

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	30 JULY 2025
TITLE OF REPORT:	251273 - PROPOSED FLOOD ALLEVIATION SCHEME TO ADDRESS HISTORIC FLOODING ACROSS THE MERTON MEADOWS AREA OF THE CITY AT CAR PARK (PLOT 1A & 1B) TOGETHER WITH PLOTS 4 & 5, EAST OF WIDEMARSH STREET, HEREFORD, HEREFORDSHIRE, HR4 9JU. For: Mr Holland per Ms Lucy Brackenbury, 41 Bengal Street, Ancoats, Manchester, M4 6AF
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=251273&search-term=251273
Reason Application submitted to Committee - Council Owned land and application	

Date Received: 25 April 2025

Ward: Widemarsh

Grid Ref: 351131,240643

Expiry Date: 5 August 2025

Local Members: Cllr Polly Andrews (Widemarsh)

1 Site Description and Proposal

Site Description

- 1.1 The application site is situated within the central area of Hereford, north of the city centre, as illustrated in Figure 1. It spans multiple plots, specifically Plots 1a/1b, 4, and 5, which can be grouped into three distinct areas: 1a/1b, 4, and 5 covering approximately 2.78 hectares, the site primarily comprises urban habitats, although Plots 4 and 5 are partially vegetated. The Widemarsh Brook, a non-designated site, recognised for its importance to nature conservation, runs through and alongside all three plot areas. Plot 4 is largely inaccessible due to dense vegetation and contains an existing pump station.
- 1.2 Plot 1A/1B is currently used as a surface car park. Widemarsh Brook runs through the centre of the plot and continues along its eastern boundary.
- 1.3 Plot 4, serves as natural habitat. Widemarsh Brook and an associated culvert run through this area.
- 1.4 Plot 5 is characterised as natural habitat and contains several high-value trees. An attenuation basin, located centrally within the plot, was installed as part of the Link Road construction but is believed to be unconnected. Widemarsh Brook enters Plot 5 at the northwest corner via a culvert and has been redirected along the northern boundary, then down the eastern boundary, exiting at the south-eastern corner of the site.

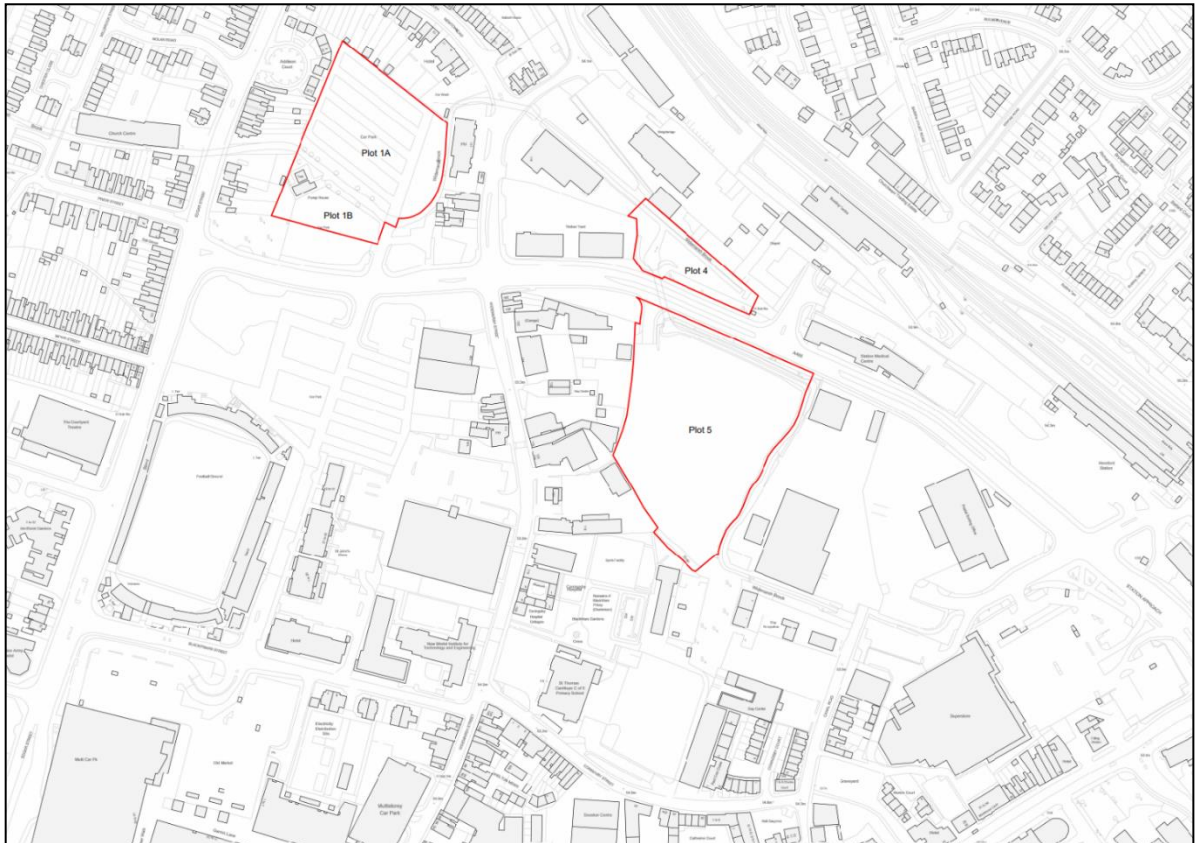


Figure 1: Site Location Plan



Figure 2: Aerial Plans

- 1.5 The closest residential properties are located adjacent to the application boundary along Edgar Street, Addison Street, Widemarsh Street, and Station Approach (A465). Plots 1A and 1B lie adjacent to the Hereford Air Quality Management Area. The site is also in close proximity to the A49, as well as designated heritage assets including listed buildings, scheduled monuments, and the Central Area Conservation Area, with which it shares a boundary. The site is located within Flood Zones 2 and 3, indicating a moderate to high risk of flooding. It is also adjacent to a Special Wildlife Site, falls within a Site of Special Scientific Interest (SSSI) impact risk zone, and is located within the catchment of the River Wye Special Area of Conservation (SAC).
- 1.6 All plots are classified as brownfield land and have been previously developed in some form.

Proposal

- 1.7 This is a full planning application that proposes the delivery of a flood alleviation scheme aimed at addressing historic flooding issues in the Merton Meadows area of Hereford. The overarching strategy involves a combination of engineering interventions and integrated landscaping designed to meet Biodiversity Net Gain (BNG) requirements. Flood storage capacity will be embedded within the landscape through the creation of wetlands, enhancement of natural habitats, and the retention of existing trees.
- 1.8 The proposals for each plot are as follows:
- Plots 1A / 1B (Existing: Surface Car Parking)**
Proposed: Flood storage, creation of wetlands, natural habitat restoration, and provision of public amenity space.



Figure 3: General Arrangement Plan Plot 1A

- Plot 4: Former Canal Basin (Existing: Natural Habitat)**
Proposed: Flood storage infrastructure, enhancement of natural habitat, and public amenity space.



Figure 4: General Arrangement Plan Plot 4

- **Plot 5 – Former Essex Arms (Existing: Natural Habitat).**
Proposed: Flood storage, natural habitat improvements, and public amenity space.



Figure 5: General Arrangement Plan Plot 5

- 1.9 The proposed scheme will manage flood risk by diverting water entering Merton Meadow via watercourses and culverts into a series of new attenuation ponds. These are designed to accommodate extreme rainfall events, including those with a 1 in 100-year return period.
- 1.10 The first attenuation pond will be located on an existing car park north of Yazor Brook, near the A49 at Edgar Street. A second, smaller pond is proposed further downstream on undeveloped land. The third pond is to be situated within part of the former Essex Arms site, to the south across the City Link Road.
- 1.11 The proposed flood alleviation works are intended to enable and support the future development of approximately 400 new homes across the wider Merton Meadows and Essex Arms areas. This residential development will be brought forward under a separate future planning application.

Environmental Impact Assessment Screening

- 1.12 Under Regulation 8(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority is required to adopt a screening opinion for proposals that fall under Schedule 2 development. In this case, the application (Ref: 251130) was subject to a formal screening opinion issued by Herefordshire Council, acting as the Local Planning Authority.
- 1.13 The screening process concluded that, while the proposed development may have some impact on the surrounding area, these impacts are not considered significant enough to warrant the preparation of a full Environmental Impact Assessment (EIA). Accordingly, the Council determined that an EIA is not required to accompany this application.
- 1.14 The application has been supported by the following:
 - Completed planning application form
 - Habitat Management and Monitoring Plan
 - Planning Statement;
 - Heritage and Archaeology Summary Statement
 - Flood Risk Assessment (updated)

- Flood Modelling produced
- Biodiversity Net Gain Baseline Assessment
- Biodiversity Net Gain Assessment
- Ecological Appraisal
- Habitat Management and Maintenance Plan
- Landscape Scheme
- Phase 1 and Phase 2 Desktop Study
- Arboriculture Impact Assessment and Tree Protection Plan;
- Construction Traffic Management Plan;
- Additional Ecology Surveys: Mammal/Reptiles
- Updated landscape commentary and ecology commentary

Background

- 1.15 This application has been submitted by Herefordshire Council and serves as a precursor to a future planning application for a major regeneration initiative known as the Hereford Urban Village. The proposed development aims to transform parts of Merton Meadow currently comprising surface car parks and scrubland into a residential-led scheme of up to approximately 400 new homes.
- 1.16 Herefordshire Council has identified the need to resolve existing flooding issues in the area prior to any residential development. As such, the current proposal represents a critical enabling phase, supported by government funding, focused on flood mitigation infrastructure.
- 1.17 Following the implementation of these flood alleviation measures, the Council intends to engage with residents and businesses to gather feedback on the future development of the remaining site areas. This regeneration project aligns with the aims and objectives of Policy HD2 of the Herefordshire Core Strategy, which supports sustainable urban growth and regeneration in the central Hereford area.

2. Policies

- 2.1 The Herefordshire Local Plan 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/local-plan-1/local-plan-core-strategy>

Herefordshire Local Plan Core Strategy 2011 – 2031

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
HD1	-	Hereford
HD2	-	Hereford City Centre
HD3	-	Hereford movement
HD7	-	Hereford employment provision
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
SC1	-	Social and community facilities
OS1	-	Requirement for open space, sport and recreation facilities
OS2	-	Meeting open space, sport and recreation needs
MT1	-	Traffic Management, highway safety and promoting active travel

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

E1	-	Employment provision
E2	-	Redevelopment of existing employment land and buildings
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure delivery

- 2.2 It is highlighted that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)(the 2012 Regulations) and paragraph 34 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 Core Strategy – which are considered to be those relating to meeting housing needs, guiding rural housing provision 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.

Minerals and Waste Local Plan (MWLP): made March 2024:

- 2.3 A Minerals and Waste Local Plan (MWLP) has been prepared to guide mineral extraction and the management of waste in Herefordshire up to 2041 and beyond and was adopted in March 2024. The plan replaces the saved minerals and waste policies of the Unitary Development Plan.
- 2.4 The MWLP 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/local-plan-1/minerals-waste-local-plan/5>

- 2.5 The following policies are considered relevant to the application proposal:

- SP1 - Resource Management
- M1 - Minerals Strategy

Hereford Area Plan

- 2.6 Following the decision by the Cabinet Member (9.11.2020) to update the Core Strategy work on the HAP has been stopped. At this time, it cannot be afforded any weight in decision making.

National Planning Policy Framework (NPPF): December 2024

- 2.7 The National Planning Policy Framework (NPPF) is a significant material consideration. The latest version was updated in December 2024. The (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed in full via the link below:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Relevant Chapters:

1. Introduction
2. Achieving sustainable development
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
10. Supporting high quality communities
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

National Planning Practice Guidance (NPPG)

- 2.8 The associated Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Other Material Planning Considerations / Legislation of key relevance to the development Proposal are listed below:

- 2.9 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

3. Planning History

- 3.1 No relevant planning history on the application site.

4. CONSULTATION SUMMARY**Statutory Consultations / External Consultation comments are as follows:****4.1 Welsh Water: No Objection July 2025**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

These sites are crossed by public sewers with their approximate positions being marked on the attached statutory public sewer record. In accordance with the Water Industry Act 1991, Dwr Cymru/Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to Drawings reference LD-SC-003 rev A & LD-SC-004 Rev C, it appears the proposed development on plots 4 and 5 would be situated within the protection zone of the public assets measured 3.75 metres either side of the centreline of the 750mm combined sewers and 3 metres either side of the 300mm combined and 450mm surface water sewers. Please note, the distance specified for this protection zone is indicative and based on industry standard guidelines. However, the depth of the asset will need to be verified on site which may infer a greater protection zone. For completeness, we recommend the developer refer to their title deeds to confirm if there are any covenants or restrictions associated with the assets crossing the proposed development site.

We would advise that the assets should be located and if necessary, a scheme to divert the assets under S185 of the Water Industry Act 1991 should be undertaken prior to works commencing. We do however acknowledge that for plots 1a and 1b, whilst our records do not show the presence of assets it is the responsibility of the developer to conduct investigations to locate any underground services.

It is recommended that the developer contact our Plan and Protect team (PlanandProtect@dwrcymru.com) to carry out a survey to verify the location of the assets and establish their relationship to the proposed development.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru/ Welsh Water's assets.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

No development shall commence on plots 4 and 5 until the public sewers crossing the plots have been accurately located and if necessary, a scheme to divert the assets has been submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be delivered prior to the construction of any SUDS. Thereafter the scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety.

Advisory Notes

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Previous comments can be viewed on line June 2025

<https://myaccount.herefordshire.gov.uk/documents?id=c96d55ea-5294-11f0-908f-005056ab11cd>

4.2 National Highways: No objection June 2025

National Highways Ref: NH/25/11111

Referring to the consultation on a planning application dated 8 th May 2025 referenced above, in the vicinity of the A49 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

Where relevant, further information will be provided within Annex A. National Highways Planning Response (NHPR 25-01) January 2025

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete. The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningM@nationalhighways.co.uk.

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

Annex A National Highways' assessment of the proposed development

This response represents our formal recommendations and has been prepared by Ellie Smith, Assistant Spatial Planner for National Highways.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the A49 trunk road.

Development Proposal

The application is for a flood alleviation scheme east of Widemarsh Street, Hereford. To address historic flooding across the Merton Meadows area of the city.

Construction

National Highways have reviewed the Construction Traffic Management Plan (Dated 24th April 2025). It is noted that deliveries where possible will be outside the peak hours, with a scheduling system to ensure deliveries are spread throughout the day, to reduce the impact of HGVs. To ensure mud and debris is not taken onto the SRN measures such as wheel washing and sweeping of accesses will be undertaken. We are content with the document and have no further comments to make.

Arrangements for transporting abnormal loads via National Highways network can be made by contacting abnormal.loads@nationalhighways.co.uk.

Drainage

After reviewing the application, National Highways conclude that the scheme will not have a direct impact on the SRN or outfalls.

National Highways Recommendations

Condition 1: Construction of the development shall be carried out in accordance with the agreed Construction Traffic Management Plan (Dated 24th April 2025), unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority for the A49 trunk road.

Reason: To mitigate any adverse impact from the development on the A49 trunk road in accordance with DfT Circular 01/2022.

Standing advice to the Local Planning Authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

4.3 Natural England: No Objection Subject to Appropriate Mitigation Being Secured: June 2025

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, mitigation measures need to be secured as set out in the Appropriate Assessment including but not limited to:

- Implementation of a comprehensive Construction Environmental Management Plan (CEMP) during all permitted works. Including a full a pre-commencement suite of detailed species specific Ecological Working Method Statements (that include proposed mitigation and compensation features and actions) and a specified 'responsible person'.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below

Internationally and nationally designated sites

The application site is within the catchment of the Widemarsh Brook / Yazor Brook which is a main tributary 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 Wye 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 have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

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.

Other advice

Natural England's advice on this planning application is limited to the Habitats Regulations Assessment and the proposed mitigation measures. The Local Authority should satisfy itself that there are no other impacts on the natural environment, and reconsult Natural England if necessary.

Protected Species

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke

advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases

4.4 Environment Agency: Qualified Comments July 2025

Flood Risk

We responded to this application on 28 May 2025 with broadly supportive comments in flood risk terms given the proposals are for a flood alleviation scheme (FAS) and can only provide a level of flood risk betterment as well as the potential for biodiversity benefits. Whilst we offered a conditioned response overall, we did raise a number of queries, particularly:

- Were the modelled scenarios defended i.e. with the upstream Yazor Brook FAS fully working or undefended?
- What additional flood storage capacity did the Merton Meadows FAS, in the 4 plots, actually provide?
- Whether post development outlines with the new additional storage proposals in place had been produced in order to demonstrate the betterment being provided by the scheme.

We also confirmed that given the overall intentions to open up currently flood vulnerable areas for development (particularly those of a 'more vulnerable' nature), that we would expect to undertake a full review of the modelling methodology through our national Evidence and Risk (E&R) team. As we highlighted in our response, this was discussed at the February pre-application meeting. We seek to do that prior to any forthcoming residential planning applications rather than for this flood alleviation scheme application itself and discussed this further in our previous response (SV/2025/113023/01-L01).

As discussed at the meeting and within our previous response, the model review would fall under our Cost Recovery service and would incur a charge. Due to the timescales involved we would look to carry out this review prior to any formal planning submission and would recommend further dialogue to ensure the modelling is agreed and signed off before any more subsequent development is progressed. This would give additional certainty to the council on the flood model and assist in your decision-making process.

