning of information used to inform comments
- inappropriate entrance and inadequate access for HWT vehicles and used of the Nature Reserve
- unacceptable impact of construction and maintenance traffic with associated access and safety concerns
- question the statement that flood risk upon the site is low
- loss of grazing land/refuge for grazing animals during flooding
- concerns regarding public health implications of electromagnetic field radiation
- intrusive/artificial noise associated with humming sound - impact on local residents and wildlife
- lack of consultation by the applicant
- works on underground cabling has already been carried out
- more appropriate sites should be considered
- proposed fencing around the substations would be ugly

#### 5.4 Friends of Bartonsham Meadows

Object. It will be harmful to the landscape and setting of the new Nature Reserve at its principal entrance from Green Street. Concerned it will restrict access for HWT plant and machinery necessary for the management works on the meadows. No assessment of alternative sites or consideration of the impact on the landscape and a unique nature reserve in the heart of the City. The scale and location means that current open views from Green Street of Bartonsham Meadows would be completely lost. A less intrusive location would be adjacent to the concrete wall circa. 30m to the west. The orientation of the units if side by side (rather than length to length) would be less visually intrusive. The design and scale of the units is out of keeping with their surroundings and particularly the pedestrian gate immediately alongside. The presumption in favour should not apply on grounds of renewable and low carbon energy as the proposal would be sited close to residential properties and would detract from their amenity and would also have a significant detrimental impact on the character of the landscape.

#### 5.5 Third Party Representations – 94 letters of objection have been received (some from the same residents) and the concerns raised can be summarised as follows:

- Visual impact to the nature reserve - the proposal will be an eye sore and blight on the landscape;
- Detrimental impact on views from Green Street;
- Will not fit in with the conservation area;
- Concerns it will block the footpath;
- Herefordshire Wildlife Trust needs to maintain access from Green Street – proposals look like the access gate will be reduced;
- No assessment of alternative locations – there are other less visual sites;
- Impact on wildlife and biodiversity;
- Will attract graffiti, anti-social behaviour and vandalism;
- Negative impact on plans to restore the meadows given its size and height;
- Concerns regarding the electro-magnetic field and safe distances and potential impact on the health of residents and the community including the local school;
- Will be built on a floodplain and liable to flooding;
- Noise impacts;
- No consultation with the local community;
- Restrict access for HWT plant and machinery;



- Impact on heritage assets – setting of Conservation Area, ridge and furrow and scheduled monument;
- Design not in keeping with the surroundings;
- Access doors on the building face south – clearly resulting in the need for vehicular access to the doors and a tarmacked access road;
- Will restrict emergency access especially for the river rescue team;
- Removal of overhead cables an asset to the site but siting the substation at the site entrance is unsuitable;
- Nature reserve should be protected – it is an opportunity to enhance the area and improve tourism;
- Thoughtless development could jeopardise the site’s potential;
- Construction traffic and congestion in Green Street;
- Will block view of the Woolhope Dome and of Dinedor Hill;
- Some of the damage could be mitigated by planting of trees;
- Negative impact on well-being through obstructing views;

5.6 The full content of the responses, which are only summarised here 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=233134&search-term=233134](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233134&search-term=233134)

## 6. Officer’s Appraisal

### 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 is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. There is no Neighbourhood Development Plan for the area.
- 6.3 Planning policies in both the Core Strategy and the NPPF support the provision of energy infrastructure projects. The provision of upgraded electricity substations that are more efficient by the statutory undertaker are considered to be essential utility infrastructure and comply with the aims and objectives of providing sustainable development in accordance with policy SS1 of the Core Strategy and Para’s 7, 8 and 20 of the NPPF. Accordingly, the principle of providing the electricity substations on this site is acceptable, but the main issues to consider will be the potential impacts of the proposal which are discussed in the following sub-sections.

### Design and Visual Impact

- 6.4 The proposal is to be sited at the northern end of Bartonsham Meadows adjacent to Green Street and the public right of way which begins in Green Street. (**Figure 2**).



Location of proposal

**Figure 2:**  
View of proposed  
location site  
from Green Street

6.5 The concerns and objections of local residents are acknowledged and understood. The location for the substations will be clearly visible from Green Street and will be adjacent to the public right of way. Accordingly, there will be a visual impact both from Green Street towards the nature reserve and from within the nature reserve, however the visual impact is considered to be off-set by the removal of the existing overhead power lines. The existing overhead power lines are considered to cause a much greater and wider visual impact across the nature reserve. They follow the line of the footpath and are visible from many vantage points within and outside the nature reserve (see **Figure 3**). Their removal will be of considerable benefit to the visual appearance of the whole nature reserve and this should not be afforded significant weight in your Officers view.



