

# **PLANNING COMMITTEE**

**Date: 19 NOVEMBER 2025**

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

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

## SCHEDULE OF COMMITTEE UPDATES

**222138 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED, EXCEPT ACCESS, FOR THE FIRST PHASE OF AN URBAN EXTENSION COMPRISING UP TO 350 HOMES (USE CLASS C3); AND A CARE HOME (USE CLASS C2), PARK & CHOOSE INTERCHANGE; TOGETHER WITH OPEN AND PLAY SPACE, LANDSCAPING, INFRASTRUCTURE AND ASSOCIATED WORKS AT LAND AT THREE ELMS, NORTH EAST QUARTER, TO THE NORTH EAST OF HUNTINGTON AND BOUNDED, BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HR4 7RA**

**For: The Church Commissioners for England per Miss Tara Johnston, The Minster Building, 21 Mincing Lane, London, EC3R 7AG**

### ADDITIONAL REPRESENTATIONS

Further to the publication of the officer report the following 7 additional representation received from members of the public

#### 1. Comment

I am writing to object to planning application 222138 for development at Land at Three Elms, Hereford. Although I do not live immediately adjacent to the site, I am a Herefordshire resident and this major scheme will have significant cumulative impacts on the environmental quality, transport network, and public services used by residents across the county.

Below are my reasons for objection, based on material planning considerations.

#### 1. Transport, Traffic and Highway Safety

This development proposes up to 350 new homes, in addition to a care home and associated facilities. This scale of expansion will significantly increase traffic movements on the already-congested route corridors into Hereford, including the A4110, Three Elms Road, Grandstand Road and Yazor Road.

The Hereford Western Bypass / Relief Road, originally expected to support this strategic growth area, is currently paused. Without this critical infrastructure, the traffic assumptions made in the Transport Assessment are out of date and cannot be relied upon.

The result will be:

- Increased congestion
- Greater travel times into/out of the city
- Higher emissions and poorer air quality
- Greater pressure on rural roads used as “rat-runs”, affecting villages including Credenhill, Canon Pyon, Norton Canon and other rural routes

This is contrary to the principles of NPPF para. 110–113, which require safe and suitable access and avoidance of severe residual impacts.

## 2. Prematurity & Incomplete Infrastructure Strategy

The site is part of the Western Urban Expansion (Policy HD5) which requires careful, comprehensive delivery of:

- Highway infrastructure
- Utilities
- Public transport improvements
- Open space
- A primary school
- A neighbourhood centre

However, this application is piecemeal and does not demonstrate a realistic, enforceable strategy to deliver the necessary infrastructure upfront. Without a confirmed bypass or wider transport improvements, approving this scheme now is premature and could result in isolated, poorly-served development.

## 3. Pressure on Schools, Healthcare and Local Services

- Hereford already experiences difficulty with:
- GP appointment availability
- Long waiting times for NHS services
- School capacity pressures in certain catchments

An additional 350+ homes, plus a care home, will add substantially to this burden. No firm, deliverable mitigation is secured at this stage. This is contrary to NPPF para. 20 & 95, which require adequate social infrastructure to be planned and provided.

## 4. Environmental Impact, Loss of Greenfield Land & Biodiversity Concerns

The site comprises valuable agricultural landscape and greenfield land. Developing this area will result in:

- Loss of natural habitat
- Reduction in biodiversity
- Increased pollution
- Urbanisation of a rural-edge landscape that currently provides ecological value

The Environmental Impact Assessment does not convincingly demonstrate that ecological loss will be compensated or that biodiversity net gain will be delivered in a meaningful way.

This conflicts with NPPF para. 174 & 180, requiring protection and enhancement of the natural environment.

## 5. Drainage, Surface Water & Flood Risk

Large-scale greenfield development substantially increases runoff. The application relies heavily on unproven or incomplete mitigation measures, and it is unclear whether the drainage strategy could cope with prolonged heavy rainfall events. This represents a potential risk to downstream communities and contradicts NPPF para. 159–169 on managing flood risk.