The latest information on the planning portal includes an updated FRA (Ref: Flood Risk Assessment (FRA) produced by Stantec (Ref: 35849-HYD-XX-XX-RP-WENV0002/PO2 dated 20 May 2025). The latest version of the document contains an updated Chapter 5 (Sources of Flood Risk), particularly Section 5.2.3 with additional figures and a new Appendix E containing the Merton Meadows FAS Hydraulic Report which will be a key document when our Evidence & Risk team review the modelling. Whilst we had no objections to the flood alleviation proposals as outlined in our letter of 28 May 2025, the FRA is now clearer than the previous version particularly the new Figures 8, 9 and 10 which show the changes in flood depths post Flood Alleviation Scheme and the area of floodplain being reduced. Table 5 of the FRA confirms that an additional 3545m³ of flood storage is being provided in Plot 5.

We note the comments made in Section 5.2.4 regarding an increase in flood risk downstream of Plot 5 (Figures 8 to 10) particularly to Rockford Rd allotment. There are also increases in the channel immediately downstream of Plot 5 though no out of channel impacts occur as the levels do not come out of bank. Again, these can be checked as part of the E&R review.

We would reiterate that we have no objection to this application for the Merton Meadows FAS on flood risk grounds, but we would wish to formally review the modelling prior to any future residential applications particularly in areas where the flood extents have been reduced to ensure the modelling is robust and fit for purpose. Previously ESG modelling with Herefordshire Council and WSP had included undefended scenarios with the Yazor Brook FAS partially and fully

blocked in order to ensure no internal flooding of proposed residential properties in a worst case scenario, and this should also form part of the future residential plot applications.

Ecology and Landscaping

Further to our previous comments, we have reviewed the letter dated 13th June by Greengage (their reference: 552924jc25June09DV01_EA_Consultation_Response).

Whilst we continue to recommend the condition that we offered in our previous response ref: SV/2025/113023/01-L01 for a Landscape and Ecological Management Plan that was offered in order to; ensure the protection of: wildlife, supporting habitat and to secure additional enhancements for the benefit of local ecology, we recognise that the ultimate wording of appropriate planning conditions to secure ecological protection, compensation and enhancement of the watercourse and associated land is a decision for the local planning authority. This enhancement opportunity would align with the ambitions of River Basin Management Plans and the Water Framework Directive as discussed below.

Our principal concern is that appropriate conditions are secured /included at the discretion of the local planning authority to ensure a more resilient and naturalistic solution which reflects best practice in design and sustainability. We would welcome clarification that further detailed design is ongoing and outstanding technical design and ecological challenges are being resolved.

We maintain the position/advice that the claimed positive long-term effects for wildlife (including fish and aquatic macroinvertebrates as well as other species) will only be achieved if:

- The design (geometry, sections and layout) of the realigned watercourse and wetlands is refined to be more varied and naturalistic.
- The implications or the proposed permanent year-round flow split and excavation of basins below the brook bed level on the hydrology and ecological value of the existing Widemarsh brook are addressed.

Aquatic Macroinvertebrates: We sought to draw attention to the availability of EA data for aquatic invertebrates rather than relying exclusively on citizen science data. We agree with the conclusion that 'the abundance of individuals recorded indicates Widemarsh brook could provide an important resource for foraging bat and birds' irrespective of the presence of protected or notable invertebrates. Invertebrates are also a key ecological resource for fish.

Further Impact Assessment for Fish: We welcome the acknowledgement that a fish rescue will be implemented where the brook is to be realigned. Best practice is also to translocate channel substrate vegetation and attendant invertebrates into a diverted channel.

It is also best practice is to retain as much as possible of the previous channel as a backwater habitat. In Plot 5 all the current alignment is shown as being infilled. Implications for the existing bankside trees are also not clear.

The reports submitted to date don't provide extensive information, on the baseline or future hydromorphological condition of the existing watercourse (existing habitat for fish) at a site level or more strategic level. To ensure all relevant potential adverse impacts are evaluated, avoided or mitigated and that enhancements are optimised more technical information should be considered.

Although some aspects of the brook are described there is no explicit reference to substrate, hydrology or groundwater. For example, in section 5, the existing stream is straight and has a uniform and overwide wetted channel and bank full channel however it has a natural gravelly substrate and existing ecological and visual value.

The channel in section 1 is also uniform, overwide and siltier. It would benefit from some in-channel improvements to create more flow diversity and encourage a more resilient sinuous low flow channel. Subject to tree rootzone protection areas the brook would also benefit from some sympathetic bank reprofiling. It might also be possible to soften the visual and ecological impact of the concrete wall along the right bank in section 1a. The best practice construction methodology makes no reference to the management of risks associated with potentially contaminated land.

Design Principals and Detail: Further to our previous response, we offer the following clarification of our advice on design principles and detail. To achieve the stated aims of ecological enhancement, visual interest and user experience the natural character and soft flowing forms of the layout and hard landscaping, referred in the landscape statement, would usefully extend to all dimensions of the brook and the wetland features.

Layout: It is not clear that sufficient space has been left along the diverted watercourse to allow natural processes to occur. In other words, there does not appear to be much design tolerance for the watercourse to adjust to the new alignment and develop features of ecological and visual value.

For example, if the detailed design, or subsequent interventions, require or rely on bank protection to prevent the channel migrating, then that would be counter to the stated aims of naturalising the watercourse.

We also note that approximately 50m of the diverted channel is in a straight line directly along the toe of the road embankment. This will constrain its functionality. Realigning the watercourse away from the road would allow for a more genuinely attractive design. Similarly moving the path further from the watercourse would be advisable. Along much of the proposed new alignment it appears to be as close as 2- 3m away. Similarly, the distance between the basins and the watercourse is only 2- 3m in many locations.

If the area to the west is planned for development, then the edge of development is very close to the proposed realigned watercourse. Expanding the wetland watercourse complex to the west would help resolve these challenges. The proposed ecological enhancement for the retained channels appears to be limited to 'introducing native plant communities and enhancing riparian habitats' in the landscape assessment. The brook is over wide, particularly in the upstream half of site one with a uniform cross section and silty bed.

It would be helpful to assess the contribution of these proposals in the context of the broader strategic initiative by the council to manage flood risk while enhancing ecological networks and public realm quality improvement along the Widemarsh brook corridor which is cited in the Landscape assessment.

Water Framework Directive (WFD): The Hereford Urban Village Phase 1 Desk Study and Groundsure report make reference to the Widemarsh Brook being within the Yazor Brook – source to confluence River Wye water body GB109055037040 and highlights the reason for the water body currently having a moderate status is due to ammonia temperature pH and specific pollutant levels. There is however no reference to WFD or River Basin Management Plans as a driver to inform the extent and nature of river restoration in any other supporting information.

Previous comments can be viewed online May 2025

<https://myaccount.herefordshire.gov.uk/documents?id=8801c727-429b-11f0-908e-005056ab11cd>

4.5 Historic England No objection subject to conditions July 2025

Historic England Advice

Historic England retain heritage concerns regarding the application and has met on site with the applicant and Herefordshire Council on the 7 July 2025 to explore those concerns. The application is considered to cause less than substantial harm to the significance of Blackfriars Friary, a scheduled monument (NHLE 1010797) through impacts on the Tan Brook and potential impacts on the buried archaeological remains associated with the monastic site within the south of the proposal area.

It was agreed at the site meeting that these concerns and impacts can be resolved or minimised. This would be achieved through either clarification by applicant prior to determination, or by amendment of design by condition and informed by pre-commencement archaeological assessment.

The further information publically available online has provided a range of documents, including the following that are relevant to our heritage concerns:

- Archaeology and Heritage Impact Statement
- General arrangement drawing Plot 5 (Drawing LD-SC-004 Rev C)
- Cut and Fill Analysis (Drawing 35849-HYD-5-XX-DR-C-90140 Rev P02)

In addition, following the site meeting of the 7 July 2025, Lucy Brackenbury of Buttress has provided to Herefordshire Council a clarification by email (13:48, 11 July 2025) and an additional document prepared by Stantec UK Limited by email (14:13, 11 July 2025). These are included in our considered response below.

Significance of designated heritage asset

We have set out the significance of the Blackfriars Friary and the contribution that the proposal area makes to its significance in our letter of the 15 May 2025. In summary, the proposal area contributes to the significance of the monument in the following ways:

- The north edge of the monastic precinct is defined by the historic course of the Tan Brook, which survives as a visible, relict channel. The Brook would have been an integral part of the monastic site providing water for drinking, sanitation and industry (milling, brewing and tanning) conducted by the monastic community. It therefore makes a strong positive contribution to the significance of the scheduled monument.
- The open, undeveloped character of the proposal area is a rare survival of the open area once occupied by marsh that would have been managed by the monastic community. The connection between the scheduled monument and this open area makes a strong positive contribution to the significance of the scheduled monument.
- The area along the south edge of the proposal area has potential to retain important archaeological information relating to Blackfriars as some elements of the monastic site may have been present over or north of the Tan Brook, which may include evidence of milling and tanning. We confirmed at our site meeting that this part of the proposal area has not been previously investigated for its archaeological potential.

In our previous advice letter, we commented on the peat deposits present on the proposal area. The Council's archaeological advisor was able to bring some of the previous archaeological investigation work to the site meeting and we understand from that discussion that the peat deposits pre-date the medieval period and were of limited archaeological potential. We refer you to the advice of your own archaeological advisor regarding these peat deposits and appropriate assessment and mitigation in any approved scheme.

Impact on significance of scheduled monument

The limited heritage information provided with the application is not sufficient to meet local and national planning policy requirements. These policies (including NPPF 207) require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting and be sufficient to understand the potential impact of the proposal on significance.

In particular, the archaeology and heritage impact statement makes non-evidenced statements about the Tan Brook and the contribution the open character makes to the scheduled monument. In our view, these statements are likely to be inaccurate.

Notwithstanding the limited heritage information, our review of the amended general arrangement and cut and fill analysis (publically available information) has identified the following impacts on the significance of the scheduled monument:

- Direct impacts on the historic Tan Brook
- Direct impacts on potential archaeological remains associated with the monastic site within the south of the site
- Potential impacts on the scheduled monument through the continuation of the proposed footpath.

The historic Tan Brook would be directly impacted by the proposal. The cut and fill analysis indicates ground reduction on its north edge that will affect its form and legibility. In addition, the proposed landscaping on the general arrangement drawing shows the area in scrub management with trees and an aggregate path crossing its alignment. This would constitute less than substantial harm to the significance of the scheduled monument.

The cut and fill analysis indicates significant ground reduction in the area immediately north of the Tan Brook. This area has not been subject to previous archaeological investigation and has potential to retain structural remains and other archaeological evidence pertaining to the scheduled monument. The ground reduction has the potential to cause harm these remains and an assessment of the level of harm can only be achieved through archaeological field evaluation. In the absence of this evaluation work, the impact should be considered to be less than substantial harm.

It is unclear what the level of the aggregate path would be as it exits the proposal area and enters the scheduled monument. If the proposed path is lower than the current ground at this entry into the scheduled monument it would potentially cause harm to buried remains of the monument when extended in the future to connect with Canal Road. If the path is at current ground level then this would be unlikely to lead to harm.

These impacts constitute less than substantial harm to the significance of the scheduled monument. The degree of less than substantial harm cannot be determined at this stage as it would need to be informed by further archaeological investigation work.

Policy

As set out in our previous advice, the application should be considered against policy LD4 of the Herefordshire Local Plan Core Strategy 2011-2031 and paragraphs 207, 208, 212 and 213 of the NPPF.

Position

Historic England retain heritage concerns regarding the application and the submitted information available online (11 July 2025) has not addressed our concerns. On the basis of the submitted, publically available information, we consider the application to cause less than substantial harm to the significance of the scheduled monument and that the scheme is capable of amendment to avoid or minimise these harms in accordance with local and national policy.

Our site meeting on the 7 July 2025 and the subsequent information provided on the 11 July 2025 has been beneficial. Based on this meeting and further clarification and documentation a reduction of harm is achievable. We set out a pathway to achieve this reduction in harm below:

Tan Brook - The justification for ground reduction on the north edge of the Tan Brook remains unclear. This ground reduction will affect the legibility of this feature, any associated archaeological remains and its contribution to the significance to the scheduled monument. Your authority should seek the avoidance of ground reduction in this area.

We welcome a commitment by the applicant to include the Tan Brook in the landscape management plan and incorporate our recommended management. This must include the removal of rubbish, the removal of selected trees and scrub where they are in the channel of the brook and maintenance to periodically cut back vegetation growth and control new tree/scrub growth. Your authority should ensure this management is integrated into the landscape management plan to achieve a positive benefit to this heritage asset.

Footpath - We welcome a commitment by the applicant to confirm that the path will be at the current ground level in the south corner of the proposal as this will avoid the risk of harm associated with its later extension into the scheduled monument. Your authority should ensure this is confirmed in the application documentation.

Impacts on archaeological remains in south of site - We welcome a commitment by the applicant to undertake ground penetrating radar (GPR) survey and archaeological field evaluation in an agreed area of the south of the site prior to commencement of an approved scheme. We also understand that if important archaeological remains the alignment of the proposed watercourse will be moved northwards to preserve the remains in situ.

We understand, from our discussions that this is achievable through conditions on a planning permission should you be minded to approve the scheme. Your authority should ensure that planning permission, if given, includes conditions for this targeted archaeological work in Plot 5 and for final design and detailing of watercourse to achieve preservation in situ. Your archaeological advisor will be able to advise you on the archaeological conditions.

I hope this is of assistance to you in your consideration of this scheme.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet policy LD4 of the Herefordshire Local Plan Core Strategy 2011-2031 and the requirements of paragraphs 207, 208, 212 and 213 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Previous comments can be viewed online May 2025

<https://myaccount.herefordshire.gov.uk/documents?id=09641646-31e1-11f0-908b-005056ab3a27>

4.6 Canal and River Trust: Qualified comments May 2025

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and

cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

The proposal may be in the proximity of the route of the Herefordshire & Gloucestershire canal. This canal is not owned or maintained by the Canal & River Trust although the Canal & River Trust is generally supportive of canal restoration projects as we believe life is better by water.

The Council should ensure that the Herefordshire & Gloucestershire Canal Trust has been consulted on the application as they may have more relevant comments to make.

Please do not hesitate to contact me with any queries you may have.

Internal Council Consultations

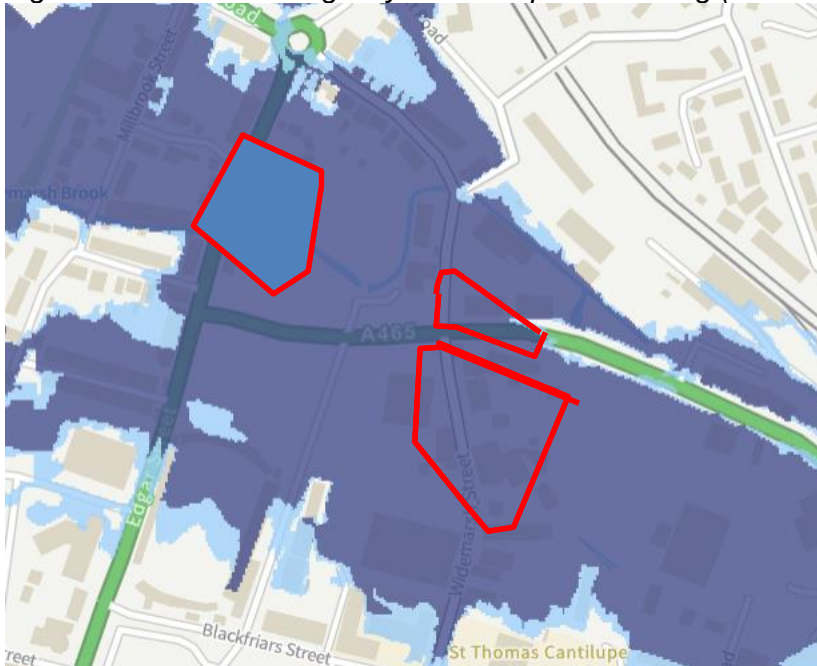
4.7 Land Drainage: June 2025: Qualified Comment and conditions recommended

Our knowledge of the development proposals has been obtained from the following sources:

- Rappor / Stantec Flood Risk Assessment
- Rappor / Stantec Ground Investigation
- Drawings

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2025



Overview of the Proposal

The Applicant proposes the installation of a flood alleviation scheme. The over arching strategy is one of inclusive engineering works and landscaping to satisfy Biodiversity Net Gain requirements.

The site covers an area of approx. 2.8 and is currently a car park and wasteland

The Widemarsh brook flows through the site.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the high probability Flood Zone 2 and 3.

The Yazor Flood Alleviation Scheme (FAS) was installed in 2009, near Credenhill. This infrastructure was installed to facilitate development within the functional Flood Plain (Flood Zone 3B) in central Hereford. The FAS displaces water from the Yazor Brook into the River Wye, thus reducing the peak flow in the Widemarsh and Yazor Brooks. The scheme was not delivered to eliminate the risk of fluvial flooding (low points adjacent to the watercourse will continue to flood). Instead, the scheme was promoted because it was impractical to excavate compensatory storage areas to make up for any lost flood plain arising due to future development within Flood Zone 3B.

A Flood Risk Assessment has been submitted. The modelling utilises the 37% climate change (the Central allowance for 2080s and beyond).