**Figure 3:**  
View of public footpath  
with existing overhead  
power lines adjacent

6.6. It is acknowledged that the replacement of the overhead lines with 2 substations in housing units may be considered to be equally as detrimental to the visual amenity of the area. However, the substations will be contained to one small part of the nature reserve rather than across a wider area like the overhead power lines. It is acknowledged that the substations will be positioned at the start of the public right of way and arguably in a more visually prominent location, but the

materials that will be used (green GRP sheeting), will enable it to blend in with the landscape, particularly in the the more distant views. In terms of mitigating closer views, the applicant has advised that they will look to provide additional screening in the form of fencing/soft landscaping to screen the housing units to reduce the more immediate visual impact which is often used to screen such equipment in sensitive locations. A condition will be imposed for additional landscaping/screening to be provided. This type of mitigation is not something that can be achieved with the overhead lines but a lower ground structure such as this provides the opportunity to both remove overhead lines and reduce the impact of the substations, such that both means of providing electricity to the local area can appear to have been removed from the site.

- 6.7 Although residents clearly feel that there are other more suitable locations for these transformers, the applicant has advised why this site has been considered and this is partly due to being the only site offered by the landowner and due to needing to be close to the existing transformers in order to ensure the same quality of service to residents and businesses. These units are unfortunately an essential piece of infrastructure that need to be located within range of those utilising the service in order for it to be effective. In this regard, choosing a location on the fringe of the existing urban area and adjacent to a road is logical.
- 6.8 It is acknowledged that the area is known as Bartonsham Meadows, a primarily grassland area that has been formerly used for grazing cattle. It is understood that as part of the Hereford City Master Plan (Consultation Draft 2023) there are aspirations for the site to become new flagship nature reserve as part of improvements to the River Wye and enhancing biodiversity as well as continuing to act as a floodplain. It is now being managed by Herefordshire Wildlife Trust and there are plans to provide enhanced active travel links, a heritage trail, recreation provisions, including natural play, viewpoints and a learning hub across the Nature Park and Rotherwas.
- 6.9 The plan shown below in **Figure 4** is taken from the Hereford City Master Plan (Consultation Draft 2023) and sets out these visions for the site. Officers do not consider that the proposal for the electricity substations on the northern perimeter of this site will conflict with these ideas and objectives in any way. Furthermore, it is likely that should all those measures be put in place to enhance the nature reserve that over time, with the provision of new hedging, wetlands, orchards, heritage signage and installations, that the visual impact of these electricity substations will be further reduced and seen as a minor part of the new infrastructure of the nature reserve. At the present time, given the nature reserve appears very open as it does not have any sections or features to draw interest, it is understood why these units at this time may appear to cause visual harm. However officers are of the view that in the medium to long term, these substations will not have the visual impact that may be evident initially and will bring an enhancement to the site in the long term by the removal of the overhead power line.



▲ The long-term vision for Bartonsham Meadows and the surrounding area, as part of the Rotherwas Nature Park and Heritage Trail [Rotherwas Nature Park and Heritage Trail Vision Document, October 2022].

- 1 **Wildlife enhancements**  
Restoration and creation of wetland meadow pasture, hedgerows, orchards, ponds, wetlands and reedbeds. Features such as information boards, bird hides and hibernacula.
- 2 **Areas of rewilding**  
Areas to be managed to achieve natural successional planting.
- 3 **Heritage Trail**  
Protect the heritage and provide public paths, installations and signage with information about the history of the site as ROF Rotherwas.
- 4 **Public access and recreation**  
A network of way-marked paths, including raised walkways and ground-level circular walking routes. Seating, natural play, viewpoints, picnic areas and a learning hub.
- 5 **A safe pedestrian and cycle route from Hereford city centre to Skylon Park**  
A route across the Bartonsham Meadows floodplain on a raised boardwalk.

Bartonsham Meadows will provide a haven for nature just a stone's throw from Hereford's City Walls.

