

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 204408

Greylands, Swainshill, Hereford, HR4 7QE

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**CASE OFFICER: Mr David Gosset**

**DATE OF SITE VISIT: .....27<sup>th</sup> January 2021.....**

**Relevant Development  
Plan Policies:**

**Herefordshire Local Plan – Core Strategy  
Policies:**

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

**Bishopstone Group Neighbourhood Development Plan:**

- H3 - Housing in the countryside including Bridge Sollars, Kenchester and Mansell Gamage
- G1 – Housing development sites and design
- G2 – Flooding
- G4 – Traffic and road safety

**Stretton Sugwas Neighbourhood Development Plan**

- Policy SS1 Protecting Sensitive Landscapes
- Policy SS2 Landscape Design Principles
- Policy SS3 Managing Flood Risk

Policy SS4 Building Design Principles and Protecting Heritage  
Policy SS6 Settlement Boundaries  
Policy SS7 Criteria for New Housing Sites

### **National Planning Policy Framework 2021 (NPPF)**

Chapter 2: Achieving sustainable development  
Chapter 4: Decision making  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 9: Promoting sustainable transport  
Chapter 10: Supporting high quality communications  
Chapter 11: Making effective use of land  
Chapter 12: Achieving well-designed places  
Chapter 15: Conserving and enhancing the natural environment

**Relevant Site History:** P162231/O - Demolish two existing buildings (cottage and barn) and replace with two new dwellings – withdrawn

P174480/O - Proposed demolish two existing buildings (cottage and barn) and replace with two new dwellings - Approved with Conditions

### **CONSULTATION SUMMARY**

|                          | Consulted | No Response | No Objection | Qualified Comment | Object |
|--------------------------|-----------|-------------|--------------|-------------------|--------|
| Parish Council           | X         |             | X            |                   |        |
| Local Highways Authority | X         |             |              | X                 | X      |
| Ecologist                | X         |             |              | X                 | X      |
| Trees                    | X         |             |              | X                 |        |
| Welsh Water              | X         |             | X            | X                 |        |
| PROW                     | X         | X           |              |                   |        |
| Wildlife Trust           | X         | X           |              |                   |        |
| Site Notice              | X         |             |              | X (1)             | X (2)  |
| Local Member             | X         |             | X            |                   |        |

### **PLANNING OFFICER'S APPRAISAL:**

#### Site description and proposal:

The site is located in Swainshill and is surrounded by linear housing development on the A438. The site covers an area of approximately 0.8ha and the site includes a bungalow which is currently unoccupied, a corrugated metal barn with a hemispherical roof with a timber structure surrounding. To the rear of the site is a field in the applicants ownership.

The proposal is to demolish the bungalow and barn and replace with two new dwellings. This proposal was withdrawn under application number 162231 following the need for ecology surveys. It was then approved under application number 174480, this permission was not implemented and has since expired. The current application is a resubmission of these previous schemes.

The application seeks outline approval with access and layout under consideration leaving appearance, scale and landscaping for future consideration.

#### Consultation Responses and Representations:

Local Highways Authority      *As access and layout are being considered as part of the application visibility splays should be added to the layout plan (or provided on a separate plan).*

*All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:*

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)

<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

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Ecologist      *The site is within the catchment of the River Wye SAC and the LPA must complete a relevant Habitat Regulations Assessment process and submit the appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.*

*The applicant has not provided any confirmation of how foul or surface water created by the development will be managed. Welsh Water in their comments dated 10/02/2021 have advised that there is no certainty that a connection to mains sewer system can be achieved at this location.*

*If a mains sewer connection remains the proposed route then the applicant should discuss this directly with DCWW and gain written agreement on how and where this connection can be made and submit this formal agreement/plans to demonstrate that a connection can be physically and legally achieved and that the relevant wastewater treatment works has sufficient capacity.*