## 6. Design, Density & Landscape Impact

The local plan expects a “sensitive and integrated” urban expansion under Policy HD5. However:

- The scheme risks creating a hard urban edge without appropriate landscape buffering.

- The density and layout information submitted at outline stage is vague and fails to demonstrate a high quality, well-integrated design.
- The landscape harm is underestimated.
- This large estate will permanently alter the character of the area.

## 7. Phasing and Deliverability

There is concern that:

- Only housing will be built initially
- Infrastructure may be delayed, reduced or never delivered
- Future phases may be altered via viability claims reducing affordable housing or community benefits. This risk is well-documented in other major UK developments and should be considered here.

## Conclusion

For the reasons outlined above — including traffic impacts, lack of infrastructure, environmental harm, flooding concerns, and non-compliance with Local Plan Policy HD5 — I respectfully request that planning application 222138 is refused.

Should the council be minded to approve, I request that strong, enforceable conditions and

## Section 106

obligations be applied to guarantee:

- Infrastructure delivery in advance of occupation
- Full affordable housing quota (35%)
- Significant green infrastructure
- Road and junction improvements
- Biodiversity net gain
- Sustainable drainage systems
- Independent monitoring of traffic and environmental impacts

Thank you for considering my objection.

## 2: Comment

A planning application for this area has been put forward several times now.

My concerns are the amount of extra traffic that will be generated onto Three Elms Road and therefore onto Whitecross roundabout. There are 2 schools in close proximity and at pick up times there is already considerable congestion in and out of Bonnington Drive and along Three Elms Road as parents park to pick up children. Whitecross roundabout is already like a race track with 5 exits close together and no traffic lights. Finally there is the impact on the already overstretched local services such as school places and appointments at doctors.

There are already several housing developments in the area, with houses still being built or unsold. I do not agree with this development

## 3: Comment

I have addressed this to your 'Chair', as I will be unable to attend the meeting on 19<sup>th</sup> Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What 'Flood Alleviation Planning has or will be put in place. The area concerned 'Floods' on a regular basis.
2. How will the 'Natural Corridor for wild life' already in place be protected during and following the 'Build'.
3. What plans are in place for the additional demand on Health Services, especially the Hospital, GP, Dental and Ambulance Service?
4. What plans are in place for Educational Service and the local 'catchment area'?
5. Will there be a moratorium on who is eligible for the Housing, to benefit those who already live in or work in Hereford?
6. Will The Housing cover all age groups?
7. What does one class as 'Affordable' and will that include 'Council' Housing? As many local residents are lower paid. Or will that encourage an increase in the population from outside the 'area' (Hereford/shire).
8. Will there be sufficient Transport services; Bus, at present reduced after 6pm and weekends. Plus improved road network in and around Hereford. How frequent will be the park and choose interchange service and will it cost to park/use public transport, or will it be 'free' like the Zipper?

This should take possibly 3 mins to read and concerns many who live in Hereford and especially 'The Area' in question.

#### **4: Comment**

I am here today to highlight the risks of granting approval to phase one of a major urban expansion before the technical data from both geophysical surveying and detailed hydraulic modelling of the commercial aquifer are completed.

I speak with some authority as a retired chartered geological engineer with decades of experience. I have professional experience on risk analysis of major development projects involving excavations and the important details included in consultant's disclaimers, who deftly absolve themselves of all responsibility, in the event of severe flooding or pollution, by disclaimers.

I wish to highlight two key elements that are missing from the data sets that render the flood risk analysis and risk of pollution to the aquifer as both premature and incomplete.

The flood risk analysis prepared by consultants Tetra Tech uses a new hydraulic model, based only on the Yazor Brook, excluding the groundwater flows from the new developments to the north of this development site and those north of Hereford city. Their report states they assume the catchment is un-metred despite decades of data from the gauge at Three Elms that records and displays daily water levels, and the abstraction well data which would allow more accurate flow calculations.