**Figure 4:**  
Extract from Hereford City Masterplan, p.168

6.10 For the reasons set out in this sub-section, together with a condition regarding further landscape screening, the proposal is not considered to have a significant visual impact on the nature reserve in the medium to long term, or impact on the visions for the nature reserve and the proposal will bring about an enhancement across the wider area. The proposal will therefore be in accordance with policies SS6, LD1 and SD1 of the Core Strategy and the NPPF and will not conflict with the aims and objectives and vision for Bartonsham Meadows in the draft Hereford City Master Plan 2023.

*Impact on Residential Amenity (including noise)*

6.11 The proposal will not cause any detrimental impact to residential amenities as it will be sited a sufficient distance from all nearby dwellings. It is less than the size of a single garage and so will not cause any impacts in terms of overshadowing or over bearing. There is only one residential property that is relatively close (No. 2 Park Street) to the proposal but that is still a good distance away and separated by landscaping (see **Figure 2**).

6.12 Following the initial response of the Environmental Health Service Manager (Noise / Nuisance), the applicant provided further supporting documentation and this has resulted in conditional support for the proposed development. Referencing the advice provided, there is no overriding objection and a clear expectation that any residual impacts can be mitigated and as such a pre-commencement condition is recommended to secure further detailed technical information to be provided so as to avoid any unforeseen impacts.

6.13 The proposal will not therefore cause any impact to residential amenity and will therefore comply with policy SD1 of the Core Strategy and the NPPF.

### Public Health

- 6.14 The concerns of residents regarding potential health impacts from the substations is also acknowledged. The applicant has advised that the electricity substations do not produce a significant external electrical field as they are screened easily and do not pass through walls into homes. They do produce a magnetic field but this decreases as you move away and within 1-2m distance the magnetic field is usually lower than that found in your home.
- 6.15 There are stringent policies in place for protecting residents against EMF's (electric and magnetic fields) and there are limits set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) which have been adopted by the UK Government. The limit for public exposure is 360  $\mu$ T for power frequency (50Hz) magnetic fields. The magnetic field at the boundary of a substation is typically at a level of 1 or 2  $\mu$ T and inside property, a small fraction of these exposure limits, even if directly next to a substation. There is no legislative restriction on EMF grounds as to how close houses can be to substations.
- 6.16 As a result, it is not considered that there is a reasonable basis upon which to refuse planning permission on public health grounds. There are clearly other regulations in place that the applicant needs to abide by in relation to public health. It is worth noting that there are many hundreds of thousands of substations throughout the UK each typically supplying up to a few hundred houses and they are an integral part of the electricity distribution system in the UK.

### Impact on Heritage Assets

- 6.17 The application site is adjacent to the Central Conservation Area and close to a Scheduled Monument – Row Ditch to the east. There is also a Grade II listed building – the Church of St James to the north of the site.
- 6.18 The proposal is not considered to cause any impact to the adjacent Scheduled Monument. The Council's Archaeology Advisor has no objections and considers it will not be affected. The proposal, whilst adjacent to the edge of the Central Conservation Area, by reason of its location and scale will not harm its setting. There will also be no harm to the setting of the listed Church of St James due to the distance from the proposed site and lack of inter-visibility. The Principal Building Conservation Officer has been consulted on the application and also has no objection to the proposal.
- 6.19 The proposal therefore complies with policy LD4 of the Core Strategy and the NPPF.

### Highway Safety and Public Right of Way

- 6.20 The proposal will not cause any impact to highway safety as the access into the site will not be altered. The gates are to be replaced at the request of the landowner and the applicant is liaising with them directly on this matter to ensure a suitable access is maintained. The Local Highway Authority request a condition regarding construction works to be imposed that considers how to ensure no mud is deposited, construction traffic access location, parking for site operatives and a construction traffic management plan.
- 6.21 There will be no obstruction to the public right of way as a result of the proposal and the access will continue to be used as currently, including for agricultural purposes as required. An informative will be imposed on any approval to advise that the footpath should remain clear and unobstructed at all times.
- 6.22 As a result, the proposal will be in accordance with policy MT1 of the Core Strategy and the NPPF.

### Ecology

- 6.23 The proposal will not lead to new or additional surface or foul water discharges or other impacts on the SAC and therefore has been screened out of the Habitat Regulation Assessment (HRA) process.
- 6.24 The area to the south of the proposed development is known as Bartonsham Meadows and it is understood this is being restored by The Herefordshire Wildlife Trust. However there are no statutory nature conservation designations that apply and the scale of the development is small. As a result, there is no requirement for further ecological assessment. An informative in respect of wildlife is recommended to remind the applicant and their contractors of their own legal duty towards wildlife protection.
- 6.25 The Council's Ecologist has been consulted on the application and has no objections to the proposal on ecology or biodiversity grounds. As a result, the proposal will be in accordance with policies LD2, LD3 and SD4 of the Core Strategy and the NPPF.