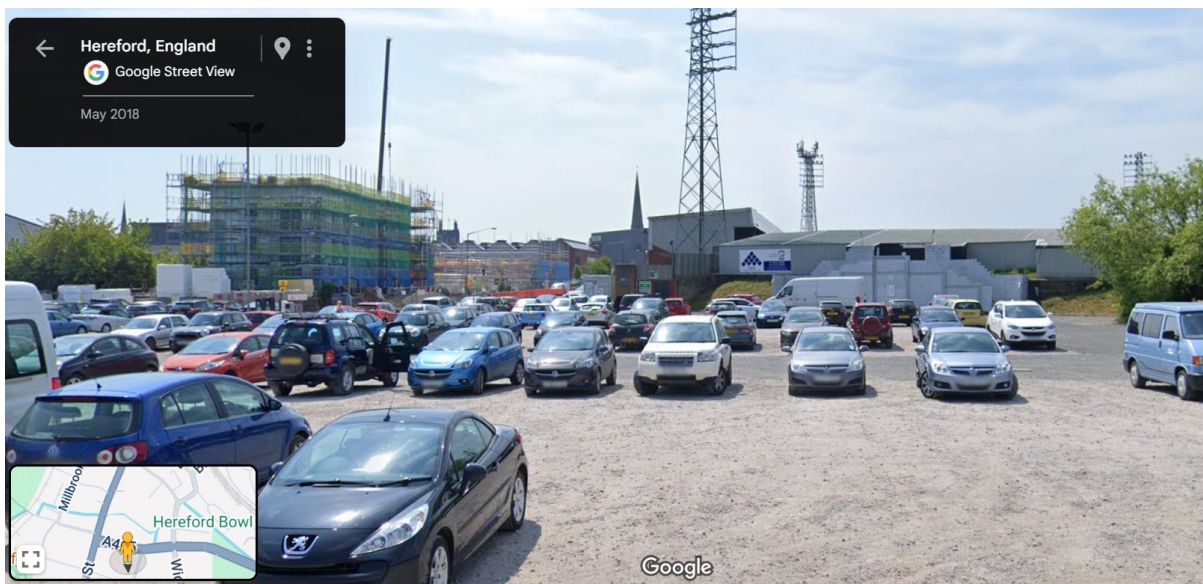
The applicant has merged the existing Yazor/Widemarsh Brook hydraulic model (held by Herefordshire Council) with another hydraulic model of the Ayles Brook. This new model is named the Merton Meadow Flood Alleviation Scheme (FAS) Model.

It is noted that the flood extents reported by the Merton Meadows FAS Model cover smaller areas than the reported by the earlier hydraulic models. We have not yet reviewed the outputs relating to the scenario of the Yazor FAS as non-operational, however we anticipate that these flood extents may also be smaller.

Conversely earlier commentary (including the 2007 flood events post-event report) suggests that there has always been a fluvial flooding issue on parts of the ESG site. When the Yazor/Widemarsh Brook hydraulic model was developed, efforts were made to calibrate the model against reported flooding by means of hydrology reviews.



6th March 2007 (before the Yazor Brook FAS) – Opposite Plot 1A



The Baseline scenario model outputs contained in Appendix F suggest that only small areas of Plot 5 are at risk of flooding in a 30 year storm. Whilst this model run assumes the Yazor FAS is fully functional, these are low lying areas that have historically flooded.



The WSP Hydrology Checks memo (2018) reads as follows :

“...while the peak flow value recorded during the March and July 2007 events at the Three Elms gauge is slightly lower than the modelled 50 year event, the observed flood extent is greater...”

The Environment Agency have provided commentary (28th May 2025) as follows :

“...the impact of the Ayles Brook has previously been under assessed and it’s influence potentially underestimated based on previous ESG discussions with WSP resulting in modelled outputs not always matching historical events”

It is worth noting that whilst the original Yazor / Widemarsh Brook did not include 1D/2D representation of the Ayles Brook, the inflow from this watercourse had been considered.

Furthermore, we are not in receipt of outputs from the Merton Meadows FAS Model for more frequent flood events (pre-Yazor Brook FAS). Such model outputs will be required to validate the model if it is to be used to support any subsequent planning applications where buildings are proposed. The extent and frequency of recorded flooding pre-Yazor FAS would need to tally with any outputs that are created using the Merton Meadows FAS Model.

Herefordshire Council holds records of recent floods (post-Yazor Brook FAS). These records also need to be used for the purpose of model verification.

We note that the Environment Agency have advised that they would expect to review the modelling methodology through their Evidence and Risk Team.

Review of the model plots shows that the pre-development simulations show the watercourse running anti-clockwise through Plot 5. Following construction of the City Link Road, the watercourse was diverted to run clockwise through this plot.

The Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 1:

Table 1: Flood risk vulnerability and flood zone compatibility

EA Flood Zone	Essential Infrastructure	Water Compatible	Highly Vulnerable	More vulnerable	Less vulnerable
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	✗	Exception test required	✓
Zone 3b	Exception test required	✓	✗	✗	✗
✓ Development considered acceptable ✗ Development considered unacceptable					

The FAS application is classed as Water Compatible. Accordingly, an Exception Test is not required.

We assume that the 100 year + Climate Change model runs that have been presented for this application relate to the Yazor FAS being fully operational.

Earlier planning applications within the Edgar Street Grid (ESG) area utilised model runs that assumed that the Yazor Flood Alleviation Scheme (FAS) was partially blocked. These model outputs were used to determine finished floor levels.

In Flood Zone 3B, works should normally be designed to result in no net loss of flood plain storage and to not increase flood risk elsewhere. We understand that there is some ground raising proposed. Whilst the Yazor FAS was designed to allow some ground raising within the ESG area, the Environment Agency need to endorse these proposals.

Figure 7 shows the respective flood zones as defined by the Merton Meadow FAS model

The model outputs (Appendix F) indicate that there is no fluvial flooding in Plot 1B during a 1 in 30 year flood. Likewise, most parts of Plot 5 are shown to not be at risk of fluvial flooding the same flood event.



The model report advises that a western area of Plot 1B is to be raised to reduce flood risk to third parties

As explained above, the model that has been presented may not be an adequate tool for the purposes of setting property floor levels.

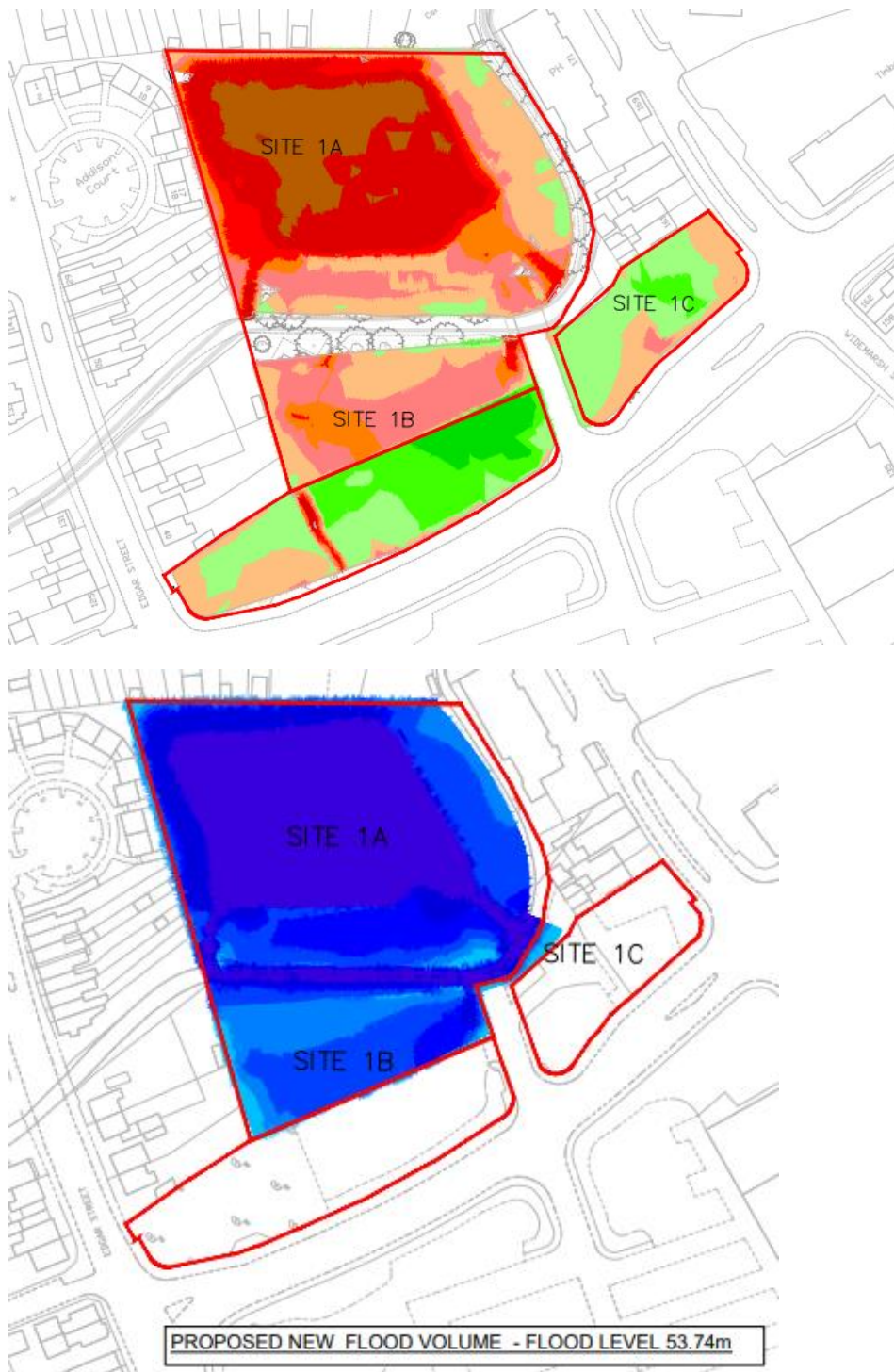
Ground Raising

The Yazor Brook FAS was promoted in order to mobilise development within areas previously defined as Flood Zone 3B (illustrated in Blue in the pre-Yazor FAS plot below).

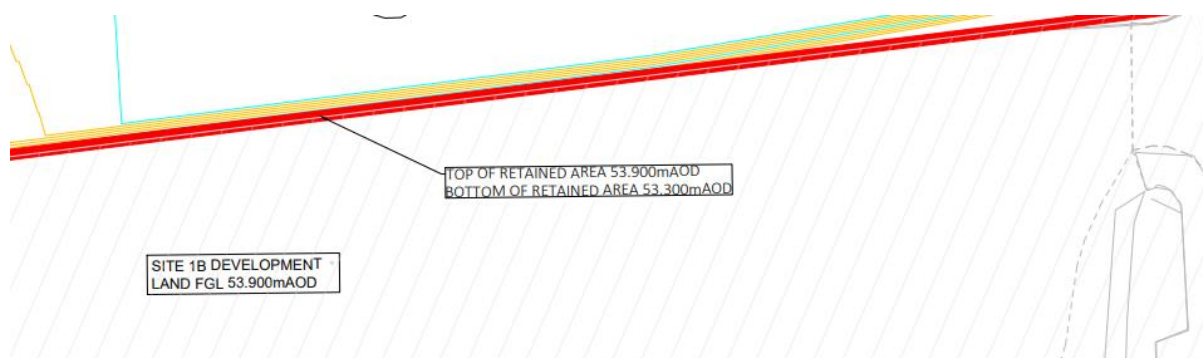


Arguably since the installation of the Yazor FAS, the Flood Zone 3B extent is now smaller.

We note that the Cut & Fill drawing for Plots 1A,1B,1C shows works outside of the red line boundary, which are not referenced elsewhere in the planning application. These are the areas that have been highlighted in green (spoil is shown stockpiled).



Furthermore the Proposed Contours plan for sites 1A 1B 1C includes proposed Finished Ground Levels for these plots (1B and 1C - 153.90m). The drawing suggests that there will be a retaining feature to hold the fill up.



There is conflicting commentary on the Notes on the Flood Compensation drawing 1A 1B 1C

5.5. THE PROPOSED BUILDING IN PLOT 1B IS ON STILTS, WITH A FLOOD COMPENSATION STORAGE ALLOWANCE BELOW THE GF SLAB.

The Environment Agency need to endorse the principle of ground raising within areas of Flood Zone 2B, as defined on the Flood Map for Planning. Whilst the principle of raising ground levels in Flood Zone 3B was agreed (this was the main driver for the Yazor FAS scheme), the Environment Agency will need to be consulted as part of a subsequent planning application. The recent EA letter 28th May 2025 did not make reference to these proposals.

Merton Meadow FAS model outputs

The Flood Compensation drawings show the proposed Flood Compensation Volumes. The volumes of excavation (pre/post construction) have been compared showing a net increase in storage at Plots 4 and 5 and a marginal increase in 1A, 1B, 1C.

The post-development modelling results (Figure 9) do indicate that the proposed Merton Meadows FAS will lead to reduced flood levels. There are some very minor changes in the 100 year + CC flood level further downstream, but away from property.

Groundwater Flood Risk

Objector has highlighted a concern, that the glaciofluvial gravels form an aquifer. Concern has been raised that when development proceeds within the ESG, vulnerable people could be impacted by flooding, possibly adversely impacted by groundwater.

Parts of the existing Plot 5 are below the Wye peak flood level (we note that the new proposed base levels would be even lower).

Likewise, the bed of the Yazor Brook is likely to interact with the river gravels (for example in the vicinity of Sugwas Pool, which is flood plain).

Accordingly, groundwater levels within the ESG area are likely to be impacted when river levels are high. Consequently, the duration of any low lying flooding issues is likely to be extended (particularly low lying areas of the proposed Merton Meadow FAS).

This issue has been considered in the FRA, noting that water compatible development is proposed.

Sewerage

There is a surface water sewer and a foul sewer crossing the site. We await commentary from DCWW regarding these assets. It is possible that DCWW may require works to mitigate the risk of river and ground water from spilling into the sewers.

Pond Design

It is proposed that the Widemarsh Brook is realigned to meander through Plot 5. Three ponds will sit either side of the meandering brook. A similar principle is proposed for plot 1A. To ensure that self-cleansing is achieved then either the watercourse will need to be lower than the ponds, or a robust section of bank will need to be provided.

The A465 culvert currently self-cleanses, with silt being re-mobilised. We note that there is a length of straight channel proposed immediately downstream of the headwall. The cross-section drawings suggest that the watercourse base will be a similar level to the pond bases.

The Environment Agency have identified that for ecological reasons the ponds will need to be deeper, accordingly the only option is to rely on a robust section of bank. It is proposed that the ponds will need to be fed via overflows, otherwise during times of low flow the silt will build up in the channel. The pond bases are typically shown 200mm lower than the watercourse bed on the proposed drawings

The Planning Statement and the Landscape Plan both include statements advising that the height of the swale inlet and outlets have been proposed to provide a permanent feed to the watercourse and avoid any stagnant water. The drawings show overflows that would come into operation following heavy rain, which is a different approach.

We note that flood water will spill into the ponds, accordingly it is likely that over the long term silt will build up in the ponds and so ultimately pond bed levels may rise.

We concur with comments made by the Environment Agency regarding the inlet and outlet swales. Notably the need for a simple, passive design that is at low risk of vandalism. Weir levels will need to be carefully selected, with a stable foundation.

The detailed design of the ponds may be addressed via a planning condition.

The Flood Compensation Volumes drawing 1A 1B 1C identifies a 100 year + CC level of 53.73m AOD. The boardwalks are raised to 53.90m AOD with the intent of providing a safe access.

The future development of the raised area of site on the western side of plot 5 will need to include provision for an access route for channel maintenance

Overall Comment

We accept the outputs from the Merton Meadow flood model because the proposal is for Water Compatible development. The model will need to be verified and then reviewed by the Environment Agency before use on any subsequent planning applications.

The ground raising outside of the Red Line boundary is required to deliver the works. The applicant can either extend the red line boundary and re-consult the Environment Agency or raise a new application for ground raising in these areas. This issue needs to be addressed before Land Drainage can support this application.

As explained above, the detailed design of the proposed basins and offtakes can be addressed by means of a suitably worded condition.

We understand that there are proposals for Herefordshire Council to maintain the basins. The applicant should confirm whether this is the case and which party will be responsible for maintenance.

Provision of a Maintenance Plan may be conditioned.

4.8 **Team Leader Area Engineer: No objection subject to conditions July 2025**

The Local Highway Authority notes that the applicant has now provided a plan showing an indicative layout for the footway link through Plot 4. This addresses the previously raised concern regarding pedestrian connectivity between this site and the adjoining consented development (Ref: 211047). The indicative nature of the alignment is acceptable at this stage.

In addition, matters such as operative parking arrangements, construction access points, and the Construction Worker Travel Plan can also be addressed through a detailed CTMP to be secured by condition prior to commencement.

With regard to car parking capacity in the local area—particularly in reference to the loss of any informal or overflow spaces—the LHA is mindful of recent survey data presented in the PJA Technical Note, which shows that Merton Meadow car park operated at an average occupancy of just 38% between April 2022 and April 2024. This context indicates sufficient spare capacity within the local parking network to accommodate displaced parking.

On this basis, the LHA raises no objection to the proposal, subject to conditions securing the final CTMP details.

