

8 DCCE2004/3733/F - AMENDMENT TO PP CE2002/2558/F TO INCLUDE DRAINAGE, PRIVATE ACCESS PROVISION, LANDSCAPING AND ASSOCIATED WORKS AT LAND SOUTH OF HEREFORD FROM THE A49 EXTENDING EAST TO THE B4399

For: Herefordshire Council per Owen Williams Consultants, Thorpe House, 25 King street, Hereford, HR4 9BX

Date Received: 21st October 2004 Ward: Hollington Grid Ref: 51872, 37146

Expiry Date: 20th January 2005

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site comprises approximately 1.2 hectares of highway and agricultural land alongside and associated with the approved alignment of the Rotherwas Access Road. This was approved pursuant to application no. CE2002/2558/F on 22nd February 2003.
- 1.2 Following its approval, the detailed design of the access road has highlighted the need to incorporate additional land along the periphery of the approved route in order to facilitate enhanced landscaping, provide additional land for the creation of balancing ponds, to accommodate a stock underpass, improve new private accesses and to enable some slight changes in the alignment of the road.
- 1.3 An inventory of the proposed changes is attached as an Appendix to this report.
- 1.4 It should be stressed that the proposals do not involve any fundamental changes to the approved scheme but are considered necessary in order to ensure that the development is carried out in an appropriate manner having regard to the conditions attached to the original approval. The minor nature of the amendments which essentially increase the size of the originally defined application site are such that the Environmental Impact Assessment, planning statement, Traffic Impact Assessment and Water Features Survey previously submitted remain valid.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
C8	-	Development within AGLV
C9	-	Landscape Features
C11	-	Protection of Best Agricultural Land

C16	-	Protection of Species
C17	-	Trees/Management
C29	-	Setting of a Listed Building
C34	-	Preservation and Excavation of Important Archaeological Sites
C45	-	Drainage
C47	-	Pollution
ED2	-	Employment Land
R10	-	Improvement of Existing Rights of Way
R11	-	Diversions to Public Rights of Way
T1	-	Safeguarding of Highway Schemes
T2	-	Environmental Impact
T3	-	Highway Safety Requirements

2.2 Hereford Local Plan:

T1	-	Highway Schemes
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2.3 Hereford and Worcester County Structure Plan:

E3	-	Employment land Requirements
T1-3	-	Role of Public Transport
T4-5	-	Control of Heavy Goods Vehicles
T9-10	-	Major Road Proposals
T15	-	Pedestrians and Cyclists
CTC2	-	Areas of Great Landscape Value
CTC3	-	Nature Conservation
CTC5	-	Archaeology
CTC6	-	Landscape Features
CTC8	-	Semi-natural Habitats
CTC9	-	Development Requirements
CTC11	-	Trees and Woodland
A1	-	Development on Agricultural Land
LR5	-	Public Rights of Way

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR8	-	Culverting
DR9	-	Air Quality
DR10	-	Contaminated Land
DR13	-	Noise
DR14	-	Lighting
E1	-	Rotherwas Industrial Estate
T4	-	Rail Freight
T7	-	Cycling
T9	-	Road Freight

T10	-	Safeguarding of Road Schemes
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Nature Conservation and Development
NC5	-	European and Nationally Protected Species
NC7	-	Compensation for Loss of Bio-diversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Landscape Features
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeology Assessment

2.5 Planning and Regional Policy Guidance:

PPG1	-	General Policy and Principles
PPG4	-	Industrial and Commercial Development and Small Firms
PPG7	-	The Countryside: Environmental Quality and Economic and Social Development
PPG9	-	Nature Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG23	-	Planning and Pollution Control
PPG24	-	Planning and Noise
PPG25	-	Development and Flood Risk
RPG11	-	Regional and Planning Guidance for the West Midlands
Draft RPG11	-	Draft Regional and Planning Guidance for the West Midlands

3. Planning History

- 3.1 CE2002/2588/F - New access road from A49 North of Grafton Villa extending across land South of Bullinghope and Green Crize, crossing Watery Lane and joining the B4399 at Gatehouse Road. Approved 22nd February, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency request DEFERRAL pending the receipt of additional information detailed below:

Flood Risk: For information, the previous planning application (LPA ref: CE2002/2558/F - Agency reference: US/2002/008703) was based on the Indicative Floodplain map and did not show any 1% risk for the ordinary watercourses (Norton and Red Brook). However using the recently published Flood Zone 3, which shows a 1% flood risk for the ordinary watercourses it is evident that the road runs through an area at risk of flooding during a 1% event. Compensation therefore needs to be provided on a 'level for level' basis as per PPG25 - Zone 3c (of Table 1); i.e. - Norton Brook floodplain would be affected by the raised embankment bund as currently proposed on drawing no. 550370-1-060, which may unacceptably increase flood risk elsewhere though an interruption of flood storage/flood flows.

Details also need to be submitted at this time to address the design of the attenuation ponds, which may be in the 1% floodplain. If this is the case it is considered that they

will not operate properly and would be unacceptable as dirty flood water may contaminate the River Wye (important SSSI/CSAC) as the brooks/attenuation would ultimately flow to this source.

In order to assess the above risk (accuracy of the flood zone 3) a FRA needs to be submitted in line with para. 60 of PPG25.

- 4.2 Highways Agency requests additional time to consider the application and how it impacts upon the detailed design work the Agency is currently involved in with this development.
- 4.3 Health and Safety Executive raise no objection.
- 4.4 English Heritage raise no objection.
- 4.5 English Nature comment as follows:

The additional areas are much as expected. However, there was some discussion at the site meeting of 9 June, 2004 that the field between Watery Lane and the great crested newt ponds on the Rotherwas Industrial site was likely to be included as part of the road scheme rather than the Industrial Estate expansion scheme. I would be grateful if you can confirm if this land is now deemed to be part of the industrial estate mitigation rather than the road mitigation. It is clearly not acceptable for the land take to fall between the schemes, as this would then have to result in an enhanced land take from the industrial estate itself.

Clarification of this point, and any necessary amendments aside, I see no problems with the addition to the scheme.

- 4.6 The Ramblers Association comment as follows:

We welcome the additional lengths being allocated to the private accesses to eliminate farm vehicles with long trailers blocking the road. It is hoped that this safety consciousness will percolate down to the Public Rights of Way, which will be impacted upon by the proposed new road. I further note that the camber of the road is to be upgraded to allow for a 60mph speed limit. I'm still concerned that members of the public crossing this road will be risking life and limb each time they do so.

Public Rights of Way Grafton GR 2, 3 and 4 along with Lower Bullingham LOB 1, 2 and 4 are all impacted by the new road. Given that more houses are being built on the former SAS site and the probability that more houses are to be built in the Bullinghope area the footpaths mentioned are likely to prove more popular and be used more frequently than anticipated.

Could the following points be considered in the cause for 'safe crossings' across the proposed new road. Under passes will need to be constructed for the two streams and the drainage ditches, which will be covered by the road. Could these under passes be designed for pedestrian use as well as the transfer of water? Could LOB 4 be accommodated in the under pass for the Red Brook itself. A drainage ditch, flowing into the Red Brook which is just to the west of LOB 2, could this be used to accommodate LOB2? The 'stock under pass' to the east of LOB1, could this be used to accommodate this footpath?

This leaves footpaths GF 2, 3 and 4 with no apparent easy means of transversing the road except by actually crossing it. Could central 'refuge' traffic islands be placed in the road so that only one carriageway has to be crossed at a time, at each of these crossing points? Appropriate 'Pedestrian Crossing' road signs would also need to be displayed at the correct distances from each crossing point.

We ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

4.7 Open Spaces Society comment as follows:

Perusing drawing no. 550370-1-060, I am dismayed, that by and large, my representations to planning application CE2002/2558/F, have NOT been taken on board, may I respectfully remind, DOE circular 2/93, Annex D, succinctly states, public rights of way is a material consideration, that must be taken into account at the planning stage. Unless I have missed the point, the new road does not appear to incorporate a cycle way, yet cycling and walking nationally are contained in local transport plans.