### Flood Risk

- 6.26 The application site is partially located in flood zone 2 which has a medium risk of flooding with the northern boundary located in flood zone 1. The proposal is classed as "essential infrastructure" according to the EA's Vulnerability Classification and therefore an exception test is not required. The proposal requires a Flood Risk Assessment (FRA) to be submitted with the application. An FRA has been submitted and this confirms that the main source of risk of flooding at the site is from ground water as a result of persistent rainfall or high river levels. This risk is considered to be moderate but given that the proposed development does not involve any significant subsurface excavation and the substations will be located above ground level (on a raised concrete base), the risk is reduced to low. Surface water risk has been assessed as being very low at the site.
- 6.27 Mitigation is recommended in the form of regular maintenance of drains surrounding the site to ensure the surface water risk remains very low and the Sustainable Drainage Strategy to be developed for the site to account for the increase in hardstanding. Interceptor drainage directing runoff towards a surface water drainage network is also recommended to manage groundwater risk.
- 6.28 It is suggested that a condition is imposed to ensure that the development is carried out in accordance with the submitted FRA and the mitigation measures set out therein. With this condition imposed, the proposal is considered to accord with policy SD3 of the Core Strategy and the NPPF.

### Conclusion

- 6.29 The proposed siting of electricity substations is considered to be acceptable for the reasons set out in this report. Whilst the strength of objections from local residents is acknowledged and understood, this proposal represents an opportunity to enhance the nature reserve by removing the unsightly overhead power cables and replacing these with a form of development that can be more easily mitigated and softened over time with boundary treatment and landscaping and whilst maintaining and improving electrical supply.
- 6.30 The proposal represents essential infrastructure and there are limitations as to its location in terms of land being available and the effectiveness of the development. The design and visual impact is not considered to be significant and will likely blend in better in its surroundings in the medium to long term once the nature reserve is further developed and enhanced. The proposal will not cause any harm to heritage assets, residential amenity, ecology, flood risk, public health or highway safety and the public right of way will not be obstructed in any way.

6.31 The proposal represents a sustainable form of development that complies with all local and national planning policies and is therefore recommended for approval subject to conditions.

## **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 to officers:**

- 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 strictly in accordance with the approved plans set out below and the schedule of materials indicated thereon.**

**Approved Plans:**

**Location plan 001;**

**Block plan 002;**

**Existing site plan 003;**

**Existing elevations 200;**

**Proposed site plan 103;**

**Proposed elevations 201;**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 3. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**

- A method for ensuring mud is not deposited onto the Public Highway**
- Construction traffic access location**
- Parking for site operatives**
- Construction Traffic Management Plan**

**The development shall be carried out in accordance with the approved details for the duration of the construction of the development.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 4. Prior to the commencement of the development hereby approved, a detailed noise impact assessment shall be carried out using the procedures detailed in BS4142:2014 ‘Methods of Rating and Assessing Industrial and Commercial Noise’, including one third octave measurement or similar to ensure that the tones associated with the installation have been sufficiently analysed. Any mitigation measures required as a result of this assessment shall be installed prior to its first use and shall be maintained thereafter.**

**Reason: In order to protect the amenity of the area so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

5. **Prior to their installation, further details of the proposed timber double gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those details and retained in that manner at all times.**

**Reason: In the interests of the visual amenity of the area and to accord with policies SS6, LD1 and SD1 of the Core Strategy and the National Planning Policy Framework.**

6. **With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme is submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:**

**a) Proposed soft landscaping around the substations;**

**b) All proposed planting shall be accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**

**c) All proposed hardstanding and boundary treatments around the substations.**

**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 and the National Planning Policy Framework.**

7. **All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the completion of the development. 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.**

**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 and the National Planning Policy Framework.**

8. **Before the development is first brought into use a schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.**

**Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

9. **The development shall be carried out in accordance with the approved Flood Risk Assessment and the recommendations and mitigation measures therein, unless the Local Planning Authority gives written consent to any variation.**

**Reason: In the interests of reducing flood risk and to accord with policy SD3 of the Core Strategy and the National Planning Policy Framework.**