Conditions:

CAT – Construction Management Plan

Previous comments can be viewed online May 2025

<https://myaccount.herefordshire.gov.uk/documents?id=14644aca-3b88-11f0-908e-005056ab11cd>

4.9 **Environmental Health Service Manager (Noise / Nuisance): No objection June 2025**

Works are to take place over a 10-week period, from 15th September to 17 November 2025, and will run concurrently across all sites. From a noise and nuisance perspective, site 1A has the potential for the greatest impact, given it has residential accommodation on the northern and western boundaries, and requires the removal of the car park surface.

Noise and vibration

The Construction Traffic Management Plan (CTMP) submitted with this application partially covers noise and vibration from the proposed works. Working hours and community engagement are also considered. The report states that the plan will be enhanced by the main contractor, once appointed.

I note that works will be undertaken using ‘best practical means’ as outlined in the Control of Pollution Act 1974 (COPA), and control measures applied in accordance with BS 5228-1&2:2009+A1:2014. Noise and vibration control measures should be outlined fully in the revised plan, including the identification of noise sources and sensitive receptors (including residential) followed by a risk assessment. Procedures relating to mitigation, monitoring, reporting and complaint handling should also be expanded.

Lighting

Light pollution can be a statutory nuisance and is defined as any form of artificial light which shines outside the area it is required to illuminate. Unnecessary use of lights is considered a waste of energy. Any use of lighting should have regard to these facts and should be designed to prevent any nuisance to residents or road traffic and be used primarily for reasons of health and

safety or security. Site lighting should be located and aligned so as not to intrude into residential properties, or sensitive areas, or constitute a road or rail hazard.

Reason: In order to protect the amenity of the area so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

4.10 **Environmental Health Service Manager (Contaminated Land): June 2025**

We refer to the above application and would make the following comments in relation to contaminated land and human health issues only. We would defer to the Environment Agency as the primary regulator with regard to controlled waters.

'Merton Meadows Flood Alleviation Scheme. Phase 2 Ground Investigation Report.' Prepared by Stantec, Dated 15th May 2025, Ref.:35849-HYD-xx-xx-RP-GE-0002

The above report has been prepared in a similar manner to that of the Phase 1 and as such, some comments are broadly repeated.

Comments

The following bullets should be considered by the applicant and their specialist to ensure those that need to be are addressed either by revision, technical note or addendum and are made with plots 1a, 1b, 4 and 5 in mind only and only in regard to the alleviation works.

- The report and thereby CSM, conclusions and recommendations include sites that are not part of the proposed development. This is not considered good practice and should be amended.
- Whilst drawings and some text is included with regard to the cut and fill exercise, discussion around the relevance of the samples recovered to final levels and those soils to be reused is not wholly explicit. Further technical advice on this should be provided to ensure it can be demonstrated that the site has been suitably characterised.
- Plot 4 has not been investigated due to access issues therefore quantitative assessment of risks remain unclear.
- It is understood that all made ground is to be removed from all plots for either disposal or stockpiling prior to potential reuse. As such it is its placement following stockpiling and ground conditions of the natural geology that are critical to the assessment. The material management plan will be helpful in understanding this given detailed discussion has not been included in the scope of the site investigation report.
- Whilst it is understood from the Phase 2 report that the specialist does not have reliance for some of the earlier reporting, it would be helpful to understand where or if risks quantitatively differ significantly to that encountered (it is appreciated this has been discussed in the Phase 1 report in the context of development at that time).
- With the above in mind, it is noted that the specialists reliance for historic reports is not consistent as the Phase 1 report states full reliance has been obtained. This should be confirmed and any consequential amendments made.
- The report mentions appropriate decommissioning of site investigation boreholes. The same approach should be adopted with the pumped abstraction borehole if this is not to be retained.
- It is noted that residential development is assumed in the south of plot 1b with further ground investigations recommended. Whilst not wholly relevant for what's proposed currently, the applicant should be mindful that further works here (and at plots outside of those identified in the application) will be required in due course.
- We would make no comment with regard to ground gas risk or the need for barrier pipe on the basis that works comprise only flood alleviation basins and materials movement associated with this.

Notwithstanding the above, the context of the development and its sensitivity is appreciated and it is recognised that investigation and assessments to date have not identified significant risks at the site(s). As such, the above bullets are, on the basis of the conclusions and recommendations, considered minor and largely technical and required by LCRM guidance. As discussed in earlier representations, revision of the reports or addendums to ensure they accord with this guidance would be recommended and the following condition appended to any approval to ensure this is the case.

Recommendation

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a Preliminary Risk Assessment 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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. The Remediation Scheme, as approved pursuant to condition no. (1) 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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. 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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.
2. 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.
3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

Previous comments can be viewed via the following link:

<https://myaccount.herefordshire.gov.uk/documents?id=9fc12dda-30d1-11f0-908b-005056ab3a27>

4.11 **Environmental Health Service Manager (Air Quality): Qualified comment May 2025**

Plot 1 A and Plot 1 B are adjacent to the Hereford Air Quality Management Area. Therefore an air quality screening assessment should be required to determine if traffic movements are likely to be significant in accordance with the screening criteria identified in

<https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

To reduce emissions from plant and machinery working on site less polluting plant and machinery should be used to reduce emissions of Nitrogen dioxide and particulates.

To understand the potential impact of emissions of dust and fine particulates created as a result of earth works. A dust risk assessment should be undertaken (<https://iaqm.co.uk/wp-content/uploads/2013/02/Construction-Dust-Guidance-Jan-2024.pdf>). Where necessary, suitable mitigation actions will need to be planned and implemented.

I note that a ground investigation for potential contamination linkages will be undertaken. The results of this assessment will need to be considered together with the dust risk assessment. Particularly if a pollutant linkage is identified in relation to air born dust. Any dust mitigation plans may need to reflect the findings of the contamination assessment report

4.12 **Principal Natural Environment Officer (Landscape): No objection June 2025**

The applicants landscape architect has responded (dated 29 May 2025) to my comments (dated 27 May 2025).

In principle, there is agreement with the conditions and recommendations put forward, and this provides assurance of those conditions and recommendations.

If the planning officer can action the conditions, with inclusion of the recommendations (as informatives), as per the landscape officers response, dated 27th May 2025, this would be appreciated to support enhancement of landscape character (LD1), biodiversity (LD2), and green infrastructure (LD3).

Previous comments May 2025 can be viewed online:

<https://myaccount.herefordshire.gov.uk/documents?id=ddc54577-3b87-11f0-908e-005056ab11cd>

4.13 **Principal Natural Environment officer (Trees): No objection subject to conditions May 2025**

I have reviewed the submitted documents and have the following comments in relation to the arboricultural resource within the site.

All Silva have submitted a detailed Arboricultural Impact Assessment (AIA) and tree Protection Plan (TPP) – AIA+TPP_15429_24.04.25. This has identified all trees within the 3 sites (plots 1A, 4 and 5).

The AIA clearly shows the tree removal required (11 in total over the 3 sites) which are mostly low quality (Category C) trees with the exception of G1 and G9/031 which have been categorised as moderate quality tree group. Although these tree removals are required, most of the existing trees within the site/s will be retained and therefore the overall visual impact will be limited.

Other impacts such as incursions in to RPA's for excavations or construction have all been highlighted within the AIA and mitigation including tree protection measures which are also included on the Tree Protection Plans.

I seem to agree with the statement within paragraph 4.3.3 regarding the diversion of the existing brook within plot 5. No indication or assessment has taken place to offer assurances that the substantial tree group on the eastern boundary will not be adversely impacted from re-location of its water source.

I have no objection to the prescribed tree works such as re-pollarding as this is considered mostly routine maintenance and will ensure the longevity of the historic Willow pollards.

Overall, I have no objection to the proposals as long as recommendations set out within the AIA/TPP are adhered to which can be enforced via a planning condition. In addition, a condition should be applied for an Arboricultural Method Statement for aspects not covered in detail within the AIA. This should include information (but not limited to) such as excavations near trees, construction for perimeter path (within site 1), supervision and monitoring.

Conditions

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Arboricultural Impact Assessment and Tree Protection Plan (All Silva_AIA/TPP_15429_24.04.25).

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to the commencement of any construction works close to retained trees, an Arboricultural Method Statement (AMS) must be submitted and approved by the local planning authority. This should include all information to ensure impacts to retained trees are kept to an acceptable level. The development shall be carried out in strict accordance with the approved AMS.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4.14 **Principal Natural Environment officer (Ecology): June 2025 No objection**

Habitat Regulations Assessment

The site is within the Yazor Brook and Lower Wye sub-catchments of the River Wye SAC and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

The demonstration of the use all best available 'natural' technology to minimise the discharge of phosphates in to the River Wye SAC catchment must be demonstrated.

Notes in respect of HRA

The proposed works are to provide a flood alleviation scheme to address historic flooding across the Merton Meadows area of Hereford City. The works are related to managing existing surface water in a way as to reduce potential future flooding of properties and highways.

- The proposed will not create any new foul water flows.
- The scheme incorporates marginal planting, reed beds and permeable surfaces to slow, store and filter surface waters

Based on supplied information this identified potential likely significant effect is not identified as having any adverse effect on the integrity of the River Wye SAC and is considered 'screened out' of any further assessment.

Due to the proximity of the Widemarsh Brook / Yazor Brook, a main tributary of the River Wye, there is also the potential for possible impacts from the demolition and construction process of this scheme on protected species.

The Widemarsh Brook / Yazor Brook and associated hydrological and ecological network is a tributary of the River Wye SAC and is known to support populations of 'feature' species noted within the designation of the River Wye SAC including Otters, Crayfish and species of Fish. (Other protected species are also associated with the locality). The wider water quality of the hydrological network could also be impacted through the extensive construction works required as part of this project.

Proposed mitigation is identified below.

- A comprehensive Construction Environmental Management Plan can be secured by condition for implementation during all permitted works will provide mitigation and assurance that all such effects are fully considered and appropriate mitigation and working measures implemented.
- The CEMP must include general environmental impacts eg spills, pollution and similar for the proposed works.
- To ensure the known presence of protected species in the area and utilising features associated with this development is fully considered and all relevant risk avoidance measures, mitigation actions and suitable compensation measures secured a pre-commencement suite of detailed species specific Ecological Working Method Statements (that include proposed mitigation and compensation features and actions) should be secured through Condition. Species should include (but not limited to) badgers, bats, birds (including kingfishers), reptiles, otters, hedgehogs and INNS (as identified within the Ecological Appraisal by Greengage (April 2025)). The LPA can be satisfied that all such measures can be achieved within the proposed project such that there is no threat to the conservation status of any species – and as such the appropriate information can be secured by a pre-commencement condition rather than being required in advance of any planning consent being granted.
- With a CEMP secured by condition no unmitigated effects on the River Wye SAC (SSSI) or the Widemarsh Brook / Yazor Brook are identified from the proposed development.

The HRA appropriate assessment completed by the LPA should be subject to formal consultation with Natural England PRIOR to any final grant of planning permission.

A suggested condition is identified below:

Construction Environmental Management Plan

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced 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.

Ecology

The supplied Ecological Appraisal by Greengage dated April 2025 is noted and referred.

The Ecological Appraisal confirmed potential impacts on site during the construction and operational phases of the proposed scheme for protected species (badgers, nesting birds, kingfishers, reptiles, riparian mammals, invertebrates and hedgehogs). Mitigation has been proposed by way of precautionary method of working (suggested condition above within the HRA section of this consultation response), installation of habitat features, a sensitive lighting scheme, landscape enhancements, and phased vegetation removal/soft felling of trees. This can be secured by the following suggested conditions:

Nature Conservation – Implementation

The recommendations set out in the Impact Assessment section of the Ecological Appraisal by Greengage dated April 2025 should be followed in relation to the identified protected species (badgers, bats, birds, invertebrates, hedgehogs and INNS) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Biodiversity Net Gain

I have looked at the revised Biodiversity Net Gain (BNG) metric and am happy this is acceptable in producing a minimum 10% gain, this will be secured via standard condition.

To note: there is an error in cell V12 on page C-1 On-site Water Baseline that is creating the error message 'Check Lengths' – the length should be 0.231.

To obtain Biodiversity Net Gain

Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary of at least TWELVE bird nesting boxes; FOUR artificial kingfisher tunnels; FOUR number bat roosting features; ONE artificial otter hold as recommended within the Ecological Appraisal by Greengage (dated April 2025) should be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and 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.

Furthermore:

The supplied ecological appraisal noted that there are ongoing riparian mammal (otter) and reptile surveys being carried out on site, although no identified species have been found so far. It is unlikely that any reptile species requiring an EPSL (i.e. sand lizard and smooth snake) will be present on site, and we are satisfied that mitigation for these species can be covered under the submitted EWMS.

Additionally, trees within Plot 4 (T050, T051 and T052) require further surveys to determine their suitability for bats and identify the need for further presence/likely absence surveys where required – these have not yet been subject to PRAs due to accessibility issues. These surveys and associated report will need to be supplied prior to any works commencing, other than site clearance, on Plot 4.

The following pre-commencement condition is recommended to ensure all impacts on protected species are identified and mitigation can be recommended:

Optimal Period Protected Species Surveys (pre-commencement)

Prior to commencement of construction works other than site clearance, all required Optimal Period otter and bat surveys shall be completed and the resulting report submitted to the planning authority. The report shall include survey methodology and results, details of proposed mitigation and compensation with recommendations for required Protected Species Licences.

The approved report, shall be implemented in full, and hereafter maintained, unless otherwise approved in writing by the local planning authority.

Reason: To ensure all protected species and habitats are protected and conserved 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 SS6, LD1, LD2 and LD3.

4.15 **Minerals and Waste Officer: No Objection July 2025**

Thank you for the above consultation. I can confirm that there are no mineral safeguarding concerns with the application site.

The proposed development relates to engineering works for a flood alleviation scheme, and having assessed the submitted plans and supporting documents, it is considered that the development will generate volumes of construction waste which needs to be considered. Policy SP1 within the Minerals and Waste Local Plan (MWLP) is the relevant policy and deals specifically with resource management and waste prevention. One of the objectives of the policy is to ensure waste materials which result from the construction of new developments are diverted from entering the waste stream where possible.

There are 4 plots identified on the submitted plans and within supporting documents which make up the application site, these are labelled Plot 1A, 1B, 4 and 5. Plots 1 A and 1B are currently car parks with hardstanding and gravel across them. Plots 4 and 5 consist of scrubland and dense vegetation.

Within the supporting planning statement at paragraphs 3.26 and 3.27 the applicant addresses material management within the scheme. It is identified that all plots are underlain by made ground with various depths. It is the applicant's intention to produce a Materials Management Plan (MMP) and earthwork specification which will explore the potential for the reuse the cut material. The MMP will be expected to identify the volumes of material and soils generated through the construction and if the material can be treated for appropriate re-use.

It is also noted within the submitted Construction Traffic Management Plan it is identified the main contractor will be required to investigate opportunities to minimise waste arising at source and, where such waste generation is unavoidable, to maximise the recycling and reuse potential of demolition and construction materials. It is stated that a key aspect of this will be the recycling of cut material either on or between the sites. This approach is welcomed.

To ensure that where possible the production of waste from the development is minimised and options for the reuse or recycling of any waste produced is utilised, if the application is to be recommend for approval, it is requested that the following condition should be included in the decision:

Waste prevention and Material Management Condition

Prior to any development commencing on site, including any site clearance or groundworks, details of a site waste prevention plan and material management measures shall be submitted and approved in writing by the local planning authority. This shall include the steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase. Construction works shall thereafter be carried out in full accordance with the details of the approved plan.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan

– Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

4.16 **Principal Building Conservation Officer: No objection July 2025**

The proposal

The proposed application is to provide a flood alleviation scheme to address historic flooding across the Merton Meadows area of the city.

The overarching strategy is one of inclusive engineering works and associated landscaping to satisfy Biodiversity Net Gain (BNG) requirements,. Flood storage will be integrated into the landscape by creating wetlands, new and enhanced natural habitats, and Tree retention.

The site

There are 4 sites proposed.

Change of use -

Merton Meadows North Overflow car park Plots 1A / 1B

Existing: Surface Parking

Proposed: Flood storage and wetlands & natural habitat with public amenity.

Former Canal Basin Plot 4 -

Existing: Natural Habitat

Proposed: Flood Storage, Natural Habitat and Public Amenity.

Former Essex Arms Plot 5

Existing: Natural Habitat

Proposed: Flood Storage, Natural Habitat and Public Amenity.

The flood alleviation works will unlock future development potential for up to c.400 new homes across the Merton Meadows and Essex Arms, which will be the subject of a separate, future planning application.

Plot 1a and 1b is sited between the Hereford Central conservation area, Widemarsh Conservation Area and Bulmer Garden Suburb Conservation Area.

<https://www.herefordshire.gov.uk/conservation-1/conservation-areas/3>

Plot 4 is between the Hereford Central conservation area, and Bulmer Garden Suburb Conservation Area

Plot 5 is a very sensitive site directly adjacent to:

- the Hereford Central Conservation Area,
- UID 1010797 Blackfriars Friary Scheduled Monument which contains 3 individual listed buildings ;
 - UID 1196898 Coningsby Hospital **Grade II*** included on the statutory list on 10/06/1952
 - UID 1293327 Remains of Blackfriars Priory **Grade II*** included on the statutory list on 10/06/1952
 - UID 1279469 Preaching Cross at Blackfriars Priory **Grade II*** included on the statutory list on 10/06/1952

<https://historicengland.org.uk/listing/the-list/map-search/>

Legislation Policy and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty obligation does not prevent change from occurring but merely requires that change is properly informed so not to not affect any special architectural or historic interest.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed to not affect any special architectural or historic interest.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Primary legislation is repeated in National Planning Policy Framework and Core Strategy Policies.