While the drawing depicts roads, it does not illustrate public rights of way, it does however indicate by letters P & Q, land required for Bridleway, my understandings, where the present Watery Lane will form a junction with the new access road, is a road maintained at public expense numbered 72016. I take it there is to be provided a short spur off Watery Lane to point P, to accommodate equestrians?, the normal convention would be to provide an underpass or bridge, neither appeared to be depicted under/over the new access road points P & Q. The land depicts P & Q for equestrians, should be large enough to provide a square fencing Holding Area, size 5 metres from the road, and 10 metres wide, the reasons for being a square fenced area, is to avoid confusion with laybys. Ideally it should be a grassed area, if necessary wood chippings spread if the area become muddy, dropped kerbs should be provided. For real safety, a dual Pegasus Equestrian/Pedestrian crossing should be provided, this would enhance the crossing of the new road for Walkers and Horse Riders.

I note there is to be a stock underpass at points O & M, the sensible solution would be to provide an underpass to accommodate both stock and pedestrians, such a facility exists of the A40(T) near Goodrich/Pencraig, Footpath LOB1 could be legally diverted through that underpass, and possible FP LOB2. There does not seem to be a provision for Footpath GF2, an underpass/bridge should be provided.

Finally, may I entreat that the matters I have indicated are incorporated in the new road works, as it is far more cost effective for provision at the planning and in particular, the construction stage. May I respectfully draw to you attention, ramifications of the Disability Act, also a Duty of Care, and possibly Human Rights.

Internal Council Advice

4.8 Head of Highways and Transportation raised on objection.

4.9 Head of Community and Economic Development supports the application on economic development grounds.

4.10 Minerals and Waste Officer raises no objection.

- 4.11 Chief Conservation Officer raises no objection subject to compliance with conditions attached to CE2002/2558/F.
- 4.12 Public Rights of Way Manager raises no objection subject to approval of drawings showing how the public rights of way will be accommodated with the scheme.
- 4.13 Head of Environmental Health and Trading Standards raises no objections.

5. Representations

5.1 Grafton Parish Council comment: "We feel that the proposed route of the road extends too far into the countryside spoiling its character at the Southern approach to the city and encroaching, unnecessarily, upon an area which has been designated as of 'greater landscape value'. Now the Stirling Lines has been vacated and its former area no longer a security risk the road should be re-routed closer to the railway line as recommended by consultants employed by the Council some years ago".

5.2 Hereford City Council comment that the proposals are acceptable.

5.3 Lower Bullingham Parish Council raises no objection.

5.4 Dinedor Parish Council raises no objection.

5.5 Letters have been received from the following persons:

- E.S. Phillips, The Gables, Bullinghope, Hereford
- Lucy O'Keefe, 46 Greenbank Gardens, Bath (2 letters)
- Mr & Mrs Bryant, Merry Cottage, Grafton Lane, Hereford
- E. Evans, Bryn-Awel, Ridge Hill, Hereford.

5.6 The concerns raised can be summarised as follows:

- impact on local water supply;
- road will needlessly destroy a large area of countryside;
- road will destroy rural character and quietness of Bullinghope;
- inevitable infill resulting from the road will add to the already high levels of traffic from the south of Hereford into the city;
- justification for new road and huge expense not acceptable;
- Rotherwas Relief Road is a public deception seeking to create a Hereford By-pass;
- environmentally sound approaches to relieving traffic problems should be sought;
- would like to see an extra drainage pond built between the road and my land which is currently susceptible to flooding;
- would like to see trees planted alongside the road to screen it from my property.

5.7 Dinedor Hill Action Group comment as follows:

The works proposed in the above application will have a detrimental effect upon a large area of attractive countryside. Five Rights of Way severed and 13 agricultural fields divided. The wildlife corridor of hedges and tree-lined brooks draining into the River Wye would disappear and natural life dependent upon them devastated. The provision made for badgers would achieve little. A physical barrier between the City and Dinedor Hill is created and so a far less attractive destination for the many tourists and walkers who normally visit this unique location.