**INFORMATIVES:**

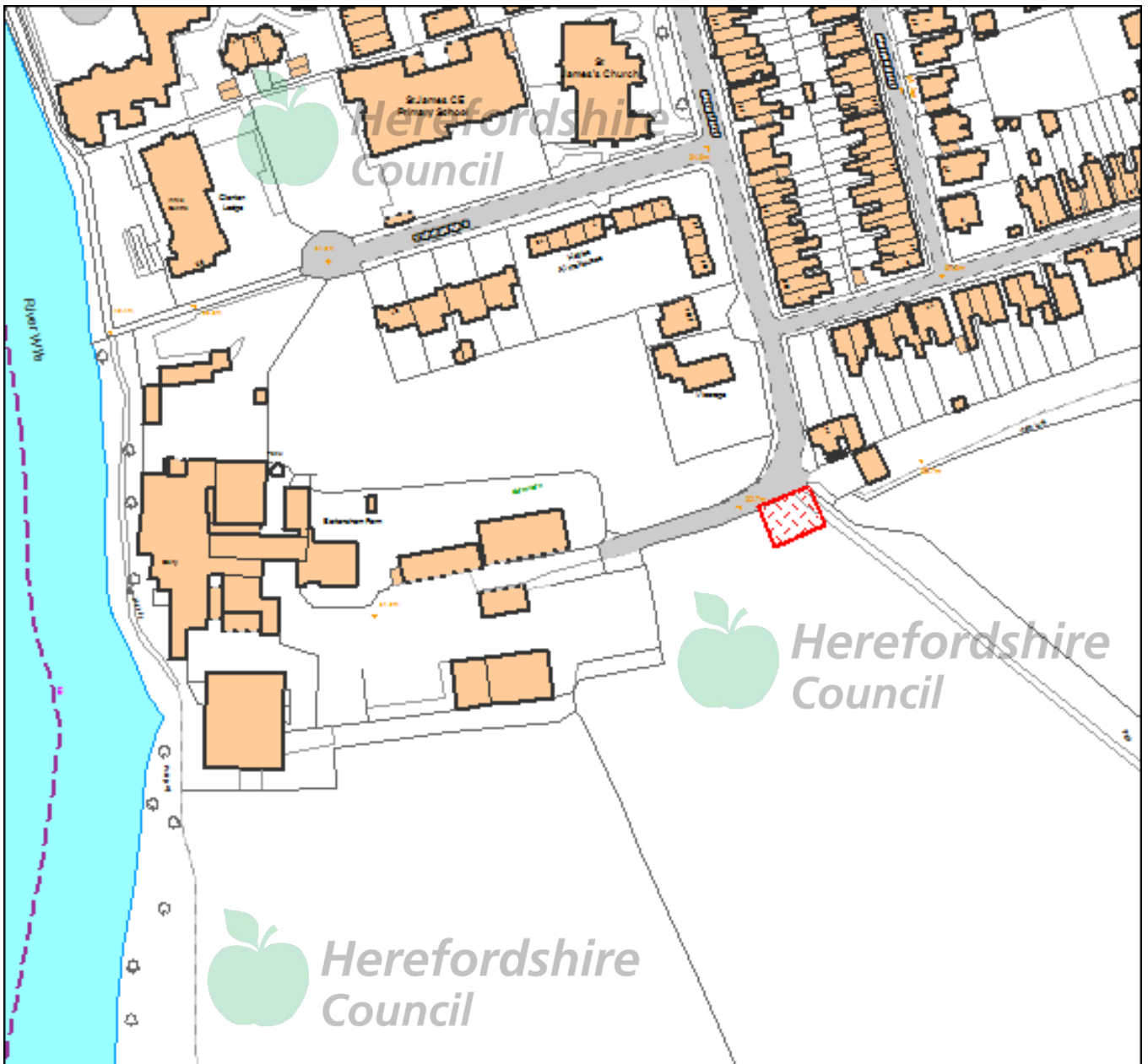
1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission 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 all Bat species (roosts whether bats are present or not), Badgers, Great Crested Newts, 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. **The public right of way shall remain clear and unobstructed at all times.**

Decision: .....

Notes: .....

**Background Papers**

None identified



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**APPLICATION NO:** 233134

**SITE ADDRESS :** LAND OFF GREEN STREET, HEREFORD, HR1 2RB

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