- Paragraph 135 of NPPF advises that planning policies and decisions should ensure Developments should;
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- Paragraph 207 of NPPF advises that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”
- Paragraph 208 of NPPF advises that a “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”
- Paragraph 212 of NPPF advises “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- Paragraph 213 of NPPF advises “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.

- Paragraph 219 of NNPF advises “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”
- Policy SS6 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:
 - conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular landscape, and heritage assets and especially those with specific environmental designations. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant.
- LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:
 - demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
 - 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 through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.

Assessment of Proposal

Plots 1a and 1b

In respect of plots 1a and b, the current proposal as submitted is in relation to flood storage and wetlands & natural habitat with public amenity only. The current proposals are considered to be an enhancement to the setting of the adjacent conservation areas and no objection is raised in built heritage terms.

Plot 4

In terms of plot 4, it is considered that the proposal as submitted would enhance this area between 2 conservation areas, and no objection is raised in terms of setting of heritage assets.

Plot 5

Plot 5 is very sensitively sited adjacent to designated assets. The proposal for the planting and flood alleviation is sited to the east of the site farthest away from the nationally designated assets of Grade II* listed buildings and a scheduled monument of Blackfriars priory established 1322

including a church and cemetery. Images and information above the Priory are included in the hyperlink below.

<https://htt.herefordshire.gov.uk/her-search/monuments-search/search/Monument?ID=418>

<https://herefordshirehistory.org.uk/archive/herefordshire-images/hereford-images/miscellaneous-locations-around-herefordshire-0/230237-house-of-the-blackfriars-1776?>

<https://herefordshirehistory.org.uk/archive/herefordshire-historic-maps/hereford-maps/146580-plan-of-hereford-city-from-speeds-map-1610?q=maps>

<https://herefordshirehistory.org.uk/archive/herefordshire-historic-maps/hereford-maps/512206-taylors-map-of-hereford-1757jpg>

The current proposals in isolation would gain support in built heritage terms as the site would be enhanced. However, in terms of the future residential development of the site, there would be concerns at this stage, as no details of height or layout has been provided.

This would be a difficult site to develop for residential use especially due to the numbers proposed and the area of the site to be utilised for flood alleviation measures. In addition to the proximity of Blackfriars, the Hereford City Link Road currently affords views of the church spires of All Saints Church, the Cathedral and St Peters both II*. Old maps indicate that this site was adjacent to the canal wharf, and as such has not been developed, thereby affording views of the city roofscape from those approaching from the North for centuries, and in more recent times from the railway approach.

<https://maps.nls.uk/view/101569818>

<https://maps.nls.uk/view/101569806>

In isolation there would be support for the proposals as it would enhance the wider area, provide an attractive oasis in the city between the railway station and the city centre, and also Blackfriars site, which are visited by tourists, and hyperlinks below provide more information in that regard. However the subsequent redevelopment of the site may be problematic in terms of height and impact on Blackfriars and loss of views across the city skyline.

<https://www.visitherefordshire.co.uk/discover/blackfriars-hereford-preaching-cross-priory-and-rose-gardens>

<https://www.britainexpress.com/counties/hereford/abbeys/blackfriars-friary.htm>

I would refer to section 4.2 and section 6 of the Historic Area Assessment for Herefordshire Council prepared by Donald Insall in 2018. The support of this element of the proposal is merely a consideration of the proposals currently applied for and not for any future development not fully detailed within the application.

https://www.herefordshire.gov.uk/downloads/file/17142/hereford_city_historic_area_assessment_part_a.pdf

Conclusion

There is support for the current proposal, which in isolation would be seen as an enhancement. However as reference has been made to future housing development, in terms of future residential development, whilst no objections are raised to the principle of such development at this site, as the site 1a and 1b is an important gateway to the city, care would need to be taken in respect of the height of any such buildings. the draft Hereford Design Guide which provides advise on views in and out of the city, relative heights, materials and designs.

<https://www.herefordshire.gov.uk/downloads/file/16850/draft-hereford-design-guide>

Site 5 will need to be considered with care given the adjacent heritage buildings.

When considering new development, the following documents may also be of use some prepared in house, and others by external consultants paid for by the Authority.

https://www.herefordshire.gov.uk/downloads/file/17142/hereford_city_historic_area_assessment_part_a.pdf

https://www.herefordshire.gov.uk/downloads/file/17144/hereford_city_historic_area_assessment_part_b.pdf

https://www.herefordshire.gov.uk/downloads/file/17143/hereford_city_historic_area_assessment_part_c.pdf

<https://www.herefordshire.gov.uk/downloads/file/1438/historic-townscape-of-central-herefordpdf.pdf>

4.17 **Archaeology Advisor: No objection subject to a condition July 2025**

Following our joint site meeting in relation to 'Plot 5' and its potential issues, and having regard to correspondence received from Historic England et al subsequently, I have the following comments to make:

1. There was of course some discussion on site relating to suitable conditions, and indeed Historic England's most recent response of 11/07/2025 does refer to this and the need for "pre – commencement" archaeological investigation (i.e. in the most sensitive far southern sector of the site). I agreed on site and continue to agree that such archaeological investigation is needed at an early stage under Para 218, whilst emphasising that pre commencement is not the same thing as pre-determination [under Para 207]. Terminology is important. On balance, having reviewed the correspondence again, I remain of the view that as far as archaeology is concerned, the application could be favourably determined as things stand.
2. As previously discussed however, and in the context of the field evaluation already undertaken, sufficient additional recording of the far southern sector MUST take place at a sufficiently early stage of any progressing scheme. By this I mean prior to any construction works in this limited area of Plot 5 [only], with time to allow the results of the investigation to feed into any continuing detailed design process here. It has been accepted that a bespoke condition is needed in this case, that whilst providing adequate safeguards, would prevent unjustified delays to the progression of the whole scheme as a generality - were that scheme to be approved.
3. Accordingly, I am now suggesting the following archaeological condition, as a means of achieving these aims.

"The applicant shall commission a suitable archaeological investigation of the far southern corner of Application Area Plot 5. This investigation should commence prior to any construction works in this part of the site, and the results of the investigation will form part of the continuing design process here. The investigation will in essence consist of an appropriate geophysical survey, and targeted archaeological excavation area(s). As would be normal, there will be a need to make the results, and any archive generated, publicly accessible in due course"

Previous comments May 2025 can be viewed online:

<https://myaccount.herefordshire.gov.uk/documents?id=ccf9e14e-4056-11f0-908e-005056ab11cd>

5. Representations

5.1 **Hereford City Council:** No comments received.

5.2 Letters of Representation

The proposal due to the scale of development is classified as a major development. As such it has been advertised in the local press (Hereford Times). Numerous site notices have also been displayed around the application site and surrounding area. In response to the public consultation a total of 4 comments were received on the application throughout the process, detailing the points listed below. All representations received can be viewed full through the website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=251273&search-term=251273

Summary of representations received:

General to Plot 4

- The description of Plot 4 as a "former canal basin" is inaccurate; the actual basin is now beneath the city link road and Medical Centre.
- Plot 4 lies near the historic canal line and is needed for the planned replacement basin, but this is not reflected in the submitted plans.
- The proposal conflicts with the Local Plan Core Strategy's aim to protect and eventually restore the Gloucester to Hereford canal.
- The scheme appears to contravene Policies HD2 and E4 and is therefore objected to.
- A restored canal would significantly improve the area's quality and appeal, and its importance should be fully acknowledged and supported.

Flood Risk and Geology Concerns

- Paragraph 170 of the National Planning Policy Framework (NPPF) clearly states: "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk."

Merton Meadow falls within Flood Zone 3, identified as an area with a high probability of flooding from rivers. Despite this designation, the planning documentation — particularly the Hydrock reports — does not fully account for the three-dimensional geological and hydrological context of the site.

- **Historical and Geological Context**
 - The valley in which Merton Meadow sits was carved by the pre-Ice Age course of the River Wye, which flowed along what is now the Yazor Brook valley. This valley was deeply incised into the Raglan Mudstone Formation, a predominantly impermeable bedrock. During the last phase of the Ice Age, the valley was infilled with glaciofluvial gravels, forming highly permeable aquifers.
 - These gravels allow subsurface groundwater flow, even when surface water appears to be controlled. As illustrated in the British Geological Survey Memoir for Hereford (page 39), there are significant depths to bedrock that create a hidden, continuous pathway for groundwater migration. This crucial three-dimensional aspect is not depicted in the geological maps provided, which only offer a plan view, nor is it fully understood through the limited borehole data.

- Hydrock's own Desk Study Part 1 (Section 27.4) acknowledges the issue:
"The high permeability of the glaciofluvial sheet deposits is such that the flux of water is highly likely to be large."
Similarly, Part 26.1 and Page 27 of Desk Study Part 2 reiterate that groundwater migration through the system is likely to be continuous and significant due to the same permeable deposits.

Past Failures and Lessons Not Learned

- A costly intervention — the diversion scheme of the Yazor Brook near Credenhill, cost over £4 million but failed

Canal Basin

- Support except that it excludes a canal basin.
- The canal basin concept has existed in policy since the 1980s but lacks a financially viable business plan.
- It has hindered development along its intended route.
- The proposed ponds are seen as more beneficial than a canal basin.
- The canal project is outdated and should be abandoned.

Financial Impact on the football Phoenix Club/ detrimental effect to HFC football club.

5.3 Herefordshire and Worcestershire Earth Heritage Trust

- The site overlies the Proto Wye river channel, a Late Glacial river feature filled with sands, gravels, and peat, identified in boreholes from the 1960s–1980s.
- Excavations for site reprofiling and brook remodelling may expose these deposits, which have geo heritage value, including water-rolled vertebrate remains.
- Contractors should be instructed to record geological findings to preserve this value.
- The subsurface gravel aquifer is hydraulically linked to the River Wye and may influence groundwater flooding risks.
- The flood risk assessment assumes low groundwater flooding risk, but it is unclear if changes in groundwater hydraulic head during floods are fully modelled.
- An increased flood storage volume might raise groundwater levels, potentially increasing flood risk or drainage issues downstream.
- Discrepancies in flood depth data and site layout make precise flood risk assessment difficult.
- Climate change is expected to increase flood event frequency and intensity beyond current modelling assumptions.
- A more thorough groundwater flood risk assessment is recommended, especially before developing non "water compatible" areas.
- If permission is granted, a Condition should require a Geodiversity Action Plan to document and protect geo heritage during works, aligning with relevant local and national policies (Core Strategy SS6, LD2, and NPPF).

5.4 Herefordshire and Gloucestershire Canal Trust: Objection June 2025

- The proposal conflicts with a previously approved application (P211047/F for Underwood Steel), which includes provision for a future canal basin where Plot 4 now proposes an attenuation basin.
- The current application fails to acknowledge the historic canal route, contrary to Core Strategy policies HD2 and E4.
- The Herefordshire & Gloucestershire Canal Trust had objected to the Underwood Steel plan for similar reasons.
- Flood level data shows that the canal would flood during a 1 in100-year event (+37% climate change), indicating it could function effectively as part of the attenuation system.

- The canal already includes a weir at Aylestone Park, which manages water flow and could contribute significantly to flood management.
- The canal offers potential flood storage capacity (via freeboard), making its inclusion in flood design logical and beneficial.

5.5 Hereford and Worcester Fire Service comments: No objection May 2025

I can confirm that Hereford and Worcester Fire Authority has reviewed the documentation and has no further comment at this time

5.6 Ward Member

The Ward Councillor (Councillor Polly Andrews) has been informed throughout the application process.

The application is being reported to the Planning & Regulatory Committee based on officers being in receipt of Material Objections to an application involving Council owned land and submitted on behalf of the Council application.

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Planning Permission is sought for engineering works to create a flood alleviation scheme on Flood Zone 2 and 3 on land at Merton Meadows in Hereford.
- 6.2 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."
- 6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework ('NPPF' or 'Framework') is also considered to be an important material consideration for all planning applications in England.
- 6.4 Notwithstanding the principle of development, the key planning issues for this proposal are:
 - Flood risk and water environment
 - Landscape and visual impacts
 - Amenity
 - Archaeology and historic environment
 - Biodiversity and natural environment
 - Climate change, natural resources and waste
- 6.5 The application site comprises a brownfield site that lies to the north and south of the A465 (City Link Road), and in close proximity to the City Centre. It falls within the Edgar Street Grid consultation zone; an area identified in the Core Strategy for regeneration and creation of an Urban Village. To date this has progressed on a largely piecemeal basis, with new housing and a hotel provided to the east of the football ground. Core Strategy policy HD2 within the supporting text for policy HD2 is says that:

'The urban village will require associated infrastructure in order to address flooding issues. A key element of this will be the production of an integrated surface water management strategy. This should inform the design and layout of development and help deliver

sustainable drainage and flood risk reduction measures taking into account the development of the other strategic sites in Hereford.'

- 6.6 It is also noted that within with the surface water management and flooding supporting text of policy HD2 (para 4 .2.35) it confirms:

'A proportion of the Edgar Street regeneration area lies within Flood Zone 3. The Yazor Brook flood alleviation scheme has now been completed, which provides some flood relief to the Edgar Street regeneration area and outlying areas. Secondary measures are required to ensure that any development in this area is safe and will not increase flood risk to third parties. Further measures will also be implemented within the city that will improve surface water drainage and any residual flooding impacts'.

- 6.7 The proposal is considered to be acceptable in this location, subject to compliance with other topic based policy requirements and will help to unlock residential development in the future. The proposal is on a brownfield site in an area that is near to a wide range of services, facilities and public transport. The area is locationally sustainable and the plots provide connectivity.
- 6.8 The proposal is also supported in principle due to its significant public benefit in reducing flood risk and enhancing climate resilience. Given the critical importance of managing flood risk within Hereford City, the proposed flood alleviation works are a key strategic intervention. Furthermore, these works have the potential to unlock future development opportunities, including provision for approximately 400 new homes across the Merton Meadows and Essex Arms sites. It is noted that any such residential development would be subject to a separate and future planning application.
- 6.9 That support, however, should be balanced against all other relevant material considerations identified within this report. This includes a careful assessment of both the benefits and any potential harms, to arrive at a reasoned and justified conclusion on whether planning permission should ultimately be granted.

Flood Risk and Water Management

- 6.10 NPPF paragraph 161 requires that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 6.11 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.
- 6.12 Paragraph 170 of the NPPF states "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."
- 6.13 Paragraph 181 of the NPPF states "when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- Any residual risk can be safely managed; and
- Safe access and egress routes are included where appropriate, as part of an agreed emergency plan.

- 6.14 Following the flood modelling exercise, the four areas were selected for the flood alleviation works (Plot 1A, 1B, 4 and 5). All plots are classified as brownfield land and have been previously developed in some form.
- 6.15 The proposal is for engineering works to create a flood alleviation scheme located in high probability Flood Zone 2 and 3. The application has been supported by the submission of a flood risk assessment (as amended), flood modelling information, ground investigation and technical drawings. The overarching strategy is one of inclusive engineering works and landscaping to satisfy Biodiversity Net Gain requirements. The Environment Agency, the Lead Local Flood Authority (LLFA)/Drainage and Welsh Water have reviewed the proposal.
- 6.16 When looking at local hydrology (see figure 6 below), the Yazor Brook is located to the west of the site, flowing in a south-easterly direction before entering a culvert at Plough Lane and eventually discharging to the River Wye near Victoria Street Bridge. Widemarsh Brook is a branch of the Yazor Brook, which separates from the main Yazor Brook channel near Fiennes Way. Widemarsh Brook flows to the east between Plots 1a and 1b, on through Plots 4 and 5 before continuing southwards towards the River Wye. Ayles Brook is seen to the north, and is culverted from Ayles Brook to the north of Hereford Racecourse to its outfall into the Widemarsh Brook at Newtown Road.