The result would mean the despoilation of an outstanding landscape designated as 'High Landscape Value'. The road would be intrusive since it would run through a valley with no division in the landscape to limit its impact, the proposed earth-works being entirely inadequate to prevent or even lessen noise pollution.

The route of the proposed road is itself subject to flooding and if existing drainage patterns are disrupted then problems will increase. At times of flooding the river rises considerably, surrounding countryside is saturated and watercourses that normally drain into the Wye cannot do so. The ponds proposed may possibly be sufficient to deal with normal rainfall but will be inadequate to deal with the high rainfall that is now increasingly common and when the ponds are full they will overflow and add to problems rather than dealing with them. In summertime they will be stagnant pools. The wisdom of building on or near flood plains is increasingly questioned. The Rotherwas site itself is subject to flooding.

It is proposed that a roundabout be inserted into a stretch of the A49 where traffic is moving very fast indeed in both directions, well up to and probably over the 60mph limit. A roundabout here to accommodate slow-moving HGV is an obvious potential hazard; accidents very likely and delays inevitable.

Since the Council's Traffic Survey states that:

'... the traffic distribution pattern associated with Rotherwas Industrial Estate is not unexpectedly biased to the north'

then Rotherwas traffic that is directed onto the A49 will meet the traffic generated by the 550 houses now being built at two sites on Bullingham Lane. In this regard the B4399 is by far the better route for Rotherwas traffic. Furthermore the UDP indicates that 300 houses are to be built at Bullinghope, eventually rising to 1800. All this traffic will have to cross Greyfriars Bridge and then negotiate the City Centre. At present there can be delays and queues of a mile or more on both A49 and A465. All these traffic implications need to be considered most carefully and regretfully there is no indication of this at present.

- 5.8 Herefordshire Green Party maintain their objection in view of the many other options available. The considerable expense and the severe landscape damage.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The principle of providing a new access road to Rotherwas and the suitability of the proposed route having regard to landscape impact, effect on nature conservation interests, archaeology, flooding, residential amenity and highway safety have already been given detailed consideration and approved pursuant to application no. CE2002/2558/F.
- 6.2 In effect this application is submitted as an amendment to the approved scheme and seeks to include a further 1.2 hectares of land in order to incorporate a range of measures which have been identified in the detailed design of the access road. The specific requirements are set out in full at Appendix 1 but it is advised that no fundamental changes to the alignment of the road are proposed and as such the

impact of these proposed amendments are considered to be very limited in their own right.

- 6.3 Having regard to the individual letters received it is respectfully advised that these do not raise matters which have not already been discussed or are not covered by the extensive list of conditions attached to the approved scheme. Similarly the proposed revisions which include proposals for resolving private access, an underpass, additional landscaping, environmental bunding and new balancing ponds are all features which formed part of the original consideration of the principle of the access road and again would be controlled by way of conditions.
- 6.4 Notwithstanding the above, the Environment Agency have advised that the Indicative Floodplain map has changed since the approved scheme was considered and this could have implications for the Norton and Red Brook since the approved route of the road runs through this area which shows a 1% flood risk for these watercourses. Furthermore, the design of the additional balancing ponds require clarification. The Environment Agency requests a deferral of the application in order to enable additional information to be supplied. This is being actively addressed by the applicant and as such any recommendation would need to be conditional upon the receipt of satisfactory information.
- 6.5 It is advised that although permission exists for the access road, a precautionary approach should be adopted at this stage in order to seek to resolve the concerns raised by the Environment Agency.
- 6.6 The Highways Agency have requested a delay in the determination of the application in order for more detailed consideration to be given to the implications of these amendments. In the light of the above it is suggested that whilst a resolution to approve the amendments could be reached, the issuing of any decision should be delegated to Officers pending the receipt of the Agency's comments.
- 6.7 In relation to the comments received from English Nature it is advised that the wildlife mitigation measures are currently being finalised and these will include details of the creation of ponds for great crested newts and can adequately be controlled by the conditions in place for the approved scheme. It is advised that this matter is addressed in the application for the DEFRA licence which is due to be submitted immediately.
- 6.8 In conclusion, the proposed amendments to the approved access road are relatively insignificant in terms of their additional impact, although the outstanding flooding issue is clearly a matter which requires further attention. Whilst acknowledging the continuing concerns of local residents and other third parties it is respectfully suggested that these proposals do not introduce any significant changes to the approved scheme and as such the recommendation is one of approval subject to the resolution of the Environment Agency and Highway Agency matters.

RECOMMENDATION

Subject to the concerns of the Environment Agency being resolved and no objection being raised by the Highways Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in all respects strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. No development or other site works shall take place until a detailed method statement for all site ground-works and procedures in relation to their archaeological impact has been submitted to, and approved in writing, by the local planning authority. The development shall only be carried out in accordance with the approved detailed method statement.

Reason: The development affects a site on which archaeologically significant remains survive. An acceptable site working method statement is required to ensure that any such remains are recognised and investigated.

4. No development or other site works shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the County Archaeological Service before the commencement of any development.

Reason: To ensure that the archaeological interest of the site is recorded, and also to ensure that prior archaeological excavation can take place within an acceptable timescale that will not be compromised by site works.

5. During the construction phase no machinery shall be operated and no process shall be carried out at the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of local residents.

6. There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented to the reasonable satisfaction of the local planning

authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

8. No development approved by this permission shall be commenced until a scheme for the monitoring of seasonal fluctuations in water levels (to include an initial baseline study) within boreholes (including abstraction details) and the levels of spring catch pits as referred to in the Water Features Survey has been submitted for approval in writing by the local planning authority. The scheme shall be implemented as approved for a period to be agreed as part of the scheme. If as a consequence of the monitoring unforeseen fluctuations in water levels are detected which are directly attributable to the approved development, appropriate mitigation proposals shall be submitted to the local planning authority for approval in writing and these measures shall be carried out as approved within a timeframe to be agreed.

Reason: To enable the impact of the development on water features to be monitored.

9. No development approved by this planning permission shall be commenced until:
- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representation (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To prevent pollution of the water environment.

10. If during the 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 addendum to the Method Statement. This addendum to the Method Statement shall detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

11. No development approved by this planning permission shall be commenced until details/drawings of the following matters have been submitted to, and approved in writing by, the local planning authority:

- (a) the bridges/culverts over watercourses;
- (b) the road bridge and cutting at Green Crize/Hoarwithy Road;
- (c) the street lights;
- (d) the bat hibernaculum;
- (e) the stock underpass;
- (f) the badger, newt and bat underpasses;
- (g) newt mitigation measures
- (h) the means of crossing of public footpaths (including at construction stage);
- (i) the means of providing vehicular access to industrial units in Gate House Road.

The development shall be carried out in accordance with the approved details/drawings and prior to use by vehicular traffic (other than construction traffic).

Reason: The application contains insufficient detail for the satisfactory consideration of these matters at this stage.

12. Before the development hereby approved is commenced a scheme of traffic calming and weight restriction shall be prepared and adopted and a timeframe for implementation agreed in writing with the local planning authority for Holme Lacy Road between the A49(T) and Hereford - Abergavenny railway line bridge. The timeframe for implementation shall realise implementation of the scheme within one year of the first use of the new access road by vehicular traffic (excluding construction traffic).

Reason: To ensure the proper planning and implementation of the development in accordance with the approved scheme.

13. No development shall commence on site, or materials or machinery brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include an overall landscape masterplan at 1:2500 scale and detailed drawings at a scale of 1:200 or 1:500 showing existing and proposed levels, materials, structures, signs, lighting and below ground services plant species, sizes, densities and planting numbers. This must be supported by a full specification for the soft landscape work and any allied hard landscaping or engineering work which will impact on the landscape. Drawings must show the accurate extent of existing trees, hedgerows and scrub together with an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well designed development and to preserve and enhance the local environment.

- 14. The landscaping scheme approved under Condition 13 above shall be carried out in advance of or concurrently with the corresponding phase of the development hereby permitted and shall be completed no later than the first planting season following the completion of the relevant phase of the development. The landscaping shall be maintained for a period of five years. During this time, any trees, shrubs, grass or other plants that are removed, die, or are noticeably retarded shall be replaced during the next planting season with others of similar size and the same species unless the local planning authority gives written consent to any variation. An annual inspection will be undertaken at the end of the growing season to ascertain the extent of any plant failures. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year maintenance period.**

Reason: To ensure that the approved landscape scheme establishes satisfactorily.

- 15. No development or other site works shall commence or machinery or materials shall be brought on site until there has been submitted to and approved by the local planning authority, a Working Method Statement for the protection of trees, shrubs, scrub and hedges shown to be retained within the contract working area. Such Method Statement shall detail materials, method of erection of structures such as fences, distance from trees etc, further mitigation measures such as watering, protection from dust etc, routes for temporary haulage or construction traffic, methods of monitoring and any other aspect that might impact on the retained landscape.**

Reason: To ensure the well being and protection of the existing landscape.

- 16. The development hereby approved shall be carried out in accordance with the wildlife mitigation measures set out at paragraph 3.5.4 of the Environmental Statement and with any additional mitigation measures identified subsequently. The wildlife mitigation measures relating to bats shall be applied to all nine trees identified as having 'some potential as bat roosts' in the Environmental Statement unless otherwise agreed in writing with the local planning authority. The wildlife mitigation measures shall apply to all parts of the application site and, in particular, species-rich grassland shall be created and managed in all open areas in a manner to be agreed in writing with the local planning authority.**

Reason: To safeguard the wildlife interests of the site and surroundings.

- 17. The development hereby approved shall not commence until the local planning authority in consultation with the Highway Authority has agreed a design for the proposed junction of the new access road on the A49. The agreed design will have to promote the broad objectives of preserving the safety and free flow of traffic, meet the requirements contained within the Design Manual for Roads and Bridges, and when scrutinised during the formal road safety audit process attract a positive endorsement.**

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic

expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

18. The proposed junction for the new access road on the A49 shall be constructed in the form shown on the agreed design for the proposed new junction on the A49 as set out in planning condition no. 17.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

19. Within 3 months of the new road being first used by traffic the section of the A49(T) indicated to be 'broken out and allowed to colonise naturally' shall be broken up, the material removed and appropriately disposed of and the land restored to agriculture in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the proper planning of the site and safeguard the amenities of the countryside.

20. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

Informatives:

1. 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.
2. A number of public rights of way cross the site of this permission. The permission does not authorise the stopping up or diversion of these rights of way. The rights of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the rights of way are obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
3. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Movements of Special Waste from the site must be accompanied by Special Waste consignment notes.
4. Under Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary water course or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written

approval of the local authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

5. The site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone and the precise location of the sewer please contact the Dwr Cymru Welsh Water's Network Development Consultant on 01443 331155. It will be necessary for the sewer to be diverted under Section 185 of the Water Industry Act 1991.
6. The site is crossed by a trunk/distribution watermain. It may be possible for this watermain to be diverted under S.185 Water Industry Act, cost of which will be re-charged to developers (contact 01443 331155).
7. The Environmental Statement indicates that the habitats of a number of protected species will be affected by the development. It is an offence to kill or injure protected species and their habitats. A licence will be required from DEFRA, English Nature, or other appropriate countryside body where protected species will have to be moved or their habitats disturbed.
8. The application site crosses sand and gravel deposits which may be economically workable in the context of this application. The working of such deposits is likely to require separate planning permission.
9. This planning permission does not allow the formation of a works compound (temporary or otherwise). Such a compound is likely to require separate planning permission.
10. The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
C8	-	Development within AGLV
C9	-	Landscape Features
C11	-	Protection of Best Agricultural Land
C16	-	Protection of Species
C17	-	Trees/Management
C29	-	Setting of a Listed Building
C34	-	Preservation and Excavation of Important Archaeological Sites
C45	-	Drainage
C47	-	Pollution
ED2	-	Employment Land
R10	-	Improvement of Existing Rights of Way
R11	-	Diversions to Public Rights of Way
T1	-	Safeguarding of Highway Schemes
T2	-	Environmental Impact
T3	-	Highway Safety Requirements

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.