The flood risk analysis presented illustrates that the development will not increase flooding in the city, but it lacks new data of the increased flows from the North of the city along the Ayles brook that gave rise to increased flooding following similar housing developments. Is this incomplete flood risk analysis acceptable to the committee without an expert and independent review?

The commercial aquifer that underlies the development site is defined by the Environment Agency as the statutory body appointed to protect all the nation's water supplies. Why would this committee permit development over the commercial aquifer before the source protection zones are fully defined by the statutory body?

I ask this committee if it is correct to abrogate their responsibility for all future scrutiny by themselves and the elected officials of this county by handing all future key decisions on design and placement of infrastructure on site, without first seeking a fully independent risk analysis of

increased city flooding and potential loss of commercial aquifers through pollution during construction and habitation?

## 5: Comment:

I object to this outline planning application and urge the Committee to REFUSE or DEFER determination. The proposal contains five material deficiencies that breach statutory duties, national policy (NPPF 2024), and the Herefordshire Core Strategy 2011–2031, preventing lawful determination.

1. **BREACH OF HABITATS REGULATIONS 2017 (REGULATION 63) Requirement:**  
The LPA may only grant permission if it has ascertained—beyond reasonable scientific doubt—that the proposal will not adversely affect the integrity of the River Wye SAC (Reg. 63; Waddenzee C-127/02). Evidence: · Environment Agency Source Protection Zone (SPZ) modelling is “ongoing” and incomplete (Officer’s Report para 7.4). · March 2025 EA surface water mapping reveals new potential pollution pathways to Yazor Brook not assessed in the June 2024 Appropriate Assessment. · Natural England’s “no objection” is expressly conditional upon mitigation being “appropriately secured” (para 7.3), yet essential mitigation cannot be specified until SPZ modelling is complete. · Condition 15 defers excavation strategy post-permission, dependent on future SPZ extents. Consequence: The Appropriate Assessment conclusion of “no adverse effect” is premature and not based on complete scientific knowledge. Approval would breach Regulation 63 and the principle in *Champion [2015] UKSC 52* that mitigation must be certain before permission is granted.
2. **FLOOD RISK EXCEPTION TEST NOT MET (NPPF PARAS 167, 172, 180) Requirement:**  
Para 167: development must be “safe for its lifetime”. · Para 172: development “should not increase flood risk elsewhere.” · Para 180: Exception Test must be reapplied when “more recent information” on flood risk becomes available. Evidence: · March 2025 EA mapping identifies new medium/high-risk surface water flow paths across the developable area. · Exception Test applied by officers (paras 9.125–135) relies solely on June 2024 data—no re-assessment undertaken. · Drainage strategy design is incomplete and dependent on outstanding SPZ data (Conditions 13, 15). · Lead Local Flood Authority confirms drainage will require “detailed technical review at Reserved Matters” (paras 7.36–37). Consequence: The Committee lacks evidence to discharge para 167 (“safe for lifetime”) and para 172 (“no increase in flood risk”). Under *Milgate [2015] EWHC 2375*, FRAs must resolve fundamental risks at outline stage, not defer solutions to conditions. The Committee also lacks the “full knowledge” required under the EIA Regulations 2017.
3. **UNRESOLVED TRANSPORT SAFETY RISKS (NPPF PARAS 110, 116) Requirement:**  
Para 110: development must create safe places and prioritise walking/cycling. · Para 116: refusal is justified where the proposal has an unacceptable impact on highway safety. Evidence – Road Safety Audit Stage 1 (June 2025): Three problems classified as “Not Resolved”: · 2.3 – Bus kerb overruns at mini-roundabout · 2.4 – Signal confusion at Toucan crossing · 2.6 – Abrupt cycle lane termination forcing cyclists into traffic Mitigation is: · Not secured by conditions; · Not included in S106 or S278; · Not resolved between Designer and Auditor. Local Highway Authority removed objection only following a £1.95m off-site contribution, implicitly acknowledging on-site access problems. Consequence: Independent professional evidence identifies material, unresolved safety risks. Reserved Matters cannot lawfully remedy safety defects at outline stage. Approval would be irrational (*Keep Wythenshawe Special [2023]*) and contrary to NPPF 110, 116 and Policy MT1.
4. **AFFORDABLE HOUSING SHORTFALL WITHOUT VIABILITY JUSTIFICATION (POLICIES HD1, HD5) Requirement:** · HD5 requires 35% affordable housing: 123 units. · HD1 allows reductions only with independently verified viability evidence. Evidence: · S106 provides 27% on-site (95 units) — 8% below policy. · 1.6-acre care home site transferred for £1, with no affordability covenant, no delivery timeframe, and no reversion clause. · No viability appraisal submitted. Legal concerns: · Land transfer >£800,000 value for £1 risks being ultra vires under s.123 LGA 1972. · Arrangement fails NPPF para 58 and CIL Reg