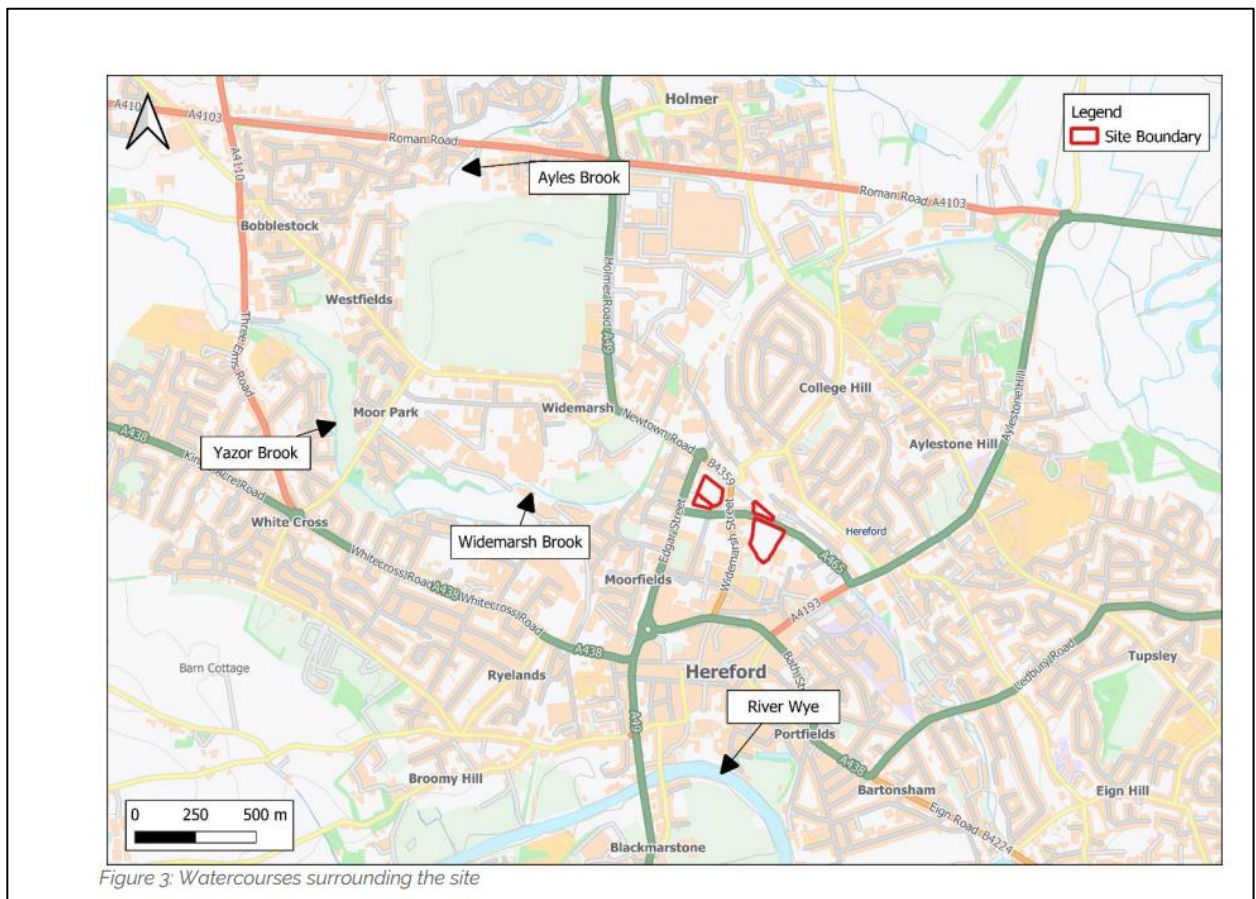


Figure 6 shows the location of these watercourses (extract from submitted FRA)

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

- 6.17 As background to the proposal and as highlighted within the submission and drainage officer comments *'the Yazor Flood Alleviation Scheme was installed in 2009, near Credenhill. This infrastructure was installed to facilitate development within the functional Flood Plain (Flood Zone 3B) in central Hereford. The FAS displaces water from the Yazor Brook into the River Wye, thus reducing the peak flow in the Widemarsh and Yazor Brooks. The scheme was not delivered to eliminate the risk of fluvial flooding (low points adjacent to the watercourse will continue to flood). Instead, the scheme was promoted because it was impractical to excavate compensatory storage areas to make up for any lost flood plain arising due to future development within Flood Zone 3B'*.
- 6.18 Paragraph 172 of the NPPF states "All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk by:
- Applying the sequential test and then, if necessary, the exception test as set out below;
 - Safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - Using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
 - where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more suitable locations.
- 6.19 The NPPF details the requirement for a risk-based Sequential Test in determining planning applications.
- 6.20 Paragraph 174 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a Sequential Test. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding'.
- 6.21 In regards to the sequential test, officers are satisfied, as although the site is located wholly within Flood Zone 2 and 3 according to the current EA Flood Map for Planning, it has been allocated under the Herefordshire Local Plan Core Strategy (HD2 Hereford City Centre). Additionally, the proposal for the Merton Meadows Flood Alleviation Scheme is for water compatible flood mitigation. Therefore, application of the Sequential Test will not be required. Notwithstanding the above opinion the proposed development forms part of the long-pursued strategic regeneration of this part of the City Centre.
- 6.22 Paragraph 177 of the NPPF states that 'If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification.
- 6.23 The NPPF (Annex 3) classifies development types according to their vulnerability to flood risk. NPPG Table 2 provides guidance on which developments are incompatible with certain Flood Zones. This site lies within Flood Zone 3a and also, partially within the 3b functional floodplain.
- 6.24 This application as it is a 'Flood Alleviation Scheme' application is classed as Water Compatible as described in Annex 3. There is no built development as such and the works can either be considered flood control infrastructure or potentially even as amenity open space, nature conservation and biodiversity uses.

- 6.25 Accordingly, an Exception Test is not required as per the Planning Practice Guidance to NPPF which identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones.
- 6.26 A review of the Environment Agency Long Term Flood Risk Mapping (Surface Water) indicates that there are areas of 'low' to 'high' flood risk across all plots
- 6.27 Within the Drainage Officer/Lead Local Flood Authority (LLFA) comments, reference has been made to the flood modelling which classifies the site as Flood Zone 3B. In such areas, works should normally be designed to result in no net loss of floodplain storage and should not increase flood risk elsewhere. Drainage colleagues have highlighted that the current proposal includes some ground raising and recommend that the Environment Agency (EA) be required to endorse these aspects. Members are reminded that the EA has not objected to the Flood Alleviation Scheme (FAS). It has also been confirmed that the raising of the ground will form a part of the wider masterplan for the area and will be discussed with EA as part of the wider masterplan consultation.
- 6.28 As detailed by the Drainage Officer/Lead Local Flood Authority (LLFA), the model outputs indicate that there is no fluvial flooding in Plot 1B during a 1-in-30-year flood event. Similarly, most parts of Plot 5 are shown to not be at risk of fluvial flooding in the same event. The modelling report advises that a western area of Plot 1B is to be raised to reduce flood risk to third parties. However, the modelling has been questioned by the LLFA/Drainage Officer, who has suggested that it may not be an adequate tool for setting property floor levels.
- 6.29 Notwithstanding these comments, Members are reminded that, as per the EA's response, drainage colleagues will be consulted on any future residential applications and proposed floor levels. It should also be noted that residential development is not a consideration of this application, although it is acknowledged that this Flood Alleviation Scheme is intended to facilitate future residential development.
- 6.30 The LLFA have raised concerns about Cut & Fill for Plots 1A, 1B and 1C which shows works outside of the red line boundary as well as advising that the EA need to endorse the principle of ground raising within areas of Flood Zone 2B, as defined on the Flood Map for Planning. Members are advised that the LLFA/drainage colleagues shared their comments with them direct and as highlighted above the EA have not objected in their most recent consultation response following the sharing of the drainage officer comments.
- 6.31 A third party consultation response has highlighted a concern that the glaciofluvial gravels form an aquifer. The concern has been raised that when development proceeds vulnerable people could be impacted by flooding and possibly adversely impacted by groundwater. This issue has been considered in the FRA, noting that water compatible development is proposed.
- 6.32 The proposed pond design as highlighted within the drainage officer/LLFA response can be addressed via a planning condition. This has been added at the end of this report.
- 6.33 The applicant responded with a technical note to the various points raised by the LLFA/Drainage team and this can be seen in Appendix A at the end of this report .
- 6.34 The EA is a statutory consultee with responsibility for commenting on applications in the floodplain. The EA have provided commentary on the application and within two rounds of consultation and highlight the proposal will provide a level of flood risk betterment as well as the potential for biodiversity benefits.
- 6.35 They have confirmed no objection and have provided a conditioned response albeit it is acknowledged a number of technical queries were raised. Specifically:

- Were the modelled scenarios defended i.e. with the upstream Yazor Brook FAS fully working or undefended?
 - What additional flood storage capacity did the Merton Meadows FAS, in the 4 plots, actually provide?
 - Whether post development outlines with the new additional storage proposals in place had been produced in order to demonstrate the betterment being provided by the scheme.
- 6.36 The EA also confirmed the updated submitted FRA was now 'clearer than the previous version', however they have requested that any future applications for future residential particularly in areas where the flood extents have been reduced to ensure the modelling is robust and fit for purpose.
- 6.37 The applicant responded with a technical note to the various points raised by the EA and this can be seen in Appendix B at the end of this report .
- 6.38 The Council's land drainage engineer has also been consulted as Lead Local Flood Authority (LLFA) they also have responsibilities in relation to flood risk from surface water, groundwater and ordinary watercourses and have also been consulted and have commented on the application.
- 6.39 Welsh Water have been consulted as part of the application and they have advised the application sites crossed by public sewers (both surface water sewer and a foul sewer crossing) and they have confirmed in their response that the proposed development within plots 4 and 5 would be situated within the protection zone of the public assets measured 3.75 metres either side of the centreline of the 750mm combined sewers and 3 metres either side of the 300mm combined and 450mm surface water sewers. Due to the uncertainty in the location of the assets a bespoke condition has been suggested by Welsh Water relating to plots 4 and 5 securing the accurate plotting of public sewers.
- 6.40 Specifically relating to drainage, National Highways have confirmed that the scheme will not have a direct impact on the Strategic Road Network or outfalls.
- 6.41 To conclude, the scheme by its very intention would represent a betterment of the existing flood risk situation. No conflict has been identified with the relevant flood risk management policies of the National Planning Policy Framework (NPPF) or the Core Strategy. The EA and Welsh Water, as statutory consultees, have been consulted and have reviewed the environmental information provided. Both have confirmed that they have no objection to the application in terms of flood and groundwater risk.
- 6.42 The comments of the Land Drainage Engineer/LLFA are noted and given the scale of the site and the supporting technical information, the proposed methods are considered policy compliant and achievable on-site. More detailed design can be secured at the discharge of condition stage.
- 6.43 The purpose of the application is to reduce flood risk and it is anticipated that the completion of the scheme will lead to a significant reduction in flood risk and the site is considered suitable for development with regards to national guidance.
- 6.44 Subject to the details outlined above being secured through conditions no conflict with policy SD3 or the NPPF in relation to drainage and flood risk have been identified. It is noted that there are no foul water facilities proposed for the development. As such, it is considered that the requirements of Policies SD3 of the Core Strategy would be satisfied subject to suitably worded conditions.

Heritage assets (including below ground), design and visual amenity

- 6.45 The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets.
- 6.46 Policy LD4 of the Core Strategy is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed building and conservation areas, or not, ranging from individual structures and their settings, archaeological remains, to larger neighbourhoods of historic value, parks, gardens and other green spaces of local interest. Policy SS6 identifies that development proposals should conserve and enhance those environmental assets that contribute towards county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.
- 6.47 When considering the impact of a development proposal upon the setting of a heritage assets, there are several stages. Firstly, identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets' setting, this depends upon whether that view contributes to the significance of the asset. Also, a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.48 There are a number of listed buildings and a scheduled monument in close proximity: Plot 1a and 1b is sited between the Hereford Central Conservation Area, Widemarsh Conservation Area and Bulmer Garden Suburb Conservation Area. Plot 4 is between the Hereford Central Conservation Area and Bulmer Garden Suburb Conservation Area. Plot 5 is directly adjacent to: the Hereford Central Conservation Area and the Blackfriars Friary (Scheduled Monument) which contains 3 individual listed buildings:
- UID 1196898 Coningsby Hospital grade II*
 - UID 1293327 Remains of Blackfriars Priory grade II*
 - UID 1279469 Preaching Cross at Blackfriars Priory grade II*
- 6.49 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is required, when considering development which affects a listed building or its setting to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.50 It follows that the duties in Section 66 do not allow a decision-maker to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm "considerable importance and weight". Importantly, this does not mean that an authority's assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or "less than substantial" and to harm that it considers would be "substantial".
- 6.51 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved in a manner appropriate to their significance. Section 16 particularly offers clarity about the assessment to be made of the significance of heritage assets.

Paragraph 210 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.52 Whilst policy requires heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. In order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.
- 6.53 As part of the submission a Heritage Statement has been submitted to support the application, in line with Paragraph 207 of the NPPF.
- 6.54 The Council's Principal Building Conservation Officer within their comments have provided an assessment of the proposal. Regarding plots 1a and 1b as relate to flood storage and wetlands & natural habitat with public amenity only. The current proposals are considered to be an enhancement to the setting of the adjacent conservation areas and the heritage officer has no objection is raised in built heritage terms. In terms of plot 4, it is considered that the proposal as submitted would enhance this area between 2 conservation areas, and no objection is raised in terms of setting of heritage assets. The most sensitive of all the proposed areas/plots is Plot 5 due to it being adjacent to designated assets. The proposal for the planting and flood alleviation is located to the east of the site farthest away from the nationally designated Grade II* listed buildings and the scheduled monument of Blackfriars. The Principal Building Conservation Officer has advised that in isolation, the proposal would gain support in built heritage terms as the site would be enhanced, albeit it is noted that concerns have been raised about future residential development of the site. However, Members are reminded that any future development of this plot is not under consideration at this time.
- 6.55 The site's development does not affect the above ground heritage assets, and overall, given the location of the site within the conservation area and in close proximity to listed buildings the development is sensitively designed, and quality of the proposed development will be appropriate. It is considered that in regard to heritage assets and their setting, experience or significance that the proposal would be seen as an enhancement. Subject to certain aspects being developed through planning condition, the overall development will be visually attractive and sympathetic to local character complying with para. 135 of the NPPF. The Council's Principal Building Conservation Officer has not objected to the development, noting there would be support for the proposals as it would enhance the wider area, provide an attractive oasis in the city between the railway station and the city centre, and also Blackfriars site, which are visited by tourists.

Archaeology

- 6.56 In regard to archaeology, the application has been supported by specialist reports to assist in the assessment of the proposal upon both archaeological and heritage assets. These reports have been reviewed by both Historic England and the Council's Archaeology Advisor.

Historic England have not raised an objection, but they have concerns, which in summary, are as follows:

- The absence of supporting heritage information.

- Impact on a surviving earthwork section of the Tan Brook on the southern boundary of the site
 - Impact on buried peat deposits identified in past archaeological evaluation work at the site
 - The absence of supporting technical drawings for Plot 5 Significance of designated heritage asset
- 6.57 The application site is located immediately north of Blackfriars Priory a scheduled monument (NHLE 1010797) and the north edge of the monastic precinct is defined by the historic course of the Tan Brook. A remnant section of the Tan Brook is visible as an earthwork south of the application site and makes a strong positive contribution to the significance of the scheduled monument. Historic England have highlighted that the application site makes a positive contribution to the significance of the scheduled monument with a remnant section of the Tan Brook and the open character of the site preserving that of the former marsh and the information preserved in its peat deposits.
- 6.58 Following a joint site meeting Historic England have confirmed that albeit they have concerns, the application is considered to cause 'less than substantial harm to the significance of Blackfriars Priory', a scheduled monument (NHLE 1010797) through impacts on the Tan Brook and potential impacts on the buried archaeological remains associated with the monastic site within the south of the proposal area. However, it was agreed at the site meeting that these concerns and impacts can be resolved or minimised through either clarification by applicant prior to determination or by amendment of design by condition and informed by pre-commencement archaeological assessment.
- 6.59 The Councils' archaeological adviser following the site meeting in relation to 'Plot 5' and its potential issues, and having regard to correspondence received from Historic England has provided updated comments and in line archaeological investigation is needed at an early stage as per NPPF Para 218 and has confirmed on in their opinion in regards to archaeology 'the application could be favourably determined as things stand'. Albeit stressed additional recording of the far southern sector needs to be undertaken 'at a sufficiently early stage of any progressing scheme'. This has been clarified by stating this relates 'to any construction works in this limited area of Plot 5 (only), with time to allow the results of the investigation to feed into any continuing detailed design process. This mitigation can be secured by a bespoke condition that provided adequate safeguards and this has been included the end of the report and the purpose is to secure archaeological investigation of the far southern corner of Application Area Plot 5.
- 6.60 Notwithstanding Historic England's comment, it is clear from the Council's own adviser that the submission is considered appropriate for the purposes of paragraph 200 of the NPPF, concerning the requirement to supply a level of detail sufficient to understand the potential impact of the proposal upon significance. The archaeological advisor has now reviewed and has confirmed they have no objection subjected to suitably worded planning condition.
- 6.61 Your Officer is satisfied, taking on board the specialist consultee responses, that conditions can be imposed to require suitable high level archaeological intervention, in accordance with both national and local policy including paragraph 205 of the NPPF.
- 6.62 In regard to archaeology, the application has been supported by specialist reports to assist in the assessment of the proposal upon both archaeological and heritage assets. These reports have been reviewed by both Historic England and the Archaeology Advisor has confirmed no objection to the proposal.
- 6.63 Whilst noting the comments of Historic England, when considering the specific merits of this scheme, the Archaeological Advisor and Principal Historic Buildings Officer advise that the proposal does not cause harm to the setting, significance or experience of these heritage assets. As such the proposal adheres to the aims of Core Strategy Policy LD4, alongside the requirements set out within Chapter 16 of the NPPF

- 6.64 Due to the prominence of the site, the scale of the development and works in close proximity to the heritage assets above ground and the SAM, these works are considered to result in less than substantial harm to the listed building and SAM when considered individually and cumulatively. It is noted that officers are in receipt of a no objection from both Historic England and the Council's Principal Building Conservation Officer however as the works as considered to be less than substantial this triggers the balancing exercise as per paragraph 215 of NPPF "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." As such a balancing exercise has to be undertaken where the public benefits of the proposal are weighed against the harm. The balancing exercise can be viewed at paras 6.122 to 6.131.