*If a mains sewer connection is not possible and a private treatment*

*system is proposed then a detailed foul water management report should be supplied, with associated plans and relevant BS6297 percolation and ground water testing to provide the LPA with the required scientific certainty that a new private foul water system can be achieved at this location. The relevant professional report should be supplied to allow the LPA to progress the required HRA process. If a shared system is proposed details of how the maintenance and correct operation of the shared system will be legally secured for the lifetime of the development is also requested.*

*A detailed scheme with all supporting testing and specifications/plans demonstrating how all surface water will be managed (connection to mains sewer unlikely to be acceptable under any circumstances) must be supplied for consideration as part of the HRA process.*

*Once the final foul-surface water management scheme with relevant legal and scientific assurance and security has been supplied the LPA can progress the required Habitat Regulation Assessment process that must be completed and any relevant consultation with Natural England undertaken PRIOR to any grant of planning consent.*

*At this time there is also an Ecology OBJECTION raised in respect of identified effects on the River Wye SAC as the application does not demonstrate compliance with Core Strategy SS1, SS6, SD3, SD4 and LD2; The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF (2021); Wildlife & Countryside Act (1981 amended) and NERC Act considerations.*

*Additional ecology comments and objection.*

*The supplied preliminary ecological appraisal (PEA) report by Worcestershire Wildlife Consultancy originally completed in 2017 and as briefly updated October 2020 refers.*

*As the October 2020 update advises the original report that recorded 'national' protected reptiles (Grass Snake) and European Protected Species (now 'Higher Status' Protected Species - bat roosting is nearly 4 optimal survey seasons old and as protected species were identified as present the original information is no longer considered as being 'valid' (BS42020, BCT guidance, Natural England Species Licensing requirements). The supplied update report also clearly advises update surveys are required.*

*The development includes the demolition of two existing buildings and*

*work and clearance of the entire site. As there is potential for a change, possibly significant given opportunistic and highly mobile species already identified, in the species, numbers and activity of protected species on the site the LPA requires updated optimal surveys so as to fully inform an updated mitigation and compensation proposal and detailed plans to accompany such.*

*There are significant records of breeding Great Crested Newts in the locality and the updated report must clearly consider this potential local presence in their terrestrial phase.*

*Until such time as these updated surveys have been completed and the fully revised ecology report, mitigation and compensation proposals with plans supplied for the LPA to consider and approve the LPA is unable to complete its legal duty of care under the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF (2021); Wildlife & Countryside Act (1981 amended) and NERC Act considerations; and demonstrate compliance with Core Strategy policies SS1, SS6, LD2 and the council's declared Climate Change and Ecological Emergency.*

*The ecology report should also clearly detail how the proposed development will demonstrate a significant local Biodiversity Net Gain – if the supplied report does not include detailed proposals, specifications and plans this requirement may be considered through a relevant Condition on any outline consent finally granted.*

*If not supplied at outline approval stage a detailed internal radiated and external lighting and illumination plan, specifications/plan will be secured through condition to ensure the proposed development does not impact the 'intrinsically dark landscape that benefits local amenity and nature conservation interests. The Bat Conservation Trust and*

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**Trees**

*Based only on a desk top search it appears there are a number of trees on the sit which will be potentially affected by the proposal. To determine if the development will be compliant with policies LD1 & LD3 there will be a need for a tree report completed using the guidance provided by BS5837:2012 trees in relation to Design, Demolition and Construction. It should contain:*