122(2): not “fairly and reasonably related in scale and kind”. · If the care home is not delivered as affordable accommodation, effective provision remains 27%, in direct conflict with HD5. Consequence: Development plan conflict not justified by material considerations. The arrangement is legally vulnerable (Persimmon [2012]).

5. UNMITIGATED HERITAGE HARM (S.72 LBCA 1990; NPPF PARAS 212–215) Statutory duty: Under s.72, decision-makers must give “special attention” and “considerable importance and weight” (Barnwell Manor). Evidence: · Building Conservation Officer identifies specific areas of harm to the Huntington Conservation Area (para 7.19). · Officer’s Report accepts “moderate” less-than-substantial harm (paras 9.68, 9.72, 9.208). · The only mitigation—Condition 9—defers all landscaping to Reserved Matters with no enforceable parameters (buffer widths, planting specifications, density reductions, or building set-backs). Critical issue: There is no evidence that alternatives to reduce or avoid harm were explored, breaching the Barnwell requirement to consider avoidance before applying NPPF para 215. Public benefits are overstated: · Housing delivery on allocated land = policy compliance, not a “benefit” (Forge Field). · 27% affordable housing = deficit, not benefit. · Park & Choose = HD5 policy requirement. Consequence: S.72 duty not discharged; NPPF para 215 balance incorrectly struck; conflict with LD4 and HD5. These five deficiencies individually and cumulatively prevent lawful determination. Approving the application would: · Breach statutory duties (Habitats Regulations; s.72 LBCA) · Contradict mandatory national policy (NPPF paras 110, 116, 167, 172, 180, 212–215) · Conflict with Development Plan policies (SD3, SD4, MT1, HD1, HD5, LD4) · Expose the Council to a high risk of successful Judicial Review RECOMMENDATION REFUSE planning permission. Alternatively, DEFER pending: 1. Completion of EA SPZ modelling and updated Appropriate Assessment 2. Revised FRA and Exception Test addressing March 2025 mapping 3. Resolution and secured mitigation of all RSA safety issues 4. Independently verified viability appraisal or revised S106 with enforceable affordability 5. Heritage mitigation strategy with enforceable design parameters

## 6 Comment:

I strongly object to the above application. The Officer’s Report (OR) recommending approval contains fundamental errors in its application of national policy and law. The proposal is premature, fails to protect heritage assets, and is supported by an unsound S106 agreement. For the reasons below, the Committee must refuse this application.