Landscape and Trees

- 6.65 In terms of the development plan context, Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness, including its settlement pattern, biodiversity and especially those with designations.
- 6.66 Core Strategy Policy LD1 deals directly with landscape and townscape and identifies proposals should:
- Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, protection and enhancement of the setting of settlements and designated areas;
 - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including AONBs, nationally and locally designated parks and gardens and conservation areas;
 - Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
 - Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.67 Core Strategy Policy LD3 sets out development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:
1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
 2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
 3. Integration with, and connection to, the surrounding green infrastructure network.
- 6.68 The National Planning Policy Framework identifies requirements in terms of conserving and enhancing the natural environment at Chapter 15.
- 6.69 Paragraph 187 sets out ways in which planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Furthermore, minimising impacts and providing for net gains for biodiversity and preventing new and existing development from contributing to unacceptable risk from soil, air, water or noise pollution of land instability.

- 6.70 The application site has no formal landscape designation. The proposal has been supported by a landscape scheme and it includes new pedestrian links and the restoration of the landscape. The plots and a summary of the landscaping is illustrated below:
- 6.71 Plot 1A/Plot 1B. The site will alter an existing narrow, linear corridor along a formerly hard-edged stretch of Widemarsh Brook into a 'richly layered landscape that combines ecological enhancement with accessible public realm'. This is due to the brook restoration and a diverse planting mix and reed bed integration.
- 6.72 No landscaping is proposed in Plot 1B, but involves areas to be re-profiled to the north.
- 6.73 Plot 4 located at the heart of Merton Meadows corridor and serves as a central landscape point creating a much more expansive and open character. It is a key connector between the more linear integration to the north and south and includes ecological enrichment and landscaping via habitat structuring, layered planting, scrub meadow, riparian enhancement and climate-responsive planting.
- 6.74 Plot 5 integrates flood mitigation with ecological enhancement. The plot plays a critical role in concluding the green corridor along Widemarsh Brook and is achieved through the implementation of wetland planting via a series of reed beds and marginal planting zones to create wetland system that slows and filters surface water, contributing to the improved flood resilience and habitat provision. Biodiversity corridors have also been implemented, ensuring connectivity and continuity between all plots. Plot 5 will operate as a natural wetland system, with reed beds and marginal planting capturing, slowing, and filtering surface water to support flood resilience and biodiversity.
- 6.75 The Senior Landscape Officer has confirmed they have no objection and has identified that in terms of landscape amenity, biodiversity and blue and green infrastructure there are many benefits of the development. The proposal also clearly addresses functional needs as well as providing open public access to nature, that is otherwise not available (i.e. plot 5). The development draws attention to the Widemarsh Brook as part of the City's fabric and therefore enhances the awareness of blue and green infrastructure. The opportunity for the development to be used as a nature educational place for schools and the community has many benefits.
- 6.76 The application has been supported by an Arboricultural Impact Assessment (AIA) and Tree Protection Plan. This supporting information has identified all trees within the sites as well as identifying the tree which are to be removed. This equates to 11 across the site and as confirmed by the tree officer these are 'mostly low quality (Category C) trees with the exception of G1 and G9/031 which have been categorised as moderate quality tree group'
- 6.77 However, as confirmed by the Tree Officer, tree removal is required to facilitate the proposal and most of the existing trees within the site/s will be retained and as such the overall visual impact will be limited. The Tree Officer has confirmed no objection subject to conditions which have been included at the end of this report.
- 6.78 Subject to the inclusion of conditions as recommended by the tree officer and landscape officer the proposal is therefore considered to accord with the expectations of Policy LD1 and LD3 of the Core Strategy.

Accessibility, highway and pedestrian safety

- 6.79 Core Strategy Policy SS4 explains new developments should be designed and located to minimise the impacts on the transport network, ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel, including walking, cycling and public transport.

- 6.80 Policy MT1 of the Core Strategy seeks to ensure that development promotes and where possible incorporates integrated transport connections and supporting infrastructure, including access to services by means other than private motorized transport and encourage active travel to reduce short distance journeys. Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy identifies a number of principle requirements which should be incorporated into proposals. Those relevant to this application include:
- Promote and, where possible incorporate integrated transport connections and supporting infrastructure, including access to services by means other than private motorised transport;
 - Ensure developments are laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for emergency services;
 - Protect existing local and long distance footways, cycleways and bridleways;
- 6.81 Chapter 9 of the National Planning Policy Framework also includes guidance in respect of promoting sustainable transport. Paragraph 115 states that when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach
- 6.82 Paragraph 116 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.83 Across the sites, the proposal establishes pedestrian connectivity through various linkages, enhancing the function of the areas as both educational and ecological assets. These connections will incorporate informal play and public realm elements such as logs, stepping stones, benches, and boardwalks.
- Plot 1A will feature a continuous looping footpath, including a pedestrian bridge over the inlet and outlet swales, allowing full access around the wetland area.
 - Plot 4 will contain a network of accessible paths designed to accommodate desire lines and facilitate movement across the site.
 - Plot 5 will also include a comprehensive path network to enable an effective circulation route throughout the area.
- 6.84 The application is accompanied Construction Traffic Management Plan (CTMP) and it is acknowledged that the sites are a sustainably located. Due to the site's being in the vicinity of the A49 (trunk road) that forms part of the Strategic Road Network, National Highways' have been consulted alongside the Local Highway Authority (LHA). National Highways have confirmed the acceptance of the CTMP, although the Local Highway Authority have sought clarification on operative parking arrangements, construction access points and the Construction Worker Travel Plan. As such a condition has been added to secure this detail in the form of an updated CTMP. This will be discharged following consultation with both the Local Highway Authority and National Highway to manage the impact of the construction phase of the scheme on the local highway network, residents and sensitive receptors.
- 6.85 The Area Engineer Team Leader in their original representation highlighted that a neighbouring development known as 'land at Underwoods Steel Stockholders', has a permission which is subject to conditions which included the delivery of a pedestrian footway link from the approved student accommodation, through Plot 4 of the current scheme, to connect with the existing

footway network on the A465. Revised drawings have been submitted which show an indicative layout for the footway link through Plot 4 and the Local Highway Authority have confirmed this addresses their previously raised concern regarding pedestrian connectivity between this site and the adjoining consented development (Ref: 211047). The indicative nature of the alignment is acceptable at this stage.

Loss of car parking

- 6.86 Plot 1A is currently a public car park (known as Merton Meadows Overflow) and this will be lost due to this proposal. Officers have sought confirmation from the Local Highway Authority regarding car parking capacity in the local area and particularly in reference to the loss of any informal or overflow spaces. Recent survey data shows that the Merton Meadow car park operated at an average occupancy of just 38% between April 2022 and April 2024 and subsequently the Local Highway Authority have confirmed that there is sufficient spare capacity within the local parking network to accommodate displaced parking from this proposed development. Officers are also mindful that this current parking is within a flood zone which limits its overall value and contribution.
- 6.87 The Local Highway Authority and National Highways have been consulted and following the submission of revised drawings have confirmed no objection subject to conditions as per the recommendations at the end of this report.
- 6.88 Overall, the proposed development and off site proposals are considered to be in accordance with Core Strategy Policies SS4 and MT1 and principles of the NPPF Chapter 15 which specifically, states 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 impact on the road network would be severe.

Ecology and Biodiversity

- 6.89 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. The application is supported by an Ecological Appraisal by Greengage dated April 2025 and bespoke report on mammal surveys. The ecological appraisals and application have been reviewed by the Councils' ecology officers. Ecology colleagues have raised no objection to the findings and advised that from the supplied information there is no reason for the Local Planning Authority to consider there will be any significant or longer term impacts on local protected species population or other wildlife. As highlighted within the ecology officer comments the Ecological Appraisal confirmed potential impacts on site during the construction and operational phases of the proposed scheme for protected species (badgers, nesting birds, kingfishers, reptiles, riparian mammals, invertebrates and hedgehogs). Mitigation and enhancement measures have also been proposed and can be secured by conditions. Including the submission of Construction Environmental Management Plan as per the Ecology recommendations as well as the inclusion of pre-commencement conditions to ensure all impacts on protected species are identified and mitigation secured.
- 6.90 Officers are mindful of the consultation response from the Environment Agency (EA). Firstly, it is noted that the EA have not objected to the proposal however they have within their comments referred to specific ecology and landscape related matters. They have confirmed in their latest comments that they wish to see a landscape and ecological management plan to ensure the protection of: wildlife, supporting habitat and to secure additional enhancements for the benefit of local ecology and have acknowledged that the wording of this condition to secure ecological protection, compensation and enhancement of the watercourse and associated land is a decision for the local planning authority.

- 6.91 Further to this the applicant has provided a technical note to the various points raised in the EA's latest comments and this has been included in Appendix B at the end of this report. This addresses amongst other matters the design of the watercourse and further engagement with the EA.
- 6.92 Notwithstanding the comments from the EA, officers are mindful that the Natural England have not objected and neither has the Council's own Ecologist. So, with the above in mind, subject to conditions the proposal is acceptable, according with policy LD2 and SS6 of the Core Strategy.

Habitat Regulations Assessment (HRA)

- 6.93 The site is within the Yazor Brook and Lower Wye sub-catchments of the River Wye Special Area of Conservation (SAC) and this proposed development triggers the legal requirement for a Habitat Regulations Assessment (HRA) process to be carried out by the Local Planning Authority. Any 'appropriate assessment' completed by the Local Planning Authority must be formally approved by Natural England prior to any planning consent being granted.
- 6.94 The proposed development has been screened under the HRA process. The proposed works are to provide a flood alleviation scheme to address historic flooding across the Merton Meadows area of Hereford City. The works are related to managing existing surface water in a way as to reduce potential future flooding of properties and highways.
- The proposed will not create any new foul water flows.
 - The scheme incorporates marginal planting, reed beds and permeable surfaces to slow, store and filter surface waters
- 6.95 The Ecologist has confirmed in their assessment they are satisfied that the proposal is not identified as having any adverse effect on the integrity of the River Wye SAC and is considered 'screened out' of any further assessment.
- 6.96 However, they have also commented that due to the proximity of the Widemarsh Brook / Yazor Brook, a main tributary of the River Wye, there is also the potential for possible impacts from the demolition and construction process of this scheme on protected species. The Widemarsh Brook / Yazor Brook and associated hydrological and ecological network is a tributary of the River Wye SAC and is known to support populations of 'feature' species noted within the designation of the River Wye SAC including Otters, Crayfish and species of Fish. (Other protected species are also associated with the locality). The wider water quality of the hydrological network could also be impacted through the extensive construction works required as part of this project. As such mitigation is proposed.
- 6.97 Proposed mitigation:
- A comprehensive Construction Environmental Management Plan (CEMP) can be secured by condition for implementation during all permitted works will provide mitigation and assurance that all such effects are fully considered and appropriate mitigation and working measures implemented.
 - The CEMP must include general environmental impacts eg spills, pollution and similar from the proposed works.
 - To ensure the known presence of protected species in the area and utilising features associated with this development is fully considered and all relevant risk avoidance measures, mitigation actions and suitable compensation measures secured a pre-commencement suite of detailed species specific Ecological Working Method Statements (that include proposed mitigation and compensation features and actions) should be secured through Condition. Species should include (but not limited to) badgers, bats, birds (including kingfishers), reptiles, otters, hedgehogs and INNS (as identified within the Ecological Appraisal by Greengage (April 2025)). The LPA can be satisfied that all such

measures can be achieved within the proposed project such that there is no threat to the conservation status of any species – and as such the appropriate information can be secured by a pre-commencement condition rather than being required in advance of any planning consent being granted.

- With a CEMP secured by condition no unmitigated effects on the River Wye SAC (SSSI) or the Widemarsh Brook / Yazor Brook are identified from the proposed development.

6.98 The HRA appropriate assessment completed by the LPA has been submitted and reviewed by Natural England. Natural England has confirmed it considers the proposed development will not have significant adverse impacts on designated sites and has confirmed no objection subject to the addition of conditions. Based on the information which has been submitted and comments received from Natural England and the Council's Ecologist, the proposal is considered acceptable in terms of its ecological impacts in the context of LD2, guidance contained in the NPPF and NE's Standing Advice, subject to the various conditions suggested which are included within this recommendation

Amenity

6.99 Herefordshire Local Plan Core Strategy SD1 is relevant in assessing amenity impacts of development proposals. The policy requires development to safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light, or air contamination, land instability or cause ground water pollution. Paragraphs 196 to 201 of the National Planning Policy Framework also relate to ground conditions and pollution.

6.100 Regarding air quality the application has been reviewed by technical officers, and they have confirmed that Plot 1 A and Plot 1 B are adjacent to the Hereford Air Quality Management Area. They have confirmed no objection however the construction phase would consist of various activities that could potentially affect air quality in the local area and have requested the submission of an air quality screening assessment to determine if traffic movements are likely to be significant also they have advised that to reduce emissions from plant and machinery working on site less polluting plant and machinery should be used to reduce emissions of Nitrogen dioxide and particulates. Regarding the potential impact of emissions of dust and fine particulates created because of earth works they have requested a dust risk assessment. The Environmental Health (EH) technical officer have also advised that investigation for potential contamination linkages has been identified within the submission will be undertaken. The results of this assessment will need to be considered together with the dust risk assessment. Particularly if a pollutant linkage is identified in relation to air born dust. Any dust mitigation plans may need to reflect the findings of the contamination assessment report. Conditions have been added to secure this information.

6.101 From a noise and nuisance perspective, the EH technical officer (Air Quality) has identified that site 1A has the potential for the greatest impact and this is because there is residential accommodation on the northern and western boundaries, and the proposal requires the removal of the car park surface. To protect amenity and residents the submission of a robust (CTMP) can address noise and vibration from the proposed works, working hours and community engagement. Procedures relating to mitigation, monitoring, reporting and complaint handling would also be included within this report.

6.102 The EH technical officer (Noise and Nuisance) has also highlighted that light pollution can be a statutory nuisance and is defined as any form of artificial light which shines outside the area it is required to illuminate. To prevent any nuisance to residents or road traffic the site lighting should be located and aligned so as not to intrude into residential properties, or sensitive areas, or constitute a road or rail hazard. The location and type of lighting can be secured by condition, and this has been set out in the recommendation to alleviate the identified concern and protect amenity in this regard.

- 6.103 In terms of land contamination, the EH technical officer (Contamination) has been consulted and the application is supported by both a Phase 1 and Phase 2 Ground Investigation Report. The proposal will involve cut and fill and supporting information regarding final levels and soils to be reused is not wholly explicit within the application. Plot 4 has not been investigated due to access issues and quantitative assessment of risks remain unclear. As highlighted by the technical officer's response, all made ground is to be removed from all plots for either disposal or stockpiling prior to potential re-use. The EH technical officer has made no comment in their consultation response with regard to ground gas risk or the need for barrier pipe on the basis that works comprise only flood alleviation basins and materials movement associated with this proposal.
- 6.104 Due to the context of the development and its sensitivity, the EH technical officer has recommended that revisions/addendums are needed to the reports. On that basis "pre-commencement" conditions have been suggested to cover any additional detail required in respect of contaminated land.
- 6.105 The NPPF states that planning policies and decisions should ensure that development 'creates places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. It is not considered the proposal will cause a harmful residential relationship between the development sites and neighbouring residential properties and uses. The siting of the development means that no adverse relationships within the site are expected.
- 6.106 Although there will a change for existing dwellings abutting the site the scheme is not considered to result in any unacceptable impacts in terms of increase in noise and disturbance, visual amenity or overbearing impacts and construction can be controlled via the use of appropriate worded conditions. With the above in mind, subject to these conditions the proposal is considered to accord with the expectations of Policy SD1 and the principles outlined within the NPPF.

Minerals and Waste matters

- 6.107 The proposal will generate volumes of construction waste as such Policy SP1 within the Minerals and Waste Local Plan (MWLP) is of relevance. One of the objectives of this policy is to ensure waste materials which result from the construction of new developments are diverted from entering the waste stream where possible. The submission does address material management within the scheme. It is identified that all plots are underlain by made ground with various depths and there is an intention to produce a Materials Management Plan (MMP) and earthwork specification which will explore the potential for the reuse the cut material. The Construction management plan will be required to investigate opportunities to minimise waste arising at source and, where such waste generation is unavoidable, to maximise the recycling and reuse potential of demolition and construction materials. The minerals and waste officer has acknowledged that the approach to recycling of cut material either on or between the sites is welcomed. A condition has been added to ensure that the production of waste from the development is minimised and options for the reuse or recycling of any waste produced is utilised. With the above in mind, subject to the inclusion of this condition the proposal is considered to accord with the expectations of Policy SP1 of the MWLP and the principles outlined within the NPPF.

Climate Change/Renewable/Sustainable energy

- 6.108 Core Strategy policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

6.109 Chapter 14 of the NPPF is also of relevance with, paragraph 164 states that development should be planned so that they:

- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

6.110 The application site is located within a sustainable location and the proposal fully aligns with Policy SS7 through reducing the risk of flooding and making use of sustainable drainage methods.

S106/Planning obligations

6.111 Paragraph 58 mentions that planning obligations should “only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.”