*Tree survey  
Tree constraints plan  
Arboricultural Impact Assessment  
Arboricultral Method Statement (if required)*

|                        |   |
|------------------------|---|
| Welsh Water            | <p><i>We have reviewed the information submitted as part of this application and the applicant is unsure as to how the site will drain foul water but as the proximity of the proposed site to a public sewer and the available capacity we assume this will become the preferred option.</i></p> <p><i>As for surface water we note that soakawys will be used and offer no further comment on this aspect of the drainage proposal Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.</i></p> <p><i>Conditions</i></p> <p><i>No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network</i></p> <p><i>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</i></p>       |
| Parish Council         | <p><i>Stretton Sugwas Parish Council have no objection in principle as the barn is within the settlement boundary, and the house to the west is a replacement.</i></p> <p><i>One proviso is that any redefinition of the roadside boundary must not adversely affect the visibility splay of the entrance to the adjoining Four Milestone House.</i></p>  |
| Public Representations | <p><i>2 letters of representation were received during consultation. 1 in objection and 1 submitting general comments.</i></p> <p><i>Summary of objection:</i></p> <ul style="list-style-type: none"> <li><i>• Potential for overlooking as no elevational drawings submitted</i></li> <li><i>• Current dwelling is vacant and in disrepair</i></li> <li><i>• Will hedges be replaced</i></li> <li><i>• Could enable further development of field to the rear</i></li> <li><i>• Sugwas Pool Lane cannot accommodate additional traffic especially construction traffic</i></li> </ul> <p><i>Summary of general comments:</i></p> <ul style="list-style-type: none"> <li><i>• Large trees are present on the application site</i></li> <li><i>• Question regarding hedge on shared boundary to application site</i></li> <li><i>• Potential for overlooking as no elevational drawings submitted</i></li> <li><i>• Impact on neighbouring access which is currently shared with</i></li> </ul> |

*the application site*

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|--------------|--|
| Local Member | <i>Ward Councillor Matthews confirmed delegated authority via email on the 6<sup>th</sup> March 2022</i> |
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Pre-application discussion:

P181792/CE

Constraints:

A438  
Contaminated Land  
SSSI Impact Zone  
Cons Zone MOD Grey

Appraisal:

***Policy context and principle of development***

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.”*

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS), the ‘made’ Stretton Sugwas Neighbourhood Development Plan (SSNDP) and the ‘made’ Bishopstone Group Neighbourhood Development Plan (BGNDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.

It is noteworthy that the site lies entirely within Stretton Sugwas Parish but the relevant plan making body is both Stretton Sugwas (for the eastern portion of the site Plot 2) and

Kenchester Parish as a part of the Bishopstone Group (for the western portion of the site Plot 1). This is a result of a recent change in parish boundaries between the two parishes. The change in boundary came about after the NDPs in each of the two areas could be changed to reflect this and so both SSNDP and BGNDP apply to the application site despite being in Stretton Sugwas parish.

While planning permission has previously been granted on the application site for an identical development, it has since lapsed as it was not implemented. Given the permission has lapsed it does not act as a fall-back position in this instance but remains a material consideration given the similarity of the proposals and the policy regimes in place at the time of determination.

The eastern portion of the site lies within the settlement boundary of Swainshill as set out in the SSNDP and therefore the principle of residential development is accepted for Plot 2.

Plot 1 is subject to BGNDP and is considered under this plan to be within open countryside. Although I acknowledge that the site is not isolated for the purposes of paragraph 80 of the NPPF, as residential development adjoins it on both sides, it is, for the purposes of the development plan, within open countryside.

BGNDP via policy H3, seeks to restrict housing outside the settlement boundaries identified through the plan, which does not include Plot 1 of the application site. Therefore BGNDP directs decision makers to apply open countryside policies of the CS, namely RA3, RA4 and RA5, providing the development is in keeping with NDP policies G1 and G2. The dwelling proposed on Plot 1 would replace the existing bungalow on the site and therefore Policy RA3 is relevant, which states:

*In rural locations outside of settlements, as to be defined in either Neighbourhood Development Plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria:*

...

3. *involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling;*

This exception sets out several criteria that need to be met in order for the principle of development to be accepted. These are that the dwelling being replaced has a lawful residential use, that the proposed dwelling is of a comparable size and scale and within the lawful domestic curtilage of the existing dwelling. While the dwelling is not currently inhabited and has fallen into a state of disrepair I do not consider the residential use to have been abandoned. Abandonment involves a cessation of use in such a way, and for such a time, as to give the impression to a reasonable onlooker, (applying an objective rather than a subjective test), that it was not to be resumed. I do not consider this to be the case on the application site and therefore a replacement dwelling could comply with the tenants of policy RA3 exception no. 3.