GROUND 1: PREMATURITY, FLOOD RISK & INCOMPLETE ENVIRONMENTAL INFORMATION (NPPF 170– 182; EIA & Habitats Regulations 2017) The application is legally premature. The OR concedes that the Environment Agency’s (EA) critical Source Protection Zone (SPZ) modelling is outstanding (OR 7.4) and defers the excavation strategy via Condition 15. This renders the Committee unable to lawfully conclude that: o The Exception Test (NPPF 178) is passed, as it cannot be certain the development is “safe for its lifetime without increasing flood risk elsewhere”. o The Habitats Regulations Assessment is complete, as the “no adverse effect” conclusion on the River Wye SAC cannot be reached with scientific certainty without the SPZ data. o The Environmental Statement is adequate, as the Committee is being asked to grant permission without full knowledge of a significant environmental effect, contrary to the EIA Regulations. Approval under these circumstances would be a clear legal error. The application must be refused on this ground.

GROUND 2: FAILURE TO PROTECT HERITAGE ASSETS (NPPF 202–221; s.72 Planning (Listed Buildings and Conservation Areas) Act 1990) The OR identifies “less than substantial harm” to the Huntington Conservation Area but fails to secure its mitigation. o The Council’s Building Conservation Officer (BCO) identified specific harms (OR 7.19): Loss of open aspect west of Newcourt Farm. Urban encroachment north of Huntington Lane.

The proposed Condition 9 (Landscaping) is a generic condition, entirely unsuited to address these specific heritage impacts. The harm therefore remains unmitigated. Consequently: o The Committee would be in breach of its statutory duty under s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay "special attention" to preserving or enhancing the Conservation Area. o The NPPF 215 balancing exercise is flawed, as the full weight of the unmitigated harm was not considered against the public benefits. The application must be refused on this ground.

**GROUND 3: POOR PLANNING OUTCOME & UNSOUND S106 AGREEMENT (NPPF 58)** The S106 agreement is unsound and results in a poor planning outcome: o It secures a certain loss (reduction of on-site affordable housing from 35% to 27%).

o In exchange for a speculative gain (land transfer for an unsecured care home). This fails the tests of soundness in NPPF 58, as it is not "fairly and reasonably related in scale and kind to the development", especially given Herefordshire's acute housing land supply shortfall (3.11 years – OR 9.6).

The application must be refused on this ground. **CONCLUSION & RECOMMENDATION** For the compelling reasons set out above, this application is: o Unsound (premature, heritage harm, poor

## 7 Comment

Dear Planning and Regulatory Committee, Re Application 222130.

I have addressed this to your 'Chair', as I will be unable to attend the meeting on 19<sup>th</sup> Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What 'Flood Alleviation Planning has or will be put in place. The area concerned 'Floods' on a regular basis.
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Photograph inserted below at request from Public Speaker (Mr Hull)



*Three Elms Road*

### **OFFICER COMMENTS**

The representations raise no new material planning considerations which are discussed within the officer's report.

As a point of clarification within the committee report and within the Heads of Terms set out at Para 9.191 it states that the developer would provide 27% on site affordable housing and that the figure was reduced from 35% to take into account the 1.6 acres of Care Home land which equates to 24 dwellings. This position has been agreed with the housing officer. Paragraph 9.160 reports a different position which is incorrect.

S106). o Unlawful in parts (breach of Habitats Regs, s.72 LBCA 1990). o Contrary to the public interest. The Committee is urged to REFUSE planning permission.

**Education Team:**

An email from the Council's education team sent on the 14 November to the Planning Obligations Manager has been shared with the Planning case officer:

*I understand that plans for 350 houses at Three Elms is going to Planning Committee next week and is recommended for approval.*

*It is understood that in the draft s106 agreement contributions would be for the following schools: Hereford Early Years, Trinity Primary School, St Francis Xaviers Roman Catholic Primary School, Whitecross High School, St Mary's Catholic School, Hereford Youth and Special Education Needs schools. It has however been noted that Stretton Sugwas C of E Academy is not included in the wording despite a small section of the site being in the Stretton Sugwas catchment.*

**OFFICER COMMENTS**

As such, officers have liaised with the Planning Obligations Manager and they have confirmed there is scope to add Stretton Sugwas Primary School into the benefactor schools for the section 106 contributions.

**NO CHANGE TO RECOMMENDATION**