6.112 There is no requirement for the Local Planning Authority to secure planning obligations for this proposal.

Other matters

6.113 Representation has been submitted relating to Plot 4, highlighting that this plot lies partly on or very close to the line of the canal which is required for the replacement canal basin with a design reconnection to the historic canal to the north-west. This application does not accommodate this nor does it include a canal basin which has also been raised by another third party representation. The Herefordshire and Gloucestershire Canal Trust have also raised concerns that the proposal will hinder the restoration of former Gloucester to Hereford canal and as such the proposal does not adhere to Policies HD2 and E4. As highlighted above Plot 4 forms an essential part of the Merton Meadows Flood Alleviation Scheme in terms of managing major stormwater flows from the Yazor and Widemarsh Brooks. Officers confirm that the design flood level (53.345 AOD) is significantly higher than the canal alignment (52.700 AOD), confirming that the historic canal route would be inundated in flood events and as such is not viable for reuse as part of a functioning waterway. The landscape configuration, depth profiles, and planting strategy are intentionally shaped for water retention, biodiversity and public interaction making the basin fundamentally incompatible with canal infrastructure or reinstatement. Plot 4 plays a strategic role in enabling development elsewhere in Hereford. By safely managing flood risk on this site, it supports the delivery of new housing across adjacent plots, responding directly to the city’s housing need. The flood infrastructure contributes to creating a safer urban environment and reducing flood risk for surrounding areas, including vulnerable low-lying parts of the city centre.

6.114 The impact on the canal and safeguarding route is a consideration and in particular policy HD2 states, amongst other things, that the urban village will be complemented by other uses and infrastructure forming part of the wider regeneration area creating a sustainable mixed use development which respects and where possible enhances the historic environment. These include the following:

- land and contributions towards a canal basin forming the terminus of the Herefordshire & Gloucestershire Canal, which is being delivered by the Hereford & Gloucester Canal Trust

- 6.115 Policy E4, which relates to tourism, builds on this further and states that the tourism industry will be supported by a number of measures including: 'the safeguarding of the historic route of the Herefordshire and Gloucestershire Canal (shown on the Policies Map), together with its infrastructure, buildings, towpath and features. Where the original alignment cannot be re-established, a corridor allowing for deviations will be safeguarded. New developments within or immediately adjoining the safeguarded corridor will be required to incorporate land for canal restoration. Development not connected with the canal that would prevent or prejudice the restoration of a continuous route will not be permitted.'
- 6.116 As highlighted above the Herefordshire and Gloucestershire (H&G) Canal Trust and other interest parties have objected to the proposal, offering the view that the proposal fails to protect the route of the canal and does not include a basin and therefore the application is contrary to policies E4 and HD2.
- 6.117 With regards to the protected route corridor for the canal, this is not clearly defined on the policy maps supporting the Core Strategy for this part of Hereford. The original basin terminus however was located to the south of the railway station on land that is now occupied by the station forecourt area; the City Link Road; the Station Medical Centre; and other commercial uses such as the Jewsons Store and/or the Royal Mail depot. It is also understood that strategic public sewers now occupy large parts of the canal's route, with significant protective easements being in place to limit development in their vicinity. Taken together therefore, it is clear that the feasibility of reinstating the canal and its basin terminus in its original location is already significantly comprised and unlikely to be feasible given the developments which now occupy the ground on which the canal once sat. In that context, Officers are satisfied that the main elements of the proposal due to the proposed works (eg not buildings) will not affect or prejudice future delivery of the canal or lead to any conflict with, or compromise the objectives set out in policies HD2 or E4.
- 6.118 Regarding the objection to the financial impact the proposal will make to the attendance at the phoenix club, officers do not consider that the financial viability the club, while important socially and economically, is not a material planning consideration as the club premises are not being affected by this proposal.

Overall Conclusion and Planning Balance

- 6.119 The application seeks full planning permission for essential infrastructure in the form of flood alleviation to protect Hereford City from current and future flood risk. The proposed development would make efficient use of previously developed land.
- 6.120 With regard to flood risk, this application is classed as Water Compatible and an Exception Test is not required nor is there a need for any Sequential Test. It has been carefully designed to minimise environmental and visual impacts and deliver wider environmental benefits. The benefits outweigh the temporary disruption and minor visual impacts.
- 6.121 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 NPPF also sets out that achieving sustainable development has three interdependent and mutually supportive objectives; these being economic, social and environmental.
- 6.122 The adopted Core Strategy Local Plan makes clear provision through policy HD2 to support the Provision of flood relief and sustainable surface water drainage solutions and tackle flooding constraints. Further support for the latter aims is offered by policy, SD3 which themselves echo the principles set out by the NPPF.
- 6.123 The scheme aims to manage flood risk by creating more space for water in the western floodplain of the city. The construction of the scheme would reduce the impacts of flooding on homes,

businesses, major roads and the railway. This is in line with Policy SS7 where there is an aspiration to minimise climate change through the minimising the risk of flooding and making use of sustainable drainage method.

- 6.124 The principle of redevelopment of the sites is acceptable and the proposal is not considered to be controversial. It is recognised that the scheme would cause some localised harmful effects on the landscape character, biodiversity, archaeology and heritage assets.
- 6.125 The scheme would have minor to moderate adverse impacts during the construction phase with construction traffic and excavation work. The Local Highway Authority and National Highways have raised no objections subject to conditions. A number of the conditions are pre commencement and include and requires the submission and approval of a Construction Traffic Management Plan to minimise the impacts on the road network and local amenity.
- 6.126 The scheme is generally in accordance with the relevant planning policies relating to flood risk, water environment, landscape, heritage, biodiversity, transport, and sustainable development. The scheme has undergone extensive consultation and review, and applicant has looked to address the concerns and objections raised during the application.
- 6.127 The proposed development would cause less than substantial harm to the heritage features known as Blackfriars Friary (SAM) through impacts on the Tan Brook and potential impacts on the buried archaeological remains associated with the monastic site within the south of the proposal area. However it is considered that this harm and all other harms are outweighed by the substantial public benefits that the proposal would deliver, most notably, the reduction of flood risk within Hereford and the potential to facilitate sustainable residential redevelopment that is a long established aspiration supported by the Development Plan.
- 6.128 In light of the foregoing, and notwithstanding the great weight to be afforded to the identified 'less than substantial' harm to heritage assets, the scheme is, on balance, considered to be in accordance with the development plan read as a whole. It is therefore recommended that planning permission be granted subject to the below 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 Time limit for commencement (full permission)

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 Approved Plans

The development shall be carried out strictly in accordance with the approved plans:

- **Location Plan HRFRD-BUT-XX-00-DR-A-01100-P2**
- **Existing Site Plan – Plots 1A and 1B HRFRD-BUT-XX-00-DR-A-01101-P1**
- **Existing Site Plan – Plots 4 and 5 HRFRD-BUT-XX-00-DR-A-01102-P2**
- **General Arrangement Plot 1A LD-SC-002 Rev A**
- **General Arrangement Plot 4 LD-SC-003 Rev B**
- **General Arrangement Plot 5 LD-SC-004 Rev C**
- **Zoning Plan LD-SC-001 Rev B**

- Hardscape Plan-Plot 1A LD-SC-005 Rev A
- Hardscape Plan-Plot 5 LD-SC-006 Rev C
- Planting Plan-Plot 1A LD-SC-007 Rev A
- Planting Plan-Plot 4 LD-SC-008 Rev B
- Planting Plan-Plot 5 LD-SC-009 Rev C
- Tree Plan-Plot 1A LD-SC-010 Rev A
- Tree Plan-Plot 4 LD-SC-011 Rev B
- Tree Plan-Plot 5 LD-SC-012 Rev A
- Planting and Materials Legend LD-SC-013 Rev C
- Plot 1 Sections AA BB LD-SC-014 Rev A
- Plot 4 Sections AA LD-SC-015 Rev A
- Plot 5 Sections AA BB LD-SC-016 Rev B
- Existing Contours – Plot 1A/B 35849-HYD-1A-XX-M3-C-90100 P01
- Flood Compensation Plan - Plot 1A/B/C 35849-HYD-1-XX-M3-C-90110 P04
- Proposed Contours - Plot 1A/B 35849-HYD-1-XX-M3-C-90120 P01
- Sections Through – Plot 1A/B 35849-HYD-1-XX-D-C-90150 P01
- Site 1A/B/C Cut and Fill volume plan - 35849-HYD-5-XX-M3-C-90140 P02
- Existing Contours – Plot 4 35849-HYD--XX-M3-C-90100 P01
- Site 4 Cut and Fill analysis - 35849-HYD-5-XX-M3-C-90140 P01
- Flood Compensation Plan – Plot 4 35849-HYD-2-XX-MC-3-90110 P02
- Proposed Contours – Plot 4 35849-HYD-2-XX-M3-C-90120 P01
- Sections Through – Plot 4 35849-HYD-2-XX-M3-C-90150 P01
- Existing Contours – Plot 5 35849-HYD-5-XX-M3-C-90100 P03
- Site 5 Cut and Fill analysis - 35849-HYD-5-XX-DR-C-90140 P02
- Flood Compensation Plan – Plot 5 35849-HYD-5-XX-M3-C-90110 P04
- Proposed Contours – Plot 5 35849-HYD-5-XX-M3-C-90120 P02
- Sections Through – Plot 5 35849-HYD-5-XX-M3 -C 90151 P02 (sheet 2)
- Sections Through – Plot 5 35849-HYD-5-XX-M3 -C 90150 P02 (sheet 1)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

Prior to Commencement

3 Ecology surveys

Prior to commencement of construction works other than site clearance, all required Optimal Period otter and bat surveys shall be completed and the resulting report submitted to the Local Planning Authority. The report shall include survey methodology and results, details of proposed mitigation and compensation with recommendations for required Protected Species Licences. The approved report, shall be implemented in full, and hereafter maintained.

Reason: To ensure all protected species and habitats are protected and conserved 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 SS6, LD1, LD2 and LD3.

4 Air Quality Screening

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, an air quality screening assessment and a dust risk assessment shall be submitted to and approved in writing by the Local Planning Authority. The approved report, shall be implemented in full, and hereafter maintained.

Reason: To protect the amenities of nearby properties so as to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5 Construction Environment Management Plan

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced 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.

6 Landscape/Ecology Plan

No development shall take place until a Landscape, Habitat and Ecological Management Plan, has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the provisions of the approved Plan.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for optimising the enhancement of the site's nature conservation value in line with national planning policy and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and the National Planning Policy Framework.

7 Waste Prevention

Prior to any development commencing on site, including any site clearance or groundworks, details of a site waste prevention plan and material management measures shall be submitted and approved in writing by the Local Planning Authority. This shall include the steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase. Construction works shall thereafter be carried out in full accordance with the details of the approved plan.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

8 Construction Management Plan

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 National Highways, 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
- Any lighting
- Construction Traffic Management Plan
- Hours of working
- Community engagement
- Location of any welfare buildings
- Noise and vibration controls (including the identification of noise sources and sensitive receptors (including residential) followed by a risk assessment)
- Complaint handling

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 mitigate any adverse impact from the development on the A49 trunk road in accordance with DfT Circular 01/2022 and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9 Arboriculture Statement

Prior to the commencement of any construction works close to retained trees, an Arboricultural Method Statement (AMS) must be submitted and approved by the local planning authority. This should include all information to ensure impacts to retained trees are kept to an acceptable level. The development shall be carried out in strict accordance with the approved AMS.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10 Basin design

Prior to the commencement of the development, details of the design of the proposed basins and offtakes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11 Contaminated land

No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a Preliminary Risk Assessment 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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Pre-occupancy or other stage conditions

12 Public Sewer

No development shall commence on plots 4 and 5 until the public sewers crossing the plots have been accurately located and if necessary, a scheme to divert the assets has been submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be delivered prior to the construction of any SUDS. Thereafter the scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety.

13 Landscape management and maintenance

Before the development is first brought into use, a schedule of

- Soft landscape management and maintenance for a period of ten years.
- Hard landscape management and maintenance for a period of ten years

shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with the approved schedule.

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

14 Lighting

Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15 Maintenance plan for basins

Before the development is first brought into use details of the provision of a maintenance plan for basins shall be submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be maintained in accordance with the approved plan.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SD3, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

16 Contaminated Land

The Remediation Scheme, as approved pursuant to condition 11 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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17 Archaeology investigation

The applicant shall commission a suitable archaeological investigation of the far southern corner of Application Area Plot 5. This investigation should commence prior to any construction works in this part of the site, and the results of the investigation will form part of the continuing design process here. The investigation will in essence consist of an appropriate geophysical survey, and targeted archaeological excavation area(s). As would be normal, there will be a need to make the results, and any archive generated, publicly accessible in due course.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Post occupancy monitoring and management/Compliance Conditions

18 Ecology Enhancements

Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary of at least TWELVE bird nesting boxes; FOUR artificial kingfisher tunnels; FOUR number bat roosting features; ONE artificial otter hold as recommended within the Ecological Appraisal by Greengage (dated April 2025) should be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and 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.

19 Tree protection

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Arboricultural Impact Assessment and Tree Protection Plan (All Silva_AIA/TPP_15429_24.04.25).

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

20 Contaminated Land

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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21 Surface Water

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

22 Ecological recommendation secured

The recommendations set out in the Impact Assessment section of the Ecological Appraisal by Greengage dated April 2025 should be followed in relation to the identified protected species (badgers, bats, birds, invertebrates, hedgehogs and INNS) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2** With regards to the contaminated land assessment required pursuant to condition 11, the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2024.
 - 1)** 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.

- 2) Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.
- 3 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 4 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 5 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

Appendices

Appendix A: Applicant response to LLFA/Drainage comments: Dated 16th July 2025

Appendix B: Applicant response to Environment Agency comments: Dated 10th July 2025

INFORMATIVES:

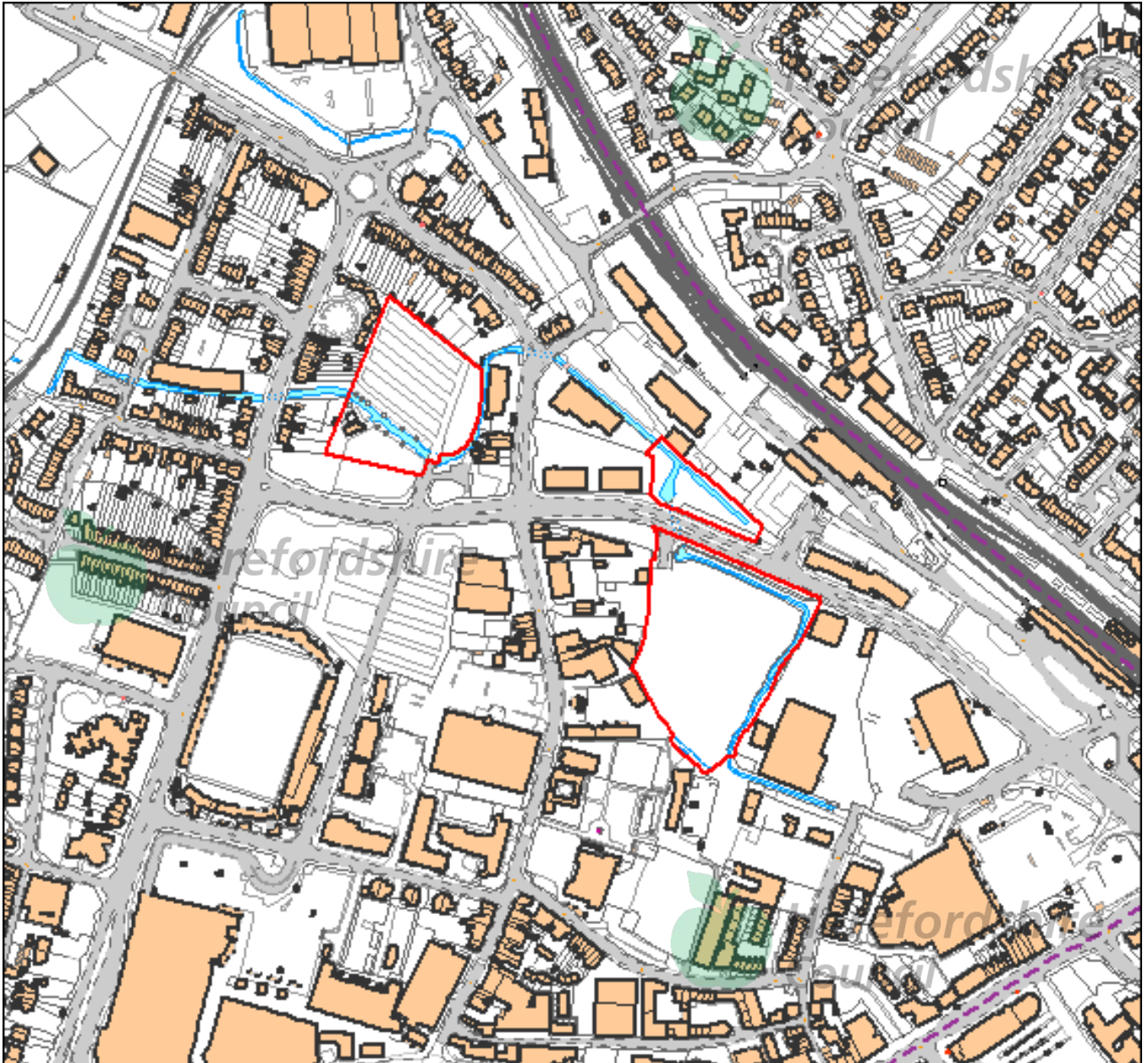
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 251273

SITE ADDRESS : CAR PARK (PLOT 1A & 1B) TOGETHER WITH PLOTS 4 & 5, EAST OF WIDEMARSH STREET, HEREFORD, HEREFORDSHIRE, HR4 9JU

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