Matters of scale would be determined at the relevant reserved matters stage and therefore is not under assessment here, although the site layout indicates a dwelling of comparable size. The layout also confirms the final criteria of exception no. 3 as Plot 1 is proposed within the lawful domestic curtilage of the existing dwelling. The principle of development is therefore considered to accord with the development plan for Plot 1.

### ***Layout***

The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity.

Policy SD1 of the Core Strategy states that proposals should safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

The proposed layout of the two dwellings is a shared access with each dwelling having a separate detached double garage at the rear of each dwelling. The orientation of the dwellings and their siting in relation to neighbouring dwellings is acceptable and is in line with the neighbouring dwelling Heathmere. 'Plot one' shown in the drawing below will be set back slightly further than the current dwelling from the neighbouring dwelling 'Heathmere' and in order to protect neighbouring amenity when reserved matters are sought the fenestration should be on the fenestration should be located to the front and rear of the properties. The neighbouring property Fourth Milestone House is set closer to the A438 and is located approximately 12 metres from Plot 2. There is currently mature trees and hedgerows screening both site boundaries from neighbouring properties.

The impact of the dwellings are offset from one another and issues affecting their amenity on each other are unlikely.

The proposed layout would potentially impact a number of significant trees and hedgerows. The Council's Tree Officer has requested further information in this regard. While this will not be advanced as a separate reason for refusal it would be a requirement of any future application to demonstrate compliance with CS LD1 and LD2.

### ***Access***

One of the technical matters to be considered under this application is proposed access to the site. The highways safety implications of any development proposal will be assessed against Policy MT1 of the Core Strategy. This states any proposal should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of the traffic on the network, be designed and laid out to achieve safe entrance and exit with appropriate operational and manoeuvring space and have regard to the parking standards contained within the Highways Development Design Guide.

The Area Engineer has commented that clarification is required that sufficient visibility splays can be achieved across the front of the site to gain safe entry and exit from the site onto the A438. However, I note that previously the Highways Engineer, under application XXX, considered that this matter could be dealt with by way of planning condition. I find no material change in policy or guidance that would indicate a different approach is required here and therefore consider it to be acceptable to deal with this matter by condition.

### ***Ecology***

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.

These policies accord with the contents of Section 15 of the NPPF which through para 174 seek to ensure policies and decisions contribute to and enhance the natural and local environment by, in part, minimise impact on and providing net gains for biodiversity. Paragraph 179 goes on to state that in order to protect and enhance biodiversity and geodiversity plans should:

- a) *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

Alongside other strategies para 180 states that when determining applications if significant harm to biodiversity cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The Council's Ecologist has objected to the proposed scheme as the updated Ecology report identifies that additional and updated survey work is required as the site is known to contain protected species, including grass snakes and bats and the previous survey work is from 2017. In addition the Ecologist has identified significant records or breeding Great Crested Newts in the locality. No additional survey work has been submitted with this application or since the Ecologist objected and it is therefore considered that the proposed scheme has the potential to adversely affect a number of protected species and their habitats contrary to CS LD2.

***Drainage***

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. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

The application form states that the proposed foul sewage arrangements are 'unknown' and it is therefore not possible to determine compliance with CS SD4. Welsh Water comments reflect this and while a mains connection might be viable they have not confirmed this point as the application does not indicate that this is the intention. The scheme therefore fails to comply with CS SD4.

The use of onsite soakaways for surface water would comply with CS SD3 and could be secured by condition.

***Habitat regulations assessment***

The application site is located within the Garren Brook sub-catchment of the wider River Wye Special Area of Conservation (SAC). There is a need to protect the integrity of the SAC, in particular relating to water quality and nutrient levels relating to supporting river habitats. The SAC currently suffers from the effects of point source or diffuse water pollution, and from elevated phosphate levels in particular. Provision of new housing within the catchment would therefore have the potential to cause additional pollution from foul waste that would add to those. The proposed development would therefore give rise to the possibility of likely significant effect on the SAC through pollution from foul waste. Without adequate provision for disposal of such waste the proposed development, in combination, would have the potential to significantly impact upon the SAC's features and to threaten its integrity.

The proposal has not advanced a drainage strategy that provides the required certainty that mitigation can be secured via the appropriate assessment stage to adequately control the transference of pollutants to the River Wye SAC. As such the proposal fails to protect the integrity of the SAC and does not comply with Policy LD2 of the Core Strategy.

***Climate change***

CS 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.

Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.

In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.

The application has not been supported by the Council's Climate Change Compliance checklist although many measures on that list could be included within the reserved matters scheme. The provision of electric car charging and bicycle storage would go some way to encouraging sustainable transport modes and could be secured by condition if permission were to be granted.

### ***Conclusion and balance***

In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

The Development Plan is the CS BGNP and SSNDP and as set out above the proposed scheme is considered to comply with the spatial strategy set out jointly within these documents as part of the application site (Plot 2) is contained within the settlement boundary and the other part (Plot 1) can be considered a replacement dwelling.

The proposal however is lacking sufficient information to ensure that the scheme would not adversely affect protected and priority species and their habitats. The supplied Ecological Assessment states that further survey work is required and no such additional information has been provided. In addition the proposed drainage strategy is unclear and as such it has not been possible to conclude with the required legal certainty that the scheme will not impact the water quality of the River Way SAC through additional phosphate loading.

The limited benefits of the scheme would not outweigh these identified harms, especially considering the content of paragraph 182 of the NPPF, which states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat site (either alone or in combination). It is therefore recommended that planning permission be refused.

**RECOMMENDATION:**    **PERMIT** ☐    **REFUSE** ☒

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**  
*(please note any variations to standard conditions)*

- 1      In the absence of sufficient information with regards to the proposed drainage arrangements, the local planning authority is unable to establish if there is a suitable policy compliant sustainable foul and surface water drainage solution. The application site lies within the hydrological catchment of the River Wye Special Area of Conservation (SAC). The SAC currently suffers from the effects of point source or diffuse water pollution, and from elevated phosphate levels in particular. Provision of tourist accommodation within the catchment would therefore have the potential to cause additional pollution from foul waste generated from the units. The proposed development would therefore give rise to the possibility of likely significant effect on the SAC through pollution from foul waste. Without adequate provision for disposal of such waste the proposed development, in combination, would have the potential to significantly impact upon the SAC's features and to threaten its integrity. As such the proposal fails to protect the integrity of the SAC and does not comply with Policies SD3, SD4 and LD2 of the Herefordshire Local Plan - Core Strategy or with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations').
- 2      The supplied Update Preliminary Ecological Appraisal undertaken by Worcestershire Wildlife Consultancy has identified a number of protected species on the site and recommends that updated survey work is undertaken to ensure that the development makes adequate protection for these species. No such additional survey work has been provided to the LPA and it is therefore considered that the proposed development could adversely impact protected and priority species and their habitats without adequate avoidance, protection and mitigation in place. This would be contrary to Herefordshire Local Plan – Core Strategy Policy LD2, the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species

(Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); paragraph 180 of the National Planning Policy Framework (2021); Wildlife & Countryside Act (1981 as amended) and NERC Act.

## Informatives

IP5



Signed: ..... Dated: ...7<sup>th</sup> March 2022.....

### TEAM LEADER'S COMMENTS:

**DECISION:**

**PERMIT** ☐

**REFUSE** ☒



Signed: ..... Dated: 7 March 2022 .....

Is any redaction required before publication? Yes